

CITY COUNCIL MINUTES

COUNCIL CHAMBERS

TUESDAY, MAY 10, 2022

6:00 PM

Call to Order/Roll Call/Pledge of Allegiance

The regular meeting of the City Council was called to order by Mayor Kevin Voracek at 6:01 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, Public Works Director Travis Block, Human Resources Manager Kevin Bushard, Fire Chief Dustin Dienst and Parks and Recreation Director Paul Peanasky.

Presentations/Introductions

Police Distinguished Service Medal of Honor - Officer Angle

Police Chief John Sherwin presented Officer Angle with a Distinguished Service Medal of Honor. On April 14, 2022, Officer Spencer Angle performed commendably while pursuing an armed home invasion suspect despite great personal danger.

Police Officers Memorial Day Proclamation

The Police Officers Memorial Day Proclamation was presented to Chief Sherwin by Mayor Voracek. Police Officer's Memorial Day is held on May 15, with Police Week observed May 15-21, 2022.

Approve minutes of April 26, 2022 Regular Council Meeting and May 3, 2022 Special Council Meeting - Closed Session

Motion by Spooner, seconded by Ross to approve the April 26, 2022 City Council Meeting Minutes and May 3, 2022 Special City Council Meeting Minutes and carried unanimously.

Consent Agenda

- A. List of Claims for Release
- B. Resolution 2022-096 Finding Parcel is Occupied by Structurally Substandard Buildings - Lockerby/South Viaduct Redevelopment Area
- C. Resolution 2022-097 Accept Donations Made to the City of Faribault
- D. Resolution 2022-099 Accept Creative Support for Organizations Grant
- E. Approve Reclassification of Accounting Supervisor and Job Description
- F. Approve LG220 Application for Exempt Permit for Catholic United Financial 13 SS Lawrence/Anne
- G. Resolution 2022-105 Approve Master Partnership Contract with Minnesota Department of Transportation for State FY 2023-2027
- H. Resolution 2022-101 Approve a Public Art Application for a Mural at 311 Heritage Place
- I. Accept Quote for Painting Water Works Building
- J. Approve Agricultural Land Lease at Water Reclamation Facility
- K. Approve Change Order No. 2 for Wellhouse No. 5 Rebuild
- L. Approve Change Order #2 on Buckham Center Roofing Project
- M. Resolution 2022-107 Approve Use of Teepee Tonka Park for Blue Collar BBQ Festival
- N. Resolution 2022-108 Approve Heritage Celebration Events, Parking Restrictions and Street Closures
- O. Resolution 2022-106 Authorize the Faribault Fire Department to Apply for the CenterPoint Energy Community Safety Grant
- P. Resolution 2022-109 Approve Hiring of Building Permit Technician
- Q. Approve Amendment No. 1 to the Professional Services Contract with Stonebrooke Engineering

- for the 30th Street NW and TH 3 Roundabout Project - City Contract 2023-04
- R. Approve Hangar Rental Agreement
 - S. Approve State of Minnesota Grant Contract C010-21-4D for the Lyndale Trail
 - T. Approve Public At-Grade Pedestrian Agreement with Union Pacific Railroad Company

Motion by Ross, seconded by Wood to approve Consent Agenda Items A-T and carried unanimously with the exception of Item H. Resolution 2022-101 Approve a Public Art Application for a Mural at 311 Heritage Place approved 6:0 as Councilor Caron abstained due to a conflict of interest.

Jeff Jarvis and Jeff LaBeau provided the Council with an overview of the new mural that will be painted on west wall of the Depot Restaurant.

Requests to be Heard – None

Public Hearings

Ordinance 2022-11 Annexing Certain Lands from Cannon City Township and Zoning Such Lands in the I-1, Light Industrial District - Second Reading and Approve Summary Publication of Ordinance 2022-11
Community and Economic Development Director Deanna Kuennen explained that on April 26, 2022, the City Council approved the first reading of Ordinance 2022-11 Annexing Certain Lands from Cannon City Township and Zoning Such land in the I-1, Light Industrial District. Per Minnesota Statutes, the City must also conduct a public hearing on the proposed annexation. The City will make a cash reimbursement to Cannon City Township, the payment of \$160.71 for 2023/2024 is outlined in Section III of the ordinance. The City properly noticed the public hearing for the May 10, 2022, City Council meeting. Since the first reading, there have been no substantive changes to Ordinance 2022-11. The annexation and zoning contemplated by Ordinance 2022-11 will be final on the date of approval by the Chief Administrative Law Judge associated with the Office of Administrative Hearings.

Motion by Ross, seconded by van Sluis to open the public hearing and carried unanimously. The public hearing was opened at 6:14 pm.

There were no comments from the public.

Motion by Ross, seconded by van Sluis to close the public hearing and carried unanimously. The public hearing was closed at 6:14pm.

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

Roll Call Vote:

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

Nay:

Motion carried 7:0

Motion by Ross, seconded by Caron to approve Summary Publication of Ordinance 2022-11 and carried unanimously.

Items for Discussion

Resolution 2022-100 Approve a Conditional Use Permit for a Single-Family Use in a C-2 Highway Commercial District at 930 1st Street NE

Community and Economic Development Director Deanna Kuennen explained that Richard and Angela Jeanes purchased the former small engine repair shop at 930 1st Street NE. The site is currently zoned C-2 Highway Commercial District. The property consists of a single-family dwelling with the former repair shop located in the lower level. The previous occupant had both lived on premise and operated a business there as well, but a Conditional Use Permit (CUP) had not previously been issued by the City for this site. Mr. and Mrs. Jeanes are seeking a CUP for a single-family residential use in the C-2 district. They intend to reside and operate a licensed home daycare. They currently operate an in-home daycare now and are seeking to convert the former repair shop area for daycare use. The owners are not proposing any exterior improvements to the site other than fencing for the children's play area.

At its meeting of May 2, 2022, the Planning Commission held a public hearing regarding the application. No objections were received from the public. City staff presented a report regarding the application and recommended its approval. The Planning Commission by a vote of 4-0 approved findings in support of the application and recommends City Council approve the Conditional Use Permit as requested.

Motion by Ross, seconded by van Sluis to approve Resolution 2022-100 Approve a Conditional Use Permit for a Single-Family Use in a C-2 Highway Commercial District at 930 1st Street NE and carried unanimously.

Ordinance 2022-8 Approve Zoning Provisions for the Wild and Scenic River Overlay District- Second Reading and Approve Summary Publication of Ordinance 2022-8

Community and Economic Development Director Deanna Kuennen stated that on April 26, 2022, the City Council approved the first reading of Ordinance 2022-8, which establishes zoning provisions for Faribault's Wild and Scenic River Overlay District. Since the first reading, there have been no substantive changes to the ordinance.

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

Roll Call Vote:

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

Nay:

Motion carried 7:0

Motion by Spooner, seconded by van Sluis to approve Summary Publication of Ordinance 2022-8 and carried unanimously.

Ordinance 2022-9 Rezone Property East of State Highway 3 and 30th Street NW - Second Reading and Approve Summary Publication of Ordinance 2022-9

Community and Economic Development Director Deanna Kuennen stated that on April 26, 2022, the City Council approved Ordinance 2022-9 Rezone Property East of State Highway 3 and 30th Street NW. Since the first reading, there have been no substantive changes to the ordinance.

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

Roll Call Vote:

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

Nay:

Motion carried 7:0

Motion by van Sluis, seconded by Viscomi to Approve Summary Publication of Ordinance 2022-9 and carried unanimously.

Ordinance 2022-10 Approve the Vacation of the Former Highway 218 Easement East of State Highway 3 and 30th Street NW - Second Reading and Approve Summary Publication of Ordinance 2022-10

Community and Economic Development Director Deanna Kuennen stated that on April 26, 2022, the City Council approved Ordinance 2022-10 Approve the Vacation of the Former Highway 218 Easement East of State Highway 3 and 30th Street NW. Since the first reading, there have been no substantive changes to the ordinance.

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

Roll Call Vote:

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

Nay:

Motion carried 7:0

Motion by Ross, seconded by van Sluis to approve Summary Publication of Ordinance 2022-10 and carried unanimously.

Resolution 2022-102 Approve the Preliminary Plat and the Final Plat of CANNON RIVER VIEW

Community and Economic Development Director Deanna Kuennen explained that Rice County, Steven E. Patee and Mary Ann D. Patee, and Paul W. Friesen and Wanda K. Friesen requested preliminary plat and final plat approvals of CANNON RIVER VIEW, east of State Highway 3 and 30th Street NW. The proposed Rice County Public Safety Center is the impetus for the proposed plat, but the plat also includes industrial, residential, and open space parcels.

The proposed CANNON RIVER VIEW plat is consistent with the City's comprehensive plan and ordinances per Resolution 2022-086 and Ordinance 2022-9, respectively. The proposed plat is also consistent with the City's subdivision regulations. The public improvements associated with the proposed plat are outlined in an approved memorandum of understanding between Rice County and the City of Faribault. The platting and public improvement details will be further outlined in the forthcoming Development Agreement.

At the April 18, 2022 and May 2, 2022 public hearing, several members of the public had questions or comments regarding the proposed plat, primarily related to vehicular circulation and planned industrial uses adjacent to existing residential uses, but there were no specific objections to the plat. The Planning Commission recommended approval of the attached Resolution 2022-102 Approve the Preliminary Plat and the Final Plat of CANNON RIVER VIEW based on the written findings and conditions in the resolution.

Motion by Wood, seconded by Spooner to approve Resolution 2022-102 Approve the Preliminary Plat and the Final Plat of CANNON RIVER VIEW and carried unanimously.

Resolution 2022-103 Approve a Conditional Use Permit to Develop a Jail within the Proposed Rice County Public Safety Center East of State Highway 3 and 30th Street NW

Community and Economic Development Director Deanna Kuennen explained that Rice County requested a conditional use permit to develop a jail within the proposed Rice County Public Safety Center on property in the proposed CANNON RIVER VIEW plat, east of State Highway 3 and 30th Street NW. The property is in the P/I, Public/Institutional district per City of Faribault Ordinance 2022-9. The jail portion of the proposed public safety center requires a conditional use permit.

The proposed jail is in an appropriate location with easy access to State Highway 3. It will be a secured facility with an appropriate landscaped buffer. The proposed jail will be a quality institutional facility with materials and landscaping that will enhance the surrounding area. The facility will not impose hazards or safety concerns on neighboring properties.

The Planning Commission held a public hearing on May 2, 2022, to consider the request. No one from the public objected to the request. The Planning Commission recommended approval of Resolution 2022-103 based on the written findings and conditions in the resolution.

Motion by Ross, seconded by Caron to approve Resolution 2022-103 Approve a Conditional Use Permit to Develop a Jail within the Proposed Rice County Public Safety Center East of State Highway 3 and 30th Street NW and carried unanimously.

Ordinance 2022-12 Amend the Development Standards Outlined in Section 3 of Ordinance 2007-19 Rezoning of Real Property to Create a Planned Unit Development Mixed-Use for Divine Mercy Catholic Church - First Reading

Community and Economic Development Director Deanna Kuennen explained that Divine Mercy Catholic Church is the owner of land parcels south of Mercy Drive. In 2007, the City Council approved Ordinance 2007-19, which created a planned unit development (PUD) for the existing and proposed development on the subject property. The PUD provisions allow the existing single-family residential use at 22685

Albers Avenue to remain on the subject property with certain conditions. Divine Mercy is now proposing to convert the single-family residence into a place of assembly (a gathering place) for church-related events. The proposed change of use requires an amendment to the PUD.

Divine Mercy envisions that the proposed place of assembly will be removed once the planned school shown in the PUD Master Plan is constructed. However, the proposed place of assembly may remain for ten or more years. Given the envisioned temporary nature of the use, Divine Mercy would prefer that the City waive curbing requirements, but they are prepared to install the concrete curb if needed. Staff recommended flexibility to allow the proposed place of assembly, however, the City should require a hard surface parking lot with concrete curbing. The City should also limit the site and structure to a maximum of 50 people. In addition, Divine Mercy must verify that the septic system and well are compliant. Divine Mercy did not remove the existing private drive between the existing single-family residence and the existing church as required by the PUD. However, they have agreed to close the private drive immediately and proposed to fully remove the private drive as part of the anticipated school development.

Councilor Ross asked if staff were certain that the septic system was not in compliance, Phillip Parish from Divine Mercy stated that they are going to be putting in a holding tank until City services can be used. Mayor Voracek was not in favor of making Divine Mercy put in curbing, Councilors Viscomi, Spooner and van Sluis all supported Mayor Voracek's statement.

Motion by Ross to approve Ordinance 2022-12 Amend the Development Standards Outlined in Section 3 of Ordinance 2007-19 Rezoning of Real Property to Create a Planned Unit Development Mixed-Use for Divine Mercy Catholic Church - First Reading with the removal of the requirement to add curbing, seconded by van Sluis

Roll Call Vote:

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

Nay:

Motion carried 7:0

Bids

Resolution 2022-104 Accept Bids for 2022 MSA Street Reconstruction Improvements - Contract 2022-04

City Engineer Mark DuChene explained that on Wednesday, May 4, 2022, bids were received for the proposed 2022 MSA Street Reconstruction Improvements - Contract 2022-04 project including removals; watermain replacement, sanitary sewer replacement, lot services, storm sewer construction, grading, aggregate base, sidewalk replacement, bituminous paving, turf restoration and related improvements on the following streets; 10th Street SW (Prairie Avenue to 9th Avenue SW) and Prairie Avenue (Springwood Lane to Trailwood Lane).

The bids were tabulated as follows:

RAW Construction, LLC, Faribault, MN	\$ 1,034,779.25
BCM Construction, Inc, Faribault, MN	\$ 1,152,209.33
Heselton Construction, Faribault, MN	\$ 1,280,229.36
Engineer's Estimate	\$ 1,079,742.50

Based on the low bidder's prices, the estimated funding for the project is as follows including contingencies and engineering fees:

Municipal State Aid Funds (MSAS)	\$ 915,525.00	73.3%
Water Utility Fund (601)	\$ 180,325.00	14.4%
Sewer Utility Fund (602)	\$ 103,650.00	8.3%
Storm Water Utility Fund (603)	\$ 50,000.00	4.0%
Total	\$ 1,249,500.00	100.0%

DuChene recommended to award to the low bidder, RAW Construction, LLC. Construction on the project is scheduled to begin in June and be substantially completed by the end of August, 2022.

Motion by van Sluis, seconded by Viscomi to approve Resolution 2022-104 Accept Bids for 2022 MSA Street Reconstruction Improvements - Contract 2022-04 and carried unanimously.

Boards and Commissions Reports, Announcements and Project Updates

Councilor Ross informed the Council that Buckham West is continuing to add activities to their schedules, some of the upcoming activities include a tour of the Public Works facilities, author visits and AARP Driving Classes.

Councilor Wood invited the Council and public to attend the Masonic Lodge dedication on May 14, 2022 at 2:00pm, members of the Grand Lodge will be in attendance.

Councilor Spooner stated that there was a meeting with City Administrator Tim Murray, himself and River Bend Nature Center to discuss their contract with the City. City Administrator Murray stated that this will be a discussion item at the Work Session next week, and that he will be recommending an Ad-Hoc Committee be formed.

Councilor Ross also stated that the Main Street Car Cruises are starting again on May 20th, they are usually the third Friday of each month. Councilor Viscomi stated that the Chamber/Main Street hosted a Ladies Night, it was a lot of fun, at least 150 people attended.

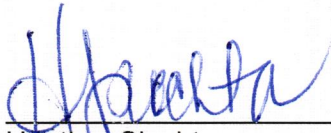
Murray reminded the Council that the meeting will be held on Wednesday, May 25th rather than on Tuesday, May 24th due to the Primary Election.

Adjournment

Motion by Ross, seconded by Viscomi to adjourn the meeting and carried unanimously.

Meeting adjourned at 6:41 pm.

Respectfully Submitted,



Heather Slechta
Assistant to the City Administrator