

**BELLE PLAINE CITY COUNCIL
REGULAR MEETING
DECEMBER 20, 2021**

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, December 20, 2021 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, Paul Chard and Patricia Krings present. Councilmember Renee LeMieux was not present.

Also present were City Administrator Meyer, Police Sergeant Vycital, Community Development Director Smith Strack, City Engineer Duncan, Public Works Superintendent Fahey, Assistant Public Works Superintendent Otto, Fire Chief Otto and Community Services Director Koller.

3. APPROVAL OF AGENDA.

MOTION by Councilmember Coop, second by Councilmember Krings, to approve the agenda. ALL VOTED AYE. MOTION CARRIED.

4. APPROVAL OF CONSENT AGENDA.

- 4.1. Regular Session Minutes of December 6, 2021.
- 4.2. Closed Session Minutes of December 6, 2021.
- 4.3. Truth in Taxation Meeting of December 6, 2021.
- 4.4. Ordinance 21-08 An Ordinance Amending Chapter Three Sections 300, 304, 305, 309, 310, 311, 312, 314, 315 and 316 of the City Code Regulating Business and Licenses and Resolution 21-158 A Resolution Authorizing and Approving Summary Publication of Ordinance 21-08.
- 4.5. Resolution 21-159 Appoint Ice Rink Attendants.
- 4.6. Resolution 21-160 Appointment of Officers with the Belle Plaine Fire Department.
- 4.7. Resolution 21-170 Adopting Juneteenth as a City Recognized Holiday in the Personnel Policy.
- 4.8. Resolution 21-163 Transfer funds from Park Fund (205) to General Fund (101).
- 4.9. Resolution 21-164 Approving Three-Year Agreement with Waste Management for Refuse Hauling Services for City Owned Properties.
- 4.10. Resolution 21-167 Amend Fee Schedule.
- 4.11. Resolution 21-169 Appoint Brandon Walstad as Accounting Technician.
- 4.12. Resolution 21-168 Appoint Todd Otto as Public Works Superintendent.

MOTION by Councilmember Coop, second by Councilmember Chard, to approve the consent agenda as follows: 4.1. Regular Session Minutes of December 6, 2021; 4.2. Closed Session Minutes of December 6, 2021; 4.3. Truth in Taxation Meeting of December 6, 2021; 4.4. Ordinance 21-08 An Ordinance Amending Chapter Three Sections 300, 304, 305, 309, 310, 311, 312, 314, 315 and 316 of the City Code Regulating Business and Licenses and Resolution 21-158 A Resolution Authorizing and Approving Summary Publication of Ordinance 21-08; 4.5. Resolution 21-159 Appoint Ice Rink Attendants; 4.6. Resolution 21-160 Appointment of Officers with the Belle Plaine Fire Department; 4.7. Resolution 21-170 Adopting Juneteenth as a City Recognized Holiday in the Personnel Policy; 4.8. Resolution 21-163 Transfer funds from Park Fund (205) to General Fund (101); 4.9. Resolution 21-164 Approving Three-Year Agreement with Waste Management for Refuse Hauling Services for City Owned Properties; 4.10. Resolution 21-167 Amend Fee Schedule; 4.11. Resolution 21-169 Appoint Brandon Walstad as Accounting Technician and 4.12. Resolution 21-168 Appoint Todd Otto as Public Works Superintendent. ALL VOTED AYE. MOTION CARRIED.

5. DEPARTMENT REPORTS.

5.1. Ambulance Department.

Ambulance Director Burton was not present. The council acknowledge receipt of the Ambulance Report.

5.2. Fire Department.

Fire Chief Otto was present. Otto highlighted the Fire Department Report. Otto explained he has had issues getting turnout gear and PPE for his new crew with supply shortage issues.

5.3. Police Department.

Sergeant Vycital was present. Vycital highlighted the Police Department Report.

Councilmember Chard inquired on the clearance rate for last month. Sergeant Vycital explained although he did not have the data for last month the department has not gone below an 80% clearance rate.

Mayor Meyer inquired on the outcome of the tik tok issue. Sergeant Vycital explained having an officer in the school is beneficial and the department responded with have an officer in each building. Vycital noted no direct threats were made toward Belle Plaine schools.

5.4. Community Services Director.

Community Services Director Koller was present. Koller highlighted the Community Services Report and noted a great turnout at the Holiday Express and solid numbers throughout most of the programs.

5.5. Community Development Department.

Community Development Director Smith Strack was present. Smith Strack highlighted the Community Development report and noted the EDA Chamber Gala is planned for March 21, 2022.

Mayor Meyer inquired if the 449 was the total for new roofs within the City. Community Development Director Smith Strack confirmed 449 was the total of hail related roof repairs in the City.

Public Works Superintendent Fahey noted the Skate with Santa on Wednesday, December 22 at Hickory Park.

6. PUBLIC HEARINGS. None.

7. BUSINESS.

7.1. Presentation of Claims.

8.1.1. Pay Request No. 11, BCM Construction, Inc for the 2020 Improvement Project.

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

7.2. Resolution 21-161 Brecken Place Townhomes Planned Unit Development and Plat Concept Plan: Schrom Construction Lot 3, Block 1 Wildflower Ridge Second Addition.

Community Development Director Smith Strack reviewed Brecken Place Townhomes concept plan with a brief slideshow. Smith Strack explained Try Schrom is the developer of an approximately 4.14 acre site at Meridian Street and Evergreen. Smith Strack noted build is projected for 2022 of two story eight unit attached rental homes. Smith Strack explained the 40 rental two and three bedroom townhomes on two lots plus streets, storm and overflow parking will accommodated diverse housing while maintaining high

quality residential development standards. Smith Strack noted the applicant is requesting flexibility in setbacks to allow for right of way for the County Road as requested. Smith Strack explained the developer financed improvements will allow access from East Evergreen with no thru street and allow future connectivity and secondary ingress/egress. Smith Strack reviewed the proposed sidewalk and noted contact has been made with Scott County for potential pedestrian crossing at CSAH 3. Smith Strack noted the 1,200 square foot units includes overflow parking, playground and landscaping.

Mayor Meyer inquired on the on street parking and if one side of the street should be no parking. Councilmember Chard explained Planning and Zoning discussed that noted there is not much room for parking in front. Meyer inquired on the driveway length with a sidewalk. Community Development Director Smith Strack explained a 30-foot front yard setback will allow room for a vehicle parking in the driveway and not blocking a sidewalk. Meyer inquired on backyard screening. Smith Strack explained perimeter and backyard screening is proposed.

Councilmember Coop inquired if the road would be big enough if expanded to the north. Community Development Director Smith Strack explained nothing specific has been brought forward for the property to the north.

Councilmember Chard explained easements for possible future trail should be considered.

MOTION by Councilmember Coop, second by Councilmember Chard, to approve Resolution 21-161 Brecken Place Townhomes Planned Unit Development and Plat Concept Plan: Schrom Construction Lot 3, Block 1 Wildflower Ridge Second Addition. ALL VOTED AYE. MOTION CARRIED.

7.3. Resolution 21-162 Approving the Mediated Settlement Agreement and Release between the City of Belle Plaine, Jane Properties and J&W Asphalt.

City Administrator Meyer reviewed the process leading to the mediated proposed settlement agreement between the City of Belle Plaine, Jane Properties and J&W Asphalt.

MOTION by Councilmember Chard, second by Councilmember Krings, to table the Resolution 21-162 the Mediated Settlement Agreement. After discussion. ALL VOTED AYE. MOTION CARRIED.

DECLARATION OF MEETING INTENT.

Mayor Meyer read the declaration of meeting intent as Pursuant to Minnesota Statutes, Section 13D.05, subdivision 3(b), the meeting will be closed pursuant to the attorney-client privilege to engage in confidential attorney-client communications and related to a pending litigation

8.0. RECESS REGULAR SESSION.

The Regular Session was recessed at 7:00 PM.

8.1. CONDUCT CLOSED SESSION.

a. Pursuant to Minnesota Statutes, Section 13D.05, subdivision 3(b), the meeting will be closed pursuant to the attorney-client privilege to engage in confidential attorney-client communications and related to a pending litigation matter involving the general defective construction of the City's aquatic center pool deck. City of Belle Plaine v. Bradbury Stamm Construction Winkelman, LLC, Court File No. 01:21-01292

Discussion was held on the closes session.

b. Pursuant to Minnesota Statutes, Section 13D.05, subdivision 3(b), the meeting will be closed pursuant to the attorney-client privilege to engage in confidential attorney-client communications related to a pending litigation matter involving Krant v. City of Belle Plaine, Court File No. 70-CV-21-12021.

Discussion was held on the closes session.

8.2. ADJORN CLOSED SESSION.

The Closed Session was adjourned at 7:26 PM.

8.3. RECONVENE REGULAR SESSION.

The Regular Session was reconvened at 7:26 PM.

a. City Council's Summary.

b. Additional Action if Necessary.

MOTION by Councilmember Krings, Second by Councilmember Coop, to approve Resolution 21-165 approving the mediated settlement agreement and release between the City of Belle Plaine and Bradbury Stamm Construction Winkelman, LLC. ALL VOTED AYE. MOTION CARRIED.

MOTION by Councilmember Krings, Second by Councilmember Chard, to approve Resolution 21-166 approving the mediated settlement agreement and release between The City of Belle Plaine, Ricky J. Krant. ROLL CALL VOTE. Councilmembers Meyer, Krings and Chard VOTED AYE. Councilmember Coop VOTED NAY. MOTION CARRIED 3-1.

Mayor Meyer explained in closed session the mediation agreements were reviewed and recommended to be placed on the agenda for approval.

9. ADMINISTRATION.

9.1. Upcoming Tentative Meetings.

1. City Offices Closed at Noon, Thursday, December 23.
2. City Offices Closed in Observance of the Holiday, Friday, December 24.
3. City Offices Closed at Noon, Thursday, December 30.
4. City Offices Closed in Observance of the Holiday, Friday, December 31.
5. Design, Monday, January 3, 5:15 PM
6. City Council, Monday, January 3, 6:30 PM
7. Work Session, Monday, January 3, 6:45 PM

The Council was reminded of the upcoming tentative meetings as listed.

10. ADJOURN.

MOTION by Councilmember Coop, second by Councilmember Krings, to adjourn the regular session at 7:28 PM. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Renee Eyrich
Recording Secretary