BELLE PLAINE CITY COUNCIL
REGULAR SESSION
NOVEMBER 20, 2017

1. PLEDGE OF ALLEGIANCE.

Mayor Christopher 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 20, 2017 at 6:29 p.m. in the council chambers of City Hall, 218 North Meridian Street, Belle Plaine, MN. Mayor Christopher Meyer called the meeting to order with Councilmembers Paul Chard, Ben Stier, Cary Coop, and Theresa McDaniel present.

Also present were Interim City Administrator Dawn Meyer, Community Development Director Cynthia Smith Strack, Community Services Director Mindy Chevalier, City Engineer Joe Duncan, Police Chief Tom Stolee and City Attorney Bob Vose. Wanda Savage served as the video recording operator.

3. APPROVAL OF AGENDA.

Mayor Meyer added Agenda item 7.5 Conduct Closed Attorney-Client Privilage meeting on threatened litigation.

MOTION by Councilmember Coop, second by Councilmember Chard, to approve the agenda with the addition of 7.5 Conduct Closed Attorney-Client Privilage meeting on threatened litigation. ALL VOTED AYE. MOTION CARRIED

4. APPROVAL OF CONSENT AGENDA.
4.1. Regular Session Minutes of November 6, 2017.
4.2. Closed Personnel Meeting Minutes of November 6, 2017.
4.3. Work Session Minutes of November 6, 2017.
4.4. Authorize the Purchase of Wood Chipper for Public Works Department.
4.5. Resolution 17-129 Approving Renewal of Premises Permit for the Belle Plaine Chamber of Commerce at Neisen's Corner Bar, Huck's Shipwreck Saloon, and Johan's Bar and Grill.
4.6. Resolution 17-130 Approving Renewal of Premises Permit for the Belle Plaine Friends of the Library at Sparetime Tavern, Borough Bowl, and Red Door Bar.
4.7. Resolution 17-131 Approving Renewal of Premises Permit for German Days, Inc. at Andy's Bar and Grill and Vet's Club
4.8. Resolution 17-133 Adopting Utility Assessments Delinquent Accounts.
4.9. Resolution 17-134 Appointing Public Works Kyle Theis.
4.10. Resolution 17-135 Appointing Officers to Fire Department.
4.11. Resolution 17-137 Appointing Ice Rink Attendants Jessica Prader, Jacob Dubois, Matthew Fink, Joseph Gorman and Cole Brown.

MOTION by Councilmember Coop, second by Councilmember Stier, to approve the consent agenda as follows: 4.1. Regular Session Minutes of November 6, 2017. 4.2. Closed Personnel Meeting Minutes of November 6, 2017. 4.3. Work Session Minutes of November 6, 2017. 4.4. Authorize the Purchase of Wood Chipper for Public Works Department. 4.5. Resolution 17-129 Approving Renewal of Premises Permit for the Belle Plaine Chamber of Commerce at Neisen's Corner Bar, Huck's Shipwreck Saloon, and Johan's Bar and Grill. 4.6. Resolution 17-130 Approving Renewal of Premises Permit for the Belle Plaine Friends of the Library at Sparetime Tavern, Borough Bowl, and Red Door Bar. 4.7. Resolution 17-131 Approving Renewal of Premises Permit for German Days, Inc. at Andy's Bar and Grill and Vet's Club. 4.8. Resolution 17-133 Adopting Utility Assessments Delinquent Accounts. 4.9. Resolution 17-134 Appointing Public Works Kyle Theis. 4.10. Resolution 17-135 Appointing Officers to Fire Department. 4.11. Resolution 17-137 Appointing Ice Rink Attendants Jessica Prader, Jacob Dubois, Matthew Fink, Joseph

Gorman and Cole Brown. Coop, Stier, Chard and Meyer VOTED AYE. Councilmember McDaniels abstained from the vote. MOTION CARRIED.

5. DEPARTMENT REPORTS.
5.1. Ambulance Department.

Ridgeview Ambulance provided a written monthly report. The Council acknowledged receipt of the Ambulance Department report.

5.2. Fire Department.

Fire Chief Matt Stier was not present. The Council acknowledged receipt of the Fire Department report.

5.3. Community Services Department.

Community Services Director Mindy Chevalier was present. The Council acknowledged receipt of the Community Services Department report.

5.4. Police Department.

Police Chief Tom Stolee was present. The Council acknowledged receipt of the Police Department report.

Mayor Meyer requested Chief Stolee provide more information on the deaf and hard of hearing devise. Chief Stolee explained the Police Department purchased the Ubi Duo which makes the police department ADA Compliant and bridges the gap between officers and deaf or hard of hearing residents. Councilmember Coop questioned why quadrant 102 is inside the boundaries of quadrant 101. Chief Stolee stated that the county type grid is based on the LATG System, a database for record keeping. The Police department does not set up the grid.

5.5. Community Development Department.

Community Development Director Cynthia Smith Strack was present. The Council acknowledged receipt of the Community Development Department report.

6. PUBLIC HEARINGS.

6.1. Variance Request. The City Council will consider public comment on a request by Shannon Keohane and Kate McGrane, owners of property at 936 Riverview Lane, Belle Plaine, MN for a variance from Section 1105.06, Subd. 6(3) to allow a maximum garage door height of nine (9) feet at the subject property in the R-2, Single Family Low Density Residential District. The Code establishes maximum garage door height at eight (8) feet.
1. Resolution 17-132 Variance to Allow 9 Foot Garage Door Height at 936 Riverview Lane.

Community Development Director Smith Strack presented the Variance Request for Shannon Keohane and Katie McGrane, owners of the property at 936 Riverview Lane and 932 Riverview Lane. The 'Applicants' have applied for a variance to Section 1105.05, Subd. 6(3) pertaining to maximum garage door heights. The code standard is a maximum of eight feet in height, the Applicants request a maximum garage door height of nine feet. This is a new dwelling in the Provence subdivision. And remaining lot performance standards are met. The Planning Commission held a public hearing on the matter on November 13, 2017. Following discussion, the PC approved a resolution recommending the City Council authorize the variance. The PC noted that increasing the maximum garage door height to nine feet for all structures in the City was discussed at a previous regular meeting and viewed favorable.

Mayor Meyer opened the public hearing at 6:44 PM and asked for public comment.

No public comment was made.

MOTION by Councilmember Coop, second by Councilmember Chard, to close the public hearing at 6:44PM. ALL VOTED AYE. MOTION CARRIED.

Councilmember Stier asked what happens if you park outside. Community Development Director Smith Strack stated the covenant states no outside overnight parking but she is unsure who polices the overnight parking.

MOTION by councilmember Chard, second by councilmember Stier, to approve Resolution 17-132 Variance to Allow 9 Foot Garage Door Height at 936 Riverview Lane. Councilmembers Chard, Stier and Meyer voted AYE. Councilmembers Coop and McDaniel voted NAY. MOTION CARRIED.

7. BUSINESS.

7.1 Presentation of Claims.
1. Pay Request No.5 for $4,503.19 by Wm. Mueller & Sons, Inc. for the 2017 Street Improvement Project.

Councilmember Chard questioned the Buesgens Plat payment for $622.50. Community Development Director Smith Strack stated that was part of a grant which is split 50/50.

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

7.2. Resolution 17-128 Award Sale of Bond Series 2017A for the 2017 Street Improvement Project.

Interim City Administrator Dawn Meyer reviewed that on October 16, 2017 the City Council authorized the calling for the sale of G.O. Improvement Bonds for the purpose of financing the 2017 Street Reconstruction Project. Meyer explained the City proceeded with a bond rating call from Standard & Poors, the conference call was held on November 3, 2017. Bids were taken on November 20, 2017. Todd Hagen from Ehlers and Associates, the City's Financial Advisor, is present and will provide the results of the bids taken.

Todd Hagen, CIPMA, VP/Senior Municipal Advisor presented the Sale Day Report. A $4,425,000 General Obligation Improvement Bonds, Series 2017A. Hagen explained the size of the bond issue was reduced by $25,000 from the projected amount due to the receipt of a premium bid, reduction of underwriter's discount and costs of issuance. The city received 4 bids with the S& P Global Ratings "AA" w/Stable Outlook.

Motion by Councilmember Coop, second by Councilmember Chard, to approve Resolution 17-128 Award Sale of Bond Series 2017A for the 2017 Street Improvement Project. ALL VOTED AYE. MOTION CARRIED.

7.3. Resolution 17-127 Authorize Memorandum of Understanding for Easement Acquisition with CLC Development, Inc. and Bristlin of North Sanitary Sewer Extension Project.

Interim City Administrator Dawn Meyer reported the Council had authorized staff to proceed with the services of Wilson Development to assist with negotiations for easement acquisition for the North Sanitary

Sewer Interceptor Extension project. Meyer reports the negotiations are now complete. The Settlement amounts are as follows. Kevin and Sandra Linn $500; Allen and Pamela Clark $500; CLC Development, Inc. $6,300; Gilbert and Ardith Bristlin $5,700; Jane Properties, LLC (Shaun Johnson) $1,000 for a total of $14,000.00. Meyer reported as part of the negotiations with two property owners, CLC Development, Inc. and Bristlins, a Memorandum of Understanding has been prepared for the purpose of the City constructing the stub for a future connection to the sanitary sewer as part of the project without cost to the property owner. Complete copies of the MOU for each property was included in today's packet.

Motion by Councilmember Coop, second by Councilmember Chard, to approve Resolution 17-127 Authorize Memorandum of Understanding for Easement Acquisition with CLC Development, Inc. and Bristlin of North Sanitary Sewer Extension Project. ALL VOTED AYE. MOTION CARRIED.

7.4. Resolution 17-136 Approve Assessment Agreement Buesgens Commercial Center.

Community Development Director Smith Strack explained the City and Les and Janis Buesgens, the owners of property at Hickory Boulevard and Enterprise Drive received a grant to plat the subject property for the purpose of creating pad ready lots, an economic goal of the City of Belle Plaine and Scott County's Economic Development Incentive Program. The plat has been prepared and is ready for filing. A development agreement has also been executed and is ready for filing. The plat includes dedication of Enterprise Drive to the east of Hickory Boulevard. No development or public street improvement is proposed at this time. Smith Strack explained the property has been enrolled in Green Acres. Repayment of deferred taxes upon the sale or dedication of property is required. Said repayment of deferred taxes is limited to the actual area being dedication, i.e. future Enterprise Drive. At this time $8,362 in repayment is due in conjunction with filing of the plat. The repayment is problematic for the owners at this time. Smith Strack recommends the City consider financing the deferred payment. Specifically, a transportation capital fund loan be used to finance the payment secured by an assessment due at the time of sale of property, resubdivision, building permit issuance, or ten years from the date of the agreement, whichever occurs first. Interest rate contemplated is a half of a percent.

Councilmember Coop asked if the owners were up to date with all assessments. Smith Strack confirmed the property owners are up to date with all assessments and taxes.

Motion by Councilmember Coop, second by Councilmember Stier, to approve Resolution 17-136 Assessment Agreement Buesgens Commercial Center. ALL VOTED AYE. MOTION CARRIED.

7.5. CONDUCT CLOSED ATTORNEY-CLIENT PRIVILAGE MEETING.

Mayor Meyer announced the City has received a letter from an attorney for the Satanic Temple that threatens litigation because the "limited public forum" in Veteran's Memorial Park was eliminated. The council added consideration of this item to the agenda tonight. Under Minnesota Statutes, Section 13D.05, subd. 3(b). the council may close the meeting if the closure is permitted by the attorney-client privilege. The city attorney advises that the council should close the meeting to receive legal advice concerning the threatened litigation.

MOTION by Councilmember Coop, second by Councilmember Stier, to close the meeting Under Minnesota Statutes, Section 13D.05, subd. 3(b) attorney-client privilege. ALL VOTED AYE. MOTION CARRIED.

Mayor Meyer reconvened Regular Session at 7:26 PM with councilmembers Theresa McDaniel, Cary Coop, Paul Chard, Ben Stier, Interim City Administrator Dawn Meyer, Public Works Superintendent Al Fahey, Police Chief Tom Stolee, City Attorney Bob Vose and City Engineer Joe Duncan present.

8. ADMINISTRATION.

8.1. Upcoming Meetings.
1. Offices Closed in Observance of Thanksgiving, Thursday, Nov. 23rd and 24th.
2. Offices Closed from 12PM-1:30 PM for Mandatory Safely Training, Wednesday, Nov. 29.
3. Design Committee, 5:15 PM Monday, December 4.
4. Truth in Taxation, 6:15 PM Monday, December 4.
5. City Council Meeting, 6:30 PM Monday, December 4.
6. Work Session, 6:45PM Monday, December 4.

The Council was reminded of the upcoming meetings as listed.

9. ADJOURN.

MOTION by Councilmember Coop, second by Councilmember Stier, to adjourn the meeting at 7:26 p.m. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Renee Eyrich
Recording Secretary