



CITY COUNCIL MINUTES

COUNCIL CHAMBERS

TUESDAY, AUGUST 8, 2023

6:00 PM

Call to Order/Roll Call/Pledge of Allegiance

The 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, Parks and Recreation Director Paul Peanasky, City Engineer Mark DuChene, Community & Economic Development Director David Wanberg, Public Works Director Travis Block and Police Chief John Sherwin.

Presentations/Introductions – None

Approve minutes of the July 25, 2023 City Council Meeting

Motion by Ross, seconded by Doumbouya to approve minutes of the July 25, 2023 City Council Meeting and carried unanimously.

Consent Agenda

- A. List of Claims for Release
- B. Resolution 2023-143 Accept Donations to the City of Faribault
- C. Approve Use of North Alexander Park and City Trail for Spooktacular Walk/Run
- D. Approve Use of North Alexander Park for the Heart and Soul for Cole Color Run
- E. Resolution 2023-144 Approve Archery Deer Hunt at River Bend Nature Center
- F. Approve 2023 Drug and Alcohol-Free Workplace Policy
- G. Approve Pantheon Agreement
- H. Approve Application and Permit for a 1 Day to 4 Day Temporary On-Sale Liquor License
- I. Approve Petition and Waiver of Assessment for Water Service Repair at 1024 7th Avenue SW
- J. Accept Quote for Rotary Screen Parts at Water Reclamation Facility
- K. Resolution 2023-146 Approve Declaration of Used Police Taser X26's as Surplus Property
- L. Approve Quote for Maintenance to the Exterior of the Fire Station
- M. Resolution 2023-145 Approve Local Road Improvement Program Grant Agreement Grant Terms and Conditions SAP 125-116-007 - Contract 2023-03
- N. Resolution 2023-134 Authorize Execution of a Minor Subdivision Agreement with T Nelson Properties at 128 8th Avenue NW
- O. Resolution 2023-149 Authorize Execution of a Minor Subdivision Agreement with Division Street Storage LLC at 1101 Division Street W
- P. Approve Substitution of Equipment Purchase
- Q. Resolution 2023-150 Approve Hiring Receptionist
- R. Resolution 2023-151 Approve LG230 Application for Off-Site Gambling for Divine Mercy Catholic School
- S. Resolution 2023-152 Approve MnDOT Agreement 1052539 for TH 3 Roundabout Detour

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

Requests to be Heard – None

Public Hearings

Proposed Interim Ordinance Authorizing a Study and Moratorium on Cannabis Businesses

City Clerk Heather Slechta stated that on July 25, 2023, the City Council directed staff and the City Attorney to draft a moratorium on cannabis businesses. Cannabis businesses are businesses that deal

in products that are made from cannabis plants containing more than 0.3% THC – this does not include hemp products which are products made from cannabis plants containing 0.3% or less of THC. Per state statute the Council must hold a public hearing on the matter.

Motion by van Sluis, seconded by Thiele to open the public hearing and carried unanimously. The public hearing was opened at 6:02 p.m.

No comments from the public were received.

Motion by Spooner, seconded by Ross to close the public hearing and carried unanimously. The public hearing was closed at 6:03 p.m.

Motion by Spooner, seconded by Thiele to approve Ordinance 2023-20 An Interim Ordinance Authorizing a Study and Imposing a Moratorium on the Operation of Cannabis Businesses within the city of Faribault (First Reading)

Roll Call Vote:

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

Nay:

Motion carried 7:0

Proposed Amendments to Chapters 8 and 12 of the Faribault City Charter

City Administrator Tim Murray stated that the City's Charter Commission meets annually to discuss and review potential changes to the City Charter. From their meeting held in 2023, the Charter Commission recommended four amendments to the City Charter to the City Council for consideration. These recommendations were reviewed at the July 5, 2023 City Council Work Session, with the Council supportive of all four of the recommended changes—Ordinances 2023-16, 2023-17, 2023-18, and 2023-19 have been prepared to enact these changes.

Changes to the City's Charter are governed under Minnesota Statutes, Ch. 410.12. The changes are made via ordinance. Part of the process to consider adoption of the ordinances is the noticing and holding of a public hearing on the proposed changes, followed by two readings of the ordinances and a 7/7ths vote is required for passage of each. If approved, staff will publish the ordinances, with the changes taking effect 90 days afterwards.

Motion by Ross, seconded by van Sluis to open the public hearing and carried unanimously. The public hearing opened at 6:08 p.m.

No comments from the public were received.

Motion by Spooner, seconded by Doumbouya to close the public hearing and carried unanimously. The public hearing was closed at 6:09 p.m.

Motion by Ross, seconded by van Sluis to approve Ordinance 2023-16 Amending Section 12.02 – Oath of office. of the Faribault City Charter (First Reading)

Roll Call Vote:

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

Nay:

Motion carried 7:0

Motion by van Sluis, seconded by Caron to approve Ordinance 2023-17 Amending Section 12.04 – Sale of real property. of the Faribault City Charter (First Reading)

Roll Call Vote:

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

Nay:

Motion carried 7:0

Motion by Thiele, seconded by Ross to approve Ordinance 2023-18 Adding Section 12.09 – Fines and civil penalties. to the Faribault City Charter (First Reading)

Roll Call Vote:

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

Nay:

Motion carried 7:0

Motion by Ross, seconded by Caron to approve Ordinance 2023-19 Amending CHAPTER 8. - PUBLIC IMPROVEMENTS AND SPECIAL ASSESSMENTS of the Faribault City Charter (First Reading)

Roll Call Vote:

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

Nay:

Motion carried 7:0

Resolution 2023-147 Adopting Special Assessments for a Portion of Special Assessment Roll #S-F1107 Related to the 2017 Street Overlay and Sidewalk Improvements - Contract 2017-02

City Engineer Mark DuChene explained that Resolution 2023-131 adopted on July 11, 2023, declared the cost to be reassessed and set a special assessment hearing date of August 8, 2023 for the for the 2017 Street Overlay and Sidewalk Improvements project (Contract 2017-02). Notices of the hearing were sent to the benefited properties and published in the Daily News as required by law.

The City has received no written objections to the proposed assessments.

Resolution 2017-221, adopted on October 24, 2017, following a Public Hearing, accepted the final Assessment Roll #S-F1107 for the 2017 Street Overlay and Sidewalk Improvements project (Contract 2017-02). The assessment roll included assessments on two common lot parcels, parcel 18.06.4.30.001 in the amount of \$2,940.21 and common lot parcel 18.06.4.30.002 in the amount of \$3,554.04. These common lots were part of the Villas of Faribault townhome area, located along Albers Path and Willow Street. Since the assessments were levied and certified in 2017, no payments have been made on the assessments and the current balances on the assessments for common lot parcel 18.06.4.30.001 is in the amount of \$3,626.42 and common lot parcel 18.06.4.30.002 is in the amount of \$4,383.50.

Recently, these parcels have been placed into a tax-forfeiture state and are being purchased by the homeowner's association related to the common lots. During discussions with representatives of the homeowner's association, they have indicated that pursuant to Minnesota Statute 515B.1-105(b)(2), common elements in an Association are not subject to separate taxation or assessment and the representatives of the homeowner's association have requested that the unpaid balance of the special assessments for parcels 18.06.4.30.001 and 18.06.4.30.002, be reassessed as shown on the attached revised assessment roll.

Minnesota Statute 429.071, subd. 2, states that the City Council may determine based on advice of the City Attorney that the assessment or proposed assessment or any part thereof is or may be invalid for any reason, and the council may, upon notice and hearing as provided for the original assessment, make a reassessment or a new assessment as to such parcel or parcels. Based on this and the advice of the City Attorney, it is recommended that the Council make a reassessment for parcels 18.06.4.30.001 and 18.06.4.30.002 as shown on the attached revised assessment roll.

The cost of said improvements proposed to be reassessed to the benefiting properties for the 2017 Street Overlay and Sidewalk Improvements (Contract 2017-02) is \$8,009.76, which is the original total assessment amount for the two common lot properties plus interest through calendar year 2023. This total assessment amount is proposed to be split evenly across the 48 individual owner-occupied townhomes within the subdivision for a total assessment amount of \$166.87/parcel as indicated on the attached proposed assessment roll. It is proposed to levy the reassessments for 1 year at 7.0% which is based on the City's current assessment policy of setting the interest rate at the City's current bond rate plus 2%.

Motion by Caron, seconded by Doumbouya to open the public hearing and carried unanimously. The public hearing opened at 6:14 p.m.

No comments from the public were received.

Motion by van Sluis, seconded by Thiele to close the public hearing and carried unanimously. The public hearing closed at 6:15 p.m.

Motion by Caron, seconded by Ross to approve Resolution 2023-147 Adopting Special Assessments for a Portion of Special Assessment Roll #S-F1107 Related to the 2017 Street Overlay and Sidewalk Improvements - Contract 2017-02 and carried unanimously.

Items for Discussion

Ordinance 2023-15 Amending Chapter 14 of the Faribault City Code of Ordinances (Second Reading) and Approve Summary Publication

City Clerk Heather Slechta at their July 25, 2023 City Council meeting, the Council approved the first reading of Ordinance 2023-15 that would amend Chapter 14 of the City Code of Ordinances to allow licensed tobacco establishments to sell glass pipes, dug-outs, one-hitters, grinders, measuring scales and small bags. Since its first reading, Staff have not received any public comments and no changes have been made to the ordinance.

Motion by Ross, seconded by Doumbouya to approve Ordinance 2023-15 Amending Chapter 14 of the Faribault City Code of Ordinances (Second Reading)

Roll Call Vote:

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

Nay:

Motion carried 7:0

Motion by Caron, seconded by van Sluis to approve Summary Publication and carried unanimously.

Bids

Resolution 2023-148 Accept Bid for City Hall Improvements

Parks and Recreation Director Paul Peanasky informed the Council that on Thursday August 3, 2023, bids were received for City Hall Improvements. These improvements include making the restrooms on the first floor of City Hall ADA compliant as well as adding a wellness room, making City Council Chambers ADA compliant and renovating the conference room and an office on the third floor of City Hall. In the 2023 Capital Improvement Budget, \$590,000.00 was budgeted for these improvements. Six (6) bids were received, once bids were tabulated, Met-Con Construction and Brennan Construction of MN, Inc. both bid \$563,000.00.

Since there was a tie, Peanasky recommended that the Council table this item until the August 22, 2023 meeting. Staff are seeking guidance from the City Attorney on this matter as a tie has never occurred during Peanasky's tenure with the City.

Motion by Ross, seconded by van Sluis to table Resolution 2023-148 Accept Bid for City Hall Improvements and carried unanimously.

Boards and Commissions Reports, Announcements and Project Updates

Mayor Voracek informed the Council that on August 17, 2023 an open house to provide input on the Community Center will be taking place at Buckham West.

Councilor Caron stated that the Pet Parade is this week, Parks and Recreation Director Paul Peanasky stated that the Pet Parade is on Thursday at 6:00 p.m. The parade will end at Central Park, with line-up at 2nd Avenue. Ross asked if people need to register prior to the parade, Peanasky stated that they can register the day of. This year's theme for the parade is "time travel".

Adjournment

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

The City Council meeting adjourned at 6:22 pm.

Respectfully Submitted,



Heather Siechta
City Clerk