



CITY COUNCIL MINUTES

COUNCIL CHAMBERS

TUESDAY, JUNE 13, 2023

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 p.m. Councilors Sara Caron, Adama Doumbouya, Royal Ross, Peter van Sluis, Tom Spooner and Chuck Thiele were in attendance. Also in attendance were City Administrator Tim Murray, City Clerk Heather Slechta, Public Works Director Travis Block, Parks and Recreation Director Paul Peanasky, Fire Chief Dustin Dienst, Community & Economic Development Director David Wanberg, Police Chief John Sherwin, City Engineer Mark DuChene and Finance Director Jeanne Schmuck.

Presentations/Introductions – None

Approve Minutes of the May 23, 2023 City Council Meeting

Motion by Ross, seconded by van Sluis to approve the May 23, 2023 City Council Meeting Minutes and carried unanimously.

Consent Agenda

- A. List of Claims for Release
- B. Resolution 2023-115 Accept Donations Made to the City of Faribault
- C. Resolution 2023-117 Approve Appointments of Board and Commission Members
- D. Accept Quote for Effluent Pump at Water Reclamation Facility
- E. Accept Quote for HVAC Units at Water Pumping Station
- F. Approve 2023 CIP Purchase Replacement - Street Department Service Truck
- G. Approve Change Order No. 2 for Airfield Lighting Improvement Project at Municipal Airport
- H. Resolution 2023-116 Authorize Execution of Minnesota Department of Transportation Grant Agreement No. 1053265 for Airport Maintenance and Operation
- I. Resolution 2023-118 Approve Rice County Public Health Grant Application
- J. Resolution 2023-119 Approve Electronic Signature Policy
- K. Approve CIP Purchase - Toro Workman MDX Ball Cart
- L. Resolution 2023-121 Authorize Submittal of Request for State Bonding Funds for Downtown (Viaduct Area) Park Improvements
- M. Accept Professional Services Agreement with AET for TH 3 Roundabout Materials Testing
- N. Approve Purchase of Rescue Air Bags

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

Requests to be Heard – None

Public Hearings

Resolution 2023-122 Modify Development District No. 1, Tax Increment Financing District No. 13: Hamilton Therein, the Development Program, and the Tax Increment Financing Plan Therefor

Community and Economic Development Director David Wanberg explained that the City Council established TIF District No. 13 in 2019 to facilitate the Hillside Apartments development at 10 Division Street. The Council extended the TIF boundaries beyond the Hillside Apartment site for future apartment development and to allow the City to use any unobligated TIF to provide additional public parking.

The Council approved Faribault Buckham Center Addition plat in 2021, which platted multiple parcels into one lot and eliminated parcel lines crossing existing buildings. However, the City could not record the plat because TIF District No. 13 would no longer follow parcel lines as required by state statute. Therefore, Wanberg requested that the Council decertify the four parcels from TIF District No. 13 (PIDs

1831426003, 1831426004, 1831426006, 1831426002). Removing these parcels from the district required a public hearing, but it will not have a meaningful effect on TIF District No. 13, since the City has no development plans for the parcels.

Motion by Ross, seconded by Doumbouya to open the public hearing and carried unanimously. The public hearing opened at 6:04 p.m.

No comments were received from the public at this time.

Motion by Spooner, seconded by van Sluis to close the public hearing and carried unanimously. The public hearing was closed at 6:05 p.m.

Motion by Ross, seconded by van Sluis to approve Resolution 2023-122 Modify Development District No. 1, Tax Increment Financing District No. 13: Hamilton Therein, the Development Program, and the Tax Increment Financing Plan Therefor and carried unanimously.

Items for Discussion

Presentation of the 2022 Annual Comprehensive Financial Report

Matthew Mayer, Audit Partner at BerganKDV presented a summary of the data and reviewed the management letter related to the 2022 Annual Comprehensive Financial Report.

Mayor Voracek congratulated Finance Director Jeanne Schmuck for being awarded the GFOA Certificate of Achievement for Excellence in Financial Reporting for the past 31 years. Schmuck stated that the City will be submitting the 2022 Annual Comprehensive Financial Report for consideration of this award in anticipation of success for the 32nd year.

Motion by van Sluis, seconded by Spooner to receive and file the 2022 Annual Comprehensive Financial Report and carried unanimously.

Resolution 2023-120 Approve a Variance from Wetlands Setback Requirements at 1 Sage Way

Community and Economic Development Director David Wanberg explained that Vetrotech Saint-Gobain is relocating its North American headquarters to the SageGlass campus at 1 Sage Way. The relocation requires expanding their existing manufacturing building owned by MDC Development II LLC. The proposed 10,080-square-foot building expansion involves a variance from the required wetland setback specified in Chapter 28 of the Code of Ordinances and referenced in the Unified Development Ordinance. The property owners are working with Rice Soil and Water Conservation District to allow a de minimis impact on the wetlands. The application proposes a 17-foot building setback from the revised wetlands boundary where thirty feet would otherwise be required.

The Planning Commission held a public hearing on June 5, 2023, to consider this variance request. No one from the public spoke regarding this matter. The Planning Commission found that granting the variance would have minimal effect on the wetland. With a 5-1 vote, the Commission recommended that the City Council approve the variance request based on the findings in the resolution. The Commissioner that voted no on the motion to approve the variance felt that regardless of the allowed de minimus wetland impact, the developer should be required to buy wetland replacement credits or expand the existing wetland accordingly.

Motion by Thiele, seconded by Doumbouya to approve Resolution 2023-120 Approve a Variance from Wetlands Setback Requirements at 1 Sage Way and carried unanimously.

Ordinance 2023-9 Repeal and Replace Chapter 31 of the Faribault City Code of Ordinances regarding Tall Grass and Weed Regulations (First Reading)

Community and Economic Development Director David Wanberg explained that over the past several years, the Environmental Commission and City Council held multiple work sessions related to refining the City's Tall Grass and Weed Ordinance. Based, in part, on the recommendations of the Environmental Commission, the City Council directed that the ordinance be revised as follows: Eliminate the requirements for a natural landscape permit, but require reasonable management regulations to protect the public's health, safety, and welfare. It was also revised to allow the City to issue citations to property owners violating the Tall Grass and Weed Ordinance.

The proposed ordinance repeals and replaces the existing Tall Grass and Weed Ordinance. The proposed ordinance provides more reasonable and enforceable regulations that more effectively address neglected nuisance sites. It also allows property owners to maintain attractive landscapes beyond traditional lawns.

Councilor Ross asked how this ordinance affects undeveloped lots, Wanberg explained that if it becomes a nuisance per the code or state statute or if it is being neglected and creates issues for the neighboring properties enforcement actions could be taken. Councilor Caron asked if wood piles would be considered a nuisance, Wanberg explained that this ordinance does not address wood piles.

Mark Sundwall, 1500 Babbitt Court, felt that the ordinance was heavy handed and a money grab by the City. He felt that a 10-day notice of a violation was sufficient, and most people correct the violation within that time. He also voiced concern about scooters being left on yards and on sidewalks.

Motion by Doumbouya, seconded by Caron to approve Ordinance 2023-9 Repeal and Replace Chapter 31 of the Faribault City Code of Ordinances regarding Tall Grass and Weed Regulations (First Reading)

Roll Call Vote:

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

Nay:

Motion carried 7:0

Ordinance 2023-10 Zoning Text Amendment to Reduce the Minimum Required Lot Size and Lot Width for Attached Single Family Dwellings in the R-3, Medium Density Residential Districts Citywide (First Reading)

Community and Economic Development Director David Wanberg explained that the Planning Commission is proposing a zoning text amendment that reduces the minimum required lot size and minimum lot width for attached single-family dwellings in the R-3 District. During a recent work session, the Planning Commission heard from a local builder that the current R-3 District provisions limit options for twin home units, particularly on redevelopment sites.

The Planning Commission noted that the existing ordinance allows duplexes with a minimum lot size of 4,800 square feet per unit and 66 feet of lot width. However, single-family attached dwellings, twin homes require a minimum lot area of 6,000 square feet per unit and 120 feet in total width for the building lot. The Planning Commission recommended revising the zoning ordinance to allow attached single-family homes on lots with a minimum lot area of 4,800 square feet per unit to match the requirements for duplexes in the R-3 District. The Commission also recommended reducing the minimum lot width per unit for attached single-family homes to 30 feet.

The Planning Commission held a public hearing on June 5, 2023. No one from the public spoke regarding this matter. The Planning Commission felt the proposed text amendment increases affordable housing options for home buyers and will provide more options for redeveloping blighted areas in the R-3 District. The Planning Commission, by a 6-0 vote, recommended that the City Council approve the proposed text amendment based on the findings included in the proposed ordinance.

Councilor Ross was concerned that these homes would not be part of home owner's association (HOA), and therefore issues could come up when they need to be re-sided or re-shingled. Wanberg explained that this could be worked out in agreements. City Administrator Tim Murray stated that there are other twin homes located in the City that do not belong to HOAs'. Councilor Caron asked if the homes would be affordable, Mayor Voracek stated that they can not make a contractor build affordable homes.

Motion by Thiele, seconded by van Sluis to approve Ordinance 2023-10 Zoning Text Amendment to Reduce the Minimum Required Lot Size and Lot Width for Attached Single Family Dwellings in the R-3, Medium Density Residential Districts Citywide (First Reading)

Roll Call Vote:

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

Nay:
Motion carried 7:0

Ordinance 2023-11 Rezone Property Located at 1008 and 1016 Division Street W. to R-2, Low Density Residential District (First Reading)

Community and Economic Development Director David Wanberg explained that the Planning Commission is proposed to rezone 1008 and 1016 Division St. W from C-1, Neighborhood Commercial District to R-2, Low Density Residential District to match adjoining parcels and follow the land use plan for Established Residential Uses in this area. The lots are half-sized, compared to other lots on the block, and are not suitable for commercial uses. The owners are renovating the existing buildings for single-family dwellings. Single-family dwellings and mixed commercial / residential uses are not permitted in the C-1 District.

The Planning Commission held a public hearing on June 5, 2023, to consider the proposed rezoning. No one from the public spoke regarding this matter. The Planning Commission by a vote of 6-0 approved the findings in the draft ordinance and recommended the City Council approve the proposed rezoning.

Motion by Ross, seconded by Doumbouya to approve Ordinance 2023-11 Rezone Property Located at 1008 and 1016 Division Street W. to R-2, Low Density Residential District (First Reading) and carried unanimously.

Roll Call Vote:

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

Nay:

Motion carried 7:0

Ordinance 2023-12 Rezone Rice County Fairgrounds at 1900 Fairgrounds Drive to P-I, Public Institutional District (First Reading)

Community and Economic Development Director David Wanberg explained that the Planning Commission recommended that the City Council rezone the Rice County Fairgrounds from O, Agriculture/Open Space, to P/I, Public/Institutional. The proposed rezoning is consistent with the Journey to 2040 Comprehensive Plan, and the existing fairground uses are a better fit for the P/I, Public/Institutional District.

The Planning Commission held a public hearing on June 5, 2023. No one from the public spoke in regard to the proposed rezoning. By a vote of 6-0, the Planning Commission approved the findings in the draft ordinance and recommended that the City Council approve the rezoning.

Motion by Doumbouya, seconded by Thiele to approve Ordinance 2023-12 Rezone Rice County Fairgrounds at 1900 Fairgrounds Drive to P-I, Public Institutional District (First Reading) and carried unanimously.

Roll Call Vote:

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

Nay:

Motion carried 7:0

Ordinance 2023-13 Amending Chapter 19 PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS (First Reading)

City Clerk Heather Slechta stated that with the adoption of Ordinance 2023-8 that created a Mobile Food Unit Registration (MFUR) program she has been reviewing other sections of Chapter 19 that regulate how Solicitors, Peddlers and Transient Merchants operate and are registered within the City. Currently, all Solicitors, Peddlers and Transient Merchants are permitted to operate in the City for a total of 14 days and then are required to reapply for an additional license/permit, where MFURs are registered annually. Solicitors, Peddlers and Transient Merchants are also only allowed to operate during regular business days, whereas MFURs are able to operate any day of the week at permitted locations.

Slechta requested that the portion of Chapter 19 that regulates Solicitors, Peddlers and Transient Merchants be updated to allow for an annual registration as well as allow for operations all days of the

week similar to the current Mobile Food Unit (Food Truck) Ordinance. The hours of operation would remain the same, 8 a.m-9 p.m.

Motion by Ross, seconded by Spooner to approve Ordinance 2023-13 Amending Chapter 19 PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS (First Reading) and carried unanimously.

Roll Call Vote:

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

Nay:

Motion carried 7:0

Bids

Resolution 2023-123 Accept Bids for 2023 MSA Street Overlay Improvement Project - Contract 2023-03

City Engineer Mark DuChene explained that on Wednesday, May 31, 2023, bids were received for the proposed 2023 MSA Street Overlay Improvements, Contract 2023-03, including curb and gutter replacement, concrete sidewalk replacement, storm sewer repairs, casting adjustment/replacement, pavement milling, bituminous paving, pavement markings, and related improvements on the following streets:

14th Street NW (2nd Avenue NW to Central Avenue)
2nd Avenue NW (4th Street NW to 14th Street NW)

The bids were tabulated as follows:

Crane Creek Asphalt, Faribault, MN	\$1,310,198.26
Heselon Construction, Faribault, MN	\$1,395,807.17
BCM Construction, Inc., Faribault, MN	\$1,414,217.70
Engineer's Estimate	\$1,229,632.30

Based on the low bidder's prices, the estimated funding for the project is as follows (includes 5% contingencies and engineering fees):

MSA Funds	\$940,155.00
LRIP Grant	\$600,000.00
Water Utility Fund	\$13,900.00
Sanitary Sewer Utility Fund	\$28,015.00
Total	\$1,582,070.00

While the lowest bid is above the engineer's estimate for construction, the total project costs are within the budget presented to the Council and it is recommended to award to the low bidder, Crane Creek Construction. Construction on the project is scheduled to begin in July and be substantially completed by the end of August, 2023.

Motion by Spooner, seconded by Caron to approve Resolution 2023-123 Accept Bids for 2023 MSA Street Overlay Improvement Project - Contract 2023-03 and carried unanimously.

Resolution 2023-124 Accept Bids for 2023 Trunk Highway 3 Roundabout Project - Contract 2023-04

City Engineer Mark DuChene explained that on Thursday, May 25, 2023, bids were received for the proposed 2023 Trunk Highway 3 Roundabout Project, Contract 2023-04, including removals, grading, aggregate base, concrete curb and gutter, bituminous paving, concrete walk, lighting, watermain, sanitary sewer, storm sewer, ADA improvements, turf restoration and related improvements on the following streets:

TH 3/2nd Ave NW (500' S of 30th St NW to 350' N of 30th St NW)
30th St NW/East View Dr (TH 3/2nd Ave NW to 1st Ave NW)
1st Ave NW (275' S of East View Dr to East View Dr)

The bids were tabulated as follows:

Ryan Contracting Company, Elko-New Market, MN	\$3,067,629.15
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Ims Contracting, LLC, Dodge Center, MN	\$3,116,990.25
BCM Construction, Inc., Faribault, MN	\$3,256,300.69
Wencl Construction Inc., Owatonna, MN	\$3,266,882.50
Heselson Construction, Faribault, MN	\$3,280,567.75
Engineer's Estimate	\$3,008,769.90

Based on the low bidder's prices, the estimated funding for the project is as follows (includes 5% contingencies and engineering fees):

Federal Funds	\$ 985,000.00
State LPP Funds	\$ 900,000.00
MSAS Funds	\$ 977,800.00
Street Improvement Funds	\$ 209,050.00
Water Utility Funds	\$ 430,300.00
Sanitary Sewer Utility Funds	\$ <u>336,700.00</u>
Total	\$3,838,850.00

Construction is scheduled to begin July 5, 2023, with substantial completion by November 1, 2023.

While the lowest bid is above the engineer's estimate for construction, the total project costs are within the budget presented to the Council and it is recommended to award to the low bidder, Ryan Contracting. At the time of the meeting, the City had received a bid award concurrence letter from MNDOT but the contractor had not been cleared by the MnDOT Office of Civil Rights. This clearance is anticipated soon and so award of the contract per the attached resolution is contingent on receiving all necessary MnDOT approvals.

Motion by Ross, seconded by van Sluis to approve Resolution 2023-124 Accept Bids for 2023 Trunk Highway 3 Roundabout Project - Contract 2023-04 and carried unanimously.

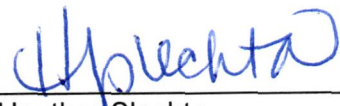
Boards and Commissions Reports, Announcements and Project Updates – None

Adjournment

Motion by Caron, seconded by Doumbouya to adjourn the meeting and carried unanimously.

The Council Meeting adjourned at 7:11 pm.

Respectfully Submitted,



Heather Slechta
City Clerk