



CITY COUNCIL MINUTES

COUNCIL CHAMBERS TUESDAY, JULY 28, 2020 6:05PM
OR IMMEDIATELY FOLLOWING THE SPECIAL CLOSED SESSION MEETING

This meeting was also able to be accessed via Zoom.com due to the COVID-19 Pandemic in accordance with Minn. Stat. § 13D.02., which provides that a meeting of a public body may be conducted via telephone or other electronic means if meeting in a public location is not practical or prudent because of a health pandemic or declared emergency. Dial-In Information: 1 312 626 6799; Meeting ID: 839 4681 4520

Call to Order/Roll Call/Pledge of Allegiance

The meeting was called to order by Mayor Voracek at 6:11 pm. Mayor Voracek, Councilors Peter van Sluis, Royal Ross, Tom Spooner, Janna Viscomi and Jon Wood attended the meeting in-person. Councilor Elizabeth Cap attended the meeting via Zoom. Also in attendance were City Administrator Tim Murray, Assistant to the City Administrator Heather Slechta, Fire Chief Dustin Dienst, Community and Economic Development Director Deanna Kuennen, Parks and Recreation Director Paul Peanasky, City Engineer Mark DuChene, Planning Coordinator Peter Waldock, City Planner David Wanberg, Public Works Director Travis Block, Police Chief Andy Bohlen, and Human Resources Manager Kevin Bushard.

Presentations/Introductions – None

Approve minutes of July 14, 2020 Regular Council Meeting (majority vote)

Motion by Ross, seconded by Spooner to approve minutes of July 14, 2020 Regular Council Meeting

Roll Call Vote:

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

Nay:

Motion carried 7:0

Consent Agenda:

- A. List of bills to be paid
- B. Approve 2020 CIP Purchase of Replacement Community Service Vehicle
- C. Approve Faribault Ice Arena Agreement
- D. Approve 2020 CIP Purchase of Camera Server Infrastructure
- E. Accept Quote for Purchase of Updated Server Infrastructure
- F. Accept Quote for Roof Repairs on Faribault Community Center and Buckham Memorial Library
- G. Accept Quote for Vinyl Tile for Arrival/Departure Building at Airport
- H. Approve LG230 Application to Conduct Off-Site Gambling for River Bend Nature Center
- I. Accept Proposal for Professional Services Agreement for Geotechnical Services for the 30th Street NW & TH 3 Roundabout Project
- J. Approve Temporary Liquor License for the Faribault Area Chamber of Commerce and Tourism

Motion by van Sluis, seconded by Wood to approve Consent Agenda items A-J

Roll Call Vote:

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

Nay:

Motion carried 7:0

Requests to be Heard - None

Public Hearings – None

Items for Discussion

Ordinance 2020-12 Repealing Sec. 28-250 through Sec. 28-260 of Article IX of Chapter 28 of the Faribault City Code (Related to Subsurface Sewage Treatment Systems) – First Reading

Community and Economic Development Director Deanna Kuennen explained that in 2014 the City amended Chapter 28 of the City Code, adding new regulations associated with subsurface sewer treatment systems. The timing of these additions correlated to major revisions made by the MPCA to subsurface sewer treatment systems. The changes to the City Code placed the responsibility of regulating septic systems inside the city limits on the City, versus the County who is responsible per state statutes.

At the time that these changes were adopted, the City employed staff with proper certifications that allowed the City to administer the program, and an informal agreement was in place with Rice County to conduct inspections. On the rare occasion that a septic system inside the city limits failed, needed replacement, or was being proposed, an applicant would complete an application and pay a fee per the City's adopted Fee Schedule. Currently the City does not employ staff with the proper credentials to administer the subsurface sewer treatment system regulations. However, Rice County has a Sewage and Wastewater Treatment Ordinance that was adopted in 2013 that follows Minnesota Rules, Chapters 7080-7083. They also have jurisdiction to administer/inspect/regulate septic systems throughout the county.

Motion by Ross, seconded by van Sluis to approve Ordinance 2020-12 Repealing Sec. 28-250 through Sec. 28-260 of Article IX of Chapter 28 of the Faribault City Code (Related to Subsurface Sewage Treatment Systems) – First Reading

Roll Call Vote:

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

Nay:

Motion carried 7:0

Ordinance 2020-7 Amending Chapter 14, Article II. - Tobacco and Tobacco-Related Devices and Products – Second Reading and Approve Summary Publication of Ordinance

City Administrator Tim Murray explained that at the Joint Committee meeting on February 4, 2020 the Committee supported updating the City Code of Ordinances, changing the minimum age from 18 to 21. Per State statute, Staff notified all tobacco licensees of the proposed updates to the ordinance as well as the meeting date, location and time as required by state statute.

Since the first reading of the Ordinance on March 24, 2020, the Minnesota Legislature has updated the various State statutes that address the minimum age to purchase tobacco increasing the minimum age 21. Ordinance 2020-7 has been updated to reflect the changes in State statute.

Motion by Ross, seconded by Spooner to approve 7 Amending Chapter 14, Article II. - Tobacco and Tobacco-Related Devices and Products – Second Reading

Roll Call Vote:

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

Nay: Councilor Cap

Motion carried 6:1

Motion by Ross, seconded by van Sluis to approve Summary Publication of Ordinance 2020-7

Roll Call Vote:

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

Nay: Councilor Cap

Motion carried 6:1

Resolution 2020-108 Approve a Public Art – Mural Permit at 213 Central Avenue

City Planner Peter Waldock informed the Council that Suzanne Schwichtenberg requested approval of a public art mural to cover the two-story rear façade of her building at 213 Central Ave. The mural is to be painted on the stucco covered wall, by Jeff Jarvis, West Cedar Studio. The mural depicts a large zipper opening to expose an urban skyline at dusk. The balance of the painting depicts four windows with flower planters. The building façade has two second story windows. The first-floor windows will be painted on the mural to look like real windows with planters.

The City's Public Art Policy was adopted by the City Council in 2016. It provides for Development Review Committee (DRC) evaluation of applications to assure the mural meets guidelines and will not be considered advertising or media used as a business sign. The DRC finds this mural to be tasteful and artistic and it is believed by staff that murals such as this one will add visual interest in the Community. The Heritage Preservation Commission (HPC) updated its design guidelines to include murals in 2018. The HPC had no objections to the request and approved a Certificate of Appropriateness for this mural application.

Councilor van Sluis asked what the lifespan on a project like this would be, Mr. Jarvis stated that typically the painting would last 12-15 years with a sealer. The project is slated to begin in August.

Motion by Wood, seconded by Cap to approve Resolution 2020-108 Approve a Public Art – Mural Permit at 213 Central Avenue

Roll Call Vote:

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

Nay:

Motion carried 7:0

Resolution 2020-113 Authorize Execution of Site Host Agreement with ZEF Energy to install Electric Vehicle Charging Stations at the Municipal Parking Lot at 17 3rd Street NE

City Planner David Wanberg explained to the Council that in 2016, the federal government found that Volkswagen was violating the federal Clean Air Act by selling vehicles that emit air pollution over the legal limit. As part of an agreement reached with the federal government, Volkswagen paid \$2.9 billion into an environmental mitigation trust. The federal government awarded the State of Minnesota \$47 million from the settlement trust to reduce air pollution and invest in a clean transportation system in the state.

The Minnesota Pollution Control Agency (MPCA) is responsible for distributing the settlement funds in the state. In 2018, the MPCA awarded a grant to ZEF Energy, Inc. to install electric vehicle (EV) charging stations at 22 sites along the major transportation corridors in Minnesota, including the I-35 corridor that passes through Faribault.

In 2019, ZEF Energy asked City Staff if Faribault would be interested in being one of the 22 sites in Minnesota to host EV charging stations through the grant program. The charging stations could provide opportunities to promote economic development in that they would draw travelers from I-35 who need to charge their EVs. While their EVs are charging, passengers have the opportunity to visit local restaurants and shops. City Staff provided ZEF Energy with several potential sites both public and private that could be suitable for charging stations. After reviewing the potential sites, ZEF Energy requested to install the charging stations at the municipal parking lot at 17 3rd Street NE.

Consistent with the requirements of the MPCA grant, ZEF requested to install one 50 kW DC fast charger (DCFC) and a dual-head level two charger. Although there are many variables, the proposed DCFC provides a 175-mile charge in roughly one hour. The proposed level two charger, provides a 40-mile charge in roughly one hour. EV drivers would use an app in their car or on their cell phone to pay a fee for the amount of electricity they use at the proposed charging stations. Users of the DCFC would pay a premium for their electric charge. In addition to the EV chargers, ZEF Energy would install a mini substation and a transformer to serve the chargers. ZEF Energy proposed to install this equipment in one of the landscaped islands in the parking lot.

ZEF proposed to use four existing parking spaces in the City parking lot. The DCFC would take up two existing parking spaces because the state requires that the charger be an "ADA van accessible" parking space. Two existing parking spaces would accommodate the proposed dual-head level two charger. Only electric vehicles that are using a charger would be allowed to park in these parking spaces. ZEF Energy is proposing to install the charges at either the north end or the south end of the City parking.

Wanberg explained that the agreement allows ZEF Energy or the City to terminate the Agreement. For example, if after five years the chargers have received little use, ZEF Energy could remove the chargers. Or the City could require ZEF to remove the chargers.

Mayor Voracek asked if this is the third location in Faribault, Wanberg explained that there are two other locations, Harry Browns and Goodwill. Councilor Ross asked why the charging stations were located in handicap parking areas, Wanberg explained that they are required to be handicap accessible. Councilor Wood was concerned that ZEF Energy would be able to remove the charging stations after five years and requested that language be added to the agreement that would require them to fix any property that is disturbed during removal, Wanberg will work with ZEF Energy to add that language. Councilor Spooner asked if other parking lots were looked at, Wanberg informed the Council that there were other locations, however, this was the most logical location.

After much discussion the Council was divided on the location to place the charging stations in the parking lot, staff will work with ZEF Energy to determine the lot location of the charging stations.

Motion by Wood, seconded by Cap to approve Resolution 2020-113 Authorize Execution of Site Host Agreement with ZEF Energy to install Electric Vehicle Charging Stations at the Municipal Parking Lot at 17 3rd Street NE

Roll Call Vote:

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

Nay:

Motion carried 7:0

Resolution 2020-112 Authorize Conveyance of Real Property from the City of Faribault to the Housing and Redevelopment Authority of the City of Faribault

City Engineer Mark DuChene explained that the City purchased the properties at 734 & 810 Division Street in 2019 in order to accommodate the extension of State Avenue from Division Street to TH 60. Subsequently, the structures at 734 Division Street have been demolished and the City Council approved the State Avenue Subdivision preliminary and final plat on March 10, 2020 per Resolution 2020-034.

The State Avenue Subdivision plat dedicated the public right-of-way for the extension of State Avenue as well as created Lot 1, Block 1 (810 Division Street) and Lot 1, Block 2 (734 Division Street). Lot 1, Block 2 is a vacant parcel and Lot 1, Block 1 contains the home and garage for 810 Division Street.

At the June 23, 2020 City Council meeting the Council approved Resolution 2020-100 which declared the two parcels as surplus property and directed staff to first see if the City's Housing and Redevelopment Authority (HRA) would be interested in taking the vacant parcel and redeveloping it. The HRA met on July 13, 2020 and expressed interest in the vacant lot if the City would convey it to them for \$1.

Motion by Ross, seconded by van Sluis to approve Resolution 2020-112 Authorize Conveyance of Real Property from the City of Faribault to the Housing and Redevelopment Authority of the City of Faribault

Roll Call Vote:

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

Nay:

Motion carried 7:0

Ordinance 2020-11 Authorize Conveyance of Real Property Owned by the City Located at Lot 1, Block 1, State Avenue Subdivision (aka 810 Division Street East), PID 18.32.2.80.001 – First Reading

City Engineer Mark Duchene again explained that the City purchased the properties at 734 & 810 Division Street in 2019 in order to accommodate the extension of State Avenue from Division Street to TH 60. Subsequently, the structures at 734 Division Street have been demolished and the City Council approved the State Avenue Subdivision preliminary and final plat on March 10, 2020 per Resolution 2020-034.

The State Avenue Subdivision plat dedicated the public right-of-way for the extension of State Avenue as well as created Lot 1, Block 1 (810 Division Street) and Lot 1, Block 2 (734 Division Street). Lot 1, Block 2 is a vacant parcel and Lot 1, Block 1 contains the home and garage for 810 Division Street.

At the June 23, 2020 City Council meeting the Council approved Resolution 2020-100 which declared the two parcels as surplus property and approved a professional services agreement with a realtor to list the property at 810 Division Street for sale. The Property was listed for sale on July 17, 2020, and the City received an offer to purchase the property on July 19, 2020.

The proposed offer was reviewed with the City Council in a closed session City Council meeting on prior to the regular City Council meeting. The Council was in favor of accepting the offer and an ordinance was provided to the Council for review.

Proceeds from the sale of the property will be returned to the Street Improvement Fund (401) to reimburse the fund for the original purchase costs.

Motion by Spooner, seconded by Ross to approve Ordinance 2020-11 Authorize Conveyance of Real Property Owned by the City Located at Lot 1, Block 1, State Avenue Subdivision (aka 810 Division Street East), PID 18.32.2.80.001 – First Reading

Roll Call Vote:

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

Nay:

Motion carried 7:0

Resolution 2020-109 Order Improvements, Approve Plans and Specifications and Establish Bid Date for 2020 Sanitary Sewer Rehabilitation Project – Contract 2020-07

City Engineer Mark DuChene explained that resolution 2020-109 orders the improvements, approves the plans and specifications, and establishes a bid date for the proposed 2020 Sanitary Sewer Rehabilitation project, Contract 2020-07, including cleaning, televising and installing a cured in place pipe liner in existing sanitary sewer mains and related improvements.

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

12th Street NW (Jenni-O Turkey Store Area)

17th Street NW (West Side of TH 21 to Mill City)

1st Avenue NW (14th Street NW to 7th Street NW)

Fowler Street (Francis Street to 250' south of Flynn St)

The purpose of the sewer lining is to restore structural integrity to the sewer pipes since the roads they are under are not scheduled for a reconstruction in the near future and the existing pipes are susceptible to pipe failures, root intrusion and/or show signs of significant inflow/ infiltration.

The preliminary total estimated cost of the improvements including 10% contingency and 15% engineering fees is \$610,000.00. Proposed funding for the project will come from Fund 602, Sanitary Sewer Utility Fund.

The resolution also establishes a bid date of August 19, 2020 for the project. Construction is scheduled to be completed by the end of the year.

Mayor Voracek asked if this will be large enough to handle the new Furlough Motors, DuChene state that it would be.

Motion by van Sluis, seconded by Wood to approve Resolution 2020-109 Order Improvements, Approve Plans and Specifications and Establish Bid Date for 2020 Sanitary Sewer Rehabilitation Project – Contract 2020-07

Roll Call Vote:

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

Nay:

Motion carried 7:0

Resolution 2020-110 Order Improvements, Approve Plans and Specifications, and Establish Bid Date for 2020 City Wide Storm Sewer Improvement Project – Contract 2020-09

The attached resolution orders the improvements, approves the plans and specifications, and establishes a bid date for the proposed 2020 City Wide Storm Sewer Improvement Project (Contract 2020-09), including removals, storm sewer, grading, paving, restoration and related improvements.

The three areas for the proposed storm sewer improvements proposed to be included in this project are as follows:

Babbitt Court Storm Sewer Outfall
Faribault Middle School Culvert Trail Crossing
Four Seasons/Middle School Trail Storm Sewer Improvement

The purpose of the proposed projects is to improve drainage conditions and/or repair/replace functionally obsolete storm sewer systems. The preliminary total estimated cost of the improvements including 10% contingency and 15% engineering is \$230,000.00. Proposed funding for the project will be from Fund 603, the Storm Water Utility Fund.

The resolution also established a bid date of August 19, 2020. Construction is scheduled to be completed by the end of the year.

Councilor Cap asked if there would be a possibility for a bridge on the bike trail or rain gardens installed, DuChene explained that there is a significant cost to adding a bridge, he is confident that the improvements will last and that they cannot disturb the wetland areas.

Motion by Ross, seconded by Cap to approve Resolution 2020-110 Order Improvements, Approve Plans and Specifications, and Establish Bid Date for 2020 City Wide Storm Sewer Improvement Project – Contract 2020-09

Roll Call Vote:

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

Nay:

Motion carried 7:0

Ordinance 2020-8 Amend Chapter 11 – GARBAGE AND REFUSE of the City Code of Ordinances regarding Garbage Container Size – Second Reading and Approve Summary Publication of Ordinance 2020-8 (5/7)

City Administrator Tim Murray explained that this item was discussed at the Joint Council Committee meeting on July 7, 2020, and the consensus from the Council was to increase the maximum size to 96 gallons. The first reading was approved on July 14, 2020, and there have been no comments received or revisions made.

Motion by van Sluis, seconded by Wood to approve Ordinance 2020-8 Amend Chapter 11 – GARBAGE AND REFUSE of the City Code of Ordinances regarding Garbage Container Size – Second Reading

Roll Call Vote:

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

Nay:

Motion carried 7:0

Motion by Ross, seconded by Spooner to approve Summary Publication of Ordinance 2020-8

Roll Call Vote:

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

Nay:

Motion carried 7:0

Ordinance 2020-9 Amend Sec. 15-40. - On-street durational parking limits. of the City Code of Ordinances regarding On-Street Parking Time Limit – Second Reading and Approve Summary Publication of Ordinance 2020-9 (5/7)

City Administrator Tim Murray explained that following discussion at the July 7, 2020 Joint Council Committee meeting, there was support for a longer time frame, electing to go with the proposed limit of 72 hours (3 days). The proposed change would apply into/over weekends as well. First reading was approved on July 14, 2020, and there have been no comments received or revisions made.

Motion by Ross, seconded by van Sluis to approve Ordinance 2020-9 Amend Sec. 15-40. - On-street durational parking limits. of the City Code of Ordinances regarding On-Street Parking Time Limit – Second Reading

Roll Call Vote:

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

Nay:

Motion carried 7:0

Motion by van Sluis, seconded by Viscomi to approve Summary Publication of Ordinance 2020-9

Roll Call Vote:

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

Nay:

Motion carried 7:0

Ordinance 2020-10 Amend Sec. 28-193. - Rates and charges. of the City Code of Ordinances regarding WAC/SAC Fees for the Reuse of Existing Buildings – Second Reading and Approve Summary Publication of Ordinance 2020-10 (5/7)

City Administrator Tim Murray explained that this item was reviewed at the July 7, 2020 Joint Council Committee meeting, with a consensus to move forward with making the proposed changes to the ordinance. The first reading was approved on July 14, 2020, and there have been no comments received or revisions made.

Motion by Viscomi, seconded by Ross to approve Ordinance 2020-10 Amend Sec. 28-193. - Rates and charges. of the City Code of Ordinances regarding WAC/SAC Fees for the Reuse of Existing Buildings – Second Reading

Roll Call Vote:

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

Nay:

Motion carried 7:0

Motion by Spooner, seconded by Wood to approve Summary Publication of Ordinance 2020-10

Roll Call Vote:

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

Nay:

Motion carried 7:0

Bids

Resolution 2020-111 Accept Bids for 2020 Division Street & Central Avenue Improvements Project – City Contract 2020-04

City Engineer Mark DuChene explained that on Wednesday, July 22, 2020 bids were received for the proposed 2020 Division Street and Central Avenue Improvements and Buckham Center Parking Lot Improvements project (Contract 2020-04), including removals, watermain replacement, sanitary sewer replacement, lot services, storm sewer construction, grading, aggregate base, bituminous paving, turf restoration, concrete sidewalk replacement, lighting and related improvements.

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

Central Avenue (Division Street to 1st Street NE/NW)
Division Street (TH 60 (1st Avenue NE)/Willow Street to 1st Avenue NW/SW)
Buckham Center (Parking Lot Improvements)

The bids were tabulated as follows:

BCM Construction, Inc., Faribault, MN	\$1,270,979.23
JJD Companies, LLC, Blooming Prairie, MN	\$1,336,597.35
R.A.W. Construction, Faribault, MN	\$1,405,910.35
Heselton Construction, Faribault, MN	\$1,468,329.73
R&R Excavating, Inc., Hutchinson, MN	\$1,662,980.04
Engineer's Estimate	\$1,395,977.55

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

Special Assessments	\$ 89,450.00	5.8%
Municipal State Aid Funds (MSAS)	\$ 730,845.00	47.6%
Street Improvement Projects Fund (401)	\$ 215,535.00	14.0%
Water Utility Fund (601)	\$ 135,240.00	8.8%
Sanitary Sewer Utility Fund (602)	\$ 87,600.00	5.7%
Storm Sewer Utility Fund (603)	\$ 34,320.00	2.2%
TIF District 13 Fund (Hamilton) & Pub. Fac. Fund (437)	\$ 241,720.00	15.8%
Total	\$1,534,710.00	100.0%

It was recommended to award to the low bidder, BCM Construction. It is anticipated that the construction will start in August/September of this year and final construction will likely be completed in 2021.

Councilor Cap overheard residents talking about this project over the weekend and the purpose of the project, DuChene explained that this project is addressing street deficiencies and the bridge project will be taking place in 2021.

Motion by Spooner, seconded by Viscomi to approve Resolution 2020-111 Accept Bids for 2020 Division Street & Central Avenue Improvements Project – City Contract 2020-04

Roll Call Vote:

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

Nay:

Motion carried 7:0

Boards and Commissions Reports, Announcements and Project Updates

The June Monthly Financial Report was included as part of the meeting packet prior to the meeting. Councilor Peter van Sluis informed the Council the Paradise Theater has been broken into four times-the individuals had been coming through the roof of the building. Recently, alarms were installed and the individuals caught and arrested.

Councilor Tom Spooner informed the Council that he will not be at the August 12, 2020 meeting. City Administrator Tim Murray reminded the Council of the meeting date change due to the Primary Election.

Councilor Elizabeth Cap stated that the City has the opportunity to fund more youth activities, and needs to make an effort to have constructive activities for youth. Cap also questioned the construction on 2nd Street SE/SW into Willow. City Engineer Mark DuChene explained that the construction company knew they were working with a steep hill, and will be required to pave within five days of installation of utilities.

Adjournment

Motion by van Sluis, seconded by Viscomi to adjourn the meeting.

Roll Call Vote:

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

Nay:

Motion carried 7:0

Meeting Adjourned at 7:21pm

Respectfully Submitted,

Heather Slechta
Assistant to the City Administrator