City Of Faribault

CITY COUNCIL MINUTES

COUNCIL CHAMBERS	TUESDAY, JULY 13, 2021	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 6:00 pm. Councilors Royal Ross, Peter van Sluis, Tom Spooner, Janna Viscomi and Jon Wood were in attendance. Councilor Sara Caron was absent. Also in attendance was City Administrator Tim Murray, Assistant to the City Administrator Heather Slechta, Police Chief Andy Bohlen, Parks and Recreation Director Paul Peanasky, Public Works Director Travis Block, City Engineer Mark DuChene, City Planner David Wanberg, Planning Coordinator Peter Waldock, Community and Economic Development Director Deanna Kuennen and Human Resources Manager Kevin Bushard.

Presentations/Introductions - None

Approve minutes of June 22, 2021 Regular Council Meeting

Motion by Spooner, seconded by van Sluis to approve the minutes of the June 22, 2021 Regular Council Meeting and carried unanimously.

Consent Agenda:

A. Approve Quote to Replace Basketball Hoops in Community Center Gym
B. Resolution 2021-139 Accept Donations to Faribault Parks and Recreation Department
C. Approve Police Department Policy 501 - Property and Evidence
D. Approve LG240B Application to Conduct Excluded Bingo for the Rice County Agricultural Society
E. Resolution 2021-140 Approve Pet Parade Street Closures and Parking Restrictions
F. Resolution 2021-152 Approve Tobacco License for Vaping Studio, Inc.
G. Approve Permit for a 1-4 Day Temporary On-Sale Liquor License for Faribault Minnesota Chapter, Inc.
H. Approve LG240B Application to Conduct Excluded Bingo for Knights of Columbus 4th Degree Assembly 550
I. Resolution 2021-145 Approve Revised 2021 Fees, Charges and Utility Rates
J. Resolution 2021-146 Approve Hiring Accounting Technician
K. Resolution 2021-148 Approve Minnesota Department of Transportation Cooperative Construction Agreement Contract No. 1047355 for TH 3 & TH 21 EVP Improvements - Contract 2021-06
L. Approve Utility Account Credit
M. Accept Quote for Well House #3 Improvements
N. Resolution 2021-147 Ending the Local State of Emergency in the City of Faribault, Minnesota
O. Approve Quote for Caulking on Public Works Building
P. Approve List of Claims for Release
Q. Approve Resolution 2021-155 to Rescind and Replace Resolution 2021-078 Approve Street Closures for Run Baby Run Walk/Run
R. Approve LG220B Application for Exempt Permit for Southern MN Rugby Football Association
S. Approve Permit for a 1-4 Day Temporary On-Sale Liquor License for A Child's Delight Too, Inc.
T. Approve Budget Adjustment for Concrete Apron Replacement

U. Resolution 2021-156 Accept Donation of a Thermal Imaging Camera from an Anonymous Donor
V. Approve Hold Harmless and Indemnification Agreement with BPOE #1166

Motion by Ross, seconded by Wood to approve Consent Agenda Items 4A-4V and carried unanimously.

Requests to be Heard – None

Public Hearings – None

Items for Discussion

Resolution 2021-144 Approve Off-Sale Intoxicating Liquor License for Vermillion Liquor

Assistant to the City Administrator Heather Slechta informed the Council that Brenden Sjodin, CEO/President of Vaping Studio, Inc dba Vermillion Liquor, located at 1930 NW 2nd Ave, has applied for an Off-Sale Intoxicating Liquor License in the city of Faribault and has paid all required fees. The space is currently under construction and the license will not be issued until construction is completed and approved by the Building Codes Division and the Planning Division. Once final approvals are completed by the City, the application will be forwarded to the Minnesota Department of Public Safety - Alcohol and Gambling Enforcement Division for inspection and final approval. The City of Faribault is allowed to issue up to eight (8) Off-Sale Intoxicating Liquor Licenses per Chapter 4, Section 4-11. The City currently has six (6) Off-Sale Intoxicating Liquor establishments. If the license is approved the licensing period will be through December 31, 2021.

Motion by van Sluis, seconded by Viscomi to approve Resolution 2021-144 Approve Off-Sale Intoxicating Liquor License for Vermillion Liquor and carried unanimously.

Ordinance 2021-3 Approve Rezoning from O Open Space / Agricultural to C-2 Highway Commercial District at 1507 Saint Paul Avenue - Second Reading and Approve Summary Publication - Ordinance 2021-3 and Resolution 2021-143 Approve a Conditional Use Permit for Major Auto Repair in the C-2 Highway Commercial District at 1507 St Paul Avenue

Community and Economic Development Director Deanna Kuennen explained that on April 13, 2021, the City Council by a 6 to 1 vote, approved Resolution 2021-070 to amend the City Comprehensive Plan to guide the subject property in this case to a Commercial-Residential Mixed-Use designation. During the same meeting, the City Council also by a 6 to 1 vote approved the first reading of Ordinance 2021-3 to rezone this site at 1507 St. Paul Avenue from O Open Space / Agricultural District to C-2 Highway Commercial District. No substantive changes have been made to the ordinance since its first reading.

Kuennen explained that Mike and Megan Graham are contract purchasers of the former apple orchard seasonal sales building at 1507 St. Paul Ave. They intend to convert the building for an auto repair service and custom car building and restoration business use. The business will service new and classic cars. They also proposed to use the site for the fabrication of custom cars along with auto maintenance and repair services. On April 13th the City Council approved a resolution for a comprehensive plan amendment and first reading of an ordinance rezoning the site to C-2 Highway Commercial District. The conditional use permit (CUP) application is the required next step in the approval process for this business at the site, as the City's Unified Development Ordinance requires a CUP for major auto repair uses in the C-2 District.

The site plan for the CUP provides paved surfaces for the driveways and parking areas as required. The plan includes curbs along the pavement perimeter as specified by the City Engineer and required in the Unified Development Ordinance. No outside storage is proposed with this application. The site plan has room for expanded parking areas if needed in the future. No variances are needed or requested in this case.

On July 6, 2021 the Planning Commission held a public hearing regarding the CUP application. The City received one email in objection to the application from a neighboring home owner across the street from this site. No other public comments or concerns were received regarding this matter. The Planning Commission discussed the application at length, and by 6-0 vote approved the draft resolution with findings in support of the CUP application, recommending approval to City Council.

Viscomi asked if the applicants will have to complete all conditions, as it is a challenging time to get subs and contractors—Kuennen explained that the applicants will have one year to fulfill the requirements. Planning Coordinator Peter Waldock further explained that the ordinances allow for occupancy prior to improvements being completed as long as the applicants provided the City with performance bonds or similar assurances.

Motion by Ross, seconded by van Sluis to approve Ordinance 2021-3 Approve Rezoning from O Open Space / Agricultural to C-2 Highway Commercial District at 1507 Saint Paul Avenue - Second Reading

Roll Call Vote:
Aye: Councilor Ross, van Sluis, Spooner, Viscomi, Wood, Mayor Voracek
Nay;
Motion carried 6:0

Motion by Ross, seconded by Spooner to approve Summary Publication - Ordinance 2021-3 and carried unanimously.

Motion by Viscomi, seconded by Wood to approve Resolution 2021-143 Approve a Conditional Use Permit for Major Auto Repair in the C-2 Highway Commercial District at 1507 St Paul Avenue and carried unanimously.

Resolution 2021-137 Approve a Conditional Use Permit to Establish a Self-Service Outdoor Storage Facility at 1612 7th Street NW in the Shoreland Protection District

Community and Economic Development Director Deanna Kuennen explained that on May 13th, the City received an application for a Conditional Use Permit (CUP) for Shoreland District Development and a site plan review for construction of site improvements for a new outdoor self-storage lot at the former Land-O'Lakes plant at 1612 7th Street NW. This location is zoned I-2, Heavy Industrial District with a Shoreland Overlay on the east portion of the site along Crocker's Creek. The proposal also includes an approximate 7,500 square feet of heated interior self-storage area and 1,082 square feet of office space in the west building which falls outside of the Shoreland District Boundary as well as outdoor storage and that is where the CUP comes in.

The owners plan to remove paved areas within the 7th Street NW right of way and a paved area at the southeast corner of the site within the floodplain. New pavement will be installed in the north portion of the site over a currently gravel surfaced area. The easterly buildings will remain warehouse and office as currently used. A 6-foot tall chain link fence with privacy slats are planned for the area between the buildings for 10 exterior self-storage spaces. The fence will have an angled barbed wire deterrent top. The eastern portion of the site will have 60 outdoor self-service storage spaces on pavement with fencing. New LED lighting with downcast will be added to reduce glare off site. The owners are planning to install security cameras to monitor the site. Hours of operation are between 6 AM and 10 PM with card code access to the storage areas. The business will operate on an appointment basis for new customers, and will not have full-time staff on site.

On June 21, 2021 the Planning Commission held a public hearing regarding this request. There was one neighboring property owner in attendance. The neighbor expressed concern over the current lack of maintenance at the site and concern over the some of the conduct at the site. The owners responded that this application will address these concerns by improving the property. The Planning Commission voted 4-0 to approve the findings in support of the Conditional Use Permit for Shoreland Development as requested and as recommended by City Staff.

Councilor Ross asked if the east side will have barbed wire fencing as well. Planning Coordinator Peter Waldock stated that it would have the angled deterrent as well; however it will not be needed on the south gated area, unless the applicants choose to add the fencing.

Motion by Viscomi, seconded by Wood to approve Resolution 2021-137 Approve a Conditional Use Permit to Establish a Self-Service Outdoor Storage Facility at 1612 7th Street NW in the Shoreland Protection District and carried unanimously.

Resolution 2021-136 Approve Variance from Front Yard Setback Requirements for a Six- Foot Tall Fence at 1510 Hulett Avenue

An application was submitted by the owner of A & J Storage Center, Jeff Jandro, for a fence setback variance. The variance would be to allow a proposed 6-foot tall chain link fence to be placed at the parking lot/driveway curb line along Hulett Avenue in the south portion of the site at 1510 Hulett Avenue. The property is zoned C-2 Highway Commercial District. Six-foot-tall fences are not allowed in the front yard of commercial uses. A CUP for the mini-storage facility was approved in 1996 for the south portion of the site. The approved site plan had the driveway curb line at the front property line along Hulett Avenue as currently found on site. The fence is needed for added security at the site, however the proposed fence will not completely enclose the site. The applicant is seeking to avoid multiple gates for customer access between buildings that would be necessary for the building layout of this portion of the site. It is noted that security fences are commonly installed at self-storage facilities. City staff recommended approval of the application based on the existing layout approved by the City in 1996.

The Planning Commission held a public hearing regarding this application on June 21, 2021. The City did not receive any comments from the public and no objections to the request were made during the public hearing. City staff recommended approval of the application based on the existing layout approved by the City in 1996. At that time, the City and the property owners did not anticipate that fencing would be needed in the future at this site. Although gates are not proposed at this time, if they are proposed in the future the owners will need to provide room for vehicles to wait off street while unlocking the gate to enter the site. The Planning Commission by a 4-0 vote approved findings in support of the variance application as requested. The Planning Commission recommended that the City Council approve this application based on the findings and subject to the conditions of approval as included in the proposed resolution.

Councilor Ross asked if there is any interest in enclosing the entire area and if cameras will be installed, Kuennen explained that it is the owner's preference not to enclose the area due to how the property is laid out. Jeff Jandro, property owner, explained that cameras will be installed, and that a roller gate will be installed by the Mill City assisted living. The gate will be manually opened at 8am and will be closed at 8pm. Councilor van Sluis was in support of the fence, however asked if issues have caused the need for the fencing, Mr. Jandro explained that Monkey Motors wanted to install a fence, people are coming through our site, and going onto their property and stealing their catalytic converters.

Motion by Spooner, seconded by Viscomi to approve Resolution 2021-136 Approve Variance from Front Yard Setback Requirements for a Six- Foot Tall Fence at 1510 Hulett Avenue and carried unanimously.

Resolution 2021-095 Approve Preliminary and Final Plat for Met Con Business Park Second Addition, Resolution 2021-153 Approve Met Con Business Park Second Addition Developer's Platting Agreement and Resolution 2021-154 Approve Purchase Agreement and Acquisition of Property Located at Lot 3, Block 1 Met Con Business Park Second Addition
Community and Economic Development Director Deanne Kuennen informed the Council that Randy McDonough on behalf of McDonough Farms, LLC requested approval of a preliminary plat and a final plat for Met Con Business Park Second Addition. The proposed plat will replat Outlot A, Met Con Business Park First Addition into four lots; Lot 1 is almost a four-acre lot to be acquired by Daikin Applied for their existing stormwater basin and truck staging area; Lot 2: Ten-acre lot to be available for future industrial development; Lot 3: will be just about a two acres and acquired by the City of Faribault for a future water tower. The remaining 28.33 acres will be Outlot A and will be replatted into industrial lots in the future. The Planning Commission held a public hearing on May 3, 2021, to consider the Applicant's requests. No one from the public provided comments. With a 7-0 vote, the Planning Commission recommended approval of the Applicant's request based on the findings and conditions in Resolution 2021-095, Approve Preliminary Plat and Final Plat of Met Con Business Park Second Addition.

Kuennen requested that the City Council authorize the execution of the Met Con Business Park Second Addition Developer's Platting Agreement. Resolution 2021-153 will allow City Staff and its consultants to refine the Agreement as necessary to meet the intent of the approved preliminary plat and final plat of Met Con Business Park Second Addition.

Resolution 2021-154 approves the Purchase Agreement and Acquisition of Property identified as Lot 3, Block 1 Met Con Business Park Second Addition subject to modifications that do not materially alter the City's rights and obligations under the Agreement and that are approved by the City's Mayor and City Administrator. City Engineer Mark DuChene explained that the agreement is fairly standard however does outline some cost sharing responsibilities for utilities to serve the water tower and the purchase of 2 acres for the tower.

Motion by Spooner, seconded by van Sluis to approve Resolution 2021-095 Approve Preliminary and Final Plat for Met Con Business Park Second Addition and carried unanimously.
Motion by van Sluis, seconded by Wood to approve Resolution 2021-153 Approve Met Con Business Park Second Addition Developer's Platting Agreement and carried unanimously.
Motion by Viscomi, seconded by Ross to approve Resolution 2021-154 Approve Purchase Agreement and Acquisition of Property Located at Lot 3, Block 1 Met Con Business Park Second Addition and carried unanimously.

Resolution 2021-141 Approve Preliminary Plat and Final Plat of Thompson James Group South Division and Resolution 2021-142 Approve a Conditional Use Permit to Allow a Multi-Family Use in the C-2, Highway Commercial District at 924 1st Street NE
Councilor Spooner recused himself from the discussion on these items due to a conflict of interest.

Thompson James Group South Division, also known as C. Alan Homes, requested approval of a preliminary plat and final plat to develop Austin James Luxury Community, a 34-unit rental residential development at 924 First Street NE. Kuennen explained that earlier this year, Thompson James Group South Division participated in a neighborhood meeting and a City Council work session to gather input on the proposed development. Based on the feedback received at those meetings, they continued to refine the development plans. The refined development plans are similar to the plans that the Council reviewed at its work session. Thompson James Group South also requested approval of a conditional use permit (CUP) to develop Austin James Luxury Community, a 34-unit rental residential development, on a commercially zoned property at 924 First Street NE.

The Planning Commission held a public hearing on July 6, 2021, to consider the Thompson James

Group South Division requests. Several residents spoke in favor of the proposed development. No one expressed concerns about the development. With a 6-0 vote, the Planning Commission recommended that the City Council approve the Developer's preliminary plat and final plat based on the findings and conditions of approval included in Resolution 2021-141 as well as approve the findings and conditions of approval included in Resolution 2021-142.

Councilor Viscomi had concerns about the lack of green space, the City Planner recommended limiting the proposed driveways to a maximum width of 20 feet (as opposed to 24 feet), with a minimum six-foot landscaped area between driveways. The Planning Commission agreed with the Thompson James Group South Division that the proposed 24-foot wide driveways are preferred and they are meeting the code requirements for green space. City Planner David Wanberg stated that the green space is mostly in the back of the unit, there are individual patios and decks as well as a playground. City Administrator Tim Murray explained that the storm water management will be underground chambers, there will be turf over them.

Councilor Ross asked about parking on the service road, City Engineer Mark DuChene stated that there have been no requests to park on the street. There is currently no parking on the service road and he would recommend no parking as it is not wide enough. Kuennen stated that there is additional parking included that is not on the frontage road.

Motion by Ross, seconded by Viscomi to approve Preliminary Plat and Final Plat of Thompson James Group South Division and carried 6:0 with Councilor Spooner recusing himself.

Motion by Ross, seconded by van Sluis to approve a Conditional Use Permit to Allow a Multi-Family Use in the C-2, Highway Commercial District at 924 1st Street NE and carried 6:0 with Councilor Spooner recusing himself.

Bids

Approve Quote for Overlook at Fleckenstein Bluffs Park

Parks and Recreation Director Paul Peanasky explained that an overlook at Fleckenstein Bluffs Park is part of the park development plan. Staff recently requested quotes to build the overlook and received three quotes with Healy Construction coming in with the low quote of $148,155.
Mayor Voracek asked if this came in on budget, Peanasky stated that it was over the estimated cost by about $14,000.

Motion by Spooner, seconded by Wood to Approve Quote for Overlook at Fleckenstein Bluffs Park and carried unanimously.

Resolution 2021-149 Accept Bids for TH 3 & TH 21 EVP Improvements - Contract 2021-06

City Engineer Mark DuChene informed the Council that on Wednesday, July 7, 2021 bids were received for the proposed for the proposed TH 3 & TH 21 EVP Improvements, Contract 2021-06. This project consists of installing emergency vehicle preemption (EVP) devices on the existing signal system at TH 21 & TH 3 intersection to allow emergency vehicles to interrupt the normal traffic signal cycle to give the emergency vehicles green lights in the direction of their travel.

The bids were tabulated as follows:

Minnesota Signal LLC, Le Center, MN	$ 14,851.50
River City Electric Co., Mankato, MN	$ 16,707.00
Engineer's Estimate	$ 20,000.00

Based on the low bidder's prices, the estimated funding for the project including contingencies and engineering fees is:

MnDOT LPP Grant	$ 11,140.00	65%
MSA Fund	$ 5,950.00	35%
Total	$ 17,090.00	100%

It was recommended to award to the low bidder, Minnesota Signal LLC. It is anticipated that the construction will be completed in August/September this year.

Motion by van Sluis, seconded by Wood to approve Resolution 2021-149 Accept Bids for TH 3 & TH 21 EVP Improvements - Contract 2021-06 and carried unanimously.

Resolution 2021-150 Accept Bids for 2021 Sanitary Sewer Rehabilitation Improvements - Contract 2021-08

City Engineer Mark DuChene informed the Council that On Wednesday, July 7, 2021 bids were received for the proposed 2021 Sanitary Sewer Rehabilitation Improvements, Contract 2021-08. This project consists of rehabilitating deficient sanitary sewer pipes by lining them with a structural liner.

The bids are tabulated as follows:

Hydro-Klean, LLC, Des Moines, IA	$ 71,177.00
Veit & Company, Inc., Rogers, MN	$ 85,708.00
Visu- Sewer, Inc., Pewaukee, WI	$ 94,302.00
Insituform Technologies USA, LLC, Chesterfield, MO	$ 105,309.40
Granite Inliner, LLC, Hugo, MN	$ 109,556.00
Engineer's Estimate	$ 92,540.00

Based on the low bidder's prices, the estimated cost for the project is $90,000.00 including contingencies and engineering fees and will be paid for from the Sanitary Sewer Utility Fund (602). It was recommended to award to the low bidder, Hydro-Klean, LLC. It is anticipated that the construction will be completed later this fall.

Motion by Wood, seconded by Viscomi to approve Resolution 2021-150 Accept Bids for 2021 Sanitary Sewer Rehabilitation Improvements - Contract 2021-08 and carried unanimously.

Resolution 2021-151 Accept Bids for NW Area Water Tower - Contract 2019-12A

On Wednesday, July 7, 2021 bids were received for the proposed NW Area Water Tower, Contract 2019-12A. This project consists of the construction of a 750,000-gallon elevated water storage tower and related appurtenances. The associated watermain extension which is under separate contract was previously approved by the City Council.

The bids are tabulated as follows:

Caldwell Tanks, Inc., Louisville, KY	$ 3,441,000
Phoenix Fabricators and Erectors, Sebree, KY	$ 3,635,000
Landmark Structures, Fort Worth, TX	$ 3,674,000
McDermott, Plainfield, IL	$ 3,787,000
Engineer's Estimate	$ 4,100,000

Based on the low bidder's prices for both the watermain extension, Contract 2019-12B and the water tower, Contract 2019-12A as well as land acquisition costs, the estimated funding for the project including contingencies and engineering fees is as follows:

DEED BDPI Grant	$ 2,000,000.00	41%
PFA DWRF Loan (repaid with 601 funds)	$ 684,000.00	14%
Water Utility Fund (601)	$ 2,161,250.00	45%
Total	$ 4,845,250.00	100%

DuChene noted that $684,000.00 is the max amount of the PFA loan based on the low bid for the watermain extension Contract 2019-12B. The final amount is still being determined by MDH.

It is recommended to award to the low bidder, Caldwell Tanks, Inc. It is anticipated that the construction will start this fall and the water tower will be operational and online by September 1, 2023.

Motion by Ross, seconded by Spooner to approve Resolution 2021-151 Accept Bids for NW Area Water Tower - Contract 2019-12A and carried unanimously.

Boards and Commissions Reports, Announcements and Project Updates-None

Adjournment
Motion by van Sluis, seconded by Viscomi to adjourn the Regular City Council Meeting.

Meeting adjourned at 6:50 pm.

Respectfully Submitted,

H Slechta

Heather Slechta
Assistant to the City Administrator