



CITY COUNCIL MINUTES-DRAFT

COUNCIL CHAMBERS

TUESDAY, JANUARY 22, 2019

6:32 PM

Call to Order/Roll Call/Pledge of Allegiance

The meeting was called to order by Mayor Kevin Voracek at 6:32 pm. Councilors Elizabeth Cap, Royal Ross, Peter van Sluis, Tom Spooner and Jon Wood were in attendance. Councilor Janna Viscomi was absent. Also in attendance were City Administrator Tim Murray, Assistant to the City Administrator Heather Slechta, Public Works Director Travis Block, City Engineer Mark Duchene, Human Resources Manager Kevin Bushard, Park and Recreation Director Paul Peanasky, Community and Economic Development Director Deanna Kuennen, City Planner David Wanberg, Library Director Delane James, Police Chief Andy Bohlen and Fire Chief Dustin Dienst.

Presentations/Introductions

Swearing in of Paid-On-Call Fire Fighter Zach Greeney

Zach Greeney was sworn in as a Paid-On-Call Fire Fighter by City Administrator Tim Murray. Greeney was welcomed to the Department by Fire Chief Dustin Dienst.

Approve minutes of January 8, 2019 Regular Council Meeting and January 15, 2018 Special Council Meeting

Motion by Ross, seconded by van Sluis to approve minutes of January 8, 2019 Regular Council Meeting and January 15, 2018 Special Council Meeting and carried unanimously.

Consent Agenda:

- A. List of bills to be paid
- B. Approve LG240B Application to Conduct Excluded Bingo for Infants Remembered in Silence on February 10, 2019 at the Faribault American Legion
- C. Resolution 2019-016 Approve Premises Permit for Defeat of Jesse James Days Committee, Inc. at Corks and Pints
- D. Resolution 2019-017 Approve Tobacco License for Haskell's Inc.
- E. Approve Supplemental Agreement No. 2 with Foth for On-Call Aviation Services
- F. Appointment of Committee, Board, and Commission Members
- G. Approve Maple Lawn Cemetery Agreement Extension
- H. Accept Proposal for Finance Director Search from DDA Human Resources, Inc.
- I. Approve Letter Opposing Proposed Amendment to Minnesota Rules Governing Environmental Review
- J. Authorize Submittal of MnDOT 2023 State Transportation Improvement Program Grant Application
- K. Resolution 2019-021 Accept Quote from TNC Industries Inc. For Fire Station Vehicle Exhaust Capture System

Consent Agenda Item 4C. Resolution 2019-016 Approve Premises Permit for Defeat of Jesse James Days Committee, Inc. at Corks and Pints was removed for further discussion by Councilor Ross.

Motion by Cap, seconded by Spooner to approve Consent Agenda Items 4A-B and D-K and carried unanimously.

Item 4C. Resolution 2019-016 Approve Premises Permit for Defeat of Jesse James Days Committee, Inc. at Corks and Pints

Councilor Ross questioned if the City has any restrictions in place that would not allow outside organizations to conduct lawful gambling in the City of Faribault. Assistant to the City Administrator Heather Slechta explained that the City currently allows the Morristown Fire Relief Association to conduct gambling at Lori Ann's. The Defeat of Jesse James Days Committee, Inc. will be required to participate on the Charitable Gambling Board as well as pay the 5% tax to the City.

Item 4K. Resolution 2019-021 Accept Quote from TNC Industries Inc. For Fire Station Vehicle Exhaust Capture System

Councilor Wood questioned the mechanical warranty on item 4K. Resolution 2019-021 Accept Quote from TNC Industries Inc. For Fire Station Vehicle Exhaust Capture System. Wood explained that the Department of Labor requires a 2-year warranty. Wood also questioned if the City would be listed as additional insured. City Administrator Murray explained that the City would be listed as additional insured.

Requests to be Heard-None

Public Hearings

Resolution 2019-018 Order Improvements and Order Preparation of Plans and Specifications for 2019 Street Overlay & Sidewalk Improvements – Contract 2019-02

Motion by van Sluis, seconded by Wood to open the Public Hearing at 6:41 pm.

City Engineer Mark DuChene explained that Resolution 2019-018 Orders Improvements and Preparation of Plans and Specifications for 2019 Street Overlay & Sidewalk Improvements – Contract 2019-02, ordered the improvements for the proposed 2019 Street Overlay and Sidewalk Improvements project. The proposed work includes 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:

1st Avenue SW	(Division Street W. to Tower Place)
1st Street SW	(1st Avenue SW to 2nd Avenue SW)
2nd Street SW	(1st Avenue SW to 2nd Avenue SW)
Flynn Street	(Francis Street to Fowler Street)
Fowler Street	(Francis Street to Lind Street)
Francis Street	(Locust Street to 325' south of Lind Street)
Lind Street	(Willow Street to Fowler Street)
Locust Street	(Willow Street to Francis Street)
Poplar Street	(Willow Street to Francis Street)
Rice Street	(Francis Street to 300' south of Lind Street)
Short Street	(Francis Street to south end)
3rd Street SE	(10th Avenue SE to Tischler Avenue)
12th Avenue SE	(Division Street E. to 5th Street SE)
Division Street*	(9th Avenue to Irving Avenue) *Sidewalk Only

An informational meeting for this project was held at 6:00 p.m. on Thursday, January 10, 2019 with eight (8) people in attendance. Some of the issues and concerns expressed at the meeting included:

- Sidewalk installation along Lind St (dog walkers not picking up after their dog)
- Drainage issues at intersection of Lind St. & Fowler St.
- Questions about special assessment process and timing

The total estimated cost of the improvements is \$768,200.00. Proposed funding for the project comes from a number of sources, as outlined below:

Special Assessments	\$ 341,500.00	44.5%
Street Improvement Fund (401)	\$ 379,700.00	49.4%
Water Utility Fund (601)	\$ 7,000.00	0.9%
Sanitary Sewer Utility Fund (602)	\$ 15,000.00	2.0%
<u>Storm Water Utility Fund (603)</u>	<u>\$ 25,000.00</u>	<u>3.2%</u>
Total	\$ 768,200.00	100.0%

DuChene further explained that as detailed in the feasibility report, the improvements are proposed to be specially assessed per City policy, using the 2019 assessments rates set by Council Resolution 2018-227, adopted on November 13, 2018. The assessment frontages are subject to credits as given in the Community Management Plan. Construction is scheduled to begin in April or May, with substantial completion by the end of July, 2019.

Councilor Cap questioned if sidewalk could be added to the property adjacent to the railroad, North on 8th Ave. City Engineer Mark DuChene explained that this parcel is tricky due to the railroad, however, it could always be considered.

Motion by Ross, seconded by Spooner to approve Resolution 2019-018 Order Improvements and Order Preparation of Plans and Specifications for 2019 Street Overlay & Sidewalk Improvements – Contract 2019-02 and carried unanimously.

Motion by Cap, seconded by van Sluis to close the Public Hearing at 6:48 pm.

Items for Discussion

Adopt Buckham Memorial Library Strategic Plan and Implementation Plan 2019-2021

Library Director Delane James explained that one of the Library's goals for 2018 was to create a new strategic plan and implementation plan for 2019-2021. The Library's first strategic plan and implementation plan were created in 2014 and adopted by City Council in 2015.

Work on the Library's new strategic and implementation plans began in May 2018 when the Library Advisory Board met with SELCO Regional Executive Director Krista Ross to discuss the planning process. Since the Library was nearing the end of its successful first strategic plan, Ross encouraged the Board to create new plans that would challenge the Library to stretch and grow even more. After that meeting, the Board asked SELCO Executive Director Krista Ross and Regional Librarian Reagan Thalacker to facilitate the planning process.

During the month of October, community members, library users, staff and stakeholders were surveyed and ideas were gathered as work on the Library's new strategic plan continued. A planning workshop was held for library staff on October 17th with another workshop being held on October 29th for stakeholders. Library Director Delane James met with SELCO Executive Director Krista Ross and Regional Librarian Reagan Thalacker on November 15th to edit the first drafts of the library's new strategic plan and implementation plan.

The plans were reviewed by the librarians and were presented to the Library Advisory Board for review and editing at their December 10th Board meeting. At their January 15th meeting, the Library Advisory Board adopted the Buckham Memorial Library Strategic Plan 2019-2021 and the Implementation Plan 2019-2021 by a unanimous vote.

Mayor Voracek thanked James for her work on the strategic plan.

Motion by Cap, seconded by Spooner to Adopt Buckham Memorial Library Strategic Plan and Implementation Plan 2019-2021 and carried unanimously.

Resolution 2019-008 Approve an Interim Use Permit for Continued Limited Use of a Feedlot at 15780

Acorn Trail

City Planner David Wanberg explained that Troy Zabinski on behalf of McDonough Farms, LLC is requesting approval of an Interim Use Permit (IUP) to continue limited use of an existing feedlot at 15780 Acorn Trail. The feedlot provides beef to employees of Met-Con Companies, local charities, and fundraisers.

Last year, the City of Faribault and Wells Township entered into an orderly annexation agreement that resulted in the City annexing the feedlot property and surrounding land in Wells Township owned by McDonough Farms, LLC and McDonough Partners, LLC. While the feedlot was an allowed use in Wells Township, it is not an allowed use in the City of Faribault. Therefore, a provision of the Development and Annexation Agreement between the City and Owner included a provision that the Owner cease operation of the existing feedlot or obtain an Interim Use Permit from the City that would allow for its continued use for a limited time. The Owner has opted to request issuance of an Interim Use Permit so that the feedlot can continue for a limited time.

The Planning Commission held a public hearing on January 7, 2019 to consider the Applicant's request for an Interim Use Permit and to make a recommendation to the City Council regarding a draft resolution approving the Interim Use Permit. No one from the public spoke at the public hearing nor did City Staff receive written or verbal comments from the public regarding the request. The Planning Commission recommended two amendments to draft resolution presented to the Planning Commission.

The first amendment that was recommended by the Planning Commission was that Section 2, Condition 4 of the draft resolution be amended to delete the statement "In no case, shall the number of animal units associated with the interim use exceed 49 animal units." The Applicant had told the City Planner that they intend to keep the feedlot under 50 animal units because the feedlot regulation become more complex when a feedlot has 50 or more animal units. However, the Planning Commission noted that the feedlot should be allowed to continue to have 89 animal units, which is what it is currently registered for (even though the Applicant intends to have 49 or fewer animal units in the feedlot). The seconded amendment that was recommended by the Planning Commission was that Section 2, Condition 5C be deleted. This condition was proposed by the Applicant and required the termination of the feedlot should the feedlot property become contiguous to the remainder of the City of Faribault to the south. However, the Planning Commission felt this provision would hinder further annexation requests and recommended that it be deleted.

Councilor Wood asked what the notice would be given to remove the feedlot if the property were to be redeveloped. Wanberg explained that they would work with the property owner.

Motion by van Sluis, seconded by Ross to approve Resolution 2019-008 Approve an Interim Use Permit for Continued Limited Use of a Feedlot at 15780 Acorn Trail and carried unanimously.

Resolution 2019-020 Order Improvements, Approve Plans and Specifications, and Establish Bid Date for City Hall HVAC Replacement

Parks and Recreation Director Paul Peanasky explained that Resolution 2019-020 orders the improvements, approves the plans and specifications, and establishes the bid date for the City Hall HVAC improvements. The project is included in the approved Capital Improvement Plan. The improvements consist of replacing the HVAC unit at City Hall. Bid opening is scheduled for Tuesday February 19 at 3:00 PM and the City Council will receive those bids at their February 26, 2019, City Council Meeting for approval. Anticipated start date would be late March.

Motion by Ross, seconded by Cap to approve Resolution 2019-020 Order Improvements, Approve Plans and Specifications, and Establish Bid Date for City Hall HVAC Replacement and carried unanimously.

Resolution 2019-022 Order Improvements, Approve Plans and Specifications, and Establish Bid Date for Municipal Airport Hangar Repair Project

Public Works Director Travis Block explained that the City owned t-hangars at the Municipal Airport were damaged by the storm event on September 20, 2018. The hangars require the replacement of 12 doors as well as replacement of numerous roof and sidewall sheet metal panels. Resolution 2019-022 ordered the improvements and approved the plans and specifications for the hangar repair project. The project will include the removal and replacement of the damaged hangar doors, roof and sidewall panels. The total estimated cost of the project is \$1,045,000.00. The cost for the project will be covered by the City's insurance policy for the buildings. Resolution 2019-022 also established a bid date of February 15, 2019 for the project.

Block further explained that the tentative schedule for the project would be as follows:

Order Improvements	January 22, 2019
Open Bids	February 15, 2019
Award Contract	February 26, 2019
Substantial Completion	May 15, 2019

Councilor van Sluis asked Block where the planes currently are being stored, Block explained that some of the planes are still trapped in the hangars and others are stored in different hangars throughout the airport.

Motion by Spooner, seconded by Cap to approve Resolution 2019-022 Order Improvements, Approve Plans and Specifications, and Establish Bid Date for Municipal Airport Hangar Repair Project and carried unanimously.

Ordinance 2019-1 Delete Sec. 2-8 of the City of Faribault Code of Ordinances regarding the Advisory Joint Civil Service Commission – First Reading

City Administrator Tim Murray explained that in 2010, two ordinances were passed by the Council regarding the Joint Civil Service Commission (JCSC). The first, Ordinance 2010-05, disbanded the Joint Civil Service Commission that was in place at that time. This was shortly followed up with the passage of Ordinance 2010-10, which put in place an Advisory JCSC (non-statutory), made up of three members, which was charged with advising the City Council on employment and promotion of the licensed or uniformed personnel of the Police and Fire Departments.

The City currently has two vacancies on the JCSC, and has not received any applications for appointment, which renders the commission as unable to perform any duties or actions. In previous years, it has also been difficult scheduling meeting times that worked for all three members. Additionally, the tasks the commission is charged with are adequately covered and addressed through existing employment laws, policies, procedures, and collective bargaining agreements that govern the employment and promotion of all City employees.

This matter was discussed at the January 15, 2019 Joint Committee meeting as part of the Board and Commission appointments item. The Committee was in agreement that the JCSC should be eliminated. In conjunction with this action, City Administration and Human Resources will look to develop processes and procedures that are specific to the hiring and promotion of police and fire personnel, to include the development of eligibility and certification list.

The collective bargaining agreement with the firefighters union still contains language regarding the role of the JCSC, while the labor agreements with the police groups no longer include this reference. Murray explained that he will look to enter into Memorandum of Understanding (MOU) or approve an amendment to the agreement with the fire fighters group to reflect this change. Councilor Cap was

concerned about moving forward without a MOU. Human Resources Manager Kevin Bushard spoke with the union president and they are comfortable entering into a MOU and that he will work with Murray and the union to write the MOU and bring it to the Council for approval at the next Council meeting.

Motion by Ross, seconded by Spooner to approve Ordinance 2019-1 Delete Sec. 2-8 of the City of Faribault Code of Ordinances regarding the Advisory Joint Civil Service Commission – First Reading.

Roll Call Vote:

Aye: Cap, Ross, van Sluis, Spooner, Wood, Mayor Voracek

Nay:

Motion carried 6:0

Bids

Resolution 2019-019 Accept Bids for Biogas Membrane Removal and Replacement Project

Public Works Director Travis Block informed the Council that on Wednesday, December 12, 2018, bids were received for the Biogas Membrane Removal and Replacement. The project includes the removal and replacement of the gas membrane cover on Digester No. 3 at the Water Reclamation Facility (WRF).

Three bids were received, the bids are tabulated as follows:

Magney Construction Inc., Chanhassen, MN	\$ 460,720.00
Rice Lake Construction, Deerwood, MN	\$ 482,300.00
Gridor Construction Inc., Buffalo, MN	\$ 497,544.00
Engineer's Estimate	\$ 365,000.00

The engineer's estimate was based on information from the manufacturer of the cover (Evoqua), who originally was interested in performing the replacement with in-house labor as a direct replacement, as outlined in the attached recommendation from the consulting engineer. Following guidance from the City Attorney, the project was required to be publicly bid. Evoqua chose not to submit a bid on the project. Funding for the project is being processed through an open insurance claim under the catastrophic equipment failure provision. The extent of the coverage will not be known until an inspection of the failed cover occurs during removal. Any amount not covered by insurance will come from the Sanitary Sewer Fund (602).

It is recommended to award to the low bidder, Magney Construction Inc., Deerwood, MN. The project is scheduled to begin in the summer and be substantially complete by the fall.

Approve 2019 CIP Purchase – Loader

Public Works Director Travis Block explained that the 2019 Budget and CIP approved \$300,000.00 for the purchase of a front-end loader to replace a 1998 John Deere loader. This piece of equipment is used for the utility repairs, material handling, street maintenance, and snow removal operations. The loader has reached its useful life and is in need of replacement. Staff researched and participated in equipment demonstrations of units from three manufacturers. After the completion the demonstrations staff recommends the purchase of a John Deere loader from RDO Equipment Co. Burnsville, MN, under Minnesota State Bid Contract L-331(5) for \$181,888.56 after trade of the 1998 John Deere. There is no sales tax on the purchase. The Water Fund (601) and Sanitary Sewer Fund (602) will each provide fifty percent of the funding.

Motion by van Sluis, seconded by Wood to Approve 2019 CIP Purchase – Loader and carried unanimously.

Boards and Commissions Reports, Announcements and Project Updates

The City Monthly Financial Report was provided for review prior to the Council meeting. Mayor

Voracek read a letter received from GFOA. The letter stated that the City once again received a Certificate of Achievement from GFOA. Mayor Voracek thanked the Finance staff for their work.

Adjournment (The Council may meet as a group for dinner)

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

Meeting adjourned at 7:25 pm.

Respectfully Submitted,

Heather Slechta
Assistant to the City Administrator