

**BELLE PLAINE CITY COUNCIL
REGULAR MEETING
NOVEMBER 16, 2020**

1. PLEDGE OF ALLEGIANCE.

Mayor Meyer led those present in the Pledge of Allegiance.

2. CALL TO ORDER. 2.1. Roll Call.

The Belle Plaine City Council met in Regular Session on Monday, November 16, 2020 at 6:30 PM in the council chambers of City Hall, 218 North Meridian Street, Belle Plaine, MN. Mayor Meyer called the meeting to order with Councilmembers Cary Coop, Renee LeMieux, Paul Chard and Patricia Krings present.

Also present were City Administrator Meyer, Police Chief Stier, Community Development Director Smith Strack, City Engineer Duncan, City Attorney Vose and Fire Chief Otto. Public Works Superintendent Fahey arrived at 6:33 PM.

3. APPROVAL OF AGENDA.

MOTION by Councilmember Coop, second by councilmember LeMieux, to approve the revised agenda as presented. ALL VOTED AYE. MOTION CARRIED.

4. APPROVAL OF CONSENT AGENDA.

- 4.1. Regular Session Minutes of November 2, 2020.
- 4.2. Resolution 20-145 Adopting Assessment Roll for Delinquent Utility Accounts.
- 4.3. Resolution 20-146 Adopting Special Assessments for Delinquent Invoices.
- 4.4. Resolution 20-147 Appointment of Officers with the Belle Plaine Fire Department.
- 4.5. Resolution 20-150 Accepting the 2019 Street & Utility Project and Closing the 2019 Street Project Fund (491).
- 4.6. Authorize Purchase of a Replacement Truck for Public Works.

MOTION by Councilmember Coop, second by Councilmember Chard, to approve the consent agenda as follows: 4.1. Regular Session Minutes of November 2, 2020; 4.2. Resolution 20-145 Adopting Assessment Roll for Delinquent Utility Accounts; 4.3. Resolution 20-146 Adopting Special Assessments for Delinquent Invoices; 4.4. Resolution 20-147 Appointment of Officers with the Belle Plaine Fire Department; 4.5. Resolution 20-150 Accepting the 2019 Street & Utility Project and Closing the 2019 Street Project Fund (491) and 4.6. Authorize Purchase of a Replacement Truck for Public Works. ALL VOTED AYE. MOTION CARRIED.

Councilmember Chard inquired on the assessment roll for delinquent utility accounts. City Administrator Meyer explained the assessments are slightly up. Mayor Meyer inquired if the utility assessment is once a year. City Administrator Meyer confirmed the utility assessment is done annually after payment plans have been exhausted. Meyer explained penalties have been removed on utility accounts due to COVID.

5. DEPARTMENT REPORTS.

5.1. Ambulance Report.

The October Ambulance Report will be presented in December. Mayor Meyer explained Ridgeview's reporting system is down and October's report will be reviewed in December.

5.2. Fire Report.

Fire Chief Otto was present. Otto highlighted the Fire Department Report.

Mayor Meyer inquired on the medical calls inquiring if most are lift assist and what the criteria is for that. Fire Chief Otto explained due to COVID changes have occurred for lift assists and are typically done with one or two chiefs.

5.3. Community Services Report.

Community Services Director Koller was not present. Mayor Meyer noted Koller's absence and congratulated her on the birth of her baby.

5.4. Police Report.

Police Chief Stier was present. Stier highlighted the Police Department Report and noted 647 calls for service were received in October.

Mayor Meyer noted the Herald is reporting a lot of drug activity and inquired if the department is noticing and uptick. Police Chief Stier confirmed an uptick in drug activity has been reported as the drug task force was on standby due to COVID. Stier explained the task force is now back to operations and the Belle Plaine police department assists on City operations.

5.5. Community Development Report.

Community Development Director Smith Strack was present. Smith Strack highlighted the Community Development Report noting staff have received phone calls regarding election signs. Smith Strack explained elections signs are required to be taken down 10 days after the election. Smith Strack noted Scott County has money for rental owners who have tenants affected by COVID.

Mayor Meyer explained two curling rinks will be installed at Hickory Park. Public Works Superintendent Fahey confirmed two 30x110 temporary curling rinks will be installed on the basketball court at Hickory Park. Fahey explained staff have reached out and received donations of curling sticks. Fahey noted this winter activity can be done with social distancing and help get families out during the colder months.

6. PUBLIC HEARINGS.

Mayor Meyer introduced the Structural Setback from Bluff Variance request.

6.1. Structural Setback from Bluff. The City Council will consider public comment on a request by Trace and Shea Selly, fee owners of property at 1306 Quail Court. Section 1109.06, Subd. 4(1)(3) of the City Code requires structures be setback at least thirty (30) feet from the top or toe of a bluff. If approved a variance would allow a structure ten feet from the bluff.

Community Development Director Smith Strack reviewed the variance request with a brief slideshow. Smith Strack explained the variance request, background on the bluff line ordinance, along with the history of the property. Smith Strack explained a public hearing was held at the November 9 planning and zoning meeting and after discussion the Commission came to a tie vote. Smith Strack noted reasons for approval included neatness and reason for denial included lack of practical difficulty. Smith Strack explained if approved conditions regarding certified survey, erosion and hydrogeology plans will be required.

Mayor Meyer opened the public hearing at 6:45 PM and asked for public comment.

Trace Selly, 1306 Quail Court spoke regarding the request. Selly explained he has respect for the ordinance and hopes for leniency and flexibility in his request for a variance. Selly explained the adjacent lot he owns is not an ideal spot for the garage as his plans are to sell the lot in the future.

MOTION by Councilmember Coop, second by Councilmember LeMieux to close the public hearing at 6:49 PM. ALL VOTED AYE. MOTION CARRIED.

Mayor Meyer inquired how code determines when a garage is a shed or a garage. Community Development Director Smith Strack explained code does not determine when a detached structure is a garage or shed. Smith Strack explained the placement instead for this property details a portion smaller on a non-permanent foundation is allowed on the encroachment. Councilmember Chard explained the he visited the property and noted the 20% grade is minor and able to be mowed. Chard also noted the rules are in place to help prevent something happening and is comfortable with moving forward as no drainage will be directed to the ravine.

Mayor Meyer inquired on the planning commission's practical difficulty decision and questioned who determines if that is met. Community Development Director Smith Strack explained the City has flexibility to find facts for or against. Smith Strack explained the purpose of this code section is to protect bluffs and ravines throughout the City. Smith Strack explained the bluffs and ravines in the community provide storm water drainage and habitat and noted what can go here can go other areas in the City.

Councilmember Krings explained she believes the applicant has made efforts to mitigate the effects. Krings noted the project is small and the post conditions will ensure the integrity of the project.

Councilmember Coop explained he does not see the practical difficulty is shown and inquired if approved what is the new policy for the future. Councilmember Chard explained the Provence on the River development is full of ravine and bluffs and noted with the rule change it will be a burden on the property owners.

6.1.1. Resolution 20-149(A) Resolution Approving Variance Reducing Bluff Structure Setback To Ten Feet To Allow A Detached Accessory Structure At 1306 Quail Court.

MOTION by Councilmember Krings to approve Resolution 20-149(A).

Councilmember Coop inquired what the policy going forward would be if approved. Councilmember LeMieux explained each variance request will be reviewed case by case, noting the applicant has put a lot of work into the request. The Council had a brief discussion regarding the policy moving forward and if approved would a precedent be set.

City Attorney Vose explained precedent setting motions noting if the City finds this property has some uniqueness an approval would not be precedent setting.

Councilmember Coop explained the property owner knowingly bought the property with bluffs and ravine and does not see the property as unique.

MOTION by Councilmember Krings, second by Councilmember Chard to approve Resolution 20-149(A) Resolution Approving Variance Reducing Bluff Structure Setback To Ten Feet To Allow A Detached Accessory Structure At 1306 Quail Court. Roll call voted was taken with Councilmembers Krings, Chard, LeMieux and Meyer VOTING AYE. Councilmember Coop VOTING NAY. MOTION CARRIED.

6.2. Ordinance 20-12 Parking Regulations. The City Council will hear public comment on proposed Ordinance 20-12, which, if approved, the Ordinance would provide limit parking from November 1 to April 1.

City Administrator Meyer provided an overview on the proposed Ordinance 20-12 parking regulations. Meyer explained the ordinance public hearing was posted, published and advertised on social media noting staff have received not comments for or against the proposed ordinance.

Public Works Superintendent Fahey explained the current snow ordinance catches residents unaware and explained the proposed ordinance would be in affect from November to April every day.

Police Chief Stier explained the November 10 snow event explaining the snow emergency was called at 10:30 PM. Stier explained from 10:30-3:30 residents were notified to move their car by knocking on doors and making phone calls. Stier explained towing started at 1:30 am with 11 cars towed three cars abandoned and two cars listed as un-drivable. Stier noted if approved educations and warning would be key to the ordinance being followed.

Mayor Meyer opened the public hearing at 7:10 PM and asked for public comment.

Jeff Hanson, 1308 Lenwood Drive explained he doesn't feel parking ordinance will benefit the community. Hanson explained single car driveways have no other option for parking and are not allowed to park on the lawn or none hard surfaces.

MOTION by Councilmember LeMieux, second by Councilmember Chard to CLOSE the public hearing at 7:12 PM. ALL VOTED AYE. MOTION CARRIED.

Mayor Meyer explained he drove town a couple times to see how the ordinance would affect residents. Meyer explained he wants the message loud and clear it is not the Police Departments job to know on doors for cars to be moved.

Councilmember LeMieux explained she is not in favor of the change noting many residents will be affected if approved. Councilmember Chard explained he received some calls on the proposed ordinance and was shocked on how many cars are not moved. Chard suggested enforcing the ½" rule and suspects lots of the cars would be repeat offenders.

Councilmember Krings inquired if the streets are plowed once ½" is received. Public Works Superintendent Fahey explained plowing at ½" is a judgement call for the Public Works Superintendent. Fahey noted if light powdered snow is received plows will not be called out, however if it's sleet plows will be called out. Fahey explained the ordinance was changed to ½" due to the many complaints and varying amounts of snow falling throughout the City. Fahey also noted he receives calls every year regarding kid's home from college parked on the street and getting towed.

Councilmember Coop expressed concern with the mobile home area as they only have parking for two vehicles per mobile home. Coop explained the purpose of the ordinance has good merit and believes vigorous enforcement of the current ordinance should be the priority now and review the proposed ordinance at a future date.

Councilmember Chard inquired if the Ordinance can be tabled. City Administrator Meyer explained the item can not be tabled without a future date. Meyer noted if no action is taken the item can be kept on the Public Safety agenda if directed by Council.

6.2.1. Approve Ordinance 20-12 An ordinance amending Section

6.2.2. Resolution 20-148, A Resolution Approving Summary Publication of Ordinance 20-12.

Mayor Meyer entertained a motion for Ordinance 20-12. No one made a motion, Ordinance 20-12 fails due to lack of a motion.

City Administrator Meyer clarified when a snow emergency is called it will be posted on Facbook by both the City and the Police Department. Meyer suggests residents sign up for Nixle to get a text or email when a snow emergency is declared.

Police Chief Stier noted the mobile home area had four cars total towed on the last snow event. Stier explained two cars were residents and two cars were non-residents.

7. BUSINESS.

7.1. Presentation of Claims.

7.1.1. Pay Request No. 7 (Final) by OMG Midwest, Inc. dba Chard for 2019 Street Project.

Councilmember Chard inquired on the COVID related generator. City Administrator Meyer explained the Fire Department is used as the emergency operations center and their generator was no longer working. Chard inquired on the clothing for public works. Meyer explained the new system presents the charges differently, noting not all charges are for Public Works some are for safety. Chard inquired on the Strieckers charge. Police Chief Stier explained the charge is for the mobile field force equipment, Stier noted all officers are trained and payment was made by use of forfeiture funds.

Mayor Meyer inquired on City employees working the elections and how they are paid. City Administrator Meyer explained all election judges have to go through a training and many City staff serve as part of their civic duty. Meyer noted City staff also serve during the day time as back up depending on how busy the polls are. Staff are paid their City wage during the day while serving as back up and in the evening are paid the election judge wage. Meyer explained this year due to COVID much help was needed as four judges were absent last minute.

Councilmember Chard inquired if the 2019 Street Project was an overrun on turf. City Engineer Duncan confirmed the cost was an over run on square footage as trees were taken down that were not planned for.

MOTION by Councilmember Coop, second by Councilmember Chard, to approve the presentation of Claims. ALL VOTED AYE. MOTION CARRIED.

7.2. Accepting the Updated Water and Sewer Rate Study by AEM Financial Solution, LLC.

City Administrator Meyer explained the City reviews the water and sewer rates biannually as part of the long-term capital plan.

Brad Falteysek of Abdo, Eick and Meyers reviewed the 2021-2025 Utility Rate Study with a brief slideshow. Falteysek explained a recommended 1% increase to usage and a 2% fix increase is suggested.

After discussion, the Council accepted the Updated Water and Sewer Rate study by Abdo, Eick and Meyers by motion.

MOTION by Councilmember Krings, second by Councilmember Chard, to accept the Updated Water and Sewer Rate study. ALL VOTED AYE. MOTION CARRIED.

8. ADMINISTRATION.

8.1. Upcoming Tentative Meetings.

1. OAA Blakely, 6:00 PM, Wednesday, November 18.
2. City Offices Closed in Observance of Thanksgiving, Thursday, November 26.
3. City Offices Closed, Friday, November 27.
4. Truth in Taxation, 6:30 PM, Thursday, December 3.
5. Design Committee, 5:15 PM, Monday, December 7.
6. City Council, 6:30 PM, Monday, December 7.
7. Work Session, 6:45 PM, Monday, December 7.

Mayor Meyer advised of the upcoming tentative meetings as listed.

9. ADJOURN.

MOTION by Councilmembers LeMieux, second by Councilmember Coop, to adjourn the regular session at 7:51 PM. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Renee Eyrich
Recording Secretary