



CITY COUNCIL MINUTES

COUNCIL CHAMBERS

TUESDAY, JULY 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 Voracek at 6:02 pm. Councilors in attendance included Adama Doumbouya, Royal Ross, Peter van Sluis, Tom Spooner and Chuck Thiele. Councilor Sara Caron was absent. Also in attendance was City Administrator Jessica Kinser, City Clerk Heather Slechta, Police Chief John Sherwin, City Engineer Mark DuChene, Public Works Director Travis Block, Human Resources Director Kevin Bushard and Community and Economic Development Director David Wanberg.

Approve Agenda

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

Presentations/Introductions

Police Chief John Sherwin introduced Officer Billy Madson, Badge #3237, and Officer Isaac Caron, Badge #3225.

Approve minutes of the June 25, 2024 City Council Meeting, the June 25, 2024 Special City Council Meeting - Closed Session and the July 2, 2024 Emergency City Council Meeting.

Motion by Ross, seconded by Thiele to approve the minutes of the June 25, 2024 City Council Meeting, the June 25, 2024 Special City Council Meeting - Closed Session and the July 2, 2024 Emergency City Council Meeting and carried unanimously.

Requests to be Heard – None

Consent Agenda

- A. List of Claims for Release
- B. Resolution 2024-134 Appoint Election Judges for the 2024 Primary Election and General Election
- C. Resolution 2024-133 Approve Hiring Police Officer
- D. Resolution 2024-135 Approve Designation of Authorized Signers, Official Depository and Broker/Dealers for the City of Faribault
- E. Resolution 2024-137 Approve Pet Parade Street Closures and Parking Restrictions

- F. Approve Hangar Rental Agreement
- G. Approve Hangar Rental Agreement
- H. Resolution 2024-142 Approve LG230 Application to Conduct Off-Site Gambling
- I. Approve City of Faribault Title VI Plan for MnDOT FHWA Subrecipient
- J. Resolution 2024-143 Approve Hiring Economic Development Coordinator

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

Public Hearings – None

Items for Discussion

Resolution 2024-125 Approve Acquisition of 505 Central Avenue (PID 18.31.1.26.051) and Authorize the Execution of the Purchase Agreement

City Administrator Jessica Kinser explained to the Council that previous City Administrator Tim Murray worked with the owners of 505 Central Avenue to negotiate a purchase of the property by the City. The negotiation ended with an agreement that the City would purchase the property for \$166,860 in March 2025. The closing in 2025 allows for the current lease on the property to expire without transitioning that to the City to handle.

Ultimately, the City's plans for the property are to demolish the property and expand the adjacent City parking lot. No budget amendment is necessary as part of the approval of this purchase agreement, as the expense for purchase and demolition and improvements would be in 2025. Staff will be incorporating this into a capital request which will come before you at a future date as part of the 2025 budget process.

Motion by Ross, seconded by van Sluis to approve Resolution 2024-125 Approve Acquisition of 505 Central Avenue (PID 18.31.1.26.051) and Authorize the Execution of the Purchase Agreement and carried unanimously.

Ordinance 2024-11 Amend Chapter 17 of the Faribault City Code of Ordinances to Regulate City Code Violations Within the City (First Reading)

City Administrator Jessica Kinser stated that in 2023, the Charter Commission recommended, and the Council adopted changes to the Charter to allow administrative offenses to be punished by civil penalty, with an ordinance setting the policy/procedure to follow. This was approved by Ordinance 2023-18, which took effect in late November 2023. The proposed ordinance accomplishes the objectives of creating another tool in the City's tool box for code enforcement and compliance.

The administrative citation process allows for a City official(s) to be named to issue a citation with a civil penalty for non-compliance. The individual receiving the citation has the ability to appeal, and the ordinance provides that the City can hire a hearing officer or the Council could serve as the hearing officer. This will be a decision the Council should discuss and determine how to proceed for the hearings, assuming adoption.

Failure to pay will result in a lien on a property or for the City to seek a judgment against

a person. It is important to note that this will not be a process that results in action on the part of an owner or allows the City to abate a nuisance as defined in the code of ordinances. Non-compliance does give the City other avenues in the criminal or civil arena to get to the end goal of compliance/abatement of a nuisance.

There are additional steps that will need to occur before fully implementing this process:

- Code enforcement position- get Council approval of the position, post and hire
- Designate employees- a list of employees able to issue compliance letters and citations will come back to the Council on a consent agenda
- Adopt fee schedule- staff will bring back a proposed fee schedule for administrative citation violations
- Internal Workflow- staff needs to discuss/determine the format and issuance/tracking with the Finance Department for payments/collections

Motion by Spooner, seconded by Thiele to approve Ordinance 2024-11 Amend Chapter 17 of the Faribault City Code of Ordinances to Regulate City Code Violations Within the City (First Reading)

Roll Call Vote:

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

Nay:

Motion carried 6:0

Ordinance 2024-12 Amend Chapter 16 to Update Notification and Other Requirements (First Reading)

City Administrator Jessica Kinser stated that with the consideration of language to Chapter 17- Offenses to add to the administrative citation process also necessitates some minor changes to Chapter 16- Nuisances, related to the notification and procedures for handling. Other minor text has is proposed to be amended, including changing "his" as the pronoun referencing the City Administrator.

Motion by van Sluis, seconded by Ross to approve Ordinance 2024-12 Amend Chapter 16 to Update Notification and Other Requirements (First Reading)

Roll Call Vote:

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

Nay:

Motion carried 6:0

Ordinance 2024-10 Approve a Zoning Text Amendment to Allow Laundry Services in C-1 Zoning (Second Reading) and Approve Summary Publication of Ordinance of Ordinance 2024-10

Community and Economic Development Director David Wanberg stated that on June 25, 2024, the Faribault City Council approved the first reading of Ordinance 2024-10, which

amended the Unified Development Ordinance to allow laundromats and laundry services as by-right uses in the C-1, Neighborhood Commercial zoning district. The City received no comments from the public nor made substantive changes to the ordinance since the first reading.

Motion by Ross, seconded by Doumbouya to approve Ordinance 2024-10 Approve a Zoning Text Amendment to Allow Laundry Services in C-1 Zoning (Second Reading)

Roll Call Vote:

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

Nay:

Motion carried 6:0

Motion by Spooner, seconded by van Sluis to approve Summary Publication of Ordinance of Ordinance 2024-10. Ordinance 2024-10 Approve a Zoning Text Amendment to Allow Laundry Services in C-1 Zoning (Second Reading) and Approve Summary Publication of Ordinance of Ordinance 2024-10

Cashin/Stoneridge Fourth Addition - Easement Vacation; Preliminary Plat; Final Plat

Community and Economic Development Director David Wanberg explained that Rick Cashin requested vacating utility and drainage easements and concurrent approval of preliminary and final plats for Stoneridge Fourth Addition at 1940, 1950, 1960, and 1970 13th St NW. Mr. Cashin platted Stoneridge Second Addition in 2020, including a combination of townhome and single-family lots. With market forces changing and four townhome lots remaining, the Mr. Cashin requested to combine the four townhome lots and replace them with three single-family lots. The proposal to vacate an easement will remove an easement platted in the 2020 plat. The proposed easement vacation and preliminary/final plats are consistent with the planning and zoning aspects of the City's Unified Development Ordinance.

At a Planning Commission public hearing on July 1, Planning Commissioners voted unanimously to recommend approval of the easement vacation and proposed plats for Stoneridge Fourth Addition.

Motion by Ross, seconded by Thiele to approve Ordinance 2024-13 Vacate a Portion of Drainage and Utility Easement at 1950 13th St NW (First Reading)

Roll Call Vote:

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

Nay:

Motion carried 6:0

Motion by van Sluis, seconded by Spooner to approve Resolution 2024-138 Approve the Preliminary and Final Plats for Stoneridge Fourth Addition and carried unanimously.

Kleeberger/Riverview Ridge Addition - Preliminary Plat; Final Plat; Variance; Conditional Use Permit (CUP)

Community and Economic Development Director David Wanberg explained that Cheryl and Don Kleeberger purchased a ten-acre parcel at 1150 Quartz Circle to build their family home. However, due to multiple development constraints unique to the parcel, the Kleebergers cannot obtain a building permit to construct their home in their preferred location because of zoning issues. The Kleebergers have worked closely with City Staff over several months to address the zoning issues. The primary issues include the following:

Platting. The Kleebergers purchased the subject parcel from a previous owner who subdivided the metes and bounds property without platting. In addition, the previous owner subdivided and recorded the parcel with Rice County approval but without City approval. State statutes require that conveyance of residential parcels of the subject parcel's size be platted. Consequently, the Kleebergers hired a surveyor to prepare preliminary and final plats. The parcel is currently not served by City sewer and water, nor does it have adequate right-of-way. Therefore, the Kleebergers proposed to dedicate right-of-way and extend City sewer and water to their proposed home. The Planning Commission unanimously recommended approval of the preliminary and final plats.

CUP for a single-family residence in the shoreland overlay district. The subject property is in the City's shoreland overlay district, which requires non-farm-related single-family residences to obtain a conditional use permit. The Planning Commission unanimously recommended approval of a single-family residence on the subject property provided that the residence is consistent with the requirements of the shoreland overlay district and all other pertinent requirements.

Variance associated with development in the bluff impact zones. As previously noted, the site has significant and unique development constraints. However, there are areas on the subject property where the Kleebergers can construct a home without variances. Nevertheless, for various reasons, the Kleebergers propose constructing their home in a bluff impact zone, which would require several variances. The Minnesota Department of Natural Resources (the "DNR") has recommended that the City deny the Applicant's variance requests. City Staff and the Planning Commission also recommended denial of the variance requests.

Wanberg informed the Council that the Planning Commission and City Staff empathize with the Kleebergers and understand why they would like to build their house in the bluff impact zone instead of placing it in an area that does not require variances. Nevertheless, the shoreland overlay district requirements, including the bluff impact requirements are intended to protect property owners and the natural features of the site.

During the public hearing at the Planning Commission meeting the neighboring property owners spoke in regards to the project. One neighbor to the west has a driveway easement across the subject property and does not want to modify or eliminate the

easement to allow the proposed house to shift outside the bluff impact zone. Another neighbor in the townhomes to the north does not want the proposed house to move closer to the adjacent townhomes. In short, both neighbors would prefer the house to be located as proposed.

Wanberg explained that if the City Council agrees with the Planning Commission's findings and recommendations, the Council should approve the resolution denying the variance request. If the Council is inclined to consider approving the Kleebergers request, the Council should provide direction to City Staff and continue the meeting for action at an upcoming Council meeting. If the Council were to approve the variance request, the City must send a letter to the DNR justifying why the City approved a variance that the DNR recommended denial of. The DNR could take action to prevent development that does not meet the shoreland and bluff impact requirements.

Councilor Thiele stated for the record that his daughter nannies for the Kleeberger family. Councilor Ross asked about the flood plain in this area, Wanberg state that the flood plain is not where the house is to be located. Ross asked if the City would take on any responsibility if there was an issue with the home in the future if the Council approved the variance, Wanberg stated that if the City follows the ordinances we may not, however, if we do not they could state that we played a role in it. Wanberg stated that we can grant variances, we just have to provide a reason on why we did. Ross asked if the DNR could deny the Kleebergers from building in their proposed site, Wanberg stated that they could. Councilor van Sluis asked if retaining walls would help, Wanberg stated that the Kleebergers are proposing retaining walls, however, the DNR is requesting that the area be left alone. Councilor Spooner agreed with moving forward with approving the plat and the CUP however, he was going to stick with the DNR on the variance. Spooner asked if the driveway had access down to Lyndale, Wanberg stated that it did extend to HWY 21. Councilor Doumbouya had a concern on the CUP. Thiele asked if we approve what is the next step with the DNR, Mayor Voracek stated that the house would have a great view, however, he was not comfortable with the slope and the impact.

Wanberg requested that if the Council chose to go against the recommendation of the Planning Commission, that they continue this item until the next meeting.

Motion by Spooner, seconded by Doumbouya to approve Resolution 2024-139 Approve the Preliminary and Final Plats for Riverview Ridge Addition and carried unanimously.

Motion by Spooner, seconded by Ross to approve Resolution 2024-140 Deny a Variance for Construction and Grading near Top of Bluff at 1150 Quartz Circle and carried unanimously.

Motion Spooner, seconded by van Sluis to approve Resolution 2024-141 Approve a Conditional Use Permit for a Single-Family Home in Shoreland at 1150 Quartz Circle and carried unanimously.

Bids - None

Boards and Commissions Reports, Announcements and Project Updates

Mayor Voracek stated that the Rice County Fair is next week. Councilor Ross thanked all of the election judges that were appointed tonight, Ross also stated that the International Festival will be at Central Park from 11:00 am-3:00 pm on Saturday. Councilor van Sluis and Mayor Voracek will not be in attendance next week.

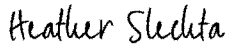
Adjournment

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

The meeting was adjourned at 7:01 p.m.

Respectfully Submitted,

DocuSigned by:



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Heather Slechta
City Clerk