



CITY COUNCIL MINUTES

COUNCIL CHAMBERS

TUESDAY, OCTOBER 12,
2021

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 6:00pm. Councilors Royal Ross, Peter van Sluis, Tom Spooner, Janna Viscomi and Jon Wood were in attendance. Councilor Sara Caron was absent. Also, in attendance was City Administrator Tim Murray, Assistant to the City Administrator Heather Slechta, Public Works Director Travis Block, City Engineer Mark DuChene, Human Resources Manager Kevin Bushard, Police Chief Andy Bohlen, Fire Chief Dustin Dienst and Finance Director Jeanne Day.

Presentations/Introductions

Recognizing National Pregnancy and Infant Loss Remembrance Day

Mayor Voracek presented Diana Kelley with a Proclamation recognizing October 15th as National Pregnancy and Infant Loss Remembrance Day in the City of Faribault. There will be a candle lighting at the IRIS office at 7:00pm.

Approve minutes of the September 28, 2021 City Council Meeting

Motion by Ross, seconded by Spooner to approve the September 28, 2021 City Council Meeting Minutes and carried unanimously.

Consent Agenda

- A. List of Claims for Release
- B. Approve 1-4 Day Temporary Liquor License for Community Cafe
- C. Approve Petition and Waiver Agreement for 427 7th Street NW
- D. Approve Petition and Waiver Agreement for 502 6th Street NW
- E. Approve Petition and Waiver Agreement for 613 6th Avenue NW
- F. Approve Petition and Waiver Agreement for 1602 Rondarwal Lane
- G. Resolution 2021-213 Accept Donation from Camp Faribo
- H. Resolution 2021-214 Adopt Wellhead Protection Plan Amendment
- I. Resolution 2021-215 Authorize Execution of Development Agreement for THOMPSON JAMES GROUP SOUTH DIVISION
- J. Resolution 2021-216 Accept Donation of Fine Art to Buckham Memorial Library
- K. Resolution 2021-217 Accept Donation to Buckham Memorial Library for Special Programs
- L. Resolution 2021-218 Accept Donation from the Estate of Robert L. Crandall
- M. Resolution 2021-219 Providing for the Issuance and Sale of General Obligation Refunding Bonds, Series 2021B, in the Proposed Aggregate Principal Amount of \$6,450,000
- N. Resolution 2021-220 Authorization to Execute Municipal Advisor Agreement with Northland Securities for the GO Refunding Bonds Series 2021B
- O. Resolution 2021-221 Approve Hiring Community Services Officer
- P. Resolution 2021-222 Approve Loan Agreement, Mortgage Agreement, and Promissory Note with the Paradise Center for the Art

Councilor Spooner and Viscomi requested that Item 4I. Resolution 2021-215 Authorize Execution of Development Agreement for THOMPSON JAMES GROUP SOUTH DIVISION be removed from the consent agenda.

Motion by van Sluis, seconded by Ross to approve Consent Agenda Items A-H and J-P and carried unanimously.

Motion by Ross, seconded by Wood to approve Consent Agenda Item Resolution 2021-215 Authorize Execution of Development Agreement for THOMPSON JAMES GROUP SOUTH DIVISION and

carried unanimously. Councilor Viscomi and Spooner recused themselves due to a conflict of interest.

Requests to be Heard

Heidi Nelson, Executive Director, thanked the City of Faribault, the City Administrator and the Council for their support of the Paradise Theater for the Arts by paying off the remainder of their mortgage.

The Mayor thanked the estate of Robert Crandall, Camp Faribo and all those that donate to keep the city and all its entities going.

Public Hearings

Resolution 2021-211 Adopting Special Assessments for 2021 Street Overlay and Sidewalk Improvements - City Contract 2021-02

City Engineer Mark DuChene explained that Resolution 2021-187 adopted on September 14, 2021, declared the cost to be assessed and set a special assessment hearing date of October 12, 2021 for the 2021 Street Overlay and Sidewalk Improvements project – City Contract 2021-02.

The assessment rates for street overlays for 2020 are as follows, as adopted by Resolution 2020-152, subject to credits per City policy:

Bituminous Street Overlays

Low Density Residential Property	\$21.00/l.f.
High Density Residential Property	\$23.00/l.f.
Commercial/Industrial/Institutional Property	\$25.00/l.f.

Sidewalk

Residential Property	\$ 6.00/l.f.
Commercial/Industrial/Institutional Property	\$23.00/l.f.

The City received no written objections to the proposed assessments. The special assessment roll proposed to assess a total of 161 parcels in the amount of \$294,204.92 out of a total estimated project cost of \$861,500.00. The assessments will be payable over a period of fifteen (15) years with an interest rate of 2.5%. DuChene explained the process to request a deferral. He also explained that there is a 30 day prepay through November 12, 2021.

Motion by van Sluis, seconded by Ross to open the public hearing and carried unanimously. The public hearing opened at 6:12 pm.

There were no comments from the public on this matter.

Motion by van Sluis, seconded by Wood to close the public hearing and carried unanimously. The public hearing was closed at 6:12pm.

Motion by Ross, seconded by Wood Resolution 2021-211 Adopting Special Assessments for 2021 Street Overlay and Sidewalk Improvements - City Contract 2021-02 and carried unanimously.

Items for Discussion

Ordinance No. 2021-9 Amending Appendix A, Article II of the City Code of Ordinances Regarding Utility Franchise Fees - Second Reading, Approve Summary Notification of Ordinance 2021-9 and Resolution 2021-212 Establish Franchise Fee Rebate Program

City Engineer Mark DuChene informed the Council that at the September 28, 2021, the Council approved the first reading of Ordinance 2021-9 Amending Appendix A, Article II of the City Code of Ordinances Regarding Utility Franchise Fees. Since that time, there has been one minor change to the ordinance to update the official mailing address of Greater Minnesota Gas Co. DuChene explained that franchise fees have been in the city of Faribault since 2004 and were modified in 2018. They provide revenue for street improvements, capital equipment and parks. Franchise fees provide for more local control, all account holders pay the fees regardless of tax status, they are simple to administer, they are stable and predictable and they provide equity between years and property sizes.

They also raise utility costs, there could be opposition from tax exempt properties and that are annual rather than intermittent.

DuChene further explained that Resolution 2021-212 would establish a franchise fee rebate program for eligible properties. These rebates on eligible properties as defined in the resolution, would be on an annual basis starting in 2023, for franchise fees paid in 2022 and would last as long as the duration of the eligible active special assessment rolls. These rebates are for all properties which are listed on an active assessment and whose current owner matches the owner on the corresponding assessment roll, regardless if the property owner paid some, all or none of the assessment amount. The rebates are for the lesser amount of the yearly assessment balance or the portion of the franchise fee allocated for street improvements. Rebate forms will be sent out to eligible properties annually to be returned to the City for rebates to be issued.

Councilor Viscomi asked if the City already determined what the property owner will be refunded, DuChene explained that after the first year they City will know because at this time we do not know what your meter is classified, we do know what your assessment is though, so after the first year we will know how you are classified as you will need to submit a copy of your gas/electric bill to the City as part of the rebate requirements. First rebates will go out in 2023.

Mayor Voracek stated that he spoke with the owner of a non-profit and he liked this process as he can budget for this.

Brenda Raymond, 628 6th Ave NW, asked if you pay for the entire assessment, and you pay for the franchise fee do you get a rebate then. DuChene explained that you pay the franchise fees going forward and then at the end of 2022 you will get a notice from the City and we will rebate you back your franchise fees for the duration of your assessment roll was active.

Dawn Caballero, 2424 Woodland Drive, stated that our assessment is about \$3,560 and from what I understand is we will get that little back, it won't even be half that amount back. DuChene explained that in most cases it will be \$120 for residential properties, this is so you won't be getting hit twice and for the first year there will be some back and forth to verify meter classifications, after that it for residential properties it will probably be an annual rebate.

Motion by Ross, seconded by Spooner to approve Ordinance No. 2021-9 Amending Appendix A, Article II of the City Code of Ordinances Regarding Utility Franchise Fees - Second Reading

Roll Call Vote:

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

Nay:

Motion carried 6:0

Motion by van Sluis, seconded by Spooner to approve Summary Notification of Ordinance 2021-9 and carried unanimously.

Motion by Spooner, seconded by Ross to approve Resolution 2021-212 Establish Franchise Fee Rebate Program and carried unanimously.

Resolution 2021-210 Approve Towards Zero Deaths (TZD) Agreement with the Department of Public Safety

Police Chief Andy Bohlen explained that for the past several years, the Faribault Police Department has taken part in the Minnesota Department of Public Safety's Towards Zero Deaths grant program. The purpose of the program is to provide funding for law enforcement agencies to promote enhanced traffic enforcement through DUI, seatbelt use and hands-free enforcement projects. For the October 1, 2021 through September 30, 2022 grant period, the Police Department has been awarded \$34,950.00 for its participation. Additionally, Bohlen requested that Sergeant Mark Krenik be appointed Rice County's TZD Grant Coordinator.

Motion by van Sluis, seconded by Wood to approve Resolution 2021-210 Approve Towards Zero Deaths (TZD) Agreement with the Department of Public Safety and carried unanimously.

Ordinance 2021-10 Amend Sec. 4-24. Revocation or Suspension of a License or Permit. of the City Code of Ordinances - First Reading

City Administrator Tim Murray explained that fines stipulated under Sec. 4-24 of the City Code of Ordinances, for violations involving alcoholic beverage licensees, only include suspensions. The Council reviewed this topic initially at the July 7, 2020 Joint Committee meeting, and then again at the October 5, 2021 Council Work Session. The Council directed that financial penalties be incorporated for first and second violations, as an alternative to a suspension, third and fourth violations would include suspension and revocation.

Motion by Ross, seconded by Viscomi to approve Ordinance 2021-10 Amend Sec. 4-24. Revocation or Suspension of a License or Permit. of the City Code of Ordinances - First Reading

Roll Call Vote:

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

Nay:

Motion carried 6:0

Bids - None

Boards and Commissions Reports, Announcements and Project Updates

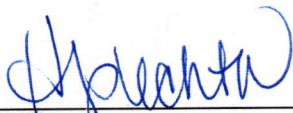
City Administrator Tim Murray reminded the Council of the closed session following adjournment. Murray also announced the retirement of Police Chief Andy Bohlen. Chief Bohlen stated that it has been an honor to work for the City of Faribault. He also mentioned that there will be an event at the Paradise Theater on Saturday night, this was put together by C&S Vending, and all funds raised will go into the Police Departments Mental Health fund for officers. Mayor Voracek thanked Bohlen for his service.

Adjournment

Motion by Viscomi, seconded by Wood to adjourn the City Council meeting and carried unanimously.

Meeting adjourned at 6:39pm.

Respectfully Submitted,



Heather Slechta,
Assistant to the City Administrator