



CITY COUNCIL Minutes

COUNCIL CHAMBERS

TUESDAY, APRIL 13, 2021

6:00 PM

Call to Order/Roll Call/Pledge of Allegiance

The regular meeting of the City Council was called to order by Mayor Kevin Voracek at 6:00 pm. Councilors Sara Caron, Royal Ross, Peter van Sluis, Tom Spooner, Janna Viscomi, and Jon Wood were in attendance. Also in attendance was City Administrator Tim Murray, Assistant to the City Administrator Heather Slechta, Police Chief Andy Bohlen, Parks and Recreation Director Paul Peanasky, City Planner David Wanberg, Human Resources Manager Kevin Bushard, City Engineer Mark DuChene, Community and Economic Development Director Deanna Kuennen, City Planner David Wanberg, Planning Coordinator Peter Waldock and Public Works Director Travis Block.

Presentations/Introductions – None

Approve minutes of March 23, 2021 Regular City Council Meeting and March 23, 2021 Special City Council Meeting (Closed Session) (majority vote)

Motion by Spooner, seconded by van Sluis to Approve minutes of March 23, 2021 Regular City Council Meeting and March 23, 2021 Special City Council Meeting (Closed Session) and carried unanimously.

Consent Agenda:

- A. List of Claims for Release
- B. Resolution 2021-067 Accept Donation by Mark and Mary Zentner
- C. Approve Quote for Wapacuta Park Basketball Courts Base Work
- D. Resolution 2021-065 Approve Hiring IT Technician
- E. Approve Fireworks Display Permit for Ind. School District #656
- F. Resolution 2021-068 Approve Massage Therapist License
- G. Approve 2021 CIP Purchase – Lift Station Improvements
- H. Accept Professional Services Proposal for Materials Testing for Replacement of 2nd Avenue Bridge Over Division Street Project - City Contract 2021-04
- I. Resolution 2021-071 Agreement to State Transportation Fund Local Bridge Replacement Program Grant Terms and Conditions for Replacement of 2nd Avenue Bridge Over Division Street Project - City Contract 2021-04/SP 125-110-006
- J. Approve Submittal of City of Faribault Municipal Separate Storm Sewer System (MS4) Part 2 Permit Application to the Minnesota Pollution Control Agency
- K. Approve License for Utility to Cross Public Waters with Minnesota Department of Natural Resources for Watermain Crossing Related to NW Area Water Tower and Watermain Improvements - City Contract 2019-12
- L. Resolution 2021-072 Approve On-Street Truck Parking Restrictions
- M. Resolution 2021-075 Support for Funding of Feasibility Study for Passenger Rail Service in Southern Minnesota
- N. Resolution 2021-076 Adopt Faribault Climate Adaptation Plan
- O. Approve Submittal of Letter from the City Council to Rice County Regarding the County's Draft Comprehensive Land Use Plan

Motion by Ross, seconded by van Sluis to approve Consent Agenda Items 4A-4O and carried unanimously. Items 4P. Approve Police Policy 322 – PepperBall Launcher System and 4Q. Approve Police Policy 323 – Control Devices were removed from the Consent Agenda by Councilor Caron for further discussion.

Approve Police Policy 322 – PepperBall Launcher System and Approve Police Policy 323 – Control Devices

Councilor Caron asked why the policies were placed on the agenda at this time. Bohlen explained that the we

have always had the ability to use gas, smoke diversion devices to get people to back-up through our S.W.A.T Team if we needed to deploy them. The world is changing now and resources are spread thin, we now have mobile field force, these are officers that wear the turtle suits, these forces may have to deploy a crowd control measures. Bohlen explained that the PepperBall Launcher System is newly designed, the policy that was before the Council is the same as the policies that are used by the City of Northfield as well as Rice County. Both of the new policies require supervisor approval before using.

Motion by Ross, seconded by Wood to approve Consent Agenda Items 4P. Approve Police Policy 322 – PepperBall Launcher System and 4Q. Approve Police Policy 323 – Control Devices and carried unanimously.

Requests to be Heard – None

Public Hearings

Resolution 2021-073 Order Improvements and Preparation of Plans and Specifications for 2021 Street Reconstruction Improvements – Contract 2021-03

City Engineer Mark DuChene explained that Resolution 2021-073 orders the improvements for the proposed 2021 Street Reconstruction Improvements - Contract 2021-03, including removals, watermain replacement, sanitary sewer replacement, lot services, storm sewer construction, grading, aggregate base, bituminous paving, turf restoration and related improvements.

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

20th Street NW	(2nd Avenue NW to East End)
Faribault Road	(Highland Place to South End)
Lofts at Evergreen Knoll	(Sewer and Water Main Relocation Only)

DuChene explained that due to the COVID 19 pandemic a traditional open house was not held but rather the neighborhood meeting presentation was recorded and uploaded to the City’s website along with a copy of the project Feasibility Report for anyone to watch/read and persons were encouraged to contact the City Engineer directly with any questions. The video has received 13 views according to the site and the City Engineer has been contacted by four (4) property owners. Some of the issues and concerns expressed included: Business access during construction as well as questions about special assessment process and timing.

The preliminary total estimated cost of the improvements including 10% contingency and 15% engineering is \$1,075,500.00. Proposed funding for the project is as follows:

Special Assessments	\$ 153,000.00	14.2%
Street Improvement Projects Fund (401)	\$ 283,300.00	26.3%
Water Utility Fund (601)	\$ 322,650.00	30.0%
Sanitary Sewer Utility Fund (602)	\$ 239,800.00	22.3%
Storm Sewer Utility Fund (603)	\$ 76,750.00	7.2%
Total	\$1,075,500.00	100.0%

As detailed in the feasibility report, the improvements are proposed to be specially assessed per City policy, using the 2021 assessments rates set by Council Resolution 2020-152, adopted on September 22, 2020. The assessment frontages are subject to credits as given in the Community Management Plan. Since this is a non-petitioned project proposing to levy special assessments against benefiting properties, a minimum 6/7ths vote of the City Council is required to advance the improvements. Construction is scheduled to begin in June or July, with substantial completion by the end of September 2021.

Councilor Ross asked if the proposed turn-around is located on school district property. DuChene explained that it is in the city easement and the school district is aware of it. Mayor Voracek asked if there would be any road alignment improvements on 20th and 3, DuChene explained that not at this time, there is some room for development on the south side.

Motion by Spooner, seconded by van Sluis to open the public hearing at 6:18 pm and carried unanimously.

No comments were received from the public.

Motion by Spooner, seconded by Caron to close the public hearing at 6:18 pm and carried unanimously.

Motion by van Sluis, seconded by Wood to approve Resolution 2021-073 Order Improvements and Preparation of Plans and Specifications for 2021 Street Reconstruction Improvements – Contract 2021-03 and carried unanimously.

Items for Discussion

Resolution 2021-074 Awarding the Sale of General Obligation State Aid Bonds, Series 2021A, in the Original Aggregate Principal Amount of \$1,505,000; Fixing Their Form and Specifications; Directing Their Execution and Delivery; and Providing for Their Payment

Finance Director Jeanne Day introduced Tammy Omdal of Northland Securities. Ms. Omdal reviewed the details of the sale of the Series 2021A General Obligation State Aid Bonds in the proposed amount of \$1,505,000. Ms. Omdal informed the Council that the City completed a bond rating call with Standard and Poor's and will maintain the current 'AA' rating for the 2021A bonds. The sale of the bonds will be on May 13, 2021 and will be spread over a term of ten years.

Motion by Spooner, seconded by Ross, to approve Resolution 2021-074 Awarding the Sale of General Obligation State Aid Bonds, Series 2021A, in the Original Aggregate Principal Amount of \$1,505,000; Fixing Their Form and Specifications; Directing Their Execution and Delivery; and Providing for Their Payment

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

Nay:

Motion carried 7:0

Ordinance 2021-2, Rezone 20905 Canby Avenue from C-2, Highway Commercial to TUD, Transitional Urban Development - First Reading and Resolution 2021-066, Approve Conditional Use Permit to Allow Construction of a Single-Family Residence at 20905 Canby Avenue

Community and Economic Development Director Deanna Kuennen explained that Blake Matejcek on behalf of Paul T. Matejcek requested the rezoning of a 13.6-acre parcel at 20905 Canby Avenue from C-2, Highway Commercial to TUD, Transitional Urban Development. Mr. Blake Matejcek also requested approval of a conditional use permit to construct a single-family residence on the subject property. Kuennen explained that in the early 2000's the City prepared for major commercial development in this area, and this property was annexed in 2008. The 2003 Comprehensive Plan guided this area for commercial use, and the Journey 2040 Comprehensive Plan guided the property to be zoned for commercial/industrial mix. The property was purchased by the Matejceks in 1999 with the intention of constructing a home. Kuennen further explained that when land is annexed it is typically zoned Transitional Urban Development (TUD) until the future use is clear, this property was zoned C-2, Highway Commercial. The TUD zoning would not be in conflict with the Land Use Plan and the existing accessory structure is consistent with the TUD district. The existing septic and well can accommodate the proposed house. The existing billboard could continue as a nonconforming billboard until the property is rezoned for commercial or industrial.

Kuennen explained that if the property remains in C-2 or is rezoned to TUD, a single-family residence requires a Conditional Use Permit (CUP). The single-family home would not adversely affect the neighboring properties, and it is premature to extend municipal sewer and water to the property, however, a complaint septic system will be verified.

The Planning Commission held a public hearing on April 5, 2021, to consider the Applicant's requests. No one from the public spoke at the public hearing or submitted comments to City Staff regarding the requests. With a 6-0 vote, the Planning Commission recommends the City Council approve Ordinance 2021-2, which rezones the subject property to TUD, Transitional Urban Development. Also, with a 6-0 vote, the Planning Commission recommends that the City Council approve Resolution 2021-066, which allows the construction of a single-family residence on the subject property. The Development Review Committee also did not object to the request.

Motion by Ross, seconded by Wood to approve Ordinance 2021-2, Rezone 20905 Canby Avenue from C-2, Highway Commercial to TUD, Transitional Urban Development - First Reading

Roll Call Vote

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

Motion carried 7:0

Motion by van Sluis, seconded by Caron to approve Resolution 2021-066, Approve Conditional Use Permit to Allow Construction of a Single-Family Residence at 20905 Canby Avenue and carried unanimously.

Resolution 2021-069 Deny a Request for a One Year Extension of Variance Approvals at 400 Western Avenue
Community and Economic Development Director Deanna Kuennen explained that on May 22, 2018, the City Council approved Resolution 2018-078, which granted variances from the setback and flood fringe buffer requirements of the City's Unified Development Ordinance (UDO) related to a proposed development at 400 Western Avenue. On May 14, 2019 the City Council approved Resolution 2019-100 granting a one-year extension. Again, on May 12, 2020, the City Council approved Resolution 2020-079 granting another one-year extension of the variance request. The owner has once again requested another one-year extension of the 2018 variances for the site. Since that time no development plans have been submitted and the owner does not have a purchase contract for the site at this time. In an email dated March 5, 2021, the Owner requested another one-year extension of the variance approvals, which if approved would allow the Owner to continue market the property with the approved variances until May 22, 2022. Although the City Council has been willing to grant extensions to allow property owners adequate time to proceed with the development, this is the third extension request and will be four years since the original approval if the site is not developed until next year. Kuennen explained that the Development Review Committee (DRC) discussed and supported the denial of extension based on MnDOT's plan to re-do the intersection and the plans will likely require the proposed development plans be altered. A new development plan will also require a new variance request.

Councilor Viscomi asked if the property owners were aware that the extension of variance approvals was going to be denied, Kuennen explained that Planning Coordinator Peter Waldock has been in contact with them. Councilor Ross asked what harm does the property owner suffer if the Council moves forward with denying the extension, Kuennen stated that the owners would have to go through the process again. Ross also asked what the cost would be to start the process again, Planning Coordinator Peter Waldock informed the Council the cost would be about \$1,000 for a CUP in the shoreland district.

Motion by Spooner, seconded by Ross to approve Resolution 2021-069 Deny a Request for a One Year Extension of Variance Approvals at 400 Western Avenue and carried unanimously.

Resolution 2021-070 Approve a Comprehensive Plan Amendment to Guide Property Located at 1507 Saint Paul Avenue to Commercial Residential Mixed Use and Ordinance 2021-3 Approve Rezoning from O Open Space/Agricultural to C-2 Highway Commercial District at 1507 Saint Paul Avenue – First Reading

Community and Economic Development Director Deanna Kuennen explained that Michael and Megan Graham recently entered into a contract for deed for the former apple orchard seasonal sales building at 1507 St. Paul Ave. They intend to convert a former orchard sales building for use as a custom car building shop with auto repair service use. The business will include fabrication of custom cars along with auto maintenance and repair services. It will not include autobody and paint services. The Grahams requested that the property be re-guided to Commercial-Residential Mixed Use to accommodate rezoning to C-2 Highway Commercial District for their proposed use at the site. The proposed land use designation is generally located adjacent to arterial or collector roads, and have a mix of commercial and residential uses. In some cases, existing residential uses may transition to commercial use and vice-versa.

The current land use plan was approved last September as part of the Journey to 2040 Comprehensive Plan. The plan calls for Planned Residential use, this land use designation includes convenience commercial uses that serve the immediate neighborhood, such as schools. Convenience commercial uses are generally small low intensity businesses. The surrounding uses include orchards, farm fields, rural homesteads, a single-family neighborhood and a church. The site is at the intersection of two County Highways and there is no other general commercial uses are found in this area.

The Planning Commission held a combined public hearing on April 5, 2021 regarding applications for Comprehensive Plan amendment to Commercial Residential Mixed Use and Rezoning to C-2 Highway Commercial District. There were no comments received from the public before the meeting or during the online public hearing. No objections to the request were received.

The Development Review Committee (DRC) provided a report to the Planning Commission recommending against the requested Comprehensive Plan Amendment and Rezoning Application. The DRC listed the following concerns with the rezoning application:

- The application did not meet all of the findings required by the Unified Development Ordinance (UDO).
- The application is not consistent with City's new comprehensive plan adopted in September of 2020 and appears to be significant departure from the approved plan.
- The rezoning appears to benefit the owners and not the City as a whole.
- C-2 zoning is the minimum necessary for the proposed use, but if approved the zoning would permit a large range of intensive commercial uses at the property that are out character for this location.

The Planning Commission considered the DRC comments and recommendation but felt the site location along two county highways was appropriate for the proposed comprehensive plan amendment. They felt the proposal benefited the area by providing a convenient location for auto maintenance services. They felt that the proposed Commercial Residential Mixed-Use designation for the property was appropriate.

With a vote of 5-1 the Planning Commission recommended approval of the requested Comprehensive Plan Amendment and approved the findings listed in the draft resolution as presented to the City Council with this report. Also, with a vote of 5-1 the Planning Commission recommended approval of the requested rezoning and approved the findings listed in the draft ordinance as presented to the City Council with this report.

Kuennen explained that if approved tonight a CUP is required for major auto repair in the C-2 District. There will also need to be site plan approvals, which would include paved parking and driveways, screening/landscaping, signage plan as well as a lighting plan if any exterior lights are needed.

Councilor Caron stated that she received a text message from a neighbor that was in support of this project. Councilor Viscomi stated that the property needs love, investment and has a lot of potential. Councilor Ross asked why an Interim Use Permit (IUP) couldn't be used for this site, Kuennen explained that an IUP has a start and end date. Planning Coordinator Peter Waldock further explained that an IUP is for uses otherwise not permitted. Ross asked what the objectives were for the project, Waldock stated that intensity and use of the business, the C-2 seemed more intense than this area could handle. Kuennen added that the CUP and site plan will require the property to come up to standards. Viscomi asked if this project would be similar to what is located on 2nd Ave. NW, Mayor Voracek stated that it was. City Administrator Murray informed the Council that the 2nd Avenue business is there because that is how it was zoned, he also reminded the Council that there is a list of businesses that can go into C-2 and that staff cannot make changes to the code—property owners must request a variance. Caron asked who was part of the DRC and why wouldn't the Council follow their recommendation, Kuennen explained that the DRC is made up of various members of City Staff. She informed her that both the Planning Commission and DRC bring recommendations to the Council. Councilor Spooner stated that this is spot zoning, however, the lot has been empty for 15-years, and he hopes the Grahams do what is best for the neighborhood and it becomes something that fits. Mayor Voracek asked what the difference is between major and minor automotive, Waldock explained that minor is oil changes and major is engines in and out, auto body repairs, etc.

Motion by Ross, seconded by van Sluis to approve Resolution 2021-070 Approve a Comprehensive Plan Amendment to Guide Property Located at 1507 Saint Paul Avenue to Commercial Residential Mixed Use and carried 6:1 with Councilor Caron voting Nay.

Motion by van Sluis, seconded by Viscomi to approve Ordinance 2021-3 Approve Rezoning from O Open Space/Agricultural to C-2 Highway Commercial District at 1507 Saint Paul Avenue – First Reading

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

Nay: Councilor Caron

Motion carried 6:1 with Councilor Caron voting Nay.

Bids

Resolution 2021-077 Accept Bid for HVAC Replacement at Community Center and Approve Budget Revision
Parks and Recreation Director Paul Peanasky informed the Council that on Wednesday, April 7, 2021, bids were received for the replacement of three HVAC units on the Community Center roof. The units will replace

the swimming pool unit, the locker rooms and the corridor and family changing rooms. The current units were installed in 1999 and have required numerous mechanical repairs. The 2021 CIP and Budget included \$275,000 for the HVAC unit replacements and for some additional roof repairs. Two bids were received and were tabulated as follows:

Owatonna Heating and Cooling, Inc.	\$344,800
Bauernfeind & Goedtel	\$371,340

Peanasky noted that an additional cost of \$8,060 will bring the total to \$352,860. Since there is a higher cost than anticipated on this project, Peanasky requested that a budget adjustment of \$100,000 be made to cover the difference.

Motion by Ross, seconded by Viscomi to approve Resolution 2021-077 Accept Bid for HVAC Replacement at Community Center and Approve Budget Revision and carried unanimously.

Boards and Commissions Reports, Announcements and Project Updates

Councilor van Sluis informed the Council that the Diversity Coalition International Festival will be held on July 10, 2021 at Central Park. City Administrator Tim Murray reminded Councilor Viscomi and Mayor Voracek about the upcoming Viaduct Park planning meeting on Thursday night. Murray also informed the Council that they will be meeting at the Police Impound Building prior to next Tuesday night's work session for a tour.

Adjournment

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

Meeting adjourned at 7:10 pm

Respectfully Submitted,

Heather Slechta
Assistant to the City Administrator