



CITY COUNCIL MINUTES

COUNCIL CHAMBERS

TUESDAY, FEBRUARY 22, 2022

6:00 PM

Call to Order/Roll Call/Pledge of Allegiance

The regular meeting of the City Council was called to order by Mayor Kevin Voracek at 6:00pm. Councilors Sara Caron, Royal Ross, Peter van Sluis, Tom Spooner, Janna Viscomi and Jon Wood were in attendance. Also in attendance were City Administrator Tim Murray, Assistant to the City Administrator Heather Slechta, Parks and Recreation Director Paul Peanasky, Human Resources Manager Kevin Bushard, Community and Economic Development Director Deanna Kuennen, City Planning Coordinator Peter Waldock, City Planner David Wanberg, Police Chief Andy Bohlen, Public Works Director Travis Block and City Attorney Scott Riggs.

Presentations/Introductions

Bus Drivers Appreciation Proclamation

Mayor Voracek presented Garrett Regan the Bus Drivers Appreciation Proclamation, proclaiming School Bus Drivers Appreciation Day on February 23, 2022. Regan stated that there will be a luncheon tomorrow to celebrate.

Approve minutes of February 8, 2022 City Council Meeting, February 8, 2022 Special Council Meeting - Closed Session and February 15, 2022 Special Council Meeting - Closed Session

Motion by Ross, seconded by van Sluis to approve the Minutes of the February 8, 2022 City Council Meeting, February 8, 2022 Special Council Meeting - Closed Session and February 15, 2022 Special Council Meeting - Closed Session and carried unanimously.

Consent Agenda

- A. List of Claims for Release
- B. Approve 1-4 Day Temporary On-Sale Intoxicating Liquor License
- C. Resolution 2022-038 Approve Appointments of Board and Commission Members
- D. Resolution 2022-039 Adopting the Preparedness Plan to Utilize Coronavirus State and Local Fiscal Recovery Funds Established Under the American Rescue Plan Act of 2021
- E. Resolution 2022-040 Approve Hiring of IT Coordinator
- F. Resolution 2022-041 Approve Hiring of Public Works Equipment Maintenance Foreperson
- G. Resolution 2022-042 Amend Public Hearing Date for 2022 Faribault Road Reconstruction and Lyndale Avenue Trail Improvements - City Contract 2022-03
- H. Resolution 2022-043 Amend Public Hearing Date for 2022 MSA Street Reconstruction Improvements - City Contract 2022-04
- I. Approve Appointment of Interim Police Chief
- J. Approve LG220 Application for Exempt Permit for Rice County Pheasants Forever
- K. Approve Revised Police Department Policy 301 – Use-of-Force
- L. Approve 2022 CIP Purchase – Lift Station Improvements 7th St. NW
- M. Resolution 2022-046 Authorize Minnesota Department of Transportation Agency Agreement No.1049560
- N. Approve Quote to Resurface Community Center Locker Room Floors
- O. Approve LG214 Premises Permit Application for Divine Mercy
- P. Resolution 2022-047 Authorize Payment as Recommended by the Charitable Gambling Board to the Faribault Chamber Trust
- Q. Resolution 2022-048 Authorize Payment as Recommended by the Charitably Gambling Board to the Faribault Youth Baseball Association

- R. Resolution 2022-049 Authorize Payment as Recommended by the Charitable Gambling Board to Faribault Community Festivals, Inc
- S. Resolution 2022-050 Approve New 2022 On-Sale Intoxicating/Sunday Liquor License for AjMj LLC dba Our Place on 3rd
- T. Approve Annual State of Minnesota Department of Human Services Work Contract
- U. Resolution 2022-052 Approve Hiring of Maintenance Engineer

Mayor Voracek stated that he was abstaining from voting on item 4P. Resolution 2022-047 Authorize Payment as Recommended by the Charitable Gambling Board to the Faribault Chamber Trust due to a conflict.

Motion by Wood, seconded by Ross to approve consent agenda items 4A.-4U. and carried unanimously.

Requests to be Heard – None

Public Hearings – None

Items for Discussion

Resolution 2022-044 Approve a Comprehensive Plan Amendment to Guide the North Side of the 1900 Block of 4th Street NW for Residential/Commercial Mixed-Use, Ordinance 2022-4 Rezone the North Side of the 1900 Block of 4th Street NW to R-4, High- Density Residential - First Reading and Resolution 2022-045 Approve a Preliminary Plat of 1919 2nd Street NW

Rick Amundson requested a comprehensive plan amendment to change the guided land use of the property fronting the north side of the 1900 block of 4th Street NW from commercial/industrial mixed-use to commercial/residential mixed-use. Mr. Amundson and his partners are associated with C & S Vending – the existing industrial use at 1919 2nd Street NW. Except for the existing single-family residence at 1920 4th Street NW, which Daniel Schulz owns, Mr. Amundson and his partners control the subject property. Mr. Amundson and Daniel Schulz are still discussing the future of 1920 4th Street NW, the City Council has the authority to guide all future land uses in the community, including 1920 4th Street NW.

The City's current comprehensive plan guides the subject property for commercial/industrial mixed-use, which is based on the City's earlier understanding that C & S Vending may wish to expand to the south. However, C & S Vending acquired additional property for expansion elsewhere in Faribault and no longer intends to expand to the south. Nevertheless, due to the lack of available housing, Mr. Amundson wishes to provide workforce housing for C & S Vending employees and others in need of workforce housing – thus, Mr. Amundson request to guide the subject property for commercial/residential mixed-use. The existing C & S Vending use would continue to be guided for commercial/industrial mixed-use.

Mr. Amundson plans to convert the existing undeveloped land and single-family residential properties fronting the 1900 block of 4th Street NW to multi-family workforce housing. The first development phase, which could occur in 2022, is planned for the northeast corner of the 4th Street NW and 20th Avenue NW intersection. The remainder of the development is expected to occur after the Mr. Amundson acquires 1920 4th Street NW, but could potentially develop the properties to the east of 1920 4th Street NW sooner. Mr. Amundson is requesting the comprehensive plan amendment for the entire proposed residential development to ensure that the City Council shares his vision for housing in this area.

Staff feels it is appropriate for the City Council to guide the subject property for commercial/residential mixed-use, which would be consistent with the existing and proposed housing. If market conditions change, the commercial/residential mixed-use would also allow commercial uses on the subject property.

The Planning Commission held a public hearing on February 7, 2022, to consider the Applicant's request. No one from the public chose to speak to the Applicant's request. However, before and after the public hearing, the father of Daniel Schulz asked City Staff general questions about the Applicant's request but did not object to the Applicant's request. With a 4-0 vote, the Planning Commission recommended that the City Council approve the Applicant's request based on the written findings and

conditions included in the attached Resolution 2022-044.

Kuennen further explained that a small portion of the subject property is currently zoned I-1, Light Industrial, and the remainder is zoned R-2, Low-Density Residential. Rezoning to R4 High Density is need to support he planned housing. The existing home at 1920 4th Street can remain as is, and would be considered a nonconforming use. The Planning Commission held a public hearing on February 7, 2022, to consider the rezoning request. No one from the public chose to speak to the request. With a 4-0 vote, the Planning Commission recommended that the City Council approve the attached Ordinance 2022-4 to rezone the north side of the 1900 block of 4th Street NW to R-4, High-Density Residential.

The final request from Mr. Amundson on behalf of Sun Companies Properties Management, LLC was for a preliminary plat approval to subdivide the property into two lots and one outlot. The proposed Lot 1 would contain the existing C & S Vending light industrial building, and the Mr. Amundson intends to develop a multi-family residential use on the proposed Lot 2. In the next several years, Mr. Amundson plans to replat the proposed Lot 2, the proposed outlot, and the properties at 1914, 1916, 1918, and 1920 into one lot that will accommodate the planned multi-family residential development.

The preliminary plat's proposed lots have sufficient area and dimensions to accommodate the existing and proposed uses in their respective zoning districts. The existing driveway associated with the single-family residence at 1920 4th Street NW encroaches on the proposed Lot 2. This encroachment would have to be rectified before the City could issue a building permit for the proposed housing on Lot 2. The proposed housing on Lot 2 must meet all zoning, engineering, and building permit requirements in place at the time of a building permit submittal, including building setbacks and providing stormwater management. The Planning Commission voted 4:0 to approve the preliminary plat.

Councilor Ross asked what work force housing was, Kuennen explained that it does not have a definition, it is not necessarily affordable or market rate housing, and at this time the Developer is not asking for financial assistance. Councilor Caron asked if the housing would be tied to the renter's employment, Kuennen explained that is between the landlord and those signing leases.

Dan Schultz, owner of 1920 4th Street NW asked if the rezoning would increase his property taxes, Kuennen explained that property taxes are based on the value of the property which is set based on its current use.

Councilor Spooner was concerned about moving forward without control of the 1920 property, he stated that it could create a situation where the property is boxed in, he asked where they are at with negotiations on the property.

Rick Amundson stated that the property owners know that they are interested in the property, and it is known that they want to purchase it.

Councilor Viscomi is in favor of this but had concerns as well about not having all the parcels together, and the lack of green space, she would like to see more of a transition/buffer between work space and living space. Councilor van Sluis had the same concerns, he liked the plan and the idea. Councilor Ross stated that this is a good idea.

Motion by Ross, seconded by Spooner to approve Resolution 2022-044 Approve a Comprehensive Plan Amendment to Guide the North Side of the 1900 Block of 4th Street NW for Residential/Commercial Mixed-Use and carried unanimously.

Motion by Ross, seconded by Wood to approve Ordinance 2022-4 Rezone the North Side of the 1900 Block of 4th Street NW to R-4, High- Density Residential - First Reading

Roll Call Vote:

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

Nay:

Motion carried 7:0

Motion by Wood, seconded by van Sluis to approve Resolution 2022-045 Approve a Preliminary Plat of 1919 2nd Street NW and carried unanimously.

Resolution 2022-036 Approve a Variance to Allow Construction of a New Three Car Garage and Driveway Extension to Exceed Impervious Surface Limits of the Shoreland Overlay District at 1906 2nd Avenue NW

Councilor Wood recused himself from voting and discussing this item due to a conflict of interest.

Community and Economic Development Director Deanna Kuennen explained that Jeremiah and Bonnie Jo Quinnell requested a variance from the shoreland overlay district impervious surface coverage limits for residential uses. They are planning to construct a new 32' X 27', 864 SF, three-car garage at 1906 2nd Ave NW. The property is zoned R-4, High Density Residential District. The garage will be placed as far west as possible on site to screen the home from noise coming from events at the Rice County Fairgrounds.

The Planning Commission, at its meeting of February 7, 2022, held a public hearing regarding this request. The applicants and their contractor were present to discuss this matter. No one from the public was present to comment on this request. The City did not receive comments from the public in this case. The Planning Commission discussed the request and concurred with the Staff recommendation to approve the variance as requested. Further, they found the site was a lawful non-conforming use as a single-family dwelling in the R-4 District and determined that a CUP would not be required for construction of the new replacement garage in this case. By a 6-0 vote the Planning Commission approved findings in support of the variance application and recommend that the City Council approve the variance request as presented, subject to the conditions of approval included in the draft resolution, including the installation of stormwater improvements such as rain gardens and rain barrels.

Councilor Spooner felt that the addition of rain barrels was unnecessary as did Councilor Viscomi, Kuennen explained that this is compromise, Councilor Ross went along with keeping the rain barrels in the resolution, as he did not know where the water drained, and this is an attempt to keep water out of the neighbor's yards, if that's the direction of the drainage.

Motion by van Sluis, seconded by Caron to approve Resolution 2022-036 Approve a Variance to Allow Construction of a New Three Car Garage and Driveway Extension to Exceed Impervious Surface Limits of the Shoreland Overlay District at 1906 2nd Avenue NW and carried 6:0 with Councilor Wood recusing himself.

Resolution 2022-035 Approve an Amendment to Resolution 2008-131 Granting Variances for the Re-Creation of an Historic Marquee at the Paradise Center and Now Allowing Installation of an Electronic Message Board at 321 Central Avenue

Councilors Caron and van Sluis recused themselves from voting and discussing this item due to a conflict of interest.

Community and Economic Development Director Deanna Kuennen explained that Heidi Nelson, Executive Director, Paradise Center for the Arts, 321 Central Avenue, applied for a variance amendment seeking to replace an internally lit message board with a new Electronic Message Board (EMB) of the same size or smaller on the marquee. The new EMB will have a full color LED screen and will be programmable to update messaging as needed. The EMB is requested in order to update the changeable copy style message sign that now requires art center staff to climb a ladder to change the individual letters manually on all three sides of the marquee.

The site is in a district of the National Register of Historic Places, the City's Downtown Sign District and the Heritage Preservation Overlay District. The location is zoned CBD Central Business District. Surrounding uses are commercial with upper floor residential.

Resolution 2008-131 was approved by the City in 2008 granting variances to construct the marquee with internal illumination, changeable copy message signs, programmable flashing lighting system, and sound system. The variance specifically excludes electronic message boards from the marquee. If this

request is approved, the variance amendment request will amend the existing variance to allow the EMB panels on all three sides of the marquee to replace the message boards of the same size.

A certificate of appropriateness was approved by the HPC for the current marquee in 2008. At its meeting of January 19, 2022, the HPC approved a Certificate of Appropriateness for the EMB on the marquee subject to approval of the variance amendment for the proposal.

On February 7, 2022, the Planning Commission held a public hearing regarding this application. No one from the public was present at the public hearing to speak about this matter. The City did not receive any comments regarding this matter. The Planning Commission concurred with the Staff recommendation in this case to approve the request to amend the original variance approval and now allow Electronic Message Boards to replace the changeable copy sign on the marquee.

By a vote of 6-0 the Planning Commission approved findings in support of the application and recommend that the City Council approve the requested amendment to Resolution 2008-131 to allow an electronic message board system on the marquee in place of the changeable copy signs.

Councilor Ross asked if EMB are currently prohibited by City Code, Kuennen explained that they were, and others could come forward as the Paradise did. Planning Coordinator Peter Waldock stated that of more businesses were to come forward, a text amendment would be discussed. Ross had concerns that more requests would come forward. Spooner was concerned about the hours that the lights would be allowed to be on, Waldock stated that it is not changing from the original resolution.

Motion by Spooner, seconded by Wood to approve Resolution 2022-035 Approve an Amendment to Resolution 2008-131 Granting Variances for the Re-Creation of an Historic Marquee at the Paradise Center and Now Allowing Installation of an Electronic Message Board at 321 Central Avenue and carried 5:0 with Councilors Caron and van Sluis recusing themselves.

Bids-None

Boards and Commissions Reports, Announcements and Project Updates

The Monthly Financial Report was provided as part of the meeting materials.

Councilor Spooner stated that he attended the River Bend Nature Center meeting last night and they are interested in renegotiating their user lease with the City that has been in effect since 2014.

City Administrator Murray reminded the Council of the closed session after this meeting.

Police Chief Andy Bohlen thanked the Council for their support over the years. He stated that it was an honor to work here with every director and staff. He also stated that there are outstanding officers in the Faribault Police Station. Mayor Voracek thanked Chief Bohlen for his service, City Administrator Murray stated that it will be tough to replace him. Murray also stated that the Council acted to approve Neal Pederson as the acting Police Chief tonight.

Adjournment

Motion by Viscomi, seconded by van Sluis to adjourn the meeting and carried unanimously.

Meeting adjourned at 6:42 pm.

Respectfully Submitted,



Heather Slechta

Assistant to the City Administrator