



CITY COUNCIL MINUTES

**BUCKHAM WEST
19 W DIVISION STREET**

TUESDAY, APRIL 23, 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, Adama Doumbouya, Royal Ross, Peter van Sluis, Tom Spooner and Chuck Thiele. 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, Parks and Recreation Director Paul Peanasky, Communications Manager Brad Phenow and City Attorney Scott Riggs.

Approve Agenda

Motion by Ross, seconded by Thiele to approve the agenda with the removal of Item 8C. Resolution 2024-088 Approve a Conditional Use Permit for Development in the Shoreland Management Overlay District at 3040 Hwy 60 W and carried unanimously.

Presentations/Introductions

Mayor Voracek presented three proclamations to different groups at the meeting.

Poppy Week will be the week of May 13, 2024. Poppy's will be fluffed on May 14th at 9:30 a.m. and will be sold on May 15th and 16th. The funds raised will be used to support veteran visits, Beyond the Yellow Ribbon and meals in Hastings for vets.

Arbor Day and Beautification Day will be celebrated on May 4th, 2024. There will be a tree planting at 10:00 a.m. at Central Park as well as at the fairgrounds.

Pollinator Month will be celebrated in May. There will be an exhibit set up in by the Buckham West Library, and information about pollinators can be found on the City website.

Approve minutes of the April 2, 2024 Special City Council Meeting and the April 9, 2024 City Council Meeting

Motion by Ross, seconded by van Sluis to Approve minutes of the April 2, 2024 Special City Council Meeting and the April 9, 2024 City Council Meeting and carried unanimously.

Requests to be Heard – None

Consent Agenda

- A. List of Claims for Release
- B. Approve Limited Use Agreement for Loading Dock at 128 15th St. NW
- C. Approve Cannon River Drug and Violent Offender Task Force Joint Powers Agreement (JPA)
- D. Approve Professional Engineering Services Proposals for Well Sealing and Water Reservoir Rehabilitation
- E. Approve Permanent Ponding, Drainage and Utility Easement with Sensory Effects, Inc. (successor in interest to IFP, Inc) for 2024 Airtech 2 - Street, Utility and Stormwater Improvements - Contract 2022-07
- F. Approve CIP Purchase - Pickup for Parks Department
- G. Approve Budget Amendment and Demolition Waste Disposal Fees for Riverchase Regional Stormwater Basin - City Contract 2022-14
- H. Approve Professional Services Proposal for Geotechnical Evaluation for 2024 City Watermain Project, Contract 2024-07
- I. Approve Memorandum of Understanding with Community Action Center
- J. Resolution 2024-080 Establish a City of Faribault Authorized Community Festival/Event and Approve Hold Harmless and Indemnification Agreement
- K. Resolution 2024-081 Approve Memorial Day Parade Street Closures and Use of Central Park
- L. Resolution 2024-082 Accept Donations to the Parks and Recreation Department
- M. Resolution 2024-083 Approve Street Closure for Golf Box Community Event
- N. Resolution 2024-084 Declare Public Works Equipment Surplus Property
- O. Resolution 2024-087 Approve Appointment of Board and Commission Members
- P. Approve a Letter of Support for Progressive Rail's CRISI Grant Application

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

Public Hearings – None

Items for Discussion

Resolution 2024-085 Approve Plans and Specifications and Establish Bid Date for 2024 Westwood Drive Reconstruction Improvements - Contract 2024-03

City Engineer Mark DuChene stated that Resolution 2024-085 approved the construction plans and specifications 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 were as follows:

Westwood Drive, (Highland Place to 8th Street SW)
8th Street SW* (Westwood Drive to Prairie Avenue) *Sidewalk construction only.

The improvements were formally ordered by the City Council on March 26, 2024, upon the passage of Resolution 2024-059, following the 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 5% contingency and 15% engineering fees, is \$2,559,755.00. Proposed funding for the project is as follows:

Street Improvement Fund (401)	\$ 1,285,640.00
Water Utility Fund (601)	\$ 402,280.00
Sanitary Sewer Utility Fund (602)	\$ 318,405.00
Storm Water Utility Fund (603)	\$ 552,425.00

Resolution 2024-085 also established a bid date of May 21, 2024, for the project. Construction is scheduled to begin in June, with substantial completion by the end of October 2024.

Motion by Doumbouya, seconded by Caron to approve Resolution 2024-085 Approve Plans and Specifications and Establish Bid Date for 2024 Westwood Drive Reconstruction Improvements - Contract 2024-03 and carried unanimously.

Ordinance 2024-4 Approve a Zoning Map Amendment for 15 3rd Ave SW (Second Reading) and Summary Publication of Ordinance 2024-4

Community and Economic Development Director David Wanberg stated that at its April 9, 2024, meeting, the City Council approved the first reading of Ordinance 2024-4, which rezones 15 3rd Ave SW from P-I, Public Institutional, to C-2, Highway Commercial. City Staff received no comments nor made any substantive changes to the ordinance since its first reading.

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

Roll Call Vote:

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

Nay: Councilor Ross, Spooner

Motion carried 6:2 with Ross and Spooner voting Nay.

Motion by van Sluis, seconded by Ross to approve Summary Publication of Ordinance 2024-4 and carried unanimously.

Ordinance 2024-9 Approve a Zoning Text Amendment to Permit and Regulate EVSE and Charging Spaces on Private and Public Properties (First Reading)

Community and Economic Development Director David Wanberg stated that the City participates in the Great Plains Institute (GPI) pilot program EV Smart, a voluntary program designed to assist municipalities prepare for the transition to widespread electric

vehicle (EV) adoption. To achieve a "Silver" designation, the City needed to address Electric Vehicle Supply Equipment (EVSE) in its policies and ordinances, thereby clarifying and streamlining the permitting process for incentivizing and installing EVSE.

Adopting ordinances and policies for EVSE addresses 3 of the 5 core guiding principles of the Journey to 2040 Plan including:

- Remove or minimize barriers and create or strengthen opportunities for all individuals, businesses, industries, organizations, and services to succeed.
- Encourage innovation, creativity, flexibility, and openness to new ideas and positive change in all sectors of the community.
- Strive for excellence in all sectors of the community.

The amendment also supports two policies in the comprehensive plan related to transportation and economic assets. The proposed changes are consistent with the vision of the 2023 Faribault Energy Action Plan: "Faribault is a vibrant, diverse community with equitable access to clean, affordable energy for all residents, businesses, and institutions. We are reducing greenhouse gas emissions through energy efficiency and renewable energy and creating a sustainable future where all can thrive." The changes are also consistent with Strategy 2: Increase convenient charging availability under the Transportation section of the 2023 Energy Action Plan.

The amendment is intended only to clarify, streamline, and alleviate some of the burden of installing EVSE within the City. The amendment does not require installing EVSE or providing "EVSE-ready" parking spaces. The regulations are also technology-neutral and do not require that EVSE meet any standards which may be burdensome.

The major aspects of the proposed amendment include:

- The proposed changes permit EVSE in all zoning districts as long as the vehicles being charged would already be present on site. Where EVSE is installed for retail charging, or Level 3 "fast charging", it shall be allowed in C-2 and C-3 like a gas station. The ordinance clarifies that EVSE parking spaces count towards minimum parking requirements. There is no requirement that EVSE parking spaces be limited to use by EVs.
- The Minnesota State Building and Accessibility Codes are adopting standards regarding EV spaces. This amendment references those documents for more information, which is similar to how the code addresses ADA spaces today.
- EVSE may be permitted within the public right-of-way or public properties on a case-by-case basis, subject to limited use or lease agreements, and may need approval from the City Council. This is meant to address the provision of charging downtown or for lots where off-street parking is infeasible or impractical. Owners of EVSE are not allowed to place charging cables over public sidewalks or primary pedestrian access aisles.
- To meet the requirement to count each EVSE space as more than one space, the proposed ordinance would allow existing parking lots or redeveloped ones that lose parking spaces to accommodate the installation of electrical service equipment (transformers, switchgear, etc.) and EVSE equipment to reduce the

total number of required spaces by an equivalent number of spaces.

At their April 15, 2024 meeting, the Planning Commission recommended approval of the ordinance to City Council as written by staff with one dissenting vote from Commissioner Greene, who supported stronger requirements on ADA applicability to EV spaces. No members of the public commented on the ordinance before publishing this report.

Councilor van Sluis asked what happened with the project with Excel, Wanberg stated that it has gone away and it allows the market to come in. Councilor Doumbouya had concerns regarding ADA compliance, Wanberg stated that the spaces are designed to be ADA accessible, but anyone can park there to charge their vehicles. He stated that they will have to follow state guidelines. Mayor Voracek asked if places charging for EV charging would need to be in the C-2 or C-3, Wanberg stated that current gas stations are fine as they are, this would be for new stations, residential can't start charging for use. Councilor Caron asked if private businesses in the CBD would be able to put charging stations in, Wanberg stated that they would go through a Limited Use Agreement.

Motion by Ross, seconded by Doumbouya to approve Ordinance 2024-9 Approve a Zoning Text Amendment to Permit and Regulate EVSE and Charging Spaces on Private and Public Properties (First Reading)

Roll Call Vote:

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

Motion carried 7:0

*Resolution 2024-089 Authorizing the City to Apply for a Workforce Housing Development
Deferred Loan on Behalf of the Community Action Council*

City Administrator Jessica Kinser stated that the City agreed to donate two parcels to Community Action Center (CAC) for the construction of 6 affordable housing units, with 2 of those units to be utilized for emergency units.

This request is to assist CAC with obtaining funding. The City is eligible to apply for a deferred loan through Minnesota Housing's Workforce Housing Development Program. These applications are due on April 30th. If successful, the deferred loan would be in the name of the City and would be for a period of three years, after which time it would be forgiven assuming CAC had performed and built the units that are part of the application. There is a matching requirement of one dollar for every two dollars of funds requested. The maximum amount the City can apply for on behalf of CAC is no more than 50% of the development costs. The City would need to consider an agreement with CAC for the funding if awarded.

Scott Wopata from CAC explained the agreement to the Council and reiterated that the application is due on April 30th, grants will be awarded in August and CAC will be providing the matching funds.

Councilor Ross asked what happens to the forgivable loan if the CAC does not complete the building, Kinser stated that a claw back clause would be written in the agreement, there would be a mortgage or something else to protect the City. Doumbouya asked how performance would be measured, City Attorney Scott Riggs stated that it is usually the construction of the building, 1/3 of the funds are released at the start of the project, 1/3 at construction and 1/3 at completion. Kinser pointed out that it is required to have an unanimously Council vote in order for this to pass.

Motion by Ross, seconded by Thiele to approve Resolution 2024-089 Authorizing the City to Apply for a Workforce Housing Development Deferred Loan on Behalf of the Community Action Council and carried unanimously.

Bids - None

Boards and Commissions Reports, Announcements and Project Updates

The Monthly Financial Report was included as part of the meeting packet. City Administrator Jessica Kinser reminded the Council of the upcoming Council Retreat at 1:00 p.m. at The Inn at Shattuck-St. Mary's, she requested that the Council complete the survey that was sent to them regarding Economic Development last week. She also reminded them of the upcoming LMC conference, and asked that they let Heather know if they wanted to attend.

Adjournment

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

The Council meeting was adjourned at 6:49 p.m.

Respectfully Submitted,

DocuSigned by:



Heather Siechta

City Clerk