



CITY COUNCIL MINUTES

COUNCIL CHAMBERS

TUESDAY, JUNE 14, 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 6:00 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 Captain Neal Pederson, Finance Director Jeanne Day, Public Works Director Travis Block, City Engineer Mark DuChene, Planning & Zoning Coordinator Peter Waldo, and Human Resources Manager Kevin Bushard.

Presentations/Introductions

The Amateur Radio Field Day Proclamation was presented by the Mayor. Members of the public are invited to City View Park beginning at 1:00 pm until dark.

Approve minutes of May 25, 2022 City Council Meeting

Motion by Spooner, seconded by van Sluis to approve the May 25, 2022 City Council Meeting Minutes and carried unanimously.

Consent Agenda

- A. List of Claims for Release
- B. Resolution 2022-121 Accept Donations to Parks and Recreation Department
- C. Approve Change Order #3 for Buckham Center Roof Project
- D. Approve Amendment No. 2 to the Professional Services Contract with Stonebrooke Engineering for the 30th Street NW and TH 3 Roundabout Project - City Contract 2023-04
- E. Approve LG240B Application to Conduct Excluded Bingo for the Rice County Fair
- F. Approve Hangar Rental Agreement
- G. Approve Professional Services Proposal for 1st Street SE Improvements
- H. Approve Updated Non-Profit/Civic Organization Funding Policy
- I. Resolution 2022-125 Approve Massage Therapist License
- J. Approve Use of City View Park for the American Radio Relay League Field Day
- K. Resolution 2022-126 Accept Hannah Lips Foundation Grant and Revise Budget
- L. Resolution 2022-129 Authorize the Execution of an Agreement between the City of Faribault and the Center for Energy and the Environment Related to Home Energy Squad Visits
- M. Approve Quote to Purchase Toro Workman HDX
- N. Resolution 2022-130 Acknowledging the Noncompetitive Nature of Water Meter Radio Equipment
- O. Approve 2022 CIP Purchase – Replacement of Sign Plotter
- P. Approve Memo of Understanding with Faribault School District
- Q. Resolution 2022-131 Approve Street Closures for IRIS 5K/10K Turkey Trot
- R. Resolution 2022-132 Approve Hiring of Records Specialist
- S. Police Department - Enterprise Fleet Management Agreement
- T. Resolution 2022-133 Approve Settlement Agreement and Release of All Claims for Case No. 18-CV-01643 (JRT/HB) Jones, et al. v. City of Faribault

Motion by Caron, seconded by Wood to approve Consent Agenda Items A-T and carried unanimously.

Requests to be Heard – None

Public Hearings – None

Items for Discussion

Resolution 2022-124 Approve Plans & Specification and Establish Bid Date for 2022 Prairie Ridge Park Improvements - Contract 2022-09

City Engineer Mark DuChene presented Resolution 2022-124 Approve Plans & Specification and Establish Bid Date for 2022 Prairie Ridge Park Improvements - Contract 2022-09 to the Council.

DuChene explained that the City's adopted 2022-2026 Capital Improvement Plan included \$100,000 for the regrading and park improvements at Prairie Ridge Park. Improvements to Prairie Ridge Park were included in the Journey to 2040 Parks, Trails, and Open Space Plan and the specific improvements to the park have been refined over the last couple of years. In 2020, a multi-use trail was constructed around the perimeter of the park and in 2021 many trees were planted along the inside of the trail and playground equipment was also ordered, but due to the pandemic, delivery of the equipment has been delayed until the summer of 2022.

The proposed improvements associated with City Contract 2022-09 include regrading the entire parkland inside of the new trail to provide a smooth usable green space and the construction of a rain garden to help with drainage and provide natural pollinator habitat. An open-field play area large enough to accommodate a regulation football or soccer field, as well as a small baseball/teeball field, but it is not intended at this time to actually stripe the fields and the baseball field will be all turf. These fields were shown simply for reference to scale. The current plans also included a bid alternative to construct phase 1 of the proposed parking lot. Future phases for the park include a space reserved for a basketball court and picnic shelter and, if needed, an expansion of the parking lot. The resolution also establishes a bid date of July 6, 2022.

Councilor Ross asked if the playground equipment was still planned for the corner of the lot, DuChene explained that it was, Ross also asked if enough parking spaces were included, DuChene stated that there are currently 25 spaces with room for an additional 15 to 18 spaces.

Motion by Ross, seconded by van Sluis to approve Resolution 2022-124 Approve Plans & Specification and Establish Bid Date for 2022 Prairie Ridge Park Improvements - Contract 2022-09 and carried unanimously.

Resolution 2022-127 Approve Variances to Allow Construction of a New Garage to Exceed Permitted Square Footage and Height at 2518 14th Street NE and Resolution 2022-128 Approving a Conditional Use Permit for a 1,200 Square Foot Garage at 2518 14th Street NE

Community and Economic Development Director Deanna Kuennen informed the Council that Benjamin Jirik is seeking variances and a Conditional Use Permit for a garage that would exceed permitted square footage and height for residential accessory structures in the TUD Transitional Urban Development District at 2518 14th Street NE. The parcel is about 4.6 acres in area, approximately 220 feet wide and 880 feet deep. Mr. Jirik seeks to build a 1,200 SF garage that is 18.5' tall located on the site of the previous garage. There was previously a 960 SF garage located on the property, however it collapsed from wind damage during renovations in 2021.

The Unified Development Ordinance limits residential accessory structures to 1080 square feet with a conditional use permit. The ordinance limits building height for this structure to 16 feet, measured mid-point between the top plate and the ridge of the roof. The ordinance does not provide for larger accessory structures on larger lots in the city. All residential uses are subject to the same accessory building limits, no matter the lot size.

The Planning Commission at its meeting of June 6, 2022, held a public hearing regarding this matter. The City received an email from one of the adjoining owners to offer comments for the public record. The neighboring owner requested that trees be planted along the west property line to screen the site. Mr. Jirik responded that he had planted 27 blue spruce trees along the west line within the past few years. The Development Review Committee had presented a report recommending against the variances because it did not meet all of the required findings listed in the ordinance. The Planning

Commission disagreed, and determined that the variances should be approved. They noted that in 2002, the City had approved a 2000 square foot accessory structure on a similar sized property adjoining the subject site to the east. The Commissioners recognized that this area was rather rural in character. They determined that these factors and the extra-large size of this lot justified approval of the requested variances in this case.

The Planning Commission by a 5-0 vote approved findings in support of the variances requested in this case and they recommend City Council Approval of the Variances for a Residential Accessory Structure of 1200 square feet and a height of 18.5 feet tall measured at the mid-point between the top plate of the wall and the roof ridge as requested.

Kuennen noted that if variances for the proposed building size of 1200 square feet and 18.5 feet in height are approved, a conditional use permit should also be granted to complete the zoning approvals necessary for the building as proposed.

The Planning Commission at its meeting of June 6, 2022, also held a public hearing regarding this matter. The Development Review Committee presented a report that recommended approval of a Conditional Use Permit that meets the requirements listed in the Unified Development Ordinance. The Planning Commission by a 5-0 vote approved findings in support of a Conditional Use Permit in conjunction with the approval of associated variances requested in this case and they recommended City Council Approval of a Conditional Use Permit for a Residential Accessory Structure of 1200 square feet, consistent with the Variances under consideration with the preceding resolution.

Councilor Spooner asked if the other properties in that area have oversized garages, City Planning & Zoning Coordinator Peter Waldock stated that they do. Councilor Ross asked if the parcels could be split, Waldock stated that the lots could be split, however it would be difficult and the garage will not be a hindrance. Mayor Voracek asked if the property owners could run a business, Waldock stated that no more than 30% can be a business.

Motion by van Sluis, seconded by Wood to approve Resolution 2022-127 Approve Variances to Allow Construction of a New Garage to Exceed Permitted Square Footage and Height at 2518 14th Street NE and carried unanimously.

Motion by Viscomi, seconded by Ross to approve Resolution 2022-128 Approving a Conditional Use Permit for a 1,200 Square Foot Garage at 2518 14th Street NE and carried unanimously.

Ordinance 2022-14 Remove the Heritage Preservation Overlay Zoning District from the Former Johnston Hall Site at 633 1st Street SE - First Reading; Ordinance 2022-15 Rezone the Allina Health System Campus to P/I, Public/Institutional - First Reading and Ordinance 2022-16 Rezone the Allina Health System Campus to PUD Overlay Zoning District #2022-16 and Approve the Related Development Plan - First Reading

Community and Economic Development Director Deanna Kuennen explained that due to its historical significance, Johnston Hall, on the Allina Health System Campus at 633 1st Street SE, was placed on the National Register of Historic Places. Also, the City of Faribault included Johnston Hall property in the City's Heritage Preservation Overlay District. After years of trying to find a buyer or a viable use for Johnston Hall, Allina Health System demolished the building in 2021 due to safety concerns with the building's structure. Now that Johnston Hall has been removed, it is appropriate to remove the property from the City's Heritage Preservation Overlay District. The State Historic Preservation Office (SHPO) will initiate delisting the property from the National Register. In the future, Allina Health System may expand the parking lot at 633 1st Street SE into the area formerly occupied by Johnston Hall. There are also preliminary plans to develop a Johnston Hall memorial on the Allina Health System campus.

The Planning Commission held a public hearing on June 6, 2022. No one from the public commented on the proposal to remove the Heritage Preservation Overlay District from the subject property. The Planning Commission recommended that the City Council approve Ordinance 2022-14.

Kuennen further explained that the Journey to 2040 Comprehensive Plan guides the Allina Health System campus south of 1st Street SE and east of State Avenue for institutional use. The City's Official Zoning Map zones the parcels on the campus with residential district designations: R-4, High-Density

Residential Zoning District and R-2 Low Density Residential District. The Journey to 2040 Comprehensive Plan guides the Allina Health System campus for established residential neighborhood use, which can include institutional uses. The proposed rezoning in this case will update the underlying zoning of the campus parcels to the Public/Institutional zoning district classification to follow the Comprehensive Plan guidance.

With the adoption of Ordinance 2022-3, the Faribault Council created a P/I, Public/Institutional zoning district to accommodate institutional uses, such as the Allina Health System campus. To ensure that the City's Official Zoning Map is consistent with the Journey to 2040 Comprehensive Plan, the City initiated rezoning of all property within the Allina Health System campus to P/I, Public/Institutional.

The Planning Commission held a public hearing to consider the rezoning request. No one from the public provided comments. The Planning Commission recommended that the City Council approve Ordinance 2022-15.

In 2015, the City amended the PUD (Planned Unit Development) Overlay Zoning District for the Allina Health System campus to accommodate a new Emergency Department addition and a new Mayo Clinic addition. At the direction of the City, Allina requested repealing and replacing the 2015 PUD Zoning Overlay District with a new PUD Zoning Overlay District for the following reasons:

The 2015 PUD included multiple provisions related to Johnston Hall, which are no longer applicable due to the removal of Johnston Hall including; the creation of a Public/Institutional Zoning District and initiated rezoning the underlying zoning district of the Allina Health System campus from R-2, Low-Density Residential and R-4, High-Density Residential to P/I, Public/Institutional; and the Owner chose to include its property at 14 State Avenue in the proposed PUD.

The proposed PUD Overlay Zoning District #2022-16 repeals and replaces PUD Overlay Zoning District #2015-15. The Development Plan associated with PUD #2022-16 shows future parking improvements on the site of the former Johnston Hall, and it identifies an area for a future Johnston Hall memorial. Finally, the Development Plan for PUD #2022-16 shows that the existing house at 14 State Avenue that is owned by Allina Health System, may be redeveloped in the future or may be converted to open space. Any significant deviation from the Development Plan would require an amendment to the proposed PUD.

The Planning Commission held a public hearing on June 6, 2022, to consider repealing and replacing the PUD. No one from the public commented on the proposed PUD. However, two property owners on 9th Avenue SE called the City Planner in advance of the public hearing to learn more about the proposed PUD, but they did not object to the proposed PUD. The Planning Commission recommended that the City Council approve Ordinance 2022-16.

Motion by Ross, seconded by Viscomi to approve Ordinance 2022-14 Remove the Heritage Preservation Overlay Zoning District from the Former Johnston Hall Site at 633 1st Street SE - First 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 Wood to approve Ordinance 2022-15 Rezone the Allina Health System Campus to P/I, Public/Institutional - First Reading

Roll Call Vote:

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

Nay:

Motion carried 7:0

Motion by Ross, seconded by van Sluis to approve Ordinance 2022-16 Rezone the Allina Health System

Campus to PUD Overlay Zoning District #2022-16 and Approve the Related Development Plan - First Reading

Roll Call Vote:

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

Nay:

Motion carried 7:0

Ordinance 2022-17 Rezone the Parcels at 1001, 1101, 1105 Division Street West from I-2, Heavy Industrial to C-2, Highway Commercial - First Reading

Community and Economic Development Director Deanna explained that the parcels at 1001, 1101, and 1105 Division Street West are currently zoned I-2, Heavy Industrial. However, the City's Journey to 2040 Comprehensive Plan guides these parcels for commercial/residential mix. The City's Zoning Map must be consistent with the Comprehensive Plan. Therefore, the City initiated rezoning these parcels from I-2, Heavy Industrial, to C-2, Highway Commercial, which is consistent with the existing, proposed, and potential uses of the parcels. The Planning Commission held a public hearing on June 6, 2022. The Owner of 1105 Division Street West attended the public hearing and asked about the potential uses allowed in the C-2, Highway Commercial District. The Owner did not object to the rezoning. The Planning Commission recommended approval of Ordinance 2022-17.

Councilor Ross asked if the rezoning was done at the request of the landowners, Kuennen explained that this was City initiated however, a conversation was had with the landowners. Kuennen also stated that this will come up as Staff go through the Comprehensive Plan.

Motion by Spooner, seconded by Caron to approve Ordinance 2022-17 Rezone the Parcels at 1001, 1101, 1105 Division Street West from I-2, Heavy Industrial to C-2, Highway Commercial - First Reading

Roll Call Vote:

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

Nay:

Motion carried 7:0

Ordinance 2022-18 Amend Sec. 7-38 of the Faribault City Code of Ordinances regarding Licensing of Rental Units - First Reading; Ordinance 2022-19 Amend Sec. 7-40(h) of the Faribault City Code of Ordinances regarding Occupancy Standards for Rental Dwelling Licenses - First Reading; Ordinance 2022-20 Repeal and Replace Sec. 7-41 of the Faribault City Code of Ordinances regarding Disorderly Conduct Prohibition for Rental Dwelling Licenses - First Reading and Ordinance 2022-21 Repeal and Replace Sec. 7-42 of the Faribault City Code of Ordinances regarding the Crime-free Housing Program - First Reading

City Administrator Tim Murray explained to the Council that as part of the negotiation of the Settlement Agreement and Release of All Claims for the ACLU lawsuit, the City agreed to amend several sections in the Code of Ordinances pertaining to the licensing of rental housing and the crime-free housing program. Ordinance 2022-18 amends Sec. 7-38. - Licensing of rental units. The primary revision is the addition of language that requires rental applications and renewals include agreed-upon "Licensee Certification" requirements. Ordinance 2022-19 amends Sec. 7-40(h) Occupancy standards. The primary revisions are the addition of bedroom size considerations in the calculation of allowable occupancy, as well as clarification that children under the age of two (2) do not count towards the occupancy limits outlined in the ordinance. Ordinance 2022-20 repeals and replaces Sec. 7-41. - Disorderly conduct prohibited. The primary changes made by this ordinance are to narrow the list of offenses that may constitute "disorderly conduct" and clarification on the appeal process for tenants to contest the determination that disorderly conduct occurred. Ordinance 2022-21 repeals and replaces Sec. 7-42. - Crime-free housing program. The most significant change with this ordinance, and arguably the biggest overall change as a result of the lawsuit, is making criminal background checks optional, but recommended by the City, instead of mandatory as required under the previous ordinance. This ordinance also modifies the background check procedure, limiting what portions of a criminal record may be considered in a housing application.

Motion by Ross, seconded by Wood to approve Ordinance 2022-18 Amend Sec. 7-38 of the Faribault City Code of Ordinances regarding Licensing of Rental Units - First 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 Ordinance 2022-19 Amend Sec. 7-40(h) of the Faribault City Code of Ordinances regarding Occupancy Standards for Rental Dwelling Licenses - 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 Ross to approve Ordinance 2022-20 Repeal and Replace Sec. 7-41 of the Faribault City Code of Ordinances regarding Disorderly Conduct Prohibition for Rental Dwelling Licenses - First 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 Wood to approve Ordinance 2022-21 Repeal and Replace Sec. 7-42 of the Faribault City Code of Ordinances regarding the Crime-free Housing Program - First Reading

Roll Call Vote:

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

Nay:

Motion carried 7:0

Bids - None

Boards and Commissions Reports, Announcements and Project Updates

City Administrator Tim Murray read the following press release:

On June 14, 2022, the City Council approved the resolution of the litigation the ACLU initiated in 2018 challenging the City's Rental Licensing Ordinance. The settlement ends four years of protracted litigation and avoids a lengthy trial in federal court.

The settlement preserves and vindicates the Ordinance, the purpose of which is to provide decent, safe, sanitary, and crime-free rental housing to all residents of the City, regardless of their race or nationality.

The settlement involves a few modifications to the Crime Free Multi-Housing Program. For example, the City will no longer mandate property owners conduct criminal background screening, but the City recommends they still avail themselves of this tool to properly screen prospective tenants. As before the settlement, property owners retain discretion to rent to whoever they deem appropriate, provided they do not discriminate against prospective tenants. In addition, problem tenants will still face eviction when they endanger the safety and general welfare of the community.

The occupancy regulations remain unchanged. The revisions to the Ordinance simply confirm, regardless of the size of a rental unit, the occupancy limitation is no less than two times the number of legal bedrooms plus one, and occupants under the age of two years are not counted.

There is no admission of liability. To avoid the cost and expense of a lengthy trial, the League of Minnesota Cities Insurance Trust, on behalf of the City, will pay the ACLU \$685,000.

Mayor Voracek reminded everyone that Heritage Days kick-off is tomorrow, tonight following the meeting the Council is invited to meet the German Delegation that is here at Redemption. The Mayor's reception will be held at Central Park on Thursday, Friday the annual car show will take place as well as tours of Oak Lawn Cemetery and a band will be at Central Par and Saturday will be the Heritage Days Parade. Councilor Ross stated that the Faribault House will be open for tours throughout the weekend.

Adjournment

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

The meeting adjourned at 6:35 pm.

Respectfully Submitted,



Heather Slechta

Assistant to the City Administrator