



CITY COUNCIL MINUTES

COUNCIL CHAMBERS

TUESDAY, NOVEMBER 9, 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 Sara Caron, Royal Ross, Peter van Sluis, Tom Spooner, Janna Viscomi and Jon Wood were in attendance. Also, in attendance was City Administrator Tim Murray, Assistant to the City Administrator Heather Slechta, Public Works Director Travis Block, Community and Economic Development Director Deanna Kuennen, Police Chief Andy Bohlen and Finance Director Jeanne Day.

Presentations/Introductions

Introduction of new Police Officers by Chief Andy Bohlen

Police Chief Andy Bohlen introduced six new members of the Police Force to the Council; Officer Brad Arens, Officer Lance Ulrich, Officer Reed Bartsch, Officer Jacob Charlton, Officer Brandon McCarthy and Officer Tyler Wilson. Bohlen explained that due to COVID-19 the officers were sworn in at the Police Department and that this was an opportunity to introduce them all to the Council. Mayor Voracek welcomed the officers to the City of Faribault.

Approve minutes of October 26, 2021 Regular City Council Meeting and November 2, 2021 Special City Council Meeting - Closed Session

Motion by Ross, seconded by Spooner to approve the minutes of the October 26, 2021 and November 2, 2021 City Council Meeting and carried unanimously.

Consent Agenda

- A. List of Claims for Release
- B. Resolution 2021-231 Authorize Execution of Minnesota Department of Transportation Grant Agreement No.1047453 for Airport Maintenance and Operation
- C. Approve Policy 201 - Allegations of Misconduct
- D. Approve 2022 Insurance Liability Coverage Waiver Form
- E. Approve Early Retirement Incentive Program
- F. Resolution 2021-232 Approve Appointments to the Economic Development Authority and Housing and Redevelopment Authority
- G. Approve Change Order No.2 for Flood Mitigation Project
- H. Accept Seasonal Bids for Miscellaneous Materials and Services
- I. Demolition of 1811 7th Street NW

Motion by van Sluis, seconded by Wood to approve Consent Agenda items A-I and carried unanimously.

Requests to be Heard – None

Public Hearings

Consider Increase in 2022 On-Sale Intoxicating Liquor License Fees

Assistant to the City Administrator Heather Slechta explained to the Council that due to the COVID-19 Pandemic and the extended closures and limits on capacity of bars and restaurants in 2020 and 2021, the City Council on February 9, 2021 adopted Resolution 2021-026 that approve a revised 2021 Fee Schedule. The adoption of this resolution resulted in a 50% reduction of all on-sale liquor licenses issued in the City.

Per MN State Statute 340A.408 Retail License Fees; increases; notice, hearing, states that no city, town, or county shall increase the fee for a liquor license governed by subdivision 1, 2, or 3, except after notice and hearing on the proposed increase. Notice of the proposed increase must be mailed to all affected licensees at least 30 days before the date set for the hearing. All licensees were notified

via mail on September 27, 2021, of the public hearing and notice was published in the Faribault Daily News on October 23 and October 28, 2021.

At the Work Session on July 20, 2021, the Council reviewed the proposed 2022 Fee Schedule that put the 2022 On-Sale Liquor License fees back to the 2020 rates. Slechta explained that these fees will be officially adopted at the December 14, 2021 City Council meeting. At such time, the licensees will be invoiced for their 2022 Liquor Licenses.

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

There were no comments from the public.

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

Mayor Voracek felt that businesses were still dealing with the effects of the pandemic and suggested raising the fees to 75% of the 2020 rates. Councilors Viscomi and van Sluis both supported that.

Motion by Ross, seconded by Viscomi to adjust the license fees to 75% of the 2020 rates and carried unanimously.

Renewal of Currency Exchange License for Luis and Ana Del Aguila

Assistant to the City Administrator Heather Slechta explained that the City received a renewal notification from the Minnesota Department of Commerce for a Currency Exchange License from Luis and Ana Del Aguila, to continue operating a currency exchange at 327 Central Avenue. The application was complete. Background checks on each of the owners and officers were completed by the MN Bureau of Criminal Apprehension and no record was found. The application also included a fee schedule of all fees to be charged by the currency exchange office, and a \$10,000 surety bond valid through December 31, 2022. The Currency Exchange License enables the licensee to be able to provide check-cashing services for the public to be able to cash payroll checks, federal and state checks, commercial checks, personal checks, and cashier checks. A Currency Exchange License is required for all locations that are not associated with a financial institution.

Motion by Wood, seconded by Ross to open the public hearing and carried unanimously. The public hearing opened at 6:14pm.

There were no comments from the public.

Motion by van Sluis, seconded by Caron to close the public hearing and carried unanimously. The public hearing closed at 6:14 pm.

Motion by van Sluis, seconded by Viscomi to approve the Renewal of Currency Exchange License for Luis and Ana Del Aguila and carried unanimously.

Items for Discussion

Resolution 2021-229 Approve Variances from Setback Requirements for Side Yards Regarding Buildings and Parking Lot at 903 Spring Road; Ordinance 2021-11 Approve PUD Overlay District to Authorize Two Principal Structures on One Multi-Family Residential Lot at 903 Spring Road - First Reading and Resolution 2021-230 Approve a Conditional Use Permit to Relocate a Previously Occupied Dwelling to 903 Spring Road

Community and Economic Development Director Deanna Kuennen explained that at its meeting on October 18, 2021, the Planning Commission held a public hearing regarding a proposed development at 903 Spring Road. The development plans called for one new four-unit building to be built and a four-unit building moved on to the site. The development as proposed will require approval of three associated planning and zoning application; variances, a Planned Unit Development (PUD) and a Conditional Use Permit (CUP).

Kuennen explained that a parking lot setback variance was requested to allow a 5-foot setback from

the east, where 10-feet is the minimum required for this district. Building setback variances were requested to allow both proposed buildings to be at a 10-foot setback from the west lot line where a minimum of 15- feet is required in the R-4 district. A PUD will be required to have more than one principal building on a single lot and a CUP was also requested in this case to approve the move-in and use of a previously occupied dwelling at this site as required by Sec. 7-30 of the Unified Development Ordinance (UDO).

By a three to three vote the motion failed, resulting in no recommendation from the Planning Commission being forwarded on this matter. Staff recommendation of denial was forwarded for consideration by the City Council. At its meeting of October 26, 2021, the City Council considered the report from the Planning Commission hearing and recommendation from Staff in this case, and determined that there was justification for the requested variances. The City Council by a 6-1 vote passed a motion directing staff to prepare findings for approval of variances and associated applications for the proposed development plan and bring the matter back for consideration. Staff prepared findings for approval of the variances found in the draft resolution for City Council consideration.

Councilor Ross asked if the plan was to move-in the building first and what guarantee does the City have that the developer would build a second building, Kuennen explained that there is no guarantee. Planning Coordinator Peter Waldock explained that there could be some zoning actions if the PUD is not followed, however, staff would need to work with the city attorney's office. There is also a possibility of charging an escrow for the site plan. Waldock will speak with the attorney's office prior to the second reading of Ordinance 2021-11 and report back to the Council on different options the City may have if the second building is not completed.

Resolution 2021-229 Approve Variances from Setback Requirements for Side Yards Regarding Buildings and Parking Lot at 903 Spring Road

Motion by Spooner, seconded by Wood to approve Resolution 2021-229 Approve Variances from Setback Requirements for Side Yards Regarding Buildings and Parking Lot at 903 Spring Road and carried unanimously.

Ordinance 2021-11 Approve PUD Overlay District to Authorize Two Principal Structures on One Multi-Family Residential Lot at 903 Spring Road - First Reading

Motion by van Sluis, seconded by Wood to approve Ordinance 2021-11 Approve PUD Overlay District to Authorize Two Principal Structures on One Multi-Family Residential Lot at 903 Spring Road - First Reading

Roll Call Vote:

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

Nay:

Motion carried 7:0

Resolution 2021-230 Approve a Conditional Use Permit to Relocate a Previously Occupied Dwelling to 903 Spring Road

Motion by Spooner, seconded by van Sluis to approve Resolution 2021-230 Approve a Conditional Use Permit to Relocate a Previously Occupied Dwelling to 903 Spring Road and carried unanimously.

Bids - None

Boards and Commissions Reports, Announcements and Project Updates

Councilor Wood informed the Council that the HRA met and toured 230 Central, the property owner will be providing updates to the HRA on the progress of the apartments.

Police Chief Andy Bohlen once again thanked Scott Amundson, of C&S Vending, the Paradise Center for the Arts for the fundraising event in October. The event raised over \$20,000 that will be used for mental health needs for Police Department staff. Mayor Voracek stated that this was a great idea and community reach out.

Mayor Voracek reminded everyone that the KC Poultry Bingo is this weekend.

Adjournment

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

Meeting adjourned at 6:30 pm.

Respectfully submitted,



Heather Slehta
Assistant to the City Administrator