



CITY COUNCIL MINUTES

BUCKHAM WEST
19 W DIVISION STREET

TUESDAY, APRIL 9, 2024

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 pm. Councilors in attendance included Sara Caron, Royal Ross, Peter van Sluis, Tom Spooner and Chuck Thiele. Councilor Adama Doumbouya was absent. Also in attendance was City Administrator Jessica Kinser, City Clerk Heather Slechta, Police Chief John Sherwin, City Engineer Mark DuChene, Community and Economic Development Director David Wanberg, Public Works Director Travis Block, Library Services Director Delane James, Parks and Recreation Director Paul Peanasky and Communications Manager Brad Phenow.

Approve Agenda

Motion by Ross, seconded by Thiele to approve the agenda as presented and carried unanimously.

Presentations/Introductions – None

Approve minutes of the March 26, 2024 City Council Meeting

Motion by van Sluis, seconded by Caron to approve minutes of the March 26, 2024, City Council Meeting and carried unanimously.

Requests to be Heard – None

Consent Agenda

- A. List of Claims to be Released
- B. Approve Quote for the Library's East and South Entry Doors Replacement
- C. Approve Use of North Alexander Park by Rice County Historical Society
- D. Approve Use of Central Park for Light of Hope Celebration Event
- E. Accept Quote for Platform Lift at Water Treatment Plant
- F. Approve Agreement to Participate in the SELCO Integrated Library System
- G. Accept Quote for Sanitary Sewer Structure Rehabilitation
- H. Accept Quote for Service Truck Box
- I. Approve LG240B Application to Conduct Excluded Bingo
- J. Approve Application and Permit for a 1 Day to 4 Day Temporary On-Sale Liquor License and Indemnification Agreement with Faribault Community Festivals

- K. Resolution 2024-069 Accept Donations to the Parks and Recreation Department
- L. Resolution 2024-070 Establish the City of Faribault Authorized Community Festivals within the City and Provide for the Terms and Conditions for Alcohol Service and Consumption at Community Festivals
- M. Resolution 2024-071 Approve Street Closures for Downtown Car Cruise Nights
- N. Resolution 2024-072 Approve Appointment of Board and Commission Members
- O. Resolution 2024-073 Approve Use of Teepee Tonka Park for Blue Collar BBQ Festival
- P. Resolution 2024-074 Accept Minnesota Office of Justice Programs Intensive Comprehensive Peace Officer Education and Training (ICPOET) Grant Award
- Q. Resolution 2024-075 Minnesota Trail Assistance Grant - Authorizing Sponsorship of Trails Operated by River Bend Nature Center
- R. Approve LG220 Application for Exempt Permit
- S. Resolution 2024-079 Approve Hiring Receptionist
- T. Approve Biosolids Hauling and Application Agreement Extension

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

Public Hearings – None

Items for Discussion

Ordinance 2024-4 Approve a Zoning Map Amendment for 15 3rd Ave SW (First Reading)
Community and Economic Development Director David Wanberg stated that Corey Newby of Urban Flea Market requested amending the Zoning Map for 15 3rd Ave SW. Mr. Newby proposed changing the Property's zoning district from P-I, Public-Institutional, to C-2, Highway Commercial.

The Planning Commission held a public hearing on March 18, 2024, to consider his request. There was one member of the public voiced support for the intended use of the Property and their positive interactions with the business in New Prague. No one from the public expressed concerns about the requests.

The DRC and City Planner recommended that the City zone the Property as C-1, Neighborhood Commercial, not C-2, Highway Commercial, as requested. The Planning Commission agreed with the DRC and voted unanimously to deny the Applicant's request for C-2, Highway Commercial, and recommended that the City Council consider C-1, Neighborhood Commercial instead.

At the March 26, 2024, City Council meeting, the City Council found in favor of Mr. Newby's request and directed staff to draft a new ordinance recommending in favor of the request for C-2, Highway Commercial.

Councilor Spooner was against changing the zoning to C-2, he felt there were other options that would work, this is a residential area. He supported a C-1 rezoning, he liked

that this is a reuse of the building. Councilor van Sluis asked if zoned to C-2, could be rezoned to C-1, Wanberg stated that the City would have some discretion to do that. Councilor Ross asked if the City could forcible change it back to C-1, Wanberg stated that they could. Ross also asked if it was expensive to parcel off the lots, Wanberg stated that it was, it could cost \$10,000 plus to do that. He also asked if the Council could give a conditional use permit to the property, Wanberg stated that they could. Councilor van Sluis supported C-2 because it allows for antiques, he asked if there is a way to amend the ordinance for just this property, Wanberg stated that they could create a new district for adapted reuse of properties. Mayor Voracek asked if the C-1 and C-2 were the national standards, Wanberg stated that they were very close. Spooner asked if staff could bring back language to included more items from C-2 to C-1. Councilor Thiele asked if there would be time to amend C-1.

Mr. Newby addressed the Council in regards to their concerns. He stated that he has to follow other parts of the City Code, so it would prevent him from doing things allowed in C-2. He also explained that there is an agreement in place with the Arch Diocese that also prevents him from doing a number of business activities, such as adult use, tobacco sales, alcohol sales, it must be open to all, not a specific audience, it can not be a school or a hospital. He stated that he would not have outdoor storage. He plans to keep the property and not sell it. He informed the Council that there is millions of dollars in repairs that must be done. Thiele asked when he wanted to be open, he stated that he would like to open in the church.

Councilor Caron was in support of C-2, she stated that he did his due diligence, he is not asking for funding and he deserved the Council support.

Motion by Caron, seconded by van Sluis to approve Ordinance 2024-4 Approve a Zoning Map Amendment for 15 3rd Ave SW (First Reading)

Roll Call Vote:

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

Nay: Councilor Ross and Councilor Spooner

Motion carried 4:2 with Councilor Ross and Spooner voting Nay.

Ordinance 2024-7 Approve a Zoning Map Amendment for Certain Properties on the N Side of 14th Street NW between 3rd Avenue NW and Lake Faribault (Second Reading) and Summary Publication of Ordinance 2024-7

Community and Economic Development Director David Wanberg explained that the City Council approved the first reading of Ordinance 2024-7 at its March 26, 2024, meeting. Per the City's adopted Land Use Plan, the ordinance rezones the north side of 14th Street NW from 3rd Avenue NW to Lake Faribault, from I-2, Heavy Industrial District, to R-2, Low-Density Residential District, per the City's adopted Land Use Plan. City Staff received no comments nor made any substantive changes to the ordinance since its first reading. Wanberg also requested that the Council approve the Summary Publication.

Motion by Ross, seconded by Ross, seconded by van Sluis to approve Ordinance 2024-7 Approve a Zoning Map Amendment for Certain Properties on the N Side of 14th Street NW between 3rd Avenue NW and Lake Faribault (Second Reading)

Roll Call Vote:

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

Nay:

Motion carried 6:0

Motion by Spooner, seconded by Ross to approve Summary Publication of Ordinance 2024-7 and carried unanimously.

Resolution 2024-077 Approve Plans and Specifications and Establish Bid Date for Airtech 2 Street, Utility and Stormwater Improvements, Contract 2022-07

City Engineer Mark DuChene explained that Resolution 2024-077 approves the construction plans and specifications for the proposed Airtech 2 Street, Utility and Stormwater Improvements project - Contract 2022-07, including removals, watermain extension, sanitary sewer extension, lot services, storm sewer construction, grading, aggregate base, bituminous paving, turf restoration, regional stormwater basin construction and related improvements. Airtech Court from Airtech Drive to the Steele Waseca Substation is the street that is proposed to be included in the project.

The improvements were formally ordered by the City Council on September 26, 2023, upon the passage of Resolution 2023-184, following a Public Hearing. After the improvements were ordered, the Engineering Department finalized the plans and specifications in preparation of bidding for the improvements. The preliminary total estimated cost of the improvements, including a 10% contingency and 15% engineering, is \$1,400,000.00.

Proposed funding for the project is as follows:

Special Assessments	\$1,067,300.00	76.2%
Storm Water Utility Fund (603)	\$ 332,700.00	23.8%

DuChene stated that as detailed in the feasibility report, the improvements are proposed to be specially assessed per the City policy and cost share splits detailed in a previous City memo from 2002/2003. Since this is a non-petitioned project proposing to levy special assessments against benefiting properties, a minimum 6/7ths vote of the City Council is required to advance the improvements.

The resolution also establishes a bid date of May 8, 2024 for the project. Construction is scheduled to begin in June, with substantial completion by the end of August 2024.

Mayor Voracek asked about the curbing proposed and how Steele/Waseca Electric would access the area with their vehicles, Duchene stated that it is a stand-up curb, and that

they will work with Steele/Waseca.

Ordinance 2024-8 Amending Chapter 19 - PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS (First Reading)

City Clerk Heather Slechta explained that at the April 2, 2024, Council Work Session, the City Council discussed a request to allow for Mobile Food Units to operate for more than 21 days annually at any one location. Staff felt that adding language to the ordinance to define this type of operation as a seasonal temporary food stand would differentiate this type of business from the typical mobile food unit. At that meeting the City Council directed staff to update the current ordinance for further discussion at the April 9, 2024, City Council meeting. Slechta informed the Council that in Sec. 19-10 (b) (2) Duration of operations, she added language that would require temporary seasonal food stands to receive Council approval prior to operating in the City of Faribault.

The Council expressed their concerns regarding Mobile Food Units not paying taxes like the brick and mortar businesses. They also had concerns regarding where they are located with regards to other food establishments.

Motion by Spooner, seconded by Chuck to deny Ordinance 2024-8 Amending Chapter 19 - PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS

Roll Call Vote:

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

Nay:

Motion carried 6:0

Resolution 2024-078 Approve Plans and Specifications for the MnDOT Cooperative Construction Project 8826-259 Signal Improvement - Contract 2024-04

City Engineer Mark DuChene stated that resolution 2024-078 approves the construction plans and specifications for the proposed MnDOT Cooperative Construction Project 8826-259 Signal Improvement, Contract 2024-04. This cooperative construction project includes the replacement of the existing traffic signal systems at TH 60 & Western Avenue, TH 60 and 3rd Street NE and TH 21 & 7th Street NW with modern traffic signal systems which will include emergency vehicle preemption, dedicated left turn movements and other geometric and utility improvements. This construction project is being led by MNDOT and also includes similar signal replacement work at two intersections in the City of Albert Lea.

Funding for the project is split between the cities of Faribault and Albert Lea, Rice County and MNDOT based on MNDOT's Cooperative Construction Cost Participation policy and the number of legs of each intersection that each party has. The City of Faribault's estimated share of total project costs is \$1,100,000 and will be paid from the City's municipal state aid account.

The resolution approves the construction plans which authorizes the City Engineer to sign said plans so that MNDOT can seek final federal authorization of the plans in order to

allow the feds to release a bid date. The resolution states that the City is only approving the plans contingent on the execution of a separate cooperative construction agreement which will be brought before the council at a later date. MNDOT cannot award a contract until all cooperative construction agreements are fully executed.

Councilor Spooner was not in favor of having a 3-lane road from the Viaduct to 4th. He felt that it would create problems. Councilor van Sluis asked if the dedicated left turn at 7th would have a green arrow, Mayor Voracek asked if it was going to phase yellow, DuChene stated that MNDOT has a policy for arrows.

Motion by Ross, seconded by Thiele to approve Resolution 2024-078 Approve Plans and Specifications for the MnDOT Cooperative Construction Project 8826-259 Signal Improvement - Contract 2024-04 and carried unanimously.

Bids

Resolution 2024-076 Accept Bids for 2024 Miscellaneous Concrete (City Wide) - Contract 2024-01

City Engineer Mark DuChene stated that they received bids for Contract 2024-01, 2024 Miscellaneous Concrete Work (City Wide) on Wednesday, April 3, 2024.

The bids received were tabulated as follows:

Healy Construction	\$87,512.50
Legends Concrete	\$90,242.50

Financing for the project comes from the Street Improvement Projects Fund. The amount of work actually completed under this contract varies widely from year to year. The Street Improvement Projects Fund is then reimbursed from various other City funds based on the specific work performed.

Minor work in the public right-of-way is also done at the request of private parties via petition and waiver agreements for assessment of the work back to the private party.

Motion by Thiele, seconded by van Sluis to approve Resolution 2024-076 Accept Bids for 2024 Miscellaneous Concrete (City Wide) - Contract 2024-01 and carried unanimously.

Boards and Commissions Reports, Announcements and Project Updates

City Administrator Jessica Kinser informed the Council that she would be out of the office on Friday and that Donna Braun's retirement party would be from 1:30-3:00 pm on Friday at the Public Works Building. Kinser also requested that the Council let Heather Slechta know if they will be attending the League of Minnesota Cities Conference in June. Mayor Voracek stated that the Mayor's Reception would be at Central Park on Thursday evening of Heritage Days. He requested that Slechta sign the Council up for the parade.

Adjournment

Motion by Ross, seconded by Thiele to adjourn the City Council meeting and carried

unanimously.

The City Council meeting was adjourned at 7:16 pm.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "H. Slechta", is written over a horizontal line.

Heather Slechta
City Clerk