



CITY COUNCIL MINUTES

BUCKHAM WEST
19 DIVISION ST. W

TUESDAY, MARCH 26, 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 Tim Murray, City Clerk Heather Slechta, Police Chief John Sherwin, City Engineer Mark DuChene, Community and Economic Development Director David Wanberg, Public Works Director Travis Block, Human Resources Director Kevin Bushard and City Attorney Scott Riggs.

Approve Agenda

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

Presentations/Introductions – None

Approve minutes of the March 12, 2024 City Council Meeting

Motion by Caron, seconded by Thiele to approve the minutes of the March 12, 2024 City Council Meeting and carried unanimously.

Requests to be Heard - None

Consent Agenda

- A. List of Claims to be Released
- B. Resolution 2024-058 Approve Procedure for Counting Write-In Votes for Local Elective Office
- C. Approve Applications and Permits for 1 Day to 4 Day Temporary On-Sale Liquor Licenses for the Faribault American Legion Post 43
- D. Resolution 2024-065 Authorize Execution of an Encroachment Agreement with Ronald F. Carlsen related to the Ronald F. Carlsen Addition
- E. Approve Petition and Waiver of Assessment for Water Service Repair at 830 30th St. NW
- F. Resolution 2024-066 Approve Designation of Authorized Signers, Official Depository and Broker/Dealers for City of Faribault
- G. Approve Easement Agreement for Retaining Wall at 21 & 29 1st Street NW

- H. Resolution 2024-067 Declare Firefighter Turnout Gear as Surplus and Authorize Donation to Riverland College
- I. Resolution 2024-068 Authorize Fire Department to Apply for the Staffing for Adequate Fire and Emergency Response (SAFER) Grant

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

Public Hearings

Resolution 2024-059 Order Improvements and Order Preparation of Plans and Specifications for 2024 Westwood Drive Reconstruction Improvements - City Contract 2024- 03

City Engineer Mark DuChene stated that the attached resolution orders the improvements for the proposed 2024 Westwood Drive Reconstruction Improvements - Contract 2024-03 project including removals, watermain replacement, sanitary sewer replacement, lot services, storm sewer construction, grading, aggregate base, sidewalk construction, bituminous paving, turf restoration and related improvements.

The streets proposed to be included in this project are as follows:

Westwood Drive (Highland Place to 8th Street SW)
8th Street SW* (Westwood Drive to Prairie Avenue)

*Sidewalk construction only.

Duchene stated that the purpose of the hearing was to take public comment as part of the consideration by the Council in ordering the improvements. If the project is ordered, plans and specifications will be finalized and brought back to the Council for approval, along with the request for authorization to advertise for public bids.

Duchene informed the Council that, for this project, both a virtual neighborhood meeting and an in-person neighborhood meeting were held and people were encouraged to contact the City Engineer directly with any questions after viewing the virtual open house. Comments received through either the virtual meeting (via phone call or email) or the in-person meeting are summarized as follows:

- Questions about the need for a new sidewalk, especially if a majority of the neighborhood doesn't want it. How does the sidewalk affect driveway parking and tree impacts (removal and replacement)? Who maintains it?
- Questions about drainage design and storm sewer improvements
- Questions about utility and public service replacement
- Questions about addressing speeds along road and accident history
- Questions about private improvements as part of the project, i.e. driveway widening.
- Questions about additional street lighting.

Duchene explained that with the drainage and utility improvements, all public utilities

within the public right-of-way in the project corridor will be replaced with materials meeting the current design standards. A review of available crash data revealed only one crash in the prior 10 years on Westwood Drive, and it was the result of a vehicle striking a parked vehicle and staff is unaware of any history of documented speeding complaints.

The question about additional street lighting is addressed in the City's Community Management Plan. For residential streets, streetlights are placed at all street intersections and road termini. In the event the distance between intersections and/or termini, typically 440 feet, exceeds 600 feet, placement of a streetlight shall occur along a property line approximately midway. Otherwise, midblock streetlights shall not be provided. A review of the existing streetlight placement shows that the current streetlight spacing meets the standard.

As detailed in the project feasibility report, the inclusion of a new sidewalk on Westwood Drive and 8th Street SW was identified in the City's updated Sidewalk and Trail Improvement plan adopted in 2021. The feasibility report for the project identified a number of options for the Council to consider in determining a street and sidewalk design for the project. A summary of those options are as follows:

Option	Street Width	Distance from Sidewalk to Curb	Distance from Sidewalk to Property Line	Notes
1	36-ft	9-ft	1-ft	Street Width Matches Existing with Standard Sidewalk Placement
2	32-ft	11-ft	1-ft	Narrower Street Width with Standard Sidewalk Placement
3	36-ft	5-ft	5-ft	Street Width Matches Existing, Saves Majority of Trees
4	32-ft	5-ft	7-ft	Narrower Street Width, Saves Majority of Trees
5	36-ft	NA	NA	Street Width Matches Existing with No Sidewalk
6	32-ft	NA	NA	Narrower Street with No Sidewalk

The preliminary total estimated cost of the improvements, including 10% contingency and 15% engineering, is \$2,305,145.00. DuChene noted that the costs are based on Option 1, under which the street width matches existing with standard sidewalk placement. Proposed funding for the project will be as follows:

Street Improvement Fund (401)	\$ 1,196,065.00
Water Utility Fund (601)	\$ 388,110.00

Sanitary Sewer Utility Fund (602)	\$ 283,715.00
Storm Water Utility Fund (603)	\$ 437,255.00
Total	\$ 2,305,145.00

DuChene stated that as detailed in the feasibility report, there are no special assessments proposed as part of this project as revenues for the street improvement fund are designated to come from the franchise fee increases. As such, a simple majority vote of the City Council is required to advance the improvements. It is tentatively planned to receive bids on this project in May 2024, with construction to begin in June 2024, and be substantially completed by the end of September 2024.

Mayor Voracek asked what the cost difference will be going to a 32' street and if the utilities were behind the houses. DuChene stated that there would be a savings, and some of the utilities could be behind homes.

Motion by van Sluis, seconded by Ross to open the public hearing and carried unanimously. The public hearing was opened at 6:15 pm.

Brian (1044 Westwood Drive) and Kelly (1057 Westwood Drive) spoke to the Council on behalf of the neighborhood. A survey of 41 homes in the neighborhood resulted in 38 not wanting sidewalks. The neighbors were concerned over who is responsible for any accidents that could occur in front of their homes. They felt that this is not a street people walk on and there would be no benefit to having sidewalks installed. The neighborhood also had concerns about drainage issues. Mark (908 Westwood Drive) had concerns over the height of trees that would be planted, that they would block the house numbers from the street, he also questioned what type of trees would be planted to replace those removed. Ted (1056 Westwood) asked what the cost of the project would be without the installation of sidewalks, DuChene did not have that number at the meeting. Melanie (1060 Westwood) stated that the neighborhood does not want the sidewalks and appreciated the Council's time. A member of the neighborhood asked what the upside of sidewalks are, Mayor Voracek explained that it makes our City more walkable and safer. It is a requirement in most new developments. Bill (850 Westwood) asked who gets to vote on the sidewalks. Mayor Voracek stated that the Council makes the decision.

Motion by Ross, seconded by Spooner to close the public hearing and carried unanimously. The public hearing was closed at 6:36 pm.

Councilor Spooner stated that hopefully this project will fix the drainage issues and that he was in favor of saving many of the trees and that the costs of those being removed and planted are being done at the cost of the City. He also stated that the demographics of the neighborhood will change, and that decisions are made for the future. Councilor Ross stated that no one wants sidewalks in their neighborhood, he asked if people could just walk on the grass if sidewalks were not installed, City Administrator Tim Murray stated that it's public right-of-way, but he doubted that anyone would walk on it. Ross stated that he was on the fence about approving the sidewalks. Councilor Caron stated that she was grateful the residents attended the meeting. She also stated that sidewalks are a

necessity for a walkable community. Councilor van Sluis stated that he felt for the residents, however, demographics change over time, and he sees their concerns. Councilor Thiele lives near this area and walks this street a lot and sees others walking on the street as well. He also stated that he sees people driving fast on the road. He was in favor of a 32' street and thought that if there were sidewalks more people may walk in that area. Mayor Voracek stated that no one wants sidewalks until you walk them and that he represents those that vote for him and he is looking out for the future, he supported not installing sidewalks on Westwood Drive.

Motion by Spooner to approve Resolution 2024-059 Order Improvements and Order Preparation of Plans and Specifications for 2024 Westwood Drive Reconstruction Improvements - City Contract 2024- 03 using Option 3 and carried 4:2 with Ross and Mayor Voracek voting Nay.

Items for Discussion

Applications by Corey Newby for a Comprehensive Plan Amendment to Re-guide Property for Commercial Use and Rezone to C-2, Highway Commercial District at 15 3rd Avenue SW

Community and Economic Development Director David Wanberg stated that Corey Newby of Urban Flea Market requested amending the Comprehensive Plan Land Use Map and Zoning Map for 15 3rd Ave SW. Mr. Newby proposed changing the property's future land use designation from Institutional to Commercial, and the zoning district from P-I, Public-Institutional, to C-2, Highway Commercial.

Earlier this year, the Mr. Newby purchased the property from The Catholic Church of Divine Mercy of Faribault with the intent of operating a mostly online auction business with a retail storefront in the existing elementary school building on the Property. He shared his proposal at two Planning Commission work sessions in December and one City Council work session in January.

The Planning Commission held a public hearing on March 18, 2024, to consider the requests. Aside from the Mr. Newby, one member of the public voiced support for the intended use of the property and their positive interactions with Mr. Newby's business in New Prague. No one from the public expressed concerns about the Applicant's requests.

Although the City's Development Review Committee (DRC) recommended that the City guide the Property for Commercial/Residential Mixed-Use, the Planning Commission voted 3-1 in favor of Mr. Newby's request to guide the land for strictly Commercial use. The dissenting vote favored the DRC's recommendation for Commercial/Residential Mixed-Use based on flexibility between commercial and residential and to better fit the mostly residential context around the property. The DRC recommended that the City zone the property as C-1, Neighborhood Commercial, not C-2, Highway Commercial, as the was requested by Mr. Newby. 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.

Councilor Ross asked what C-2 has that is not in C-1, Wanberg stated that it allows for more options as C-1 is more restrictive. Councilor Spooner asked if Mr. Newby could apply for a CUP in the future, Wanberg stated that is an option as long as it is listed. Mayor Voracek felt that C-2 is acceptable, Councilor Caron questioned why we would restrict business.

Mr. Newby stated that by zoning to C-2 he will have more options, such as selling antiques and collectables, which is a large part of his business. He also likes to build pieces, which is not allowed in C-1. Councilor Spooner asked why this was not taken care of prior to buying the property, Mr. Newby explained that it was because he wanted the property and did not want to have it sell to another person. Councilor Thiele stated that C-2 allows for outdoor sales, such as RV's and boats, and questioned if that would happen on that site, Wanberg stated that it is allowed, however, that type of business needs to meet certain criteria. Councilor van Sluis supported a change in zoning to C-2.

Motion by Caron, seconded by Ross to approve Resolution 2024-062 Approve a Comprehensive Plan Amendment for a Change of Land Use Map Designation at 15 3rd Ave SW and carried unanimously.

Motion by Ross, seconded by Caron to continue discussion of Ordinance 2024-4 Approve a Zoning Map Amendment for 15 3rd Ave SW (First Reading) to the next Council meeting and direct staff to bring back a revised ordinance supporting C-2 and carried 5:1 with Councilor Spooner voting Nay.

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

Community and Economic Development Director stated that the City Staff are requesting to rezone 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, to comply with the Comprehensive Land Use Plan for the area. An owner of one lot in the proposed rezoning seeks to build an addition to their home and cannot expand the home under the industrial zoning.

The existing land uses in the rezoning area are single-family homes or vacant residential-sized lots. Surrounding uses near this site include similar single-family homes on 14th Street NW, zoned R-2, and the Faribault Mill property to the northeast, zoned I-2, Heavy Industrial. Faribault Mill owns several lots in the proposed rezoning area and stated no objections to the zoning map amendment. The rezoning may allow future workforce housing to be constructed and managed by Faribault Mill.

The rezoning meets all criteria for a zoning map amendment. The City's Development Review Committee (DRC) recommended approval of the rezoning request at its March 5, 2024, meeting. The Planning Commission reviewed the request and held a public hearing during a regular meeting on March 18, 2024. No members of the public made comments during the public hearing, and the Planning Commission voted unanimously in favor of the proposal.

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

Roll Call Vote:

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

Nay:

Motion carried 6:0

Bids

Resolution 2024-060 Accept Bids for 2024 Street Overlay and Sidewalk Improvements - Contract 2024-02

City Engineer Mark DuChene stated that on Wednesday, March 20, 2024, bids were received for the 2024 Street Overlay & Sidewalk Improvements project - Contract 2024-02, including curb and gutter replacement, concrete sidewalk construction/replacement, storm sewer repairs, casting adjustment/replacement, pavement milling, bituminous paving, pavement markings, and related improvements.

The streets proposed to be included in this project are as follows:

Colonial Circle	(6th Street SW to South End)
Conliffe Avenue	(5th Street SW to South End)
6th Street SW	(Faribault Road to Conliffe Avenue)
Hulett Avenue*	(TH 60/4th Street NW to 7th Street NW)
Franklin Avenue	(7th Street NW to North End)
George L. Street	(Lincoln Avenue NW to Hulett Avenue)
Lincoln Avenue	(7th Street NW to North End)
8th Street NW	(Lincoln Avenue NW to East End)
Prairie Avenue	(17th Street SW to 21st Street SW)
21st Street SW	(Prairie Avenue to 9th Avenue SW)
Cornelia Court	(Legacy Drive to End)
Poehler Court	(Legacy Drive to End)
Goldenray Drive	(Legacy Drive to Ivy Way)
Goldenray Circle	(Goldenray Drive to End)
Legacy Drive	(14th Street NE to End)

* Includes new sidewalk.

Also included in the bid package were improvements to the frontage road on the east side of Lyndale Avenue (TH 21) adjacent to Furlong Motors and improvements to the driveway and area around the new northwest water tower. The improvements adjacent to Furlong Motors will be paid via special assessments levied against the property via a consent assessment agreement and the improvements at the water tower will be funded from the water utility fund and were accounted for in the total project costs for the water tower.

The bids were tabulated as follows:

Crane Creek Asphalt, Faribault, MN	\$1,191,196.82
Bituminous Materials LLC., Faribault, MN	\$1,212,812.67
BCM Construction, Inc., Faribault, MN	\$1,373,714.00
Engineer's Estimate	\$1,343,500.20

Based on the low bidder's prices, the estimated funding for the project including contingencies and engineering fees will be as follows:

Street Improvement Fund (401)	\$ 1,147,945.00
Water Utility Fund (601)	\$ 15,385.00
Sewer Utility Fund (602)	\$ 99,380.00
Storm Water Utility Fund (603)	\$ 138,905.00
Special Assessments	\$ 36,755.00
Total	\$ 1,438,370.00

DuChene recommended to award to the low bidder, Crane Creek Asphalt. Construction on the project is scheduled to begin in June and be substantially completed by the end of August, 2024.

Councilor van Sluis question why there would be a special assessment for the frontage road, DuChene explained that the frontage road is not owned by the City.

Motion by van Sluis, seconded by Caron to approve Resolution 2024-060 Accept Bids for 2024 Street Overlay and Sidewalk Improvements - Contract 2024-02 and carried unanimously.

Resolution 2024-061 Accept Bids for 2024 Miscellaneous Trail Improvements - Contract 2023-10

City Engineer Mark DuChene stated that on Wednesday, March 20, 2024, bids were received for the 2024 Miscellaneous Trail Improvements Project - Contract 2023-10 including grading, paving, fencing and other related improvements on four trail segments and the construction of a new public parking lot on the south side of the Viaduct Bridge in the Riverchase subdivision.

The bids were tabulated as follows:

Crane Creek Asphalt, Faribault, MN	\$ 449,971.60
Steve James Excavating, Inc, Owatonna, MN	\$ 528,523.65
Bituminous Materials LLC., Faribault, MN	\$ 574,651.53
BCM Construction, Inc., Faribault, MN	\$ 628,454.00
Engineer's Estimate	\$ 645,034.00

Based on the low bidder's prices, the estimated funding for the project including contingencies and engineering fees will be:

Street Improvement Fund (401)	\$ 292,230.00
Park Improvement Fund (404)	\$ 225,335.00
Storm Water Utility Fund (603)	\$ 25,775.00
Total	\$ 543,340.00

DuChene recommended to award to the low bidder, Crane Creek Asphalt. Construction on the project is scheduled to begin in June and be substantially completed by the end of July 2024.

Motion by Caron, seconded by van Sluis to approve Resolution 2024-061 Accept Bids for 2024 Miscellaneous Trail Improvements - Contract 2023-10 and carried unanimously.

Boards and Commissions Reports, Announcements and Project Updates

The Monthly Financial Report was provided to the Council as part of the Council meeting packet.

Councilor Chuck Thiele thanked City Administrator Tim Murray for his service over the years. Mayor Voracek stated that Murray put the City back together and provided stability. City Administrator Tim Murray stated that he appreciated the support over the years, and he enjoyed every minute of it, and it was a real pleasure. He also asked the Council to continue to support and listen to the staff.

Adjournment

Motion by Ross, seconded by van Sluis to adjourn the City Council meeting and carried unanimously. The meeting was adjourned at 7:36 pm.

Respectfully Submitted,



Heather Slechta
City Clerk