



CITY COUNCIL MINUTES

COUNCIL CHAMBERS

TUESDAY, SEPTEMBER 24,
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 p.m. Councilors in attendance included Sara Caron, Adama Doumbouya, Royal Ross, Peter van Sluis, Tom Spooner and Chuck Thiele. Also in attendance were Deputy City Administrator Mark DuChene, City Clerk Heather Slechta, Community and Economic Development Director David Wanberg, Public Works Director Travis Block, Police Chief John Sherwin and Library Services Director Delane James.

Approve Agenda

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

Presentations/Introductions – None

Approve minutes of the September 10, 2024 City Council Meeting

Motion by Ross, seconded by van Sluis to approve minutes of the September 10, 2024 City Council Meeting and carried unanimously.

Requests to be Heard - None

Consent Agenda

- A. List of Claims for Release
- B. Approve Hangar Rental Agreement
- C. Approve 2024 CIP Purchase- Replacement Water Treatment Plant Cold Storage Building

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

Public Hearings - None

Items for Discussion

Ordinance 2024-20 Amending Chapter 13 Article II of the Faribault City Code Regarding Library Advisory Board (Second Reading) and Ordinance 2024-20 Summary Publication

Library Services Director Delane James stated on September 3, 2024, the Faribault City Council approved the first reading of Ordinance 2024-20, which amends Chapter 13 Article II of the Faribault City Code Regarding the Library Advisory Board. The City received no comments from the public nor made changes to the proposed amendments to the ordinance since the first

reading.

Motion by van Sluis, seconded by Thiele to approve Ordinance 2024-20 Amending Chapter 13 Article II of the Faribault City Code Regarding Library Advisory Board (Second Reading)

Roll Call Vote:

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

Nay:

Motion carried 7:0

Motion by Ross, seconded by Caron to approve Ordinance 2024-20 Summary Publication and carried unanimously.

Ordinance 2024-19 Vacate a Portion of Drainage and Utility Easement at 2343 14th St NE (Second Reading) and Ordinance 2024-19 Summary Publication

City Planner Harry Davis stated that on September 10, 2024, the Faribault City Council approved the first reading of Ordinance 2024-19, which proposes a partial easement vacation at 2343 14th St NE. The City received no comments from the public nor made substantive changes to the ordinance since the first reading.

Motion by Thiele, seconded by Ross to approve Ordinance 2024-19 Vacate a Portion of Drainage and Utility Easement at 2343 14th St NE (Second Reading)

Roll Call Vote:

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

Nay:

Motion carried 7:0

Motion by Ross, seconded by van Sluis to approve Ordinance 2024-19 Summary Publication and carried unanimously.

Ordinance 2024-18 Approve Zoning Map Amendment for 818 8th Ave NW (Second Reading) and Ordinance 2024-18 Summary Publication

City Planner Harry Davis explained that on September 10, 2024, the Faribault City Council approved the first reading of Ordinance 2024-18, which proposes a zoning map amendment at 818 8th Ave NW, also known as the Water Treatment Plant. The City received no comments from the public nor made substantive changes to the ordinance since the first reading.

Motion by Ross, seconded by Thiele to approve Ordinance 2024-18 Approve Zoning Map Amendment for 818 8th Ave NW (Second Reading)

Roll Call Vote:

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

Nay:

Motion carried 7:0

Motion by Caron, seconded by van Sluis to approve Ordinance 2024-18 Summary Publication and carried unanimously.

Resolution 2024-196 Deny Variance at 15 3rd Ave SW

City Planner Harry Davis explained that Corey Newby requested approval of variances from parking setbacks in C-2 and curbing requirements for parking lots. Newby provided a narrative behind the variance requests as part of the meeting materials, citing the historic character of the property for its uniqueness and the comprehensive plan for supporting small businesses. He also touched on traffic flows, drainage, and disturbance to the neighborhood.

The variances proposed by the applicant are not consistent with the planning and zoning aspects of the City of Faribault's Unified Development Ordinance. In general, many of the Applicant's main points for the variance criteria centered on the historic use and character of the property, how construction would be a disturbance for the neighborhood, and how the requirement is a strain on small business which is against the Comprehensive Plan.

Davis explained that the main points for having parking lot setbacks are: keeping cars away from public ROW, keeping space between the parking lot and the road for landscape and screening, and to provide a more pleasant aesthetic appeal to passersby and neighbors. He further explained that the purpose for having curbing around parking lots are: keeping cars from rolling or driving over property line/ROW, keeping cars from destroying landscaping adjacent to parking areas, keeping cars and nature from expeditiously fraying pavement edges and creating debris, and helping collect and direct drainage and run off.

The Comprehensive Plan does have principles, goals, objectives, and policies that address development, but none of them allude to giving small businesses variances when they request them. One of the core guiding principles cited by Newby is "remove or minimize barriers and create or strengthen opportunities for all individuals, businesses, industries, organizations, and services to succeed." However, the ordinance is a requirement that City Council put in place as a minimum level of expectation for development. While the existing areas are not curbed and are too close to the property line, Newby is changing the use of the property from an institutional and school use to a commercial and retail use, along with converting a school yard into a parking lot.

Davis explained that there is adequate room for the applicant's proposed 50 spaces meeting the parking lot landscape setback and not impacting the playground. Additionally, further documentation by the Newby's development team shows how meeting the setback and providing parking lot curbing is possible.

The Planning Commission at their September 3, 2024 meeting held a public hearing and heard from Newby. The Planning Commission voted to continue discussion on the item to the next meeting to give the applicant additional time to put together more drawings and a clearer depiction of proposed improvements to the property. At the September 16, 2024 meeting, Newby showed a property survey and site plan. The Planning Commission voted unanimously to recommend approval of the resolution to City Council and recommend denial of the applicant's request.

Newby spoke to the Council about his plans and his reasons for the requested variances. The City Council was hopeful that a compromise could be met between the City and Newby and requested that Newby come to a work session with a compromise and for further review of his request.

Motion by Ross, seconded by van Sluis to table Resolution 2024-196 Deny Variance at 15 3rd Ave SW and carried unanimously.

Newby and Staff will bring a plan to the October 8, 2024 City Council Work Session.

City of Faribault/JNJ Properties - Comprehensive Plan Amendment; Zoning Map Amendment

City Planner Harry Davis explained that the City of Faribault set in motion by the initial request from Yojan Rodriguez of JNJ Properties of Faribault LLC, requested comprehensive plan and zoning map amendments to change certain properties in the 500 and 400 blocks of 20th St NW from guided land use designation industrial to established residential neighborhood and zoning districts from I-2, Heavy Industrial to R-2, Low Density Residential.

Rodriguez made the initial request for one property of the subject properties to be reguided and rezoned to permit residential development. At the August 19, 2024 Planning Commission work session, the Planning Commission discussed the request and encouraged them to consider expanding and including the nearby residential properties in collaboration with a City effort to fix nonconforming situations for the surrounding residential properties encumbered by the I-2 zoning. Rodriguez agreed and City Staff took over the proposal. Until the September 3, 2024 Planning Commission meeting, City Staff initially supported the request based on Planning Commission guidance from the August 19, 2024 Planning Commission Work Session. Following the Planning Commission's votes to deny the comprehensive plan and zoning map amendment request, Staff updated the report and associated documents to reflect the Planning Commission's preliminary findings.

Davis explained that the proposed comprehensive plan and zoning map amendments were inconsistent with the planning and zoning aspects of the City's Comprehensive Plan and Unified Development Ordinance. The idea behind the land use designation for most of the land in the area to industrial was to facilitate industrial redevelopment. Changing the land use designation from industrial to residential could deter future expansion and industrial redevelopment intended for this area. The surrounding properties are mostly industrial uses and zoned appropriately for said uses. Davis stated that placing industrial zones and uses right next to residential zones and uses is a compatibility issue, despite industrial development having larger setback buffers and requires additional screening and landscape to soften the relationship between said uses. This places a greater burden on the adjoining properties and is a potential barrier for redevelopment on existing industrial properties or industrial expansion onto new properties.

Davis stated that there are no current plans for future industrial expansion in the area, and the City sees a need for residential, so the proposal may be a benefit in the short term. However, the Development Review Committee, made up of City Staff, had concerns about approving the request based on the shift becoming a barrier for future development, "spot zoning" between residential and industrial, and more residential on Highway 3, a major corridor for commercial and industrial traffic.

The Planning Commission at the September 3, 2024 meeting held a public hearing for the request and heard from a neighboring business that they have concerns with reguiding and rezoning land near their business as they do intend to expand. The potential change in land use and zoning would hinder efforts to acquire land and build new development. The Planning Commission voted to deny both requests in two 4-2 votes, with Commissioners Green and Salt dissenting. The dissenting commissioners favored staff's findings and supported bringing zoning and land use in-line with existing land uses. City staff brought updated resolutions consistent with Planning Commission's vote for denial at the September 16, 2024 Planning Commission meeting. Planning Commission voted 4-1 in each vote denying the requested comprehensive plan and zoning map amendments. Commissioner Green dissented for the same reasons as the September 3, 2024 meeting.

Motion by van Sluis, seconded by Ross to approve Resolution 2024-197 Deny a Comprehensive Plan Amendment to Guide Certain Properties in 500 and 400 Blocks of 20th St NW and carried unanimously.

Motion by van Sluis, seconded by Caron to approve Resolution 2024-198 Deny a Zoning Map Amendment for Certain Properties in 500 and 400 Blocks of 20th Street NW and carried unanimously.

Resolution 2024-194 Rescinding and Replacing Resolution 2024-177 and Adopting the 2025 Preliminary Property Tax Levy and Establishing the Budget Meeting Date

Deputy City Administrator Mark Duchene explained that the City Council approved resolution 2024-177 at the September 10th City Council meeting, which set the preliminary tax levy and the public hearing date. The County brought to Administrator Kinser's attention an error between the preliminary tax levy amount listed in the text of the resolution and the amount detailed out on Exhibit A of the resolution, which was the correct amount. A resolution has been prepared and is before you tonight that rescinds 2024-177 and replaces it with 2024-194, which has the correct preliminary tax levy amount of \$13,798,573 in both the body of the resolution and in Exhibit A. This resolution is due to Rice County no later than September 29th, and requires approval at this time.

Motion by Spooner, seconded by Ross to approve Resolution 2024-194 Rescinding and Replacing Resolution 2024-177 and Adopting the 2025 Preliminary Property Tax Levy and Establishing the Budget Meeting Date and carried unanimously.

Resolution 2024-195 Approving Credit Card Use Policy Amendment

Deputy City Administrator Mark Duchene explained that an amendment to the Credit Card Use Policy was requested to add additional credit cards in the Public Works and Administration departments. These positions are at the same or similar level as many of the other positions currently listed in the policy, but have not been included previously. Credit card purchases typically made by these positions include registrations for different training and events and hotel reservations.

Motion by Ross, seconded by Doumbouya to approve Resolution 2024-195 Approving Credit Card Use Policy Amendment and carried unanimously.

Bids – None

Resolution 2024-193 Reject Bids for Straight River Watermain Crossing - Contract 2023-09

Deputy City Administrator Mark Duchene stated that on Wednesday, September 4, 2024, bids were received for the Straight River Watermain Crossing project. After reviewing the bids and discussing with both bidders, the consulting engineer of record and the City Attorney, DuChene recommended that the City Council reject all bids and rebid the project for 2025 construction. The low bidder acknowledged an error in their bid and requested to be released from their bid.

Councilor Thiele asked if this would affect the park project, DuChene stated that it would have no impact.

Motion by Ross, seconded by Thiele to approve Resolution 2024-193 Reject Bids for Straight River Watermain Crossing - Contract 2023-09 and carried unanimously.

Boards and Commissions Reports, Announcements and Project Updates

Deputy City Administrator Mark DuChene provided an update on the Woolen Mills Dam, they have had an initial kick-off meeting with Homeland Security and will be having a meeting with FEMA. There will be more information presented at the October 8th Work Session. Councilor Spooner stated that there are a number of events coming up including at River Bend Nature Center, Downtown Mainstreet and the Fire Department Open House. Mayor Voracek stated that there was a ribbon cutting at Twin Oaks.

Adjournment

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

The meeting was adjourned at 7:18 pm.

Respectfully Submitted,

DocuSigned by:

Heather Slechta

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Heather Slechta
City Clerk