



CITY COUNCIL MINUTES

COUNCIL CHAMBERS

TUESDAY, FEBRUARY 14, 2023

6:00 PM

Oath of Office

Chuck Thiele took the Oath of Office prior to the start of the meeting. Thiele was appointed to the Council at a special Council Meeting held on February 7, 2023. Thiele's term will run through 2024.

Call to Order/Roll Call/Pledge of Allegiance

The regular meeting of the City Council was called to order by Mayor Kevin Voracek at 6:02 pm. Councilors Sara Caron, Adama Doumbouya, Peter van Sluis, Tom Spooner, and Chuck Thiele were in attendance. Councilor Royal Ross was absent. Also in attendance were City Administrator Tim Murray, Administrative Assistant Kari Casper, Parks and Recreation Director Paul Peanasky, City Engineer Mark DuChene, Fire Chief Dustin Dienst, Public Works Director Travis Block, Human Resources Director Kevin Bushard, Community & Economic Development Director David Wanberg and Police Chief John Sherwin.

Presentations/Introductions

The annual School Bus Driver Appreciation Day Proclamation was read and presented to Faribault Transportation.

Approve minutes of January 24, 2023 City Council Meeting, January 31, 2023 Special City Council Meeting and February 7, 2023 Special City Council Meeting

Motion by Caron, seconded by Thiele to approve minutes of January 24, 2023 City Council Meeting, January 31, 2023 Special City Council Meeting and February 7, 2023 Special City Council Meeting and carried unanimously.

Consent Agenda

- A. List of Claims for Release
- B. Approve LG220 Application for Exempt Permit from Catholic United Financial Council 13SS Lawrence/Anne
- C. Approve LG220 Applications for Exempt Permit from Rice County Pheasants Forever Chapter 0821
- D. Resolution 2023-019 Accept Donations Made to the City of Faribault
- E. Resolution 2023-020 Declare Police Portable Radios as Surplus
- F. Resolution 2023-021 Approve MN Chiefs of Police Foundation Community Partnerships Grant Application
- G. Resolution 2023-024 Approve Joint Powers Agreement between the Faribault Police Department and State of Minnesota, Bureau of Criminal Apprehension
- H. Resolution 2023-025 Approve Appointments of Board and Commission Members
- I. Resolution 2023-033 Approve 2023 Massage Therapist Licenses
- J. Approve Application and Permit for a 1-4 Day Temporary On-Sale Liquor License
- K. Approve Job Descriptions
- L. Approve Hangar Rental Agreement Renewals
- M. Approve Private Hangar Land Lease
- N. Accept Quote for Replacement UV Bulbs at Water Reclamation Facility
- O. Accept Quote for Electrical Circuit Breaker Maintenance at Water Reclamation Facility
- P. Accept Quote for Sanitary Sewer Structure Rehabilitation
- Q. Resolution 2023-034 Receive/File Feasibility Report and Establish Public Hearing for 2023 Street Overlay and Sidewalk Improvements - Contract 2023-02
- R. Approve LG230 Application to Conduct Off-Site Gambling for Faribault Youth Rotary Services
- S. Approve CIP Purchase - Pickup Truck with Box and Plow

- T. Approve Agreement to Provide Design Services for City Hall Third Floor Renovation
- U. Resolution 2023-029 Approve Hiring Administrative Coordinator
- V. Resolution 2023-030 Approve Hiring Light Equipment Operator
- W. Resolution 2023-031 Approve Hiring Receptionist
- X. Approve Faribault Police Department Body Worn Camera Audit Report
- Y. Resolution 2023-035 Authorize the Faribault Fire Department to Apply for the Hannah Lips Foundation Grant

Motion by Spooner, seconded by Doumbouya to approve Consent Agenda items A-Y and carried unanimously.

Requests to be Heard- None

Public Hearings – None

Items for Discussion

Ordinance 2023-1 Approve a Zoning Text Amendment to Permit K-12 Schools in Certain Commercial Zoning Districts with a Conditional Use Permit and Clarify School Uses in Industrial Districts (First Reading) and Resolution 2023-026 Approve a Conditional Use Permit for a K-12 Charter School in Faribo Town Square at 201 Lyndale Avenue South

Community and Economic Development Director David Wanberg explained that the Faribault Planning Commission, in collaboration with the Community and Economic Development Department, initiated a zoning text amendment to allow K-12 schools as a conditional use in the C-2, Highway Commercial District and the C-3, Community Commercial District. The proposed amendment establishes development standards for K-12 schools in specified commercial districts, and includes definitions for K-12 schools, colleges and universities, and business and vocational schools. The proposed amendment also clarifies school uses in industrial districts.

The Planning Commission held a public hearing on February 6, 2023, to consider the proposed zoning text amendment. No one from the public provided comments. The Planning Commission discussed the merits of the proposed amendment and noted that there is a growing demand for charter schools in the city. They acknowledged that Minnesota Department of Education regulations prohibit charter schools from owning a school site until they have been in operation for five years. Consequently, new charter schools often seek to lease existing commercial buildings due to the limited availability of vacant public or private school sites.

The Planning Commission, by a vote of 6-0, recommended that the City Council approve the attached Ordinance 2023-1 based on the findings outlined in the ordinance.

Wanberg further explained that Jonathan Starr, representing Surad Academy requested approval of a conditional use permit (CUP) for a K-12 charter school at Faribo Town Square, 201 Lyndale Avenue S. The City is processing the request concurrently with the proposed Ordinance 2023-1, which would allow K-12 schools in specified commercial districts with the issuance of a conditional use permit.

The school plans to start with roughly 120 students in grades K-4 and grow one class per year to K-12. They intend to accommodate up to 250 students eventually. Initially, the school intends to lease 8,375 square feet in Faribo Town Square and lease additional space as student enrollment increases.

The Planning Commission held a public hearing on February 6, 2023, to consider the Applicant's request for a conditional use permit. No one from the public provided comments. By a vote of 6-0, the Planning Commission recommended that the City Council approve the requested conditional use permit based on the Planning Commission's written findings and conditions included in Resolution 2023-026.

Motion by van Sluis, seconded by Spooner to approve Ordinance 2023-1 Approve a Zoning Text Amendment to Permit K-12 Schools in Certain Commercial Zoning Districts with a Conditional Use Permit and Clarify School Uses in Industrial Districts (First Reading)

Roll Call Vote:

Aye: Councilor Caron, Doumbouya, van Sluis, Spooner, Thiele, and Mayor Voracek
Nay:

Motion carried 6:0

Motion by Spooner, seconded by Caron to approve Resolution 2023-026 Approve a Conditional Use Permit for a K-12 Charter School in Faribo Town Square at 201 Lyndale Avenue South and carried unanimously.

Resolution 2023-027 Approving Variances for Lot Width, Parking Lot Setbacks and Driveway Setbacks at the Cedar Lake Electric Site, 20700 Bagley Avenue; Resolution 2023-028 Approving the Preliminary and Final Plat Applications for CLE Addition at 430 Western Avenue S and 20700 Bagley Avenue and Ordinance 2023-2 Rezone Property in the CLE Addition Plat to R-1, Single Family Residential District and C-3, Community Commercial District at 430 Western Avenue S (First Reading)

Community and Economic Development Director David Wanberg explained that Barbara J. Valentyn Trust requested approval of variances related to a proposed plat of 430 Western Avenue South and 20700 Bagley Avenue, commonly known as the Cedar Lake Electric property. Before the property was annexed into the City, the Barbara J. Valentyn Trust subdivided the property into two tracts in Registered Land Survey No. 4. One tract includes the existing house at 430 Western Avenue. The other tract includes the existing Cedar Lake Electric use at 20700 Bagley Avenue, which does not have frontage on a public road. The proposed plat would allow the existing house and the existing commercial use to be on separate lots with their own frontage on a public road. However, the proposed plat requires a variance from the minimum commercial lot width standards and setback variances related to existing driveway and parking areas.

The Barbara J. Valentyn Trust also requested approval of a preliminary and final plat of CLE Addition, a subdivision that replats tracts created in Registered Land Survey No. 4 prior to annexation to the City. The proposed plat includes a lot occupied by Cedar Lake Electric at 20700 Bagley Avenue, an existing residence at 430 Western Avenue South, and a new commercial lot for future development.

The final request from the Barbara J. Valentyn Trust was the rezoning from TUD, Transitional Urban Development District to R-1, Single Family Residential District for their existing home at 430 Western Avenue S, which will be platted as Lot 1 of CLE Addition. The Applicant has also requested C-3, Community Commercial District zoning for Lot 2 and Lot 3 of CLE Addition. There are no immediate plans for sale or development of Lot 3 at this time.

The Planning Commission held a public hearing on February 6, 2023, to consider the Barbara J. Valentyn Trust requests. No one from the public provided comments. The Planning Commission, by a vote of 6-0, recommended that the City Council approve Resolution 2023-027 and Resolution 2023-028 based on the findings in the resolutions. The Planning Commission also by a vote of 6-0 approved the findings listed in the proposed ordinance and recommended City Council approval of the rezoning application as proposed.

Motion by van Sluis, seconded by Doumbouya to approve Resolution 2023-027 Approving Variances for Lot Width, Parking Lot Setbacks and Driveway Setbacks at the Cedar Lake Electric Site, 20700 Bagley Avenue and carried unanimously.

Motion by Spooner, seconded by Caron to approve Resolution 2023-028 Approving the Preliminary and Final Plat Applications for CLE Addition at 430 Western Avenue S and 20700 Bagley Avenue and carried unanimously.

Motion van Sluis, seconded by Spooner to approve Ordinance 2023-2 Rezone Property in the CLE Addition Plat to R-1, Single Family Residential District and C-3, Community Commercial District at 430 Western Avenue S (First Reading)

Roll Call Vote:

Aye: Councilor Caron, Doumbouya, van Sluis, Spooner, Thiele, and Mayor Voracek
Nay:

Motion carried 6:0

Ordinance 2023-3 Amending Chapter 7 of the Faribault City Code of Ordinances (First Reading)

City Administrator Tim Murray explained that on November 9, 2022, the City Council approved Ordinance 2022-33 that amended Chapter 2, changing the Fire Department to the Fire and Code Services Department. With this change, the Building Codes Division was moved from the Community and Economic Development Department to the Fire and Codes Services Department. The amendments to Chapter 7 reflect this change.

Motion by Doumbouya, seconded by Spooner to approve Ordinance 2023-3 Amending Chapter 7 of the Faribault City Code of Ordinances (First Reading)

Roll Call Vote:

Aye: Councilor Caron, Doumbouya, van Sluis, Spooner, Thiele, and Mayor Voracek

Nay:

Motion carried 6:0

Bids - None

Boards and Commissions Reports, Announcements and Project Updates

Councilor Spooner mentioned that River Bend Nature Center is working on a strategic plan survey—he encouraged everyone to take the survey.

Mayor Voracek stated that interviews for the Community Center consultants would be this week.

City Administrator Tim Murray reminded the Council that there is a Closed Session following the meeting tonight.

Adjournment

Motion by Thiele, seconded by Caron to adjourn the City Council meeting and carried unanimously.

The meeting was adjourned at 6:30 pm

Respectfully Submitted,



Heather Slechta
City Clerk