



CITY COUNCIL MINUTES

COUNCIL CHAMBERS

TUESDAY, APRIL 12, 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, Pefer 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, Community and Economic Development Director Deanna Kuennen, Police John Sherwin, City Engineer Mark DuChene, Public Works Director Travis Block, Accounting Supervisor Ann Remold and Finance Director Jeanne Day.

Presentations/Introductions

Present Ann Remold with the Award of Financial Reporting Achievement by the Government Finance Officers Association

Mayor Voracek presented Ann Remold with the Award for Financial Reporting Achievement. Remold has been with the City for over 40 years, and the City has won this award for the past 30 years.

Present Travis Block with a Certificate of Commendation from the Minnesota Pollution Control Agency for Compliance with MPCA NPDES/SDS in 2021

Mayor Voracek present a Certificate of Commendation from the Minnesota Pollution Control Agency to Travis Block for compliance with MPCA NPDES/SDS in 2021.

Approve minutes of March 22, 2022 Regular City Council Meeting and March 22, 2022 Special City Council Meeting (Closed Session)

Motion by Spooner, seconded by Ross to approve the March 22, 2022 Regular City Council Meeting Minutes and March 22, 2022 Special City Council Meeting (Closed Session) Minutes and carried unanimously.

Consent Agenda

- A. List of Claims for Release
- B. Approve Use of North Alexander Park by Rice County Historical Society
- C. Resolution 2022-063 Establish the City of Faribault Authorized Community Festivals within the City and Provide for the Terms and Conditions for Alcohol Service and Consumption at Community Festivals
- D. Approve Mowing Quote
- E. Approve Quote for Shirts
- F. Resolution 2022-072 Accept Donations to Faribault Parks and Recreation Department
- G. Resolution 2022-073 Approve Street Closures for Mental Health Awareness Walk
- H. Approve Memorandum of Understanding with Rice County Regarding Rice County Public Safety Center and Cannon River View Plat
- I. Resolution 2022-076 Declare Existing Buildings as Surplus Property at 217 Mill Street and 55 Willow Street
- J. Approve First Amendment to Developer's Platting Agreement By and Between City of Faribault and McDonough Farms, LLC for Met Con Business Park Second Addition
- K. Accept Quote for Pressure Washing Elevated Tower and Ground Storage Reservoir
- L. Approve Change Order No. 3 for Water Treatment Plant
- M. Approve Agricultural Land Lease at Airport
- N. Approve Task Order No. 12 with Foth for Airfield Lighting Improvements Project at Airport
- O. Approve Federal Aviation Administration Agreement for Airfield Lighting Project at Airport

- P. Resolution 2022-078 Approve Hiring of Community Services Officers
- Q. Resolution 2022-080 Approve Hiring of Maintenance Engineer
- R. Approve Hangar Rental Agreement
- S. Resolution 2022-081 Approve Appointments of Committee, Board, and Commission Members
- T. Approve Consent to Improvements with Xcel Energy for Kwik Trip Pond Improvements
- U. Approve Facility Use Agreement with Rotary Club
- V. Resolution 2022-082 City of Faribault's Position Statement Opposing Significant Commercial/Industrial Development Outside of City Limits
- W. Resolution 2022-083 Approve Acquisition of 127 Willow Street (PID 18.31.4.26.075) and Authorize the Execution of the Purchase Agreement
- X. Approve New Golf Cart/Recreational Vehicle Permit
- Y. Accept Professional Land Surveying Services Proposal for Former Lockerby Property and Surrounding Parcels
- Z. Approve Change Order No. 1 for Well House No. 5 Replacement

Motion by van Sluis, seconded by Wood to approve Consent Agenda Items 4A-4Z and carried unanimously.

Requests to be Heard – None

Public Hearings – None

Items for Discussion

Ordinance 2022-5 Amend Sections 28-26 & 28-156 of the City Code of Ordinances Regarding Restricting Utility Service Outside City Limits - First Reading

Public Works Director Travis Block explained that Chapter 28 of the City Code of Ordinances contains language pertaining to providing utility service outside City limits. The Council discussed proposed revisions to the chapter to restrict utility services outside City limits at the March 1, 2022 Work Session. As a result of the discussion, Council directed staff to revise the code to align with the Council's position to restrict water service to all properties outside of City limits and to restrict sanitary sewer service to properties outside the City, with the exception of sanitary sewer districts comprised of developed lakeshore property.

Block recommends amending Sections 28-26 & 28-156 of the City Code of Ordinances as outlined in attached Ordinance 2022-5.

Councilor Viscomi asked if an entity came forward wanting to connect to city services, if it would come to the Council for consideration, City Administrator Tim Murray explained that this update would force the conversation. She also asked if this would create annexation, Murray explained that annexation is the preferred route. She then asked if it could be like the Roberds Lake project, Murray explained that that is one model that could be used, the Council can grant exceptions, make decisions on a per case basis. Viscomi stated that the ordinance does not say that they have to annex, Murray concurred that it does not state that they have to annex. Mayor Voracek stated that the ordinance gives developers all the information.

Motion by Ross, seconded by van Sluis to approve Ordinance 2022-5 Amend Sections 28-26 & 28-156 of the City Code of Ordinances Regarding Restricting Utility Service Outside City Limits - First Reading

Roll Call Vote:

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

Nay:

Motion carried 7:0

Resolution 2022-077 Approve Plans and Specifications and Establish Bid Date for 2022 MSA Street Reconstruction Improvements - Contract 2022-04

City Engineer Mark DuChene explained that Resolution 2022-077 approves the construction plans and specifications for the proposed 2022 MSA Street Reconstruction Improvements - Contract 2022-04

project including removals, watermain replacement, sanitary sewer replacement, lot services, storm sewer construction, grading, aggregate base, sidewalk replacement, bituminous paving, turf restoration and related improvements on the following streets:

10th Street SW (Prairie Avenue to 9th Avenue SW)
Prairie Avenue (Springwood Lane to Trailwood Lane)

The improvements were formally ordered by the City Council on March 22, 2022 upon the passage of Resolution 2022-066, 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 5% contingency and 15% engineering, is \$1,278,450.00. Proposed funding for the project is as follows:

Municipal State Aid Funds (MSAS)	\$ 955,700.00	74.8%
Water Utility Fund (601)	\$ 174,450.00	13.7%
Sewer Utility Fund (602)	\$ 97,300.00	7.6%
Storm Water Utility Fund (603)	\$ 50,000.00	3.9%
Total	\$ 1,278,450.00	100.0%

The resolution also established a bid date of May 4, 2022 for the project. Construction is scheduled to begin in June, with substantial completion by the end of August 2022. Mayor Voracek asked if this would be a 1-way or 2-way street, DuChene stated that it would be a 2-way street. Ross asked if it would be done by school resumption, DuChene stated that it would be.

Motion by Ross, seconded by Caron to approve Resolution 2022-077 Approve Plans and Specifications and Establish Bid Date for 2022 MSA Street Reconstruction Improvements - Contract 2022-04 and carried unanimously.

Resolution 2022-079 Approve a Conditional Use Permit for an Enclosed Loading Dock in the Shoreland Management District at the Faribault Woolen Mill at 1500 NW Second Avenue

Community and Economic Development Director Deanna Kuennen explained that Paul Mooty, on behalf of Adrian Mill Holdings, LLC, requested a conditional use permit to develop an enclosed loading dock on the east side of the Faribault Woolen Mill building at 1500 NW Second Avenue. The subject property is in the I-2, Heavy Industrial District and the Shoreland Management District. The Shoreland Management District requires a conditional use permit for industrial development in the district to help ensure that development does not adversely affect the quality of adjacent surface waters. In this case, the proposed enclosed loading dock would be constructed over existing impervious material. Therefore, the proposed dock would not increase impervious coverage and stormwater runoff to the adjacent river.

Staff notified the Minnesota Department of Natural Resources (DNR) of the proposed loading dock. DNR Staff commented that the proposed development would not negatively affect the adjacent river. However, the DNR encouraged the Adrian Mill Holdings, LLC, to provide additional green space and stormwater management practices when and where feasible.

The proposed addition is consistent with the materials, appearance, and character of the existing building. The existing loading dock on the east side of the Faribault Woolen Mill requires trucks to back into the dock from 2nd Avenue NW, which is not ideal from a traffic safety point of view. The proposed enclosed loading dock would eliminate the need for trucks to back into the dock from 2nd Avenue NW. Consequently, the proposed dock would improve truck circulation and reduce the chance of traffic conflicts on 2nd Avenue NW.

Although the proposed dock would eliminate parking spaces in the dock area, the Mr. Mooty believes there is sufficient parking elsewhere on the site, so parking should not be a problem. Furthermore, Mr. Mooty is coordinating with City Staff on other site improvements, including refined parking and additional green space. Given the traffic safety concerns with the existing dock, Staff recommended the Council approve the conditional use permit to address the immediate traffic safety concerns with

the existing dock.

The Planning Commission held a public hearing on March 22, 2022, to consider the request. One resident on 14th Street NW near the river asked for additional information on how the requested conditional use permit would affect her property. After discussing the project with the Planning Commission, the resident did not object to the conditional use permit. The Planning Commission recommended that the City Council approve the conditional use permit based on the findings and conditions outlined in the attached Resolution 2022-079.

Motion by Spooner, seconded by van Sluis to approve Resolution 2022-079 Approve a Conditional Use Permit for an Enclosed Loading Dock in the Shoreland Management District at the Faribault Woolen Mill at 1500 NW Second Avenue and carried unanimously.

Ordinance 2022-6 Amend Chapter 9, Sec. 9-3, (a) of the City Code of Ordinances regarding the Residency Requirement for Environmental Commission Members - First Reading

Community and Economic Development Director Deanna Kuennen explained that like other City commissions, the Environmental Commission receives limited numbers of applications from residents wishing to serve on the commission. At its March 28, 2022 meeting, the Environmental Commission recommended that the City Council amend Chapter 9, Sec. 9-3, (a) of the City Code of Ordinances to allow up to three members from a contiguous township to serve on the seven-member commission. The ordinance currently allows up to two members from a contiguous township to serve on the commission. The Environmental Commission feels it is appropriate to allow up to three members from contiguous townships as the Environmental Commission serves as an advisory role only and does not approve city policies, ordinances, or projects and environmental issues do not follow municipal boundaries.

The Environmental Commission consists of seven members. The proposed ordinance amendment preserves the city residency requirement for four of the seven members, meaning as a body, the commission will have a quorum of city residents on the commission. The proposed ordinance amendment would not prevent the Council from appointing only city residents to the commission. It simply gives the Council the option to appoint up to three members from contiguous townships.

Motion by van Sluis, seconded by Ross to approve Ordinance 2022-6 Amend Chapter 9, Sec. 9-3, (a) of the City Code of Ordinances regarding the Residency Requirement for Environmental Commission Members - First Reading

Roll Call Vote:

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

Nay:

Motion carried 7:0

Ordinance 2022-7 Vacate Certain Unused Public Right of Way Easements and Access Restrictions on Lots 2 and 3 of FWF Addition - First Reading

Community and Economic Development Director Deanna Kuennen explained that Kwik Trip Inc. is proposing to construct a new convenience store at 1955 2nd Avenue NW. The property is currently owned by Malecha Properties LLC. The property has un-used highway easements that were created by MnDOT for Hwy 218 through this area. Later, these easements were transferred to the City or released by MnDOT. Additionally, the site is affected by an electric transmission line easement along the north frontage and partially on the east side of the site. There is a City sanitary sewer easement along the common lot line separating the two existing parcels. The unused highway easements and access limitations will interfere with development of the site unless they are vacated.

The application to vacate unused public right of way easements is the first of four planning and zoning applications necessary for development of the proposed new convenience store at the site. The remaining three planning and zoning applications will be presented for City Council consideration along with the second reading of the ordinance for easement vacation being presented at this time. The Planning Commission recommended approval of each of these applications. City staff is working with the applicants and the City Attorney to complete a development agreement, stormwater

maintenance agreement and finalize traffic management plans for the intersection of 2nd Avenue and 20th Street NW serving this site. A detailed site plan will be presented to the City Council at its April 26th meeting as part of the CUP for this development application.

On March 7, 2022, the Planning Commission held a combined public hearing on all of the related development applications for this project. There were several members of the public present for the public hearing. The Developer, City Staff and Planning Commission members answered all the questions and no objections were received regarding the planning and zoning applications for this project. The Commission members discussed the details of the development and had several questions regarding traffic at the intersection adjoining this site. The Planning Commission, by a vote of 5-1, passed a motion to recommend that City Council approve the applications subject to the recommendations of the Development Review Committee (DRC).

Councilor Viscomi asked what the traffic plans for this area will be, City Engineer Mark DuChene explained that the MnDot has received the traffic study and that there is no signal planned, however, there could possibly be turn lanes, the City is looking at possibly restriping, or lane reconfigurations. Viscomi was also concerned about how pedestrians get through this area; DuChene explained that there are plans for a trail connection. Councilor Spooner asked if there has been discussion about moving the power pole from the corner, DuChene stated that would be discussed in the future.

Motion by Ross, seconded by Spooner to approve Ordinance 2022-7 Vacate Certain Unused Public Right of Way Easements and Access Restrictions on Lots 2 and 3 of FWF Addition - First Reading

Roll Call Vote:

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

Nay:

Motion carried 7:0

Bids

Resolution 2022-075 Accept Bids for Municipal Airport Airfield Lighting Improvements

Public Works Director Travis Block explained that on Wednesday, March 30, 2022, bids were received for the Airfield Lighting Project at the Airport. The project includes replacement of runway and taxiway edge lights with LED fixtures, electrical cable replacements, upgrading airfield signs and beacon with LEDs, improvements to the electrical service room, and wind cone foundation improvements.

The bids were tabulated as follows:

Neo Electric LLC, Hudson, WI	\$ 263,757.00
Coles Electric, Owatonna, MN	\$ 335,750.00
Engineer's Estimate	\$ 312,450.00

Based on the low bidder's price, the estimated funding is as follows:

Federal Grant Funds	\$ 237,381.30	(90%)
State Grant Funds	\$ 13,187.85	(5%)
Airport Fund	\$ 13,187.85	(5%)
Total	\$ 263,757.00	(100%)

It was the recommendation of Block to award to the low bidder, Neo Electric LLC, contingent upon receiving the Federal grant for the project.

The total project costs will be as follows:

Construction	\$263,757.00
Owner Procured Materials	\$ 12,281.00
Engineering Design	\$ 72,750.00
Construction Administration	\$ 45,532.00
FAA Flight Check	\$ 15,343.00

Total \$409,663.00

The total project funding breakdown is as follows:

Federal Funding	\$368,696.70 (90%)
State Funding	\$ 20,483.15 (5%)
Local Funding (Airport Fund 225)	\$ 20,483.15 (5%)
Total	\$409,663.00 (100%)

Motion by Wood, seconded by Caron to approve Resolution 2022-075 Accept Bids for Municipal Airport Airfield Lighting Improvements and carried unanimously.

Boards and Commissions Reports, Announcements and Project Updates

Mayor Voracek stated that there will be a joint meeting on Friday at the American Legion; this meeting is being hosted by the Faribault Chamber.

City Administrator Tim Murray reminded the Council that next week's Work Session is the Annual Retreat meeting and is being held at the Armory, beginning at 1:00 pm.

The Compost/Yard Waste Site will be opening tomorrow due to the storms that came through earlier. Community and Economic Development Director Deanna Kuennen informed the Council that the City of Faribault was nominated for Municipality of the Year and Cry Baby Craig's was nominated for two awards through the Minnesota Real Estate Journal—the awards ceremony will be on April 21.

Adjournment

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

The meeting adjourned at 6:44 pm.

Respectfully Submitted,



Heather Slechta
Assistant to the City Administrator