



CITY COUNCIL MINUTES

COUNCIL CHAMBERS

TUESDAY, AUGUST 22, 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, Fire Chief Dustin Dienst, Police Chief John Sherwin and City Attorney Scott Riggs.

Determination of Low Bidder for 2023 City Hall Improvements by Coin Flip

Mayor Voracek flipped a coin to determine which company would receive the contract for City Hall Improvements. Both Brennan Construction of MN, Inc. and Met-Con Construction, Inc. bid a total of \$563,000.00 for improvements to City Hall. Met-Con Construction, Inc. won the coin flip and will be awarded the contract with the approval of Resolution 2023-148.

Presentations/Introductions

Proclamation Declaring August 22, 2023 as Ian Matakis Day

Mayor Voracek proclaimed August 22, 2023 as Ian Matakis Day in Faribault. Mr. Matakis was crowned the 2023 World Series of Poker Player of the Year and will have a seat at the World Series of Pokers Main Event in 2024.

Introduction of Police Officer Jason Witt

Police Chief John Sherwin introduced and welcomed Jason Witt to the Faribault Police Department. Officer Witt's badge was pinned by his wife and children.

Approve minutes of the August 8, 2023 City Council Meeting

Motion by Ross, seconded by Doumbouya to approve the Minutes of the August 8, 2023 City Council Meeting and carried unanimously.

Consent Agenda

- A. List of Claims for Release
- B. Approve Non-Profit/Civic Organizations Agreements
- C. Approve Application for Display of Fireworks/Pyrotechnic Special Effects
- D. Approve LG240B Application to Conduct Excluded Bingo
- E. Approve Permanent Utility Easement and Temporary Construction Easement with Rice County for TH 3 Trunk Sanitary Sewer Replacement Project - Contract 2023-08
- F. Approve New Hangar Rental Agreement
- G. Approve 2023 CIP Purchase - Replacement of Variable Speed Frequency Drives
- H. Resolution 2023-156 Accept Rice County Public Health Grant
- I. Resolution 2023-157 Approve Board of Water & Soil Resources Grant Application

J. Resolution 2023-159 Support Community Action Center's Efforts to Establish Emergency Housing Infrastructure in Faribault

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

Motion by Ross, seconded by Thiele to approve Consent Agenda Item E. Approve Permanent Utility Easement and Temporary Construction Easement with Rice County for TH 3 Trunk Sanitary Sewer Replacement Project - Contract 2023-08 and carried 6:0 with Councilor van Sluis abstaining due to a conflict of interest.

Requests to be Heard - None

Public Hearings – None

Items for Discussion

Ordinance 2023-21 Approve Zoning Text Amendments Related to Limited Recycling Collection Centers in Commercial Districts (First Reading)

Community and Economic Development Director David Wanberg explained that Ryan Miryala, with Recyy Recycling LLC, requested a zoning text amendment to allow limited commercial collection of recyclable electronic devices in Commercial Districts. Recyy is an electronic device recycling, e-waste, collection center business planning to open a limited recycling collection center at 1001 Division St. W in the C-2, Highway Commercial District. Currently, zoning regulations permit recycling center uses in industrial districts, but they are not included in the list of permitted or conditional uses in commercial districts. Staff prepared a draft ordinance that includes a definition of a Recycling Facility, currently permitted in industrial districts, and Limited Recycling Collection Centers. Staff also prepared draft Development Standards for Limited Recycling Collection Centers in the C-2 and C-3 districts.

The Planning Commission held a public hearing on August 7, 2023, regarding the draft ordinance. No one from the public attended the hearing nor submitted comments. The Planning Commission unanimously voted to approve the written findings in the proposed ordinance and recommend City Council approval. If the City Council approves the first reading of the ordinance, an associated conditional use permit request for the proposed Recyy limited recycling collection center at 1001 Division Street West will be presented with the second reading.

Mayor Voracek and Councilor Spooner were both in support of this ordinance change.

Motion by Ross, seconded by van Sluis to approve Ordinance 2023-21 Approve Zoning Text Amendments Related to Limited Recycling Collection Centers in Commercial Districts (First Reading)

Roll Call Vote:

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

Nay:

Motion carried 7:0

Ordinance 2023-20 An Interim Ordinance Authorizing a Study and Imposing a Moratorium on the Operation of Cannabis Businesses within the city of Faribault (Second Reading) and Approve Summary Publication

City Clerk Heather Slechta explained that On August 8, 2023, the City Council held a public

hearing to receive comments regarding imposing a moratorium and authorizing a study on the operation of cannabis businesses within the City of Faribault. No comments were received at the time of the public hearing and no comments have been received by staff since that time. There have been no changes to the ordinance since its first reading.

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

Roll Call Vote:

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

Nay:

Motion carried 7:0

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

Resolution 2023-154 Approve Plans and Specifications and Establish Bid Date for 2023 Hydrant and Valve Replacement - Contract 2023-14

City Engineer Mark DuChene explained that the approved 2023 budget includes funds for the replacement of aging hydrants and gate valves that are reaching the end of their useful life and need replacing prior to future street reconstruction projects. Resolution 2023-154 approves the plans and specs and sets a bid date of September 7, 2023. Funding for the project will be paid from the Water Utility Fund and is estimated at \$120,000.

Motion by Thiele, seconded by Ross to approve Resolution 2023-154 Approve Plans and Specifications and Establish Bid Date for 2023 Hydrant and Valve Replacement - Contract 2023-14 and carried unanimously.

Resolution 2023-155 Approve Plans and Specifications and Establish Bid Date for 2023 Demolition of 422 Park Avenue - Contract 2023-15

City Engineer Mark DuChene explained that Resolution 2023-098, approved by the City Council on May 9, 2023, authorized the purchase of 422 Park Avenue (the "Property") and approved a budget amendment for the purchase and demolition of the structures on said Property. The reason for the purchase of the Property is to facilitate a future intersection realignment project to move the intersection of Grant Street and Park Avenue further to the north from TH 60. The City closed on the purchase of the Property on August 10, 2023, and is now ready to issue a request for bids for the demolition of the Property. Resolution 2023-155 approves the plans and specs and sets a bid date of September 7, 2023. Funding for the demolition project will be paid from the Street Improvement Fund and is estimated at \$30,000.

Motion by Doumbouya, seconded by Ross to approve Resolution 2023-155 Approve Plans and Specifications and Establish Bid Date for 2023 Demolition of 422 Park Avenue - Contract 2023-15 and carried unanimously.

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

City Administrator Tim Murray explained that the Charter Commission recommended four (4) 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 were

then prepared to enact these changes.

Changes to the City's Charter are governed under Minnesota Statutes and are made via ordinance. In accordance with the requirements, a Public Hearing was held at the August 8, 2023 City Council meeting, there were no public comments received during the hearing, and following the hearing, all four ordinances were approved on first reading. Once the ordinances have had their second reading and been approved the ordinances will be published in their entirety, with the changes taking effect 90 days afterwards.

There have been no changes made nor any comments received on these ordinances since the public hearing and first reading at the August 8 City Council meeting.

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

Roll Call Vote:

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

Nay:

Motion carried 7:0

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

Roll Call Vote:

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

Nay:

Motion carried 7:0

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

Roll Call Vote:

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

Nay:

Motion carried 7:0

Motion by Thiele, seconded by Ross to approve Ordinance 2023-19 Amending CHAPTER 8. - PUBLIC IMPROVEMENTS AND SPECIAL ASSESSMENTS of the Faribault City Charter (Second 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 2023-148 Accept Bid for City Hall Improvements

Parks and Recreation Director Paul Peanasky stated 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 and tabulated as follows:

Brennan Construction of MN, Inc.	\$563,000
Met-Con Construction, Inc.	563,000
Professional Contractors (Procon)	576,621
Versacon, Inc.	610,500
Ebert Construction	620,300
APX Construction Group	817,000

The low bid was a tie between Brennan Construction of MN, Inc. and Met-Con Construction, Inc. at \$563,000 with Met-Con Construction, Inc. winning the coin flip at the start of the meeting.

Councilor Ross requested that the cost of the project be lowered if possible.

Motion by Caron, seconded by Doumbouya to approve Resolution 2023-148 Accept Bid for City Hall Improvements and carried unanimously.

Boards and Commissions Reports, Announcements and Project Updates

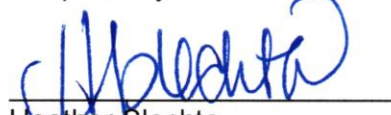
The Monthly Financial Report was provided prior to the City Council meeting as part of the meeting materials. Councilor Spooner announced that that the River Bend Ramble will be on Friday night and that he will not be attending the September 5, 2023 City Council Work Session. Mayor Voracek stated that there is a joint meeting on Thursday that is being hosted by the Chamber. City Administrator Murray reminded the Council of the Work Session following this meeting tonight and that there is no meeting next Tuesday as it is the fifth Tuesday.

Adjournment

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

The meeting adjourned at 6:27 pm.

Respectfully Submitted,



Heather Slechta
City Clerk