

CITY COUNCIL MINUTES

COUNCIL CHAMBERS

TUESDAY, JUNE 28, 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, Police Chief John Sherwin, Public Works Director Travis Block, City Engineer Mark DuChene, City Planner David Wanberg, Human Resources Manager Kevin Bushard and City Attorney Scott Riggs.

Presentations/Introductions - None

Approve minutes of June 14, 2022 City Council Meeting

Motion by Ross, seconded by van Sluis to approve the June 14, 2022 City Council Meeting Minutes and carried unanimously.

Consent Agenda

- A. List of Claims for Release
- B. Resolution 2022-134 Appoint Primary and General Election Judges
- C. Resolution 2022-135 Approve Massage Therapist License
- D. Approve Hangar Rental Agreements
- E. Resolution 2022-140 Authorizing Execution of a Sub-Grantee Agreement with KK&G Properties LLC Related to the DEED Redevelopment Grant Contract for the Farmer Seed Redevelopment Project
- F. Resolution 2022-139 Approve Hiring of Building Permit Technician
- G. Approve Personnel Policy Updates and New Policies
- H. Approve Quote to Install Irrigation System at Fleckenstein Bluffs Park
- I. Resolution 2022-141 Approve Pet Parade Street Closures and Parking Restrictions
- J. Resolution 2022-142 Approve Use of North Alexander Park for Spooktacular Walk/Run
- K. Resolution 2022-143 Adopting the 2022-2024 Non-Union Compensation Plan (Revised)
- L. Approve Fourth Amendment to Tower Lease at 1225 Parshall St.
- M. Approve LG220 Application for Exempt Permit for Southern MN Rugby Football Association
- N. Approve LG230 Application to Conduct Off-Site Gambling for Faribault Wrestling

Motion by Caron, seconded by Spooner to approve Consent Agenda Items 4A-4N, Spooner abstained from voting on Item 4B. Resolution 2022-134 Appoint Primary and General Election Judges and Mayor Voracek abstained from voting on 4M. Approve LG220 Application for Exempt Permit for Southern MN Rugby Football Association due to a conflict of interest and carried unanimously.

Requests to be Heard – None

Public Hearings – None

Items for Discussion

Ordinance 2022-13 Amend the Faribault Code of Ordinances Related to the City's Municipal Separate Storm Sewer System (MS4) Permit - Second Reading and Approve Summary Publication - Ordinance 2022-13; Resolution 2022-138 Adopt City of Faribault Developer's Guide for Stormwater Management and Resolution 2022-137 Adopt 2022 City of Faribault Surface Water Management Plan

City Engineer Mark DuChene on May 25, 2022, the City Council approved the first reading of Ordinance 2022-13 amending the Faribault City Code of Ordinances Related to the City's Municipal Separate Storm Sewer System (MS4) Permit. The City's 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 ordinance and policies to be in permit compliance. Since the first reading of Ordinance 2022-13, the City has received no comments.

As part of the City's Municipal Separate Storm Sewer System (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 SWMP was discussed with the Environmental Commission on April 25, 2022 and the City Council at their work session on May 3, 2022 and the regular Council meeting on May 25, 2022, and those comments have been incorporated into the final SWMP.

It was also determined to be in the best interest of the City and its residents, developers and builders to develop a Guide for Stormwater Management that synthesizes and puts in one place all the applicable federal, state and local regulations regarding stormwater management. The City of Faribault Guide for Stormwater Management achieves that goal of creating a single stand-alone document for residents, developers and builders to follow in regards to storm water rules and regulations and simplifies the existing code of ordinances and makes the City able to more easily react to changes in regulations by simply changing the developer's guide rather than the cumbersome process of updating ordinances. The proposed Developer's Guide for Stormwater Management was discussed with the Environment Commission on April 25, 2022 and the City Council at their work session on May 3, 2022, and the Planning Commission on May 16, 2022; those comments have been incorporated into the updated document.

Mayor Voracek asked if the City still has to manage a permit that they do not get any payment for, DuChene explained that the MS4 requires us to manage the construction permits, there is a \$400 fee that is paid to the state, and the City is in charge of enforcement.

Motion by Ross, seconded by Wood to approve Ordinance 2022-13 Amend the Faribault Code of Ordinances Related to the City's Municipal Separate Storm Sewer System (MS4) Permit - 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 Ross to Approve Summary Publication - Ordinance 2022-13 and carried unanimously.

Motion by van Sluis, seconded by Wood to approve Resolution 2022-138 Adopt City of Faribault Developer's Guide for Stormwater Management and carried unanimously.

Motion by Wood, seconded by Caron to approve Resolution 2022-137 Adopt 2022 City of Faribault Surface Water Management Plan and carried unanimously.

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

City Planner David Wanberg stated that the first readings of Ordinance 2022-14 Remove the Heritage Preservation Overlay Zoning District from the Former Johnston Hall Site at 633 1st Street SE; Ordinance 2022-15 Rezone the Allina Health System Campus to P/I, Public/Institutional and Ordinance 2022-16 Rezone the Allina Health System Campus to PUD Overlay Zoning District #2022-16 and Approve the Related Development Plan took place on June 14, 2022. Since that time no substantive changes had been made and no comments were received from the public.

Motion by Caron, seconded by Ross to approve Ordinance 2022-14 Remove the Heritage Preservation Overlay Zoning District from the Former Johnston Hall Site at 633 1st Street SE - 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 - Ordinance 2022-14 and carried unanimously.

Motion by Wood, seconded by van Sluis to approve Ordinance 2022-15 Rezone the Allina Health System Campus to P/I, Public/Institutional - Second 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 Caron to approve Summary Publication - Ordinance 2022-15 and carried unanimously.

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 - Second Reading

Roll Call Vote:

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

Nay:

Motion carried 7:0.

Motion by Caron, seconded by Spooner to approve Summary Publication - Ordinance 2022-16 and carried unanimously.

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

City Planner David Wanberg explained that on June 14, 2022, the City Council approved the first reading of Ordinance 2022-17, which rezones the parcels at 1001, 1101, and 1105 Division Street West from I-2, Heavy Industrial, to C-2, Highway Commercial. Since the first reading of the ordinance, the City received no public comments, and Staff made no substantive changes to the ordinance.

Motion by Ross, seconded by Spooner to approve Ordinance 2022-17 Rezone the Parcels at 1001, 1101, and 1105 Division Street West from I-2, Heavy Industrial to C-2, Highway Commercial - 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 Wood to approve Summary Publication - Ordinance 2022-17 and

carried unanimously.

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

City Administrator Tim Murray explained that as part of the negotiation of the Settlement Agreement and Release of All Claims for Case No. 18-CV-01643 (JRT/HB) Jones, et al. v. City of Faribault, 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. The first reading of Ordinance 2022-18 Amend Sec. 7-38 of the Faribault City Code of Ordinances regarding Licensing of Rental; Ordinance 2022-19 Amend Sec. 7-40(h) of the Faribault City Code of Ordinances regarding Occupancy Standards for Rental Dwelling Licenses; Ordinance 2022-20 Repeal and Replace Sec. 7-41 of the Faribault City Code of Ordinances regarding Disorderly Conduct Prohibition for Rental Dwelling Licenses and Ordinance 2022-21 Repeal and Replace Sec. 7-42 of the Faribault City Code of Ordinances regarding the Crime-free Housing Program took place at the June 14th City Council meeting. Since the first reading of the ordinances no changes have been made.

Mayor Voracek stated that there have been a few comments in out in the public some positive and some negative, some residents of Faribault thought that the City should fight to the death on this and others understood that sometimes you need to cut your losses and go in a certain way because it is in everyone's best interest.

Motion by Ross, seconded by van Sluis to approve Ordinance 2022-18 Amend Sec. 7-38 of the Faribault City Code of Ordinances regarding Licensing of Rental Units - Second Reading

Roll Call Vote:

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

Nay:

Motion carried 7:0.

Motion by Caron, seconded by Wood to Approve Summary Publication - Ordinance 2022-18 and carried unanimously.

Motion by Viscomi, seconded by van Sluis to approve Ordinance 2022-19 Amend Sec. 7-40(h) of the Faribault City Code of Ordinances regarding Occupancy Standards for Rental Dwelling Licenses - Second Reading

Roll Call Vote:

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

Nay:

Motion carried 7:03

Motion by Ross, seconded by Spooner to Approve Summary Publication - Ordinance 2022-19 and carried unanimously.

Motion by Wood, seconded by van Sluis 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 - 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 - Ordinance 2022-20 and carried unanimously.

Motion by Viscomi, seconded by Spooner to approve Ordinance 2022-21 Repeal and Replace Sec. 7-42 of the Faribault City Code of Ordinances regarding the Crime-free Housing Program - Second Reading

Roll Call Vote:

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

Nay:

Motion carried 7:0.

Motion by Caron, seconded by Ross to approve Summary Publication - Ordinance 2022-21 and carried unanimously.

Bids

Resolution 2022-136 Accept Bids for 55 Willow Street, 127 Willow Street and 217 Mill Street Building Demolitions - Contract 2022-10

City Engineer Mark DuChene informed the Council that on Wednesday, June 22, 2022, bids were received for the proposed 55 Willow Street, 127 Willow Street and 217 Mill Street Building Demolitions, Contract 2022-10 project including building, pavement and utility removals for the future redevelopment of the project properties.

The bids were tabulated as follows:

Fitzgerald Excavating, Goodhue, MN	\$ 139,500
Schumacher Excavating, Inc., Zumbrota, MN	\$ 186,680
JJD Companies, Blooming Prairie, MN	\$ 222,140
Timm's Trucking and Excavating, Morristown, MN	\$ 273,920
Rachel Contracting, LLC, St. Michael, MN	\$ 292,830
LinnCo, Inc., Sartell, MN	\$ 297,000
H&T Trucking, Stillwater, MN	\$ 438,210
Kevitt Companies, Crystal, MN	\$ 617,320
Engineer's Estimate	\$ 295,000

Based on the low bidder's prices, the total estimated funding for the project, including contingencies and engineering fees, is \$167,400 and will be paid from the Public Facilities Fund which may be at least partially reimbursed in the future through the creation of one or more TIF districts related to the redevelopment of the properties.

It was recommended to award to the low bidder, Fitzgerald Excavating and Trucking. Construction on the project is scheduled to begin in July and be substantially completed by the end of August, 2022.

Councilor Wood asked what the timeline was for the project, DuChene stated that the VP On-line site would be done by August 1, 2022 and the others by August 30, 2022. Mayor Voracek asked if there was a penalty for any change orders, DuChene explained that it is outlined in the contract. Councilor Viscomi asked if the City would be salvaging of the materials, Mayor Voracek stated that we are not and Councilor Ross stated that the contractor could.

Motion by Wood, seconded by Ross to approve Resolution 2022-136 Accept Bids for 55 Willow Street, 127 Willow Street and 217 Mill Street Building Demolitions - Contract 2022-10 and carried unanimously.

Boards and Commissions Reports, Announcements and Project Updates

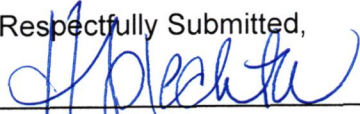
The Monthly Financial Report was provided as part of the Council meeting packet. City Administrator Murray stated that the Fourth of July Fireworks will be held at the Rice County Fairgrounds as is the past.

Adjournment

Motion by Ross, seconded by Caron to adjourn and carried unanimously.

The meeting was adjourned at 6:20 pm

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Heather Slechta", is written over a horizontal line.

Heather Slechta

Assistant to the City Administrator