

CITY COUNCIL MINUTES

COUNCIL CHAMBERS

TUESDAY, APRIL 26, 2022

6:15 PM

or immediately following the Special City Council Work Session

Call to Order/Roll Call/Pledge of Allegiance

The regular meeting of the City Council was called to order by Mayor Kevin Voracek at 6:40 pm. Councilors Sara Caron, Royal Ross, Peter van Sluis, Tom Spooner, Janna Viscomi and Jon Wood were in attendance. Also in attendance were City Administrator Tim Murray, Assistant to the City Administrator Heather Slechta, Community and Economic Development Director Deanna Kuennen, Police John Sherwin, City Engineer Mark DuChene, Human Resource Manager Kevin Bushard, and Parks and Recreation Director Paul Peanasky.

Presentations/Introductions

Mayor Voracek presented Parks and Recreation Director Paul Peanasky with the Arbor Day Proclamation and Pollinator Month Proclamation. Members of the Tree Board and G.R.O.W.S organization were also in attendance. A tree planting ceremony will be held on Saturday at 9:30 at Meadows Park, 2505 14th Street NE.

Approve minutes of April 12, 2022 City Council Meeting

Motion by Caron, seconded by van Sluis to approve the minutes of the April 12, 2022 City Council Meeting and carried unanimously.

Consent Agenda

- A. List of Claims for Release
- B. Resolution 2022-087 Appoint Election Judges for the Special Primary Election
- C. Resolution 2022-084 Approve Memorial Day Parade Street Closures and Use of Central Park
- D. Resolution 2022-085 Approve Street Closures for Downtown Car Cruise Nights
- E. Approve Fireworks Application for Heritage Day's Celebration
- F. Resolution 2022-037 Finding Parcels Occupied by Structurally Substandard Buildings - North Block Development Study / Rice County Law Enforcement Center Block
- G. Approve 1-4 Day Liquor License and Indemnification Agreement with the Faribault Area Chamber of Commerce for Blue Collar BBQ Festival
- H. Approve 1-4 Day Liquor License and Indemnification Agreement with the Faribault Area Chamber of Commerce for Winterfest
- I. Approve 1-4 Day Liquor License for the Faribault Area Chamber of Commerce - Car Cruise
- J. Approve 1-4 Day Liquor License for the Faribault Area Chamber of Commerce - Taste of Faribault
- K. Approve 1-4 Day Liquor License and Indemnification for Heritage Days
- L. Approve Use of Heritage Park for Straight River Art Festival
- M. Approve Change Order #1 for Community Center and Library Roof Project
- N. Resolution 2022-074 Approve Appointments of Committee, Board, and Commission Members
- O. Resolution 2022-088 Authorize a Budget Adjustment for the Purchase of a Lucas Device
- P. Resolution 2022-089 Approving Minnesota Department of Employment and Economic Development Contamination Clean Up Grant and Authorizing Submittal of Grant Application for the Former Farmer Seed Building Located at 818 4th Street NW, Faribault, MN
- Q. Approve Petition and Waiver Agreement for the Special Assessment of Costs for Curb Stop Repairs at 1325 George L Street
- R. Approve New Policy 220 - Officer Wellness
- S. Resolution 2022-095 Authorize a Budget Adjustment for the Purchase of a Battery-Operated

Extrication Tool

- T. Authorize Submittal of Letter in Opposition to Planned Unit Development (PUD) Provisions in SF4019
- U. Resolution 2022-098 Adopting Position Calling for Local Government Aid (LGA) Formula Update and \$90M Appropriation Increase

Motion by van Sluis, seconded by Wood to approve Consent Agenda items 4A-AU, Councilor Spooner was in support of all items, however, abstained from voting for Item 4B. Resolution 2022-087 Appoint Election Judges for the Special Primary Election due to a conflict of interest and carried unanimously.

Requests to be Heard – None

Public Hearings – None

Items for Discussion

Ordinance 2022-5 Amend Sections 28-26 & 28-156 of the City Code of Ordinances regarding Restricting Utility Service Outside City Limits - Second Reading and Approve Summary Publication of Ordinance 2022-5

City Administrator Tim Murray stated that the Council discussed proposed revisions to Chapter 28 to restrict services outside City limits at the March 1, 2022 Work Session. As a result of the discussion, Council directed staff to revise the code to align with the Council's position to restrict services to properties outside of City limits, with the exception of sanitary sewer districts comprised of developed lakeshore property.

The first reading of the ordinance was approved on April 12, 2022, and there have been no comments received or revisions made.

Motion by Ross, seconded by Spooner to approve Ordinance 2022-5 Amend Sections 28-26 & 28-156 of the City Code of Ordinances regarding Restricting Utility Service Outside City Limits - Second Reading.

Roll Call Vote:

Aye: Councilor Caron, Ross, van Sluis, Spooner, Viscomi, Wood, and Mayor Voracek

Nay:

Motion carried 7:0

Motion by Spooner, seconded by van Sluis to approve Summary Publication of Ordinance 2022-5 and carried unanimously.

Ordinance 2022-6 Amend Chapter 9, Sec. 9-3, (a) of the City Code of Ordinances regarding the Residency Requirements for Environmental Commission Members - Second Reading and Approve Summary Publication of Ordinance 2022-6

Community and Economic Development Coordinator Deanna Kuennen stated that on April 12, 2022, the City Council approved the first reading of Ordinance 2022-6, which would amend the residency requirements outlined in Chapter 9 of the City Code of Ordinances to allow up to three (3) members from adjacent townships to serve on the City's seven (7) member Environmental Commission. No changes have been made to the ordinance since its first reading.

Motion by Spooner, seconded by Ross to approve Ordinance 2022-6 Amend Chapter 9, Sec. 9-3, (a) of the City Code of Ordinances regarding the Residency Requirements for Environmental Commission Members - Second Reading

Roll Call Vote:

Aye: Councilor Caron, Ross, van Sluis, Spooner, Viscomi, Wood, and Mayor Voracek

Nay:

Motion carried 7:0

Motion by van Sluis, seconded by Caron to approve Summary Publication of Ordinance 2022-6 and carried unanimously.

Ordinance 2022-11 Annexing Certain Lands from Cannon City Township and Zoning Such Lands in the I-1, Light Industrial District - First Reading

Community and Economic Development Director Deanna Kuennen explained that the owners of the Borchert Motors property at 18295 Faribault Boulevard in Cannon City Township submitted a petition to annex their property into the City of Faribault. Rice County's proposal to develop a Public Safety Center on the former Faribault Food's spray fields in Faribault served as the impetus for the owner's annexation petition. The proposed development of the Public Safety Center and related CANNON RIVER VIEW plat would extend City roads, sewer, and water to the area, which could serve the Borchert Motors property, but only if the property is within the city limits.

The City properly noticed the annexation petition in accordance with Minnesota Statutes, the subject property meets the standards to allow the City Council to annex the subject property to the City by ordinance. The ordinance requires the City to make a cash reimbursement to Cannon City Township with respect to the property taxes. Section III of the ordinance requires the City to pay Cannon City Township the sum of \$160.71 in 2023 and the sum of \$160.71 in 2024. The total of said two-year reimbursement amount equates to 250-percent of the taxes payable to Cannon City Township on the subject property during 2022.

The property will be included in the CANNON RIVER VIEW plat. The Development Agreement associated with the plat will include provisions related to the connection of the subject to municipal utilities and similar annexation-related issues.

Motion by van Sluis, seconded by Wood to approve Ordinance 2022-11 Annexing Certain Lands from Cannon City Township and Zoning Such Lands in the I-1, Light Industrial District - First Reading

Roll Call Vote:

Aye: Councilor Caron, Ross, van Sluis, Spooner, Viscomi, Wood, and Mayor Voracek

Nay:

Motion carried 7:0

Ordinance 2022-8 Approve Zoning Provisions for the Wild and Scenic River Overlay District - First Reading

Community and Economic Development Director Deanna Kuennen explained that in 1980, the State of Minnesota designated the Cannon River from the northern boundary of Faribault to the Mississippi River for inclusion in the Minnesota Wild and Scenic Rivers Program. At that time, the program did not include the Cannon River within the city limits, so there was no need for the City to adopt a Wild and Scenic River Overlay ordinance. However, in 1990, the City annexed the area commonly known as the former Faribault Foods spray fields, which includes a segment of the Cannon River within the Wild and Scenic Rivers Program.

Rice County currently owns the former Faribault Foods spray fields, a portion of which is now in the wild and scenic river area in Faribault. However, per an understanding with the City, the County will subdivide the land and transfer some of the land to the City. The County and City intend to maintain most of the land as open space. Still, the County plans to use some land for stormwater management and a solar array that would serve the proposed adjacent Rice County Public Safety Center. However, the City cannot process Rice County's proposed subdivision and other development requests in the Wild and Scenic River Overlay District without the City first adopting the required wild and scenic river zoning provisions.

Over the past several months, the City Planner worked closely with Minnesota Department of Natural Resources staff to prepare Ordinance 2022-8: Approve Zoning Provisions for the Wild and Scenic River Overlay District. The proposed ordinance is consistent with Minnesota Rules, Chapter 6105, related to the Wild and Scenic Rivers Program. After the City Council adopts the proposed ordinance and the newspaper publishes a summary of the ordinance, the Commissioner of the Minnesota Department of Natural Resources will certify the ordinance. Department of Natural Resources staff have already

notified the City that it will certify Ordinance 2022-8 after the Council approves the ordinance.

Motion by Ross, seconded by Wood to approve Ordinance 2022-8 Approve Zoning Provisions for the Wild and Scenic River Overlay District - First Reading

Roll Call Vote:

Aye: Councilor Caron, Ross, van Sluis, Spooner, Viscomi, Wood, and Mayor Voracek

Nay:

Motion carried 7:0

Overview of Requests related to the Proposed Rice County Public Safety Center

Community and Economic Development Director Deanna Kuennen explained that Rice County acquired the former Faribault Foods spray fields east of State Highway 3 and 30th Street NW with the intention of developing a new Rice County Public Safety Center.

Kuennen explained that the City's Journey to 2040 Comprehensive Plan guides property east of State Highway 3 and 30th Street NW for commercial/residential mixed-use and park, recreation, and open space. Given the proposal for the new Rice County Public Safety Center and the CANNON RIVER VIEW plat, Rice County requested a comprehensive plan amendment to guide the property as follows:

Proposed Lot 1, Block 1:	Institutional
Proposed Lot 1, Block 2:	Commercial/Industrial Mixed-Use
Proposed Lot 1, Block 3:	Commercial/Industrial Mixed-Use
Proposed Lot 1, Block 4:	Commercial/Industrial Mixed-Use (this area will also be addressed through the annexation process)
Proposed Lot 2, Block 4:	Commercial/Industrial Mixed-Use
Proposed Outlot A:	Other Park, Recreation, or Open Space
Proposed Outlot B:	Planned Residential Neighborhood
Proposed Outlot C:	Other Park, Recreation, or Open Space

Before Rice County acquired the subject property, Faribault Foods actively marketed the property for industrial use but received little interest. City Staff felt that the site is suitable for the proposed Rice County Public Safety Center. However, the County does not need the entire property for the public safety center. Therefore, in consultation with the City of Faribault, the County is requesting to guide the north part of the site for a planned residential neighborhood that will help meet the County's housing goals. The south and west parts of the site will be guided for commercial/industrial mixed-use, and the east part of the site will be guided for open space. The majority of the east part of the area, guided for institutional use, will be open space.

The Planning Commission held a public hearing on April 18, 2022 to consider the Comprehensive Plan amendment request. Some members of the public expressed concern about the impact of the proposed development on the existing adjacent uses, but there appeared to be an understanding that some of the expressed concerns could be addressed in the design development and construction phases of the proposed development. The Planning Commission closed the public hearing and recommended that the City Council approve the Comprehensive Plan amendment request.

Kuennen requested that the City Council also rezone the property as follows:

Proposed Lot 1, Block 1:	P/I, Public/Institutional
Proposed Lot 1, Block 2:	I-1, Light Industrial
Proposed Lot 1, Block 3:	I-1, Light Industrial
Proposed Lot 1, Block 4:	I-1, Light Industrial (this area will also be addressed through the annexation process)
Proposed Lot 2, Block 4:	I-1, Light Industrial
Proposed Outlot A:	O, Agriculture/Open Space
Proposed Outlot B:	R-3, Medium-Density Residential
Proposed Outlot C:	O, Agriculture/Open Space

At this point, the County does not have specific plans for the proposed R-3, Medium-Density Residential

property. However, the County envisions single-family detached or single-family attached housing, which would be consistent with the proposed R-3 zoning.

The Planning Commission also held a public hearing on April 18, 2022, to consider the rezoning request. The Planning Commission closed the public hearing and recommended that the City Council approve the rezoning request.

The final item for discussion was Ordinance 2022-10 Approve the vacation of the Former Highway 218 East of State Highway 3 and 30th Street NW. Rice County is the fee owner of certain land parcels east of State Highway 3 and 30th Street NW. Rice County proposed to plat this area as CANNON RIVER VIEW. As part of the platting process, they requested approval to vacate the former Highway 218 easement in this area. The CANNON RIVER VIEW plat would provide dedicated public right-of-way and drainage and utility easements to serve the proposed uses in the plat. Therefore, the City has no need for the former Highway 218 easement in this area. The ordinance vacating the easement is tied to the approval and recording of the CANNON RIVER VIEW plat, which the Council will review and act on in May.

Again, the Planning Commission held a public hearing on April 18, 2022, to consider the vacation request. Some members of the public expressed concerns about future traffic in the area, but there appeared to be an understanding that the traffic issues will be adequately addressed in upcoming development phases. The Planning Commission closed the public hearing and recommended that the City Council approve the vacation request.

Motion by Ross, seconded by van Sluis to approve Resolution 2022-086 Approve a Comprehensive Plan Amendment related to Future Land Use East of State Highway 3 and 30th Street NW and carried unanimously.

Motion by van Sluis, seconded by Ross to approve Ordinance 2022-9 Rezone Property East of State Highway 3 and 30th Street NW - First Reading

Roll Call Vote:

Aye: Councilor Caron, Ross, van Sluis, Spooner, Viscomi, Wood and Mayor Voracek

Nay:

Motion carried 7:0

Motion by Spooner, seconded by van Sluis to approve Ordinance 2022-10 Approve the Vacation of the Former Highway 218 Easement East of State Highway 3 and 30th Street NW - First Reading

Roll Call Vote:

Aye: Councilor Caron, Ross, van Sluis, Spooner, Viscomi, Wood and Mayor Voracek

Nay:

Motion carried 7:0

Resolution 2022-090 Approve Plans and Specifications and Establish Bid Date for 2022 Faribault Road Reconstruction and Lyndale Avenue Trail Improvements - Contract 2022-03

City Engineer Mark DuChene explained that Resolution 2022-090 approves the construction plans and specifications for the proposed 2022 Faribault Road and Lyndale Avenue Trail Improvements - Contract 2022-03 project, including pavement replacement, concrete curb and gutter construction, watermain replacement, bituminous trail construction, and related improvements.

The streets proposed to be included in this project are Faribault Road (Town Square Lane to Jensen Drive) and Lyndale Avenue Trail (Town Square Lane to Highland Place).

The improvements were formally ordered by the City Council on March 22, 2022 upon the passage of Resolution 2022-065, following the Public Hearing. After the improvements were ordered, the Engineering Department finalized the plans and specifications in preparation for bidding for the improvements.

The preliminary total estimated cost of the improvements, including 5% contingency and 15% engineering, is \$1,217,600.00. Proposed funding for the project is as follows:

Street Improvement Fund	\$ 641,600.00	52.7%
Municipal State Aid Funds (MSAS)	\$ 185,500.00	15.2%
DNR Trails Grant	\$ 100,000.00	8.2%
Storm Water Utility Fund	\$ 290,500.00	23.9%
Total	\$ 1,217,600.00	100.0%

The resolution also established a bid date of May 18, 2022 for the project. Construction is scheduled to begin in June/July, with substantial completion by the end of October 2022.

Motion by Ross, seconded by Caron to approve Resolution 2022-090 Approve Plans and Specifications and Establish Bid Date for 2022 Faribault Road Reconstruction and Lyndale Avenue Trail Improvements - Contract 2022-03 and carried unanimously.

Resolution 2022-091 Approve Variances for a Front Yard Trash Enclosure and Side Setback Requirements for Parking and Driveway Pavement at 933 Hulett Avenue

Community and Economic Development Director Deanna Kuennen explained that Bruce Bauer on behalf of Miller Bauer Properties LLC was seeking variances from setback requirements for parking area / driveway pavement and for the trash enclosure screening in front of the building at 933 Hulett Ave. The site is located in the Shoreland Protection District and I-2 Heavy Industrial zoning district. In 2015, the City approved a conditional use permit for development of the site within the Shoreland Overlay District. Since then, additional pavement has been installed for parking and driveway areas, and while the original site plan included a front yard trash enclosure, the enclosure has been moved because the original/approved location proved not to work as it interfered with access to the rear of the building. The property owners were seeking a variance to allow the parking lot and driveway areas to be less than the required 5-feet from the property line per ordinance, and to reduce screening around the trash enclosure.

On April 18, 2022, the Planning Commission held a public hearing regarding the variance application for this site. No one from the public was in attendance regarding this matter and no calls or public comments related to this application were received. The Planning Commission considered the application and requested that the applicant install a gate at the front of the trash enclosure to better screen the dumpster from view of the street. The applicant agreed with this request. By 6-0 vote, the Planning Commission recommended approval of the variance application for driveway and parking area setbacks and the trash enclosure screening with the addition of a front gate on the trash enclosure.

Councilor Spooner stated that he was first skeptical of this project in 2015 when he was on the Planning Commission, however, this has turned out great.

Motion by Spooner, seconded by Ross to approve Resolution 2022-091 Approve Variances for a Front Yard Trash Enclosure and Side Setback Requirements for Parking and Driveway Pavement at 933 Hulett Avenue and carried unanimously.

Applications Related to Development of a New Convenience Store at 1955 2nd Avenue NW for Kwik Trip Stores

Community and Economic Development Director Deanna Kuennen explained that Kwik Trip Inc. is proposing to construct a new convenience store / fuel station with a car wash at 1955 2nd Avenue NW. The property is currently owned by Malecha Properties LLC. Ownership will transfer to Kwik Trip after City approval of development plans. The vacant site is comprised of two lots that are to be combined. The property has unused highway easements that were created by MnDOT for Hwy 218 through this area. Later, these easements were transferred to the City or released by MnDOT. The property is zoned C-2 Highway Commercial District and the south portion is within the Shoreland Overlay District.

The development plan provides for construction of a 9,000 SF convenience store with one car wash bay, and two canopy covered pump island areas (on the north and south sides of the building). Parking will include space for 44 vehicles, including two handicapped spaces. There are 10 fuel pumps on the north side of the building that will serve 20 fueling spaces and 2 diesel fuel spaces on the south side of the

building. Access is planned from 20th Street NW and from 2nd Avenue NW. No structures are proposed within the Shoreland District area. Stormwater detention serving this site will be constructed by Kwik Trip on adjoining City property to the east that can be designed to serve the surrounding properties and will be subject to agreements with the City.

On March 7, 2022, the Planning Commission held a combined public hearing on all of the related development applications for this project. There were several members of the public present for the public hearing. The Developer, City Staff and Planning Commission members answered all the questions and no objections were received regarding the planning and zoning applications for this project. The Commission members discussed the details of the development and had several questions regarding traffic at the intersection adjoining this site. The Planning Commission, by a vote of 5-1, passed a motion to recommend that City Council approve the applications subject to the recommendations of the Development Review Committee (DRC).

Kuennen explained that the application to vacate unused public right of way easements (related to the former Highway 218 alignment) was the first of four planning and zoning applications necessary for development of the proposed new convenience store at the site. On April 12, 2022, the City Council approved the first reading of this ordinance as presented. The City has not received any public comments on this matter and no substantive changes have been made to the ordinance for the second reading.

The application for Preliminary and Final Plat Approval of Kwik Trip 793, was the second of four requests related to the development of the new Kwik Trip convenience store and car wash at 1955 2nd Avenue NW. The subdivision application in this case re-plats lots 2 and 3 of FWF Addition to create one commercial lot. The subdivision will dedicate an additional 7 feet of right of way along the west property line that is currently platted as a public right of way and utility easement. This change will not affect setbacks as they are measured from the easement boundary. Parkland Dedication was satisfied for this site with the FWF Addition plat approval. A City utility easement will remain in place crossing the site to accommodate an existing sanitary sewer line extending from the east to 2nd Avenue, serving properties to the west.

The City Subdivision Regulations require developers to enter into a Development Agreement with the City to address and articulate responsibilities for requirements specified in City Codes and State Statutes—this is the third of the four approvals that are related to this development. The Development Agreement addresses requirements for stormwater management, escrow requirements, platting requirements, title insurance, reimbursement of City costs associated with the subdivision application, and indemnification. Associated agreements for this project will include the Stormwater Maintenance agreement and an Easement Agreement for construction of the stormwater system for this development on adjoining City property, to serve the site and the surrounding properties as needed.

The final action item related to Kwik Trip 793 was a Conditional Use Permit (CUP) application. A CUP is required for any development within the Shoreland Overlay District area. At this site, the district only covers 38,762 SF (29%) of the 131,163 SF site. In its review of the CUP application, the State DNR is recommending the use of native plants to increase filtration of run off. The application meets all ordinance development standards for the Shoreland Overlay District. At its meeting March 7, 2022, the Planning Commission held a public hearing and received public comments on this matter. By a vote of 5-1, the Planning Commission approved findings in support of the application and they recommended that the City Council approve the proposed Conditional Use Permit.

Motion by Ross, seconded by van Sluis to approve Ordinance 2022-7 Vacate Certain Unused Public Right of Way Easements and Access Restrictions on Lots 2 and 3 of FWF Addition - Second Reading.

Roll Call Vote:

Aye: Councilor Caron, Ross, van Sluis, Spooner, Viscomi, Wood, and Mayor Voracek

Nay:

Motion carried 7:0

Motion by van Sluis, seconded by Ross to Approve Summary Publication of Ordinance 2022-7 and

carried unanimously.

Motion by Ross, seconded by Wood to approve Resolution 2022-092 Approve the Preliminary and Final Plats of Kwik Trip 793 and carried unanimously.

Motion by van Sluis, seconded by Viscomi to approve Resolution 2022-093 Approve Agreements Associated with Kwik Trip 793 and carried unanimously.

Motion by Viscomi, seconded by Caron to approve Resolution 2022-094 Approve Conditional Use Permit for Development within the Shoreland Overlay District for Kwik Trip Inc. at 1955 2nd Avenue NW and carried unanimously.

Bids – None

Boards and Commissions Reports, Announcements and Project Updates

The Monthly Financial Report was provided as part of the meeting packet materials.

Councilor Spooner stated that Breanna Wheeler has resigned from her position at River Bend Nature Center—her last day will be in July.

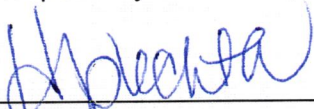
Mayor Voracek informed the Council that the City won Municipality of the Year from the Minnesota Real Estate Journal, there were three other cities nominated for this award, including Brooklyn Park, Lakeville and Maple Grove. This is the second time the City has won (first was in 2019). The Rice County Veterans Memorial dedication will be on May 7th at 1:00 p.m.

Adjournment

Motion by Spooner, seconded by Ross to adjourn the City Council Meeting and carried unanimously.

Meeting adjourned at 7:26pm

Respectfully Submitted,



Heather Slechta
Assistant to the City Administrator