



## CITY COUNCIL MINUTES – Draft

COUNCIL CHAMBERS

TUESDAY, OCTOBER 13, 2020

6:00 PM

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: 832 9673 6400

### Call to Order/Roll Call/Pledge of Allegiance

The meeting was called to order by Mayor Voracek at 6:00 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 via Zoom. Also in attendance, City Administrator Tim Murray, Assistant to the City Administrator Heather Slechta, City Planning Coordinator Peter Waldock, City Planner David Wanberg, City Engineer Mark DuChene, Fire Chief Dustin Dienst, Library and Communications Director Delane James, Police Chief Andy Bohlen, Parks and Recreation Director Paul Peanasky, Human Resource Manager Kevin Bushard, and Public Works Director Travis Block.

### Presentations/Introductions

Mayor Voracek proclaimed National Pregnancy and Infant Loss Remembrance Day in the City of Faribault on October 15, 2020. Diana Kelley, IRIS, thanked the Council and stated it is a great honor to be here tonight. There will be a candle light vigil at 7:00pm on October 15, 2020 at the IRIS house, Kelley requested that those that attend the vigil wear a mask.

### Approve minutes of September 22, 2020 Regular Council Meeting (majority vote)

Motion by Ross, seconded by Cap to approve minutes of September 22, 2020 Regular Council Meeting.

Roll Call Vote:

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

Nay:

Motion carried 7:0

### Consent Agenda:

- A. List of Claims For Release
- B. Resolution 2020-161 Levying Special Assessments for Delinquent Water, Sewer, and Storm Water Accounts
- C. Resolution 2020-162 Levying Special Assessments for Miscellaneous Delinquent Receivable Accounts
- D. Resolution 2020-159 Approve Use of North Alexander Park for Cole McAdam 5K Color Walk/Run Benefit
- E. Resolution 2020-160 Approve Hiring Heavy Equipment Operator
- F. Resolution 2020-163 Write-off for Deferred Special Assessments
- G. Approve Quote for Public Works & Parks Facility Scupper Repair
- H. Resolution 2020-164 Approve Street Closures for Faribault High School Homecoming Parade
- I. Approve Petition and Waiver Agreement for 26 2<sup>nd</sup> Street SE

- J. Approve Petition and Waiver Agreement for 22 2<sup>nd</sup> Street SE
- K. Resolution 2020-166 Accept Donation from Friends of Buckham Memorial Library
- L. Resolution 2020-167 Accept Donation from Mary Ellen Thomas Estate
- M. Resolution 2020-168 Authorizing the Expenditure Allocation Plan for Coronavirus Relief Funds
- N. Approve Water Tower Lease Agreement with Northfield WiFi
- O. Resolution 2020-171 Establish Special Assessment Hearing for Costs Associated with the Abatement of a Hazardous Building Located at 1215 Division Street
- P. Resolution 2020-169 Approve Hiring Administrative Assistant II
- Q. Resolution 2020-170 Approve Hiring Light Equipment Operator
- R. Approve Quote to Replace Roof on Public Works Facility Wash Bay
- S. Approve and Authorize Issuance of a Request for Proposal for a Mural Project on the City-Owned Wall at 25 3rd Street NW
- T. Accept Proposal for Professional Services Agreement for Geotechnical Services for the Northwest Area Water Tower Project - Contract 2019-12
- U. Approve Limited Use Agreement for Loading Dock at 405 Central Avenue
- V. Approve Stormwater Maintenance and Operations Agreement for A&J Storage, LLC at 20 Locust Street

Councilor Cap requested that the following items be removed for further discussion:

- 4B. Resolution 2020-161 Levying Special Assessments for Delinquent Water, Sewer, and Storm Water Accounts
- 4C. Resolution 2020-162 Levying Special Assessments for Miscellaneous Delinquent Receivable Accounts
- 4M. Resolution 2020-168 Authorizing the Expenditure Allocation Plan for Coronavirus Relief Funds

Mayor Voracek stated that he liked the wording in the RFP for the mural.

Motion by Viscomi, seconded by van Sluis to approve items 4A, 4D-4L and 4N-4V.

Roll Call Vote:

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

Nay:

Motion carried 7:0

*Resolution 2020-161 Levying Special Assessments for Delinquent Water, Sewer, and Storm Water Accounts*

Councilor Cap asked if the list of water and sewer bills that were being written off, if they went to collections—Mayor Voracek explained that they bills were not being written off, they were being levied to the property taxes. Cap also inquired if there is any cross referencing utility bills at the time of the sale of a property. Finance Director Jeanne Day explained that the property owns the utility bill, they cannot be levied to another property.

*Resolution 2020-162 Levying Special Assessments for Miscellaneous Delinquent Receivable Accounts*

Councilor Cap asked if any of the assessed properties are rentals. Day explained that these receivables are directly related to the property. Cap also asked about the outstanding invoice for Walmart, Day explained that a monthly statement is sent to the property owner.

*Resolution 2020-168 Authorizing the Expenditure Allocation Plan for Coronavirus Relief Funds*

Councilor Cap stated that the City expenses related to COVID-19 exceeded \$5,000,000, and the City received \$1.7 million in CARES Act dollars—Cap stated that tax payers are taking on the burden and that businesses had other funding opportunities. City Administrator Tim Murray explained that the City had already budgeted for most of the expenses in the 2020 budget. Murray further explained that some cities claimed the whole amount and put it in the bank. Murray also explained that there

were other funding opportunities for businesses through the state and county, and that some of the businesses received funding from all them.

Motion by Ross, seconded by Viscomi to approve Consent Agenda items 4B., 4C., and 4M.

Roll Call Vote:

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

Nay: Councilor Cap

Motion carried 6:1

After the vote, Cap also asked if any Councilmembers received CARES Act funds, Murray explained that there were Councilors that received funds, and that they were eligible under a statutory exception since CARES funds were federal dollars. Those that received the funds could not vote on the resolutions granting the funding. Murray further explained that the vote on Resolution 2020-168 was to authorize \$5,000,000 in eligible expenses that will be filed with the state.

### **Requests to be Heard – None**

#### **Public Hearings**

##### *Resolution 2020-165 Adopting Special Assessments for 2020 Street Reconstruction Improvements – Contract 2020-03*

City Engineer Mark DuChene explained that Resolution 2020-146, adopted on September 8, 2020, declared the cost to be assessed and set a special assessment hearing date of October 13, 2020 for the 2020 Street Reconstruction Improvements project – City Contract 2020-03. Notices of the hearing were sent to the benefited properties and published in the Daily News as required by law.

The assessment rates for street reconstructions for 2020 are as follows, as adopted by Resolution 2018-227, subject to credits per City policy:

Low Density Residential Property	\$75.50/l.f.
High Density Residential Property	\$83.00/l.f.
Commercial/Industrial/Institutional Property	\$90.00/l.f.

The City did not received any written objection to the proposed assessments.

The special assessment roll proposed to assess a total of 16 parcels in the amount of \$81,418.38 out of a total estimated project cost of \$790,600. The assessments will be payable over a period of fifteen years with an interest rate of 3.15%.

Motion by van Sluis, seconded by Viscomi to open the Public Hearing at 6:25 pm

Roll Call Vote:

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

Nay:

Motion carried 7:0

No comments were received from the public on this matter.

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

Roll Call Vote:

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

Nay:

Motion carried 7:0

Mayor Voracek asked how far behind schedule this project is, DuChene stated that the completion date was September 1, sidewalks and driveways should be done early next week, with paving late next week.

Motion by Spooner, seconded by Wood to approve Resolution 2020-165 Adopting Special Assessments for 2020 Street Reconstruction Improvements – Contract 2020-03

Roll Call Vote:

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

Nay:

Motion carried 7:0

### **Items for Discussion**

#### **Ordinance 2020-13 Amend Sec. 11-430 of the Unified Development Ordinance of the City of Faribault Related to Residential Uses in the Central Business District – Second Reading and Approve Summary Publication of Ordinance 2020-13**

City Planner David Wanberg explained that on September 22, 2020, the City Council approved the first reading of Ordinance 2020-13, related to residential uses in the Central Business District. Since the first reading of the ordinance, Staff received no comments on the ordinance, nor did the City Planner make any changes to the ordinance.

Roll Call Vote:

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

Nay:

Motion carried 7:0

Motion by Ross, seconded by Wood to approve Ordinance 2020-13 Amend Sec. 11-430 of the Unified Development Ordinance of the City of Faribault Related to Residential Uses in the Central Business District – Second Reading

Motion by Ross, seconded by van Sluis to approve Summary Publication of Ordinance 2020-13

Roll Call Vote:

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

Nay:

Motion carried 7:0

#### **Ordinance 2020-14 Amend Section 15-150 of the Faribault Unified Development Ordinance Related to the Downtown Sign District – Second Reading and Approve Summary Publication of Ordinance 2020-14 (5/7)**

Planning Coordinator Peter Waldock explained that the City Council approved the first reading of Ordinance 2020-14 to adopt the zoning text amendment at its last meeting on September 22, 2020. The Heritage Preservation Commission (HPC) had expressed support for the zoning text amendment at its last meeting, but they noted that the ordinance still referred to a color palette which is no longer used and it is their recommendation that the reference to a color palette be removed from the ordinance. Staff has made that change for the second reading of the ordinance.

Councilor Cap asked how this item came about, Waldock explained that this was staff driven, due to numerous complaints over the years.

Motion by Ross, seconded by van Sluis to approve Ordinance 2020-14 Amend Section 15-150 of the Faribault Unified Development Ordinance Related to the Downtown Sign District – Second Reading

Motion by van Sluis, seconded by Spooner to approve Summary Publication of Ordinance 2020-14

Roll Call Vote:

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

Nay:

Motion carried 7:0

Ordinance 2020-15 Amending the Unified Development Ordinance, Section 7-30 and Table 11-1, Development Standards Regarding Pawn Shops – First Reading

City Administrator Tim Murray explained that a request for a separation requirement between pawn shops has been reviewed on several occasions by the City Council. On September 22, 2020, the Council approved an ordinance amending the licensing section of the City Code of Ordinances on first reading. However, following further discussion at the October 6, 2020 Joint Committee meeting, staff was directed to revise the ordinance to impose the separation requirement in the zoning regulations section of the City Code. The revised ordinance approves a minimum separation of 3,000 feet between pawn shops.

Motion by Ross, seconded by Viscomi to approve Ordinance 2020-15 Amending the Unified Development Ordinance, Section 7-30 and Table 11-1, Development Standards Regarding Pawn Shops – First Reading

Roll Call Vote:

Aye: Councilor Ross, van Sluis, Spooner and Viscomi

Nay: Councilor Cap, Wood and Mayor Voracek

Motion carried 4:3

Ordinance 2020-16 Authorizing Conveyance of Real Property Owned by the City – First Reading (5/7)

City Planner David Wanberg explained that at the April 28, 2020 City Council meeting, the City Council passed Resolution 2020-076 Authorizing the Repair of the Wall Located at 20 3rd Street NW per Party-Wall Agreement. The resolution also specifically authorized Staff to work with the property owner and legal counsel to prepare all necessary documents to rescind the Party-Wall agreement once repairs are completed, vacate and redraw the property lines based on the ISG survey, and authorized the Mayor and City Administrator to execute all necessary documentations to complete the purpose and intent of the resolution. Over the summer repairs to the wall were completed. Staff then worked with legal counsel to draft an Agreement Terminating Party Wall Agreement which was agreed upon by both parties and executed.

Cap asked if this changes the City's ownership; Wanberg stated that it did.

Motion by van Sluis, seconded by Spooner to approve Ordinance 2020-16 Authorizing Conveyance of Real Property Owned by the City – First Reading

Roll Call Vote:

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

Nay:

Motion carried 7:0

**Bids-None**

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

Councilor van Sluis stated that there have been numerous school bus stop arm violations lately, he reminded the public that it is a \$500.00 fine for those that do not stop for stop arms and that the fine increases if there are children present.

Mayor Voracek reminded the public that there are new school zone speed limits.

Councilor Cap asked if the website could be viewed in other languages, Mayor Voracek explained that it was. Cap also asked if it would be better to have a sign language interpreter at all meetings

since closed captioning is not always accurate, Assistant to the City Administrator Heather Slechta will reach out to the captioning company to find the accuracy of their captioning. Cap also asked about safety and guns at the polling sites during the elections, Slechta stated she is working with Chief Bohlen regarding safety at the polls. Slechta also informed the Council that there is a COVID-19 plan that includes PPE for all judges and limiting the number of voters voting at a time at the polling sites. Chief Andy Bohlen stated that people with conceal and carry permits are allowed to carry their guns, however, people are not allowed to intimidate voters.

**Adjournment**

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

Roll Call Vote:

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

Nay:

Motion carried 7:0

Meeting adjourned at 6:48pm.

Respectfully Submitted,

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Heather Slechta  
Assistant to the City Administrator