CITY OF
Faribault

CITY COUNCIL MINUTES

COUNCIL CHAMBERS TUESDAY, FEBRUARY 11, 2020 6:00 PM

Call to Order/Roll Call/Pledge of Allegiance
The meeting was called to order by Mayor Voracek at 6:00 pm. Councilors Elizabeth Cap, 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, City Planner David Wanberg, Planning Coordinator Peter Waldock, City Engineer Mark DuChene, Parks and Recreation Director Paul Peanasky, Finance Director Jeanne Day and Police Chief Andy Bohlen.

Presentations/Introductions
BMX Track Presentation
Members from the BMX Track were not present. Presentation may be rescheduled to a later date.

Hiawathaland Transit Update by Dianne Ford
Dianna Ford. Hiawathaland Transit provided the Council with an update on the service changes that are being implemented including; changes with Dial-a-Ride Hours, Changes in Routes to better accommodate users, and a new service between Faribault and Northfield.

Approve minutes of January 28, 2020 Regular Council Meeting and February 4, 2020 Special Meeting (majority vote)
Motion by Ross, seconded by Cap to approve minutes of January 28, 2020 Regular Council Meeting and February 4, 2020 Special Meeting and carried unanimously.

Consent Agenda:
A. List of Claims for Release
B. Resolution 2020-018 Approve 2019 Budget Amendments
C. Resolution 2020-019 Revising the 2020 Adopted Budget for Encumbrances
D. Approve LG 220 Application for Exempt Permit for Faribault Ducks Unlimited
E. Approve Appointment of Committee, Board, and Commission Member
F. Approve Change Order No. 2 for 2019A Street Reconstruction - City Contract 2019-04
G. Accept Quote for Purchase of a Police Unmarked Vehicle for 2020 CIP
Motion by Viscomi, seconded by Spooner to approve Consent Agenda Items A-G and carried unanimously.

Requests to be Heard – None

Public Hearings
Resolution 2020-020 Order Improvements and Order Preparation of Plans and Specifications for 2020 Street Overlay and Sidewalk Improvements – Contract 2020-02
City Engineer Mark DuChene explained that Resolution 2020-020 orders the improvements for the proposed for the 2020 Street Overlay & Sidewalk Improvements project (Contract 2020-02), including curb and gutter replacement, concrete sidewalk replacement & construction, storm sewer repairs, casting adjustment/ replacement, pavement milling, bituminous paving, pavement markings, and related improvements.

The streets proposed to be included in this project are as follows:

18th Avenue NW (160 ft. south of Paulis Dr. to 16th Street NW includes sidewalk)
19th Avenue NW  (South end to 16th Street NW)
Airport Drive  (18th Avenue NW to west end/c-d-s)
Fairway Drive  (Paulis Drive to 15th Street NW)
Paulis Drive  (18th Avenue NW to Fairway Drive)
Bard Avenue  (Green Street to 15th Street NW)
Bard Court  (Green Street to south c-d-s)
Green Drive  (Green Street to Lavendar Drive)
Green Street  (TH 21/Lyndale Avenue to Green Drive)
Greenhaven Bay  (Green Drive to Green Drive)
Lavendar Drive  (TH 21/Lyndale Avenue to Green Drive)
Airport Drive  (TH 21 to Airtech Drive)
West Airport Drive  (TH 21 to south end)
Industrial Drive  (30th Street NW to south end)

An informational meeting for this project was held at 5:30 p.m. on Thursday, January 23, 2020 with eight people in attendance. Some of the issues and concerns expressed at the meeting included; Sidewalk installation along 18th Avenue NW and the loss of trees associated with the sidewalk installation, Drainage issues on Bard Court and Paulis Drive as well as questions about the special assessment process and timing.

The total estimated cost of the improvements is $1,287,350.00. Proposed funding for the project comes from a number of sources, as outlined below:

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Special Assessments</td>
<td>$453,200.00</td>
<td>35.2%</td>
</tr>
<tr>
<td>Street Improvement Fund (401)</td>
<td>$709,520.00</td>
<td>55.1%</td>
</tr>
<tr>
<td>Water Utility Fund (601)</td>
<td>$81,800.00</td>
<td>6.4%</td>
</tr>
<tr>
<td>Sanitary Sewer Utility Fund (602)</td>
<td>$14,875.00</td>
<td>1.2%</td>
</tr>
<tr>
<td>Storm Water Utility Fund (603)</td>
<td>$27,995.00</td>
<td>2.2%</td>
</tr>
<tr>
<td>Total</td>
<td>$1,287,350.00</td>
<td>100.0%</td>
</tr>
</tbody>
</table>

DuChene further explained that as detailed in the feasibility report, the improvements would be specially assessed per City policy, using the 2020 assessments rates set by Council Resolution 2018-227, adopted on November 13, 2018. Construction is scheduled to begin in April or May, with substantial completion by the end of August 2020.

Councilor Wood questioned if construction would happen on half of the road at a time, DuChene explained that it would be the full width of the road, and impact would most likely be two days, Mayor Voracek asked what side of the road the sidewalks would be installed, DuChene explained that the sidewalks would be installed on the east side, Councilor Ross if the road would be closed, DuChene explained that the road would be open and flaggers would be used.

Motion by Wood, seconded by Spooner to open the public hearing at 6:24 pm.

Clarence Anderson, request that curb and gutter be repaired near his home due run-off from the neighbor’s driveway, DuChene stated that he has spoken with Mr. Anderson and it is in the works.

Motion by van Sluis, seconded by Ross to close the public hearing at 6:26 pm.

Motion by Spooner, seconded by van Sluis to approve Resolution 2020-020 Order Improvements and Order Preparation of Plans and Specifications for 2020 Street Overlay and Sidewalk Improvements – Contract 2020-02 and carried unanimously.

Resolution 2020-021 Order Improvements and Order Preparation of Plans and Specifications for 2020 13th Street NW Extension Improvements – Contract 2020-05

City Engineer Mark DuChene explained that Resolution 2020-021 orders the improvements for the proposed for the 2020 13th Street NW Extension Improvements – Contract 2020-05, including construction of curb and gutter, concrete sidewalk, storm sewer, sanitary sewer, watermain,
bituminous paving, pavement markings, and related improvements.

The streets proposed to be included in this project are as follows:
13th Street NW (Western Avenue to 600 ft. east of Western Ave)

DuChene explained that no neighborhood meeting was held for this project as there were only two property owners affected by the proposed project, one of which was the petitioner and the other property has a mailing address outside of the country.

The total estimated cost of the improvements is $315,000.00. As detailed in the feasibility report, the improvements are proposed to be 100% specially assessed per City policy to the benefiting property owners as these are new development improvements. DuChene received a letter from the property owner requesting that the assessment be deferred until the property is developed. Construction is scheduled to begin in April or May, with substantial completion by the end of August 2020.

Councilor Ross clarified that this is a public street, DuChene explained that it is a public street and a portion of the street would be built to City standards by the developer. There was much discussion regarding deferring the assessment, however, it was decided to further discuss any potential deferment at a later date.

Motion by Cap, seconded by Wood to open the public hearing at 6:39 pm.

There were no comments received.

Motion by Cap, seconded by Wood to close the public hearing at 6:39 pm.

Motion by Cap, seconded by Wood to approve Resolution 2020-021 Order Improvements and Order Preparation of Plans and Specifications for 2020 13th Street NW Extension Improvements – Contract 2020-05 and carried unanimously.

Items for Discussion

Proposed Amendments to Chapter 2 and Chapter 6 of the City Charter

City Administrator Tim Murray explained that at the January 14, 2020 Council meeting the Council held a public hearing to receive comments on the proposed Charter Amendments, no comments were received at that time. The Council approved the first reading of the ordinances at that time. There have been no comments or changes made to the ordinances since the first reading.

Ordinance 2019-21 Amending Section 2.02. – Boards and commissions. of the Faribault City Charter – Second Reading

Motion by Ross, seconded by Spooner to approve Ordinance 2019-21 Amending Section 2.02. – Boards and commissions. of the Faribault City Charter – Second Reading

Roll Call Vote:
Aye: Cap, Ross, van Sluis, Viscomi, Spooner, Wood, Mayor Voracek
Nay:
Motion carried 7:0

Ordinance 2019-22 Amending Section 2.05. – Vacancies; appointments. of the Faribault City Charter – Second Reading

Motion by van Sluis, seconded by Cap to approve Ordinance 2019-22 Amending Section 2.05. – Vacancies; appointments. of the Faribault City Charter – Second Reading

Roll Call Vote:
Aye: Cap, Ross, van Sluis, Viscomi, Spooner, Wood, Mayor Voracek
Nay:
Motion carried 7:0

Ordinance 2019-23 Amending Section 6.02. – Powers and duties of the city administrator. of the Faribault City Charter – Second Reading

Motion by Spooner, seconded by Wood to approve Ordinance 2019-23 Amending Section 6.02. – Powers and duties of the city administrator. of the Faribault City Charter – Second Reading

Roll Call Vote:
Aye: Cap, Ross, van Sluis, Viscomi, Spooner, Wood, Mayor Voracek
Nay:
Motion carried 7:0

Ordinance 2019-24 Amending Section 6.04. – Subordinate officers. of the Faribault City Charter – Second Reading

Motion by Cap, seconded by van Sluis to approve Ordinance 2019-24 Amending Section 6.04. – Subordinate officers. of the Faribault City Charter – Second Reading

Roll Call Vote:
Aye: Cap, Ross, van Sluis, Viscomi, Spooner, Wood, Mayor Voracek
Nay:
Motion carried 7:0

Ordinance 2020-3 Establishment of an Environmental Commission

City Planner David Wanberg explained that Ordinance 2020-3 would establish an Environmental Commission. Wanberg explained that the Environmental Commission would be strictly an advisory commission with no inherent power to adopt ordinances or establish new programs or policies on its own, and the final authority on environmental issues affecting the City would be done by the City Council. Wanberg also explained that the Commission would also consider the economic and social impacts related to environmental policy and practices and that the work of the Environmental Commission would not negatively affect Faribault's businesses and residents. Membership of the Commission would be made up of seven individuals, of which up to two individuals could be a resident of one of the four townships that border the City of Faribault.

There was much discussion regarding membership from the area townships, however, the Council did support two members from townships that border the City of Faribault.

Motion by Cap, seconded by Viscomi to approve Ordinance 2020-3 Establishment of an Environmental Commission – First Reading as written

Roll Call Vote:
Aye: Cap, Ross, van Sluis, Viscomi, Spooner, Wood, Mayor Voracek
Nay:
Motion carried 7:0

Resolution 2020-017 Approve an Interim Use Permit to Place Refrigerated Processing/Storage Containers and Trailers in the Front Yard and Corner Side Yard of 1512 30th Street NW

City Planner David Wanberg explained that Living Greens Farm, a producer of leafy greens, is experiencing a significant increase in demand for its products – particularly its salad kits. However, the Living Greens Farm facility at 1512 30th Street NW is at capacity. As a result, Ken Sourbeck, Vice President and General Manager of Living Greens Farm on behalf of Van East Land Development Company, LLC requested approval of an interim use permit (IUP) to temporarily place refrigerated processing/storage containers and trailers in the front yard and corner side yard of the subject property. As proposed, this temporary solution would allow Living Greens roughly two years to develop and implement a permanent solution to address the long-term growth needs of Living Greens Farm. Living Greens Farm plans to remove the containers/trailers and restore the site before July 31,
The Planning Commission held a public hearing on February 3, 2020 to consider the request. The Applicant attended the public hearing, but no one from the public was at the public hearing to speak to the request. Furthermore, the City Planner did not receive written or verbal comments from the public related to this request. With a 5-0 vote, the Planning Commission recommended approval of Resolution 2020-017, which includes the Planning Commission’s findings and recommended conditions of approval for granting the requested interim use permit.

Motion by Ross, seconded by Spooner to approve Resolution 2020-017 Approve an Interim Use Permit to Place Refrigerated Processing/Storage Containers and Trailers in the Front Yard and Corner Side Yard of 1512 30th Street NW and carried unanimously.

Resolution 2020-022 Deny an Application for a Planned Unit Development Amendment for 23rd Street Apartments at 210-310 23rd Street NW

Planning Coordinator Peter Waldock explained that Todd Nelson of T Nelson Properties requested approval of an amendment to the site plan for the 23rd Street Apartments Planned Unit Development (PUD) to eliminate a playground set approved in the PUD ordinance for the site plan. The applicant has stated that the apartments are largely rented to persons 55+ years of age and the playground set is not needed for these renters.

The development received approval of a Rezoning to R-3, Medium Density Residential (Ord. 2014-6), with a PUD-R (Res. 2014-077 for final plan approval) in June of 2014. On May 10, 2016 Ord. 2016-8 was approved amending the PUD for subject site to increase the number of units to 31, and attach previously built buildings with a new common community room area.

The site is largely developed now. Some of the landscaping is in, with some substitutions made by the developer on the east building. The DRC and Planning Commission have informally approved the volunteer growth on the west side of the pond rather than the landscaping on that side of the pond shown on the final plan.

The Planning Commission held a public hearing at its meeting on January 6, 2020. The Commissioners received a report from City Staff that recommended denial of the request because it felt the playground equipment would be used by residents and their guest as this is not an age restricted property. The Commissioners continued the hearing to January 21, 2020 to allow Mr. Nelson time to submit alternative amenities to replace the playground set. At the January 21, 2020 meeting, the Mr. Nelson suggested a horseshoe court and a shuffle board court to replace the playground set on the plans for the site. The Planning Commission continued the public hearing on the matter to February 3, 2020 and directed the Mr. Nelson to submit revised plans with the shuffle board court and horseshoe court in place of the playground set. Mr. Nelson submitted a letter extending the review period for the request and submitted the revised plan as directed. The Park and Recreation Director representing the Park Board submitted an email expressing concerns with the plan and felt that the plan should not be amended to remove the playground set as they felt it was a benefit to the site. The Planning Commission discussed the application and by a 5-0 vote they approved a finding to deny the application. The Commissioners found the comments of the Park Board had merit in this case. The Planning Commission recommended denial of this application.

The Council discussed the request to remove the playground from the PUD requirement in great length. Councilor Ross supported removing the playground requirement, Councilor Viscomi requested that Mr. Nelson add an amenity that would add value to the property, Councilor Wood was open to exploring more options. Councilors Spooner and Cap supported approving the denial, and sticking to the original plan set forth in the PUD.

Motion by Ross, seconded by Wood to table Resolution 2020-022 Deny an Application for a Planned Unit Development Amendment for 23rd Street Apartments at 210-310 23rd Street NW and motion passed 5:2 with Councilors Cap and Spooner voting Nay.
Bids – None

Boards and Commissions Reports, Announcements and Project Updates
Councilor Ross informed the Council of the open house at HealthFinders on February 21, 2020 from 4pm-6pm.
Councilor Cap attended a Milltowns Trail meeting, and things are progressing on the north end and encouraged the City to get plans ironed out; she also discussed the MN Rail coming through town in the future.

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

Meeting adjourned at 7:49 pm.

Respectfully Submitted,

Heather J. Slechta
Assistant to the City Administrator