

## CITY COUNCIL MINUTES

COUNCIL CHAMBERS

TUESDAY, JUNE 25, 2019

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 Royal Ross, Peter van Sluis, Tom Spooner, Janna Viscomi, and Jon Wood were in attendance. Councilor Elizabeth Cap was absent. Also in attendance were City Administrator Tim Murray, Assistant to the City Administrator Heather Slechta, City Engineer Mark DuChene, Police Chief Andy Bohlen, Interim Finance Director Ann Remold, Human Resources Manager Kevin Bushard, Fire Chief Dustin Dienst, Parks and Recreation Director Paul Peanasky, Public Works Director Travis Block, Community and Economic Development Director Deanna Kuennen and City Planner David Wanberg.

### **Presentations/Introductions – None**

### **Approve minutes of June 11, 2019 Regular Council Meeting, June 11, 2019 Special Council Meeting and June 18, 2019 Special Council Meeting**

Motion by Ross, seconded by van Sluis to approve minutes of June 11, 2019 Regular Council Meeting, June 11, 2019 Special Council Meeting and June 18, 2019 Special Council Meeting and carried unanimously.

### **Consent Agenda:**

- A. List of bills to be paid
- B. Resolution 2019-121 Accept Donation from the Rice County Community Emergency Response Team
- C. Approve New Hangar Rental Agreement
- D. Resolution 2019-122 Approve Sunday Liquor Licenses for Corks and Pints and AjMj LLC
- E. Resolution 2019-123 Approve Pet Parade Street Closures and Parking Restrictions
- F. Approve Quote for Fire Station Roof Replacement
- G. Approve Quote to Replace HVAC Controls at Public Works and Parks Facility
- H. Approve 1-4 Day Temporary On-Sale Liquor License for Rice County Fair from July 16-July 22, 2019 at the Rice County Fair Grounds
- I. Approve 1-4 Day Temporary On-Sale Liquor License for The Catholic Church of Divine Mercy of Faribault on September 22, 2019
- J. Approve LG220 Application for Exempt Permit for Catholic United Financial Council 13 on September 22, 2019
- K. Resolution 2019-125 Approve Execution of MnDOT Contract No. 1034628 Trunk Highway Maintenance Agreement for Fiscal Years 2020 and 2021
- L. Resolution 2019-126 Authorize Release of Request for Proposal for Construction Management & Architectural Services for the Construction of Aircraft Maintenance Hangar and Arrival/Departure Building
- M. Resolution 2019-124 Approve Parking Restrictions and Street Closures for Rescheduled Heritage Days Parade
- N. Resolution 2019-129 Approve Hiring Paid On-Call Firefighters
- O. Resolution 2019-130 Approve Hiring IT Technician
- P. Resolution 2019-128 Accept and Approve Minnesota Historical Society Grant Agreement for Condition Assessment of 27 3<sup>rd</sup> St. NW
- Q. Approve Temporary Construction Easement for 4 2<sup>nd</sup> Avenue NW
- R. Resolution 2019-133 Authorizing Execution of a Purchase Agreement and Acquisition of Property Located at 810 Division St. E.
- S. Approve Temporary Construction Easement for 3 3<sup>rd</sup> Avenue NW

Motion by Spooner, seconded by Wood to approve Consent Agenda Items A-S and carried unanimously.

## Requests to be Heard – None

## Public Hearings – None

### Items for Discussion

#### Traffic Study Requests

Public Works Director Travis Block explained that four requests were received for the installation of additional 15-Minute Parking stalls in the Downtown Area at the following locations:

- 224 Central Avenue
- 227 Central Avenue
- 302 Central Avenue (two requests)

These matters were discussed at the June 18, 2019 General Affairs Committee meeting. The Committee concurred with staff's recommendation not to install additional 15-Minute Parking stalls.

Block also explained that there are sixteen, 15-Minute Parking stalls located within an approximate 210-foot radius from the intersection of 3rd St NW/NE & Central Ave. This is an increase from nine, 15-Minute Parking stalls in the same location, prior to the latest amending of the Official Downtown Parking Restrictions Map.

Frank Marzario and Stephen Kim both spoke in support of the installation of additional 15-Minute parking stalls.

Councilor Peter van Sluis was in favor of freezing all parking requests in the Central Business District for 1-year. Councilor Jon Wood stated that he was not going to entertain 15-Minute Parking requests on Central Ave. Councilor Tom Spooner recommended the Council stay with the current parking plan. Councilor Viscomi was in favor of the 15-Minute parking stalls, and requested that the personal attacks from Mr. Marzario end.

City Administrator Tim Murray reviewed the work that was done by the Parking Committee as well as past and future projects that have added parking to the Central Business District. Murray also stated that if the Council were to approve the 15-Minute Parking requests, the current Official Downtown Parking Restrictions Map should be scrapped and a new Parking Committee be formed.

Motion by Ross, seconded by Spooner to deny the requests for the installation of additional 15-Minute Parking stalls in the Downtown area and carried 5:1 with Councilor Viscomi voting Nay.

#### Resolution 2019-114 Approve Plans and Specifications and Establish Bid Date for 30<sup>th</sup> Street NW Improvements – Contract 2019-06

City Engineer Mark DuChene explained that Resolution 2019-114 Approve Plans and Specifications and Establish Bid Date for 30th Street NW Improvements – Contract 2019-06 approves the construction plans and specifications for the proposed 30th Street NW Improvements project. The proposed work includes removals, grading, aggregate base, watermain replacement, storm sewer, concrete curb and gutter, concrete pavement, concrete sidewalk, bituminous walkway, turf restoration, and related improvements.

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

30th Street NW - Cardinal Avenue to Industrial Drive

The improvements were formally ordered by the City Council on October 9, 2018 upon the passage of Resolution 2018-206, following the Public Hearing. After the improvements were ordered, the Engineering Department finalized the plans and specifications in preparation of bidding the improvements. Due to the fact that there are federal funds allocated to this project, the review time at the State has taken a considerable amount of time.

The total estimated cost of the improvements is \$1,975,110.00.

Special Assessments	\$ 116,000.00	5.9%
Federal Aid Funds	\$1,058,560.00	53.6%
Municipal State Aid Funds	\$ 605,750.00	30.7%
Water Utility Fund (601)	<u>\$ 194,800.00</u>	<u>9.9%</u>
Total	\$1,975,110.00	100.0%

The resolution also establishes a bid date of July 17, 2019 for the project. Construction is scheduled to begin in August, with substantial completion by the middle of November.

Mayor Voracek asked if the wet spring allows for favorable numbers, DuChene felt that it was a fair estimate and the project is timed well. Mayor Voracek also asked if one-lane would be left open, DuChene explained that there would be a full detour.

Motion by van Sluis, seconded by Viscomi to approve Resolution 2019-114 Approve Plans and Specifications and Establish Bid Date for 30th Street NW Improvements – Contract 2019-06 and carried unanimously.

Resolution 2019-115 Approve Plans and Specifications and Establish Bid Date for 3<sup>rd</sup> Street NE Parking Lot Construction – Contract 2019-13

City Engineer Mark DuChene explained that Resolution 2019-115 Approve Plans and Specifications and Establish Bid Date for 3rd Street NE Parking Lot Construction – Contract 2019-13 approves the construction plans and specifications for the proposed 3rd Street NE Parking Lot Construction project. The proposed work includes removals, grading, aggregate base, concrete curb and gutter, bituminous pavement, concrete sidewalk, landscaping, turf restoration, and related improvements.

The total estimated cost of the improvements is \$145,000.00. Proposed funding for the public portion of the project is coming from the Small Cities Development Program funding. In working with the adjoining property owner to the east of the proposed lot, they requested to include some concrete walk improvements between the new curb line and their building and have agreed to reimburse the City for these costs utilizing a consent special assessment agreement. The private property owners estimated share of the total costs is \$22,000.

The resolution also establishes a bid date of July 9, 2019 for the project. Construction is scheduled to begin in late July or early August, with substantial completion by the end of September 2019, however, the schedule is dependent upon getting a finding of no negative impacts from the State Historical Preservation Office SHPO.

Councilor Spooner questioned the slope of the parking lot and had a concern with how the water would drain, DuChene explained that the parking lot slopes from the northwest to the southeast, and a full height curb will be installed, the water will go to the curb and run to the storm sewer. Mayor Voracek asked if the utilities that are currently in the middle of the parking lot would be moved to the southern island, DuChene explained that the overhead power will be relocated to the southern island and the north pole will be removed and be replaced with a streetlight in the north island.

Motion by Spooner, seconded by Viscomi to approve Resolution 2019-115 Approve Plans and Specifications and Establish Bid Date for 3rd Street NE Parking Lot Construction – Contract 2019-13 and carried unanimously.

Resolution 2019-132 Authorizing Execution of a Purchase and Development Agreement for Hillside Apartment Project and Ordinance 2019-12 Authorizing Disposal by Sale of Real Property Owned by City identified as Lot 2, Block 1, Faribault Hillside Addition – First Reading

Community and Economic Development Director Deanna Kuennen explained that as part of the redevelopment proposal for the Hillside Apartments on the block at the northwest corner of Central Avenue and Division Street in the downtown area, the City Attorney prepared the final Development Agreement. This agreement outlines the obligations of the City and the Developer for redevelopment of the site by Hamilton Real Estate Company for construction of a new 44-unit apartment building. Kuennen also explained that the City Charter states that the disposal of real property of the City requires the approval of an ordinance, with a minimum 5/7 vote in favor. Kuennen stated that

construction should begin in a matter of weeks.

Councilor Ross asked if this will be re-platted into one parcel, city attorney Scott Riggs explained that this is the final piece of the puzzle, the acquisitions of a couple pieces land and the deeded parking lot are combined into a plat that the City is moving forward with.

Motion by Ross, seconded by van Sluis to approve Resolution 2019-132 Authorizing Execution of a Purchase and Development Agreement for Hillside Apartment Project and carried unanimously.

Motion by Ross, seconded by van Sluis to approve Ordinance 2019-12 Authorizing Disposal by Sale of Real Property Owned by City identified as Lot 2, Block 1, Faribault Hillside Addition – First Reading

Roll Call Vote:

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

Nay:

Motion carried 6:0

Ordinance 2019-8 Rezoning Property at 1137 17th Street SW from O, Open Space/Agricultural District to R-2, Low Density Residential District - Second Reading and Approve Summary Publication of Ordinance 2019-8

City Planner David Wanberg explained that at the City Council meeting in June 11, 2019 the City Council approved the first reading of the Ordinance 2019-8 Rezoning Property at 1137 17th Street SW from O, Open Space/Agricultural District to R-2, Low Density Residential District. No changes to the rezoning ordinance were made since that meeting.

Motion by Ross, seconded by Spooner to approve Ordinance 2019-8 Rezoning Property at 1137 17th Street SW from O, Open Space/Agricultural District to R-2, Low Density Residential District - Second Reading

Roll Call Vote:

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

Nay:

Motion carried 6:0

Motion by van Sluis, seconded by Viscomi to Approve Summary Publication of Ordinance 2019-8 and carried unanimously.

Ordinance 2019-9 Amending the Unified Development Ordinance, Regarding Electronic Message Board Signs - Second Reading and Approve Summary Publication of Ordinance 2019-9

City Planner David Wanberg explained that at the City Council meeting on June 11, 2019 the City Council approved the first reading of Ordinance 2019-9 establishing new control standards and size limits for EMB signs in Commercial and Industrial Districts. No changes to the ordinance were made since the first reading.

Motion by Ross, seconded by Wood to approve Ordinance 2019-9 Amending the Unified Development Ordinance, Regarding Electronic Message Board Signs - Second Reading

Roll Call Vote:

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

Nay:

Motion carried 6:0

Motion by van Sluis, seconded by Viscomi to Approve Summary Publication of Ordinance 2019-9 and carried unanimously.

Ordinance 2019-10 Approve Amendment to Section 6-250 and Section 6-260 of the Unified Development Ordinance Related to Fences – First Reading

City Planner David Wanberg explained that over the years the City Council approved multiple variances related to the height of fencing and use of barbed wire fencing in nonresidential zoning districts. Consequently, the City's Development Review Committee and Planning Commission held work sessions to discuss possible amendments to the Unified Development Ordinance that better reflect the City's expectations for fencing. More specifically, the Development Review Committee and the Planning Commission recommended amendments to the Unified Development Ordinance to clarify that fencing in corner side yards and rear yards of through-lots can be up to 12 feet high in industrial districts and 8 feet high in commercial districts. The Development Review Committee and Planning Commission also recommended flexibility in the use of barbed wire fencing when needed for safety and protection of property.

Wanberg further explained that on June 17, 2019, the Planning Commission held a public hearing to review proposed amendments to the fence ordinance. No one from the public attended the public hearing and no one submitted written comments. With a 5-0 vote, the Planning Commission recommended approval of Ordinance 2019-10.

Motion by Spooner, seconded by van Sluis to approve Ordinance 2019-10 Approve Amendment to Section 6-250 and Section 6-260 of the Unified Development Ordinance Related to Fences – First Reading

Roll Call Vote:

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

Nay:

Motion carried 6:0

Resolution 2019-127 Authorizing the Sale of Property and Execution of a Purchase Agreement for a Portion of Outlot A, 218 Addition (PID 18.19.4.51.010) and Outlot A, Kuntze Addition (PID 18.19.4.52.002) and Ordinance 2019-11 Authorizing Disposal by Sale of Real Property Owned by City identified as a portion of Outlot A, 218 Addition and Outlot A, Kuntze Addition – First Reading

City Administrator Tim Murray explained that Kwik Trip, Inc. is planning the construction of a new facility and has requested purchasing City-owned property at the intersection of 2nd Avenue NW (T.H. 3) and 20th Street NW to accommodate their development. Murray explained that the City does not have any current or future use planned for the property. This matter was also discussed at a Special City Council Meeting on March 5, 2019 with the Council in support of the sale and redevelopment of the area properties. To date, Kwik Trip has purchased one other parcel in this area, with an additional two yet to be acquired. An agreement outlining the terms of the sale was attached to the resolution. The sale price for the City-owned property is \$150,000.00. Murray also explained that the next item on the agenda was an ordinance to authorize the sale of this property, as required under Section 12.04 of the City Charter.

Motion by van Sluis, seconded by Ross to approve Resolution 2019-127 Authorizing the Sale of Property and Execution of a Purchase Agreement for a Portion of Outlot A, 218 Addition (PID 18.19.4.51.010) and Outlot A, Kuntze Addition (PID 18.19.4.52.002) and carried unanimously.

Motion by Viscomi, seconded by Wood to approve Ordinance 2019-11 Authorizing Disposal by Sale of Real Property Owned by City identified as a portion of Outlot A, 218 Addition and Outlot A, Kuntze Addition – First Reading

Roll Call Vote:

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

Nay:

Motion carried 6:0

## **Bids – None**

### **Boards and Commissions Reports, Announcements and Project Updates**

The May Monthly Financial Report was provided to the Council as part of the regular agenda packet. City Engineer Mark DuChene provided a brief update on the Highway 60 project. At this time Central Avenue and 2nd Avenue are open and 4<sup>th</sup> Avenue and 5<sup>th</sup> Avenue will be closing. City Administrator Tim Murray reminded the Council and public that City Hall will be closed on July 4<sup>th</sup> and July 5<sup>th</sup>, 2019. Mayor Voracek informed the Council and public that Music in the Park will be held at North Alexander on July 4<sup>th</sup>, 2019.

### **Adjournment**

Motion by Spooner, seconded by Viscomi to adjourn the Regular City Council meeting and carried unanimously.

Meeting adjourned at 6:46 pm.

Respectfully Submitted,

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Heather J. Slechta  
Assistant to the City Administrator