

CITY COUNCIL MINUTES

COUNCIL CHAMBERS

WEDNESDAY, MAY 25, 2022

6:00 PM

Call to Order/Roll Call/Pledge of Allegiance

The regular meeting of the City Council was called to order by Vice Mayor Tom Spooner at 6:00 pm. Councilors Sara Caron, Peter van Sluis, Tom Spooner, Janna Viscomi and Jon Wood were in attendance. Councilor Royal Ross was absent. Mayor Kevin Voracek arrived at 6:11pm. Also in attendance were City Administrator Tim Murray, Assistant to the City Administrator Heather Slechta, City Planner David Wanberg, Police John Sherwin, Finance Director Jeanne Day, City Engineer Mark DuChene and Fire Chief Dustin Dienst.

Presentations/Introductions

Swearing-in of Paid-on-Call Firefighters

City Administrator Tim Murray swore in four new Paid-on-Call Firefighters. Fire Chief Dustin Dienst introduced the following new members; Clayton Voegele, James Wunderlich, Nicholas Donahue and Daniel Ferguson.

Approve minutes of the May 10, 2022 City Council Meeting

Motion by Wood, seconded by van Sluis to approve the May 10, 2022 City Council Meeting Minutes and carried unanimously.

Consent Agenda

- A. List of Claims for Release
- B. Approve 1-4 Day Liquor License for the Rice County Fair
- C. Resolution 2022-110 Approve 2022 Garbage/Refuse Hauler License Renewals
- D. Approve Hangar Rental Agreement
- E. Resolution 2022-116 Approve Appointments of Committee, Board, and Commission Members
- F. Accept Quote for Fuel System Update
- G. Approve Task Order No. 13 for On-Call Aviation Engineering Services with Foth
- H. Approve 1-4 Day Liquor License for Faribault Minnesota Chapter, Inc.
- I. Resolution 2022-117 Authorize Payment as Recommended by the Charitable Gambling Board to Allina Health Faribault Medical Center
- J. Resolution 2022-118 Authorize Payment as Recommended by the Charitable Gambling Board to the Faribault Diversity Coalition
- K. Resolution 2022-120 Accept CenterPoint Energy Community Safety Grant Award
- L. Approve 2022 Manufactured Home Parks Emergency Plans
- M. Approve Police Department Policy 405 - Confidential Informants
- N. Approve Reorganization, Job Classifications, and Job Descriptions for the Community and Economic Development Department
- O. Resolution 2022-122 Approve Hiring of Library Receptionist
- P. Approve Police Policy 324 - Bicycle Patrol
- Q. Resolution 2022-123 Approve Massage License

Motion by Wood, seconded by Caron to approve Consent Agenda Items 4A-4Q and carried unanimously with the exception of Item 4J. which carried 5:0 with van Sluis abstaining due to a conflict of interest with item 4J. Resolution 2022-118 Authorize Payment as Recommended by the Charitable Gambling Board to the Faribault Diversity Coalition.

Requests to be Heard – None

Public Hearings – None

Items for Discussion

Presentation of the Annual Comprehensive Financial Report

Finance Director Jeanne Day introduced Matt Mayer of BerganKDV. Mr. Mayer provided the Council with an overview of the 2021 Audit.

Motion by Caron, seconded by Spooner to accept the 2021 Annual Comprehensive Financial Report.

Resolution 2022-111 Approve New 2022 On-Sale Intoxicating/Sunday Liquor License for The Golf Box LLC

Heather Slechta, Assistant to the City Administrator, explained that the Golf Box, LLC applied for an On-Sale Intoxicating/Sunday Liquor License. The Golf Box, LLC will be operating at 409 Central Avenue and has agreed to abide by State statutes and City ordinances regarding all requirements and the hours of sale of alcoholic beverages. The Police Department conducted a background check and a review of the Certificate of Liability Insurance by the City Attorney has been completed. The license will become effective once The Golf Box, LLC receives approval from the Department of Health, the City of Faribault Building Division and the Department of Public Safety-Alcohol and Gambling Enforcement Division.

Motion by Caron, seconded by Spooner to approve Resolution 2022-111 Approve New 2022 On-Sale Intoxicating/Sunday Liquor License for The Golf Box LLC and carried unanimously.

Resolution 2022-112 Approve the Final Plat of RSA PROPERTIES LLC SUBDIVISION

City Planner David Wanberg explained that on February 22, 2022, the City Council approved Resolution 2022-045, which approved a preliminary plat of the property commonly known as the C & S Vending Property at 1919 2nd Street NW. Rick Amundson on behalf of Sun Companies Property Management, LLC, now requested approval of the final plat of the property. The proposed final plat RSA PROPERTIES LLC SUBDIVISION is consistent with the preliminary plat.

The Planning Commission conducted a public hearing on May 2, 2022, to consider the request. No one from the public commented on the request, and the Planning Commission recommended that the City Council approve the final plat based on the findings and conditions included in the attached Resolution 2022-112. Presuming the City Council approves the final plat and related Developer's Platting Agreement, Mr. Amundson intends to submit an application later this year for a multi-family residential development on Lot 2, RSA PROPERTIES LLC SUBDIVISION.

Councilor Viscomi asked where access to the property would be, Wanberg expected in to be off 20th Avenue NW.

Motion by Wood, seconded by Spooner to approve Resolution 2022-112 Approve the Final Plat of RSA PROPERTIES LLC SUBDIVISION and carried unanimously.

Resolution 2022-113 Authorize Execution of the Developer's Platting Agreement Related to RSA PROPERTIES LLC SUBDIVISION

City Planner David Wanberg stated that the City Council approved Resolution 2022-112 Approve the Final Plat of RSA PROPERTIES LLC SUBDIVISION required that the Developer and City enter into a Developer's Platting Agreement. Resolution 2022-113 authorizes the Mayor and City Administrator to execute and record the Developer's Platting Agreement. The resolution also allowed City Staff and the City's Consultants to make limited revisions to the Agreement if needed to finalize the Agreement, including its exhibits.

Motion by Wood, seconded by Spooner to approve Resolution 2022-113 Authorize Execution of the Developer's Platting Agreement Related to RSA PROPERTIES LLC SUBDIVISION 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 - Second Reading and Approve Summary Publication of Ordinance 2022-12

City Planner David Wanberg explained that on May 2, 2022, the City Council approved the first reading of Ordinance 2022-12, which amends the Divine Mercy Catholic Church (DMCC) PUD to allow the former single-family residence on CR 45/Albers Avenue to be used as a "place of assembly." Wanberg explained that there have been changes made since the Council's approval of the first reading of the Ordinance. One of the changes included the connection to municipal sewer and water. DMCC reported that the existing septic system associated with the proposed place of assembly is non-compliant. DMCC intends to connect the proposed place of assembly on CR 45/Albers Avenue to municipal sewer and water as soon as possible. Section 3, 4, C of the PUD has been amended to state that the City will not issue a certificate of occupancy for the proposed place of assembly until the use complies with all applicable codes and ordinances. Per the City Council's May 2 direction, Section 3, 6 of the PUD has been amended to waive the concrete curb and gutter requirement for the proposed place of assembly on CR 45/Albers Avenue. However, to ensure no misunderstanding Wanberg reiterated that DMCC intends to use the proposed place of assembly on CR 45/Albers Avenue for ten or more years. DMCC does not intend to remove the proposed place of assembly with the construction of the proposed elementary school in 2023/24.

Since the first reading of Ordinance 2022-12, the City received an additional comment from the public stating that someone removed the required barricades at the illegal private drive between the proposed place of assembly and the existing church. DMCC reports that they did not authorize the removal of the barricades. They continue to publicize to others that DMCC must either immediately remove the private drive or prevent all use of the illegal private drive until the drive is removed as part of the planned 2023/24 school construction.

Motion by Spooner, seconded by van Sluis 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 - Second Reading

Roll Call Vote:

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

Nay:

Motion carried 6:0

Motion by van Sluis, seconded by Caron to approve Summary Publication of Ordinance 2022-12 and carried unanimously.

Ordinance 2022-13 Amend the Faribault Code of Ordinances Related to the City's Municipal Separate Storm Sewer System (MS4) Permit - First Reading

City Engineer Mark DuChene explained that the City's Municipal Separate Storm Sewer System (MS4) permit, which is a required permit administered by the MN Pollution Control Agency (MPCA) and mandated by the Federal EPA, expired in 2018 and was reissued in 2020. The City received approval of the City's renewal application in October 2021 and has 12 months from that date to update City ordinances/policies/etc. to be in permit compliance. DuChene reviewed the proposed ordinance changes that are required to be adopted by the City Council in order for the City to become MS4 permit compliant. As part of the proposed ordinance changes related to the City's MS4 permit, staff also recommended that the Council adopt a Developers Guide for Stormwater Management guidebook, which is referenced numerous times in the proposed ordinance changes. This guidebook is intended to be a one-stop shop for all things stormwater/surface water related for builders and developers and is intended to synthesize city codes and state/federal/local permit requirements into one place. This guidebook replaces many of the permit level details that are currently in City ordinances.

As part of the MS4 permit renewal, the City hired a consultant to update the City's Surface Water Management Plan (SWMP). The previous SWMP was completed in 2004. The updated SWMP includes many changes from the 2004 plan including a City wide storm sewer model, updates to design standards and reflects the City's staged growth plan as adopted by the City's Journey to 2040 Comprehensive Plan.

The proposed ordinance changes, draft Developer's Guide for Stormwater Management and Draft

SWMP were discussed with the Environmental Commission on April 25, 2022 and the City Council at their Work Session on May 3, 2022, and those comments have been incorporated into the updated draft documents. A public hearing was held on May 16, 2022 by the Planning Commission to consider the proposed ordinance changes under Ordinance 2022-13. There were no comments received from the public at the public hearing and the Planning Commission on a 6-0 vote recommended the attached ordinance be approved by the City Council.

Final drafts of the Developers Guide for Stormwater Management and the adoption of the updated Surface Water Management Plan will be brought back to the Council for formal approval with the Second Reading of Ordinance 2022-13.

Motion by van Sluis, seconded by Caron to approve Ordinance 2022-13 Amend the Faribault Code of Ordinances Related to the City's Municipal Separate Storm Sewer System (MS4) Permit - First Reading

Roll Call Vote:

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

Nay:

Motion carried 6:0

Resolution 2022-115 Approve Plans and Specifications and Establish Bid Date for 55 Willow Street, 127 Willow Street and 217 Mill Street Building Demolitions - Contract 2022-10

City Engineer Mark DuChene explained that Resolution 2022-115 approves the demolition plans and specifications for the proposed 55 Willow St., 127 Willow St. and 217 Mill St. Building Demolitions - Contract 2022-10, including the removal of existing buildings, pavements, and related improvements to the subject properties. The buildings and related improvements were deemed surplus property by the City Council on April 12, 2022 upon the passage of Resolution 2022-076.

The preliminary total estimated cost of the improvements, including 5% contingency and 15% engineering, is \$356,200.00. Proposed funding for the project is from the public facilities fund (437). The attached resolution also establishes a bid date of June 22, 2022 for the project. Construction is scheduled to begin in June/July, with substantial completion by the end of August 2022.

Councilor Viscomi asked if there was any way to salvage parts of the building, DuChene stated that it is up to the demo company, they will usually factor that into their bids.

Motion by Viscomi, seconded by Wood to approve Resolution 2022-115 Approve Plans and Specifications and Establish Bid Date for 55 Willow Street, 127 Willow Street and 217 Mill Street Building Demolitions - Contract 2022-10 and carried unanimously.

Resolution 2022-119 Approve a Conditional Use Permit for Development in the Shoreland Overlay District at Taco John's 1431 4th St NW

City Planner David Wanberg explained that Pentex Restaurant Group, requested a conditional use permit (CUP) for development in the Shoreland Overlay District to allow a 326 square foot building addition on Taco John's Restaurant located at 1431 4th St. NW. The improvements will also reconfigure the interior layout for the kitchen and dining area. The project will reduce the number of available parking stalls by two spaces but will still meet the ordinance requirements. Setbacks for the parking lot are non-conforming but are in place as originally approved by the City when the site was first built in the 1980's. No new hard surface area is planned with this site improvement. The MnDNR did not have any comments on this request.

The Planning Commission, at its meeting of May 16, 2022, held a public hearing regarding this application. No adjoining owners or others from the public were in attendance during the public hearing. The City did not receive any public comments regarding the matter. The Planning Commission received the staff report and concurred with the Development Review Committee's recommendation for approval in this case. The Planning Commission, by a vote of 6-0, approved the draft findings in support of the application and also recommended approval of the Conditional Use Permit for Shoreland Development as requested.

Motion by Spooner, seconded by van Sluis to approve Resolution 2022-119 Approve a Conditional Use Permit for Development in the Shoreland Overlay District at Taco John's 1431 4th St NW and carried unanimously.

Bids

Resolution 2022-114 Accept Bids for 2022 Faribault Road Reconstruction and Lyndale Avenue Trail Improvements - City Contract 2022-03

City Engineer Mark DuChene explained that on Wednesday, May 18, 2022, bids were received 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 on Faribault Road (Town Square Lane to Jensen Drive) and Lyndale Avenue Trail (Town Square Lane to Highland Place).

The bids are tabulated as follows:

RAW Construction, LLC, Faribault, MN	\$ 1,003,039.35
JJD Companies, LLC, Blooming Prairie, MN	\$ 1,069,874.50
Ramsey Excavating Co., Inc., Brooklyn Park, MN	\$ 1,371,138.90
Engineer's Estimate	\$ 975,920.00

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

Street Improvement Fund (401)	\$ 698,750.00	57.7%
Municipal State Aid Funds (MSAS)	\$ 180,750.00	14.9%
DNR Trails Grant	\$ 100,000.00	8.3%
Storm Water Utility Fund (603)	\$ 231,670.00	19.1%
Total	\$ 1,211,170.00	100.0%

It was recommended to award to the low bidder, RAW Construction, LLC. Construction on the project is scheduled to begin in July and be substantially completed by the end of October 2022.

Councilor Viscomi asked if there was a sidewalk, DuChene stated that there is a sidewalk on Highland Place that runs all the way to Prairie Avenue. Mayor Voracek stated that the new trail goes up and over, DuChene stated that the slope is only 5-6%, it looks worse than it actually is.

Motion by van Sluis, seconded by Viscomi to approve Resolution 2022-114 Accept Bids for 2022 Faribault Road Reconstruction and Lyndale Avenue Trail Improvements - City Contract 2022-03 and carried unanimously.

Boards and Commissions Reports, Announcements and Project Updates

The Monthly Financial Report was provided to the Council as part of the meeting materials prior to the meeting.

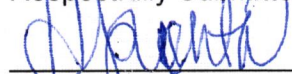
Mayor Voracek asked if Fleckenstein Park would be completed by Heritage Days, City Administrator Tim Murray stated that it looked like it would be completed by the end of June. Mayor Voracek informed the Council and public about the upcoming Memorial Day events including the annual parade and ceremonies.

Councilor van Sluis brought up concerns regarding the pedestrian crossing at Willow Street near the Faribault Middle School and requested that a flashing sign be considered.

Adjournment

Motion by Viscomi, seconded by van Sluis to adjourn the meeting and carried unanimously. The meeting was adjourned at 6:58 pm.

Respectfully Submitted,



Heather Slechta
Assistant to the City Administrator