



CITY COUNCIL MINUTES-Draft

COUNCIL CHAMBERS

TUESDAY, JULY 9, 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 Elizabeth Cap, Royal Ross, Peter van Sluis, Tom Spooner and Janna Viscomi were in attendance. Councilor Jon Wood was absent. Also in attendance were City Administrator Tim Murray, Administrative Assistant Kari Casper, City Engineer Mark DuChene, Police Chief Andy Bohlen, Interim Finance Director Ann Remold, Human Resources Manager Kevin Bushard, Public Works Director Travis Block, Community and Economic Development Director Deanna Kuennen, and City Planner David Wanberg.

Presentations/Introductions – None

Approve minutes of June 25, 2019 Regular Council Meeting, and June 25, 2019 Special Meeting (majority vote)

Motion by Spooner, seconded by van Sluis to approve minutes of June 25, 2019 Regular Council Meeting, and June 25, 2019 Special Meeting and carried unanimously.

Consent Agenda:

- A. List of bills to be paid
- B. Approve Conversion from Lethal Shotguns into Less Lethal Shotguns
- C. Approve Changes Made to the CRDVOTF Joint Powers Agreement
- D. Approve Hangar Rental Agreement
- E. Resolution 2019-134 Approve Hiring Patrol Officers
- F. Resolution 2019-138 Initiate Project and Order Feasibility Report for 2019 Airtech Park Regional Storm Water Ponding Improvements - Contract 2019-05
- G. Accept Proposal for Professional Engineering Services for the Design of Airtech Industrial Park Regional Stormwater Basin
- H. Resolution 2019-139 Authorizing Execution of a Revised Purchase Agreement and Acquisition of Property Located at 734 Division St. E. (PID 18.32.2.75.017)
- I. Approve LG230 Application to Conduct Off-Site Gambling for River Bend Nature Center on October 5, 2019
- J. Approve LG240B Application to Conduct Excluded Bingo for Rice County Fair, July 16- July 21, 2019
- K. Approve Encroachment Agreement with Magellan Pipeline for 2019 30th Street NW Reconstruction Improvement Project - City Contract 2019-06
- L. Approve Temporary 1-4 Day Liquor License for the Faribault Art Center, Inc dba Paradise Center for the Arts for August 10, 2019
- M. Approve Consultant for Conditions Assessment of 27 3rd Street NW

Item 4M. Approve Consultant for Conditions Assessment of 27 3rd Street NW was removed by Councilor Spooner for further discussion.

Motion by Ross, seconded by van Sluis to approve consent agenda item A-L and carried unanimously.

4M. Approve Consultant for Conditions Assessment of 27 3rd Street NW

Councilor Spooner questioned when the assessment from ISG would be completed, Director Kuennen explained that it would be completed by the end of August. Spooner stated that he would be voting against a conditions assessment. Councilor Cap stated that the City should do their due diligence, complete the assessment and make a decision on the property after the assessment. City Administrator Tim Murray explained that both bids met the RFP requirements as far as schedule, scope of work and cost. Councilor Ross questioned what would all be in the conditions assessment

provided by ISG, City Administrator Murray explained that the final report would provide a structural assessment of the roof, wall and floor systems, mold and other hazardous conditions, the general condition of the site, interior and exterior finishes, and electrical, plumbing and HVAC systems. As well as a description of the age, material and condition of the site; structural systems; windows and doors; floors; ceilings; interior and exterior finishes and building system. ISG will also develop preliminary drawings that clarify considerations along with systematic photos of the existing conditions. The final report will also include initial cost estimates to assist with future decision making. City Engineer Mark DuChene informed the Council that ISG has been in the building and there is significant mold and asbestos in the building.

Motion by Cap, seconded by van Sluis to approve Consultant for Conditions Assessment of 27 3rd Street NW

Roll Call Vote

Aye: Councilor Cap, van Sluis, Viscomi and Mayor Voracek

Nay: Councilor Ross and Spooner

Motion carried 4:2

Requests to be Heard-None

Public Hearings – None

Items for Discussion

Resolution 2019-135 Order Improvements, Approve Plans and Specifications and Establish Bid Date for 2019 Downtown Building Demolition – Contract 2019-10

City Engineer Mark DuChene explained that Resolution 2019-135 approves the demolition plans and specifications for the 2019 Downtown Building Demolition project - Contract 2019-10. The project includes the removal of the buildings and related structures/footings, capping of services and restoration back to a gravel surface for the property at 27 3rd Street NW and 225 1st Avenue NW as well as salvaging four of the concrete window arches for use later. Per previous Council direction the City is moving forward with soliciting bids for the demolition of the building at the same time as the City conducts a structural assessment of the buildings and determines the possibility of rehabilitating the buildings and repurposing them.

The total estimated cost of the demolition is \$380,000 with an additional \$20,000 for engineering costs and a hazardous materials assessment that was previously completed. During that assessment, it was reported that there is significant mold throughout the building. The resolution also established a bid date of August 7, 2019 for the project. Since the structural assessment report on the building is tentatively scheduled to be presented to the Council in late August/early September, the project bid documents allow the City to hold the bids for up to 60 days so that Council can weigh the information presented in the structural assessment prior to awarding a bid.

Councilor Ross clarified that the Council was only authorizing to receive the bid, to set themselves up to make a decision in late August once the conditions assessment was completed, DuChene explained that the City will have 60 days from August 7, 2019 to either accept the bid or return the bid documents. Councilor Cap asked if the bid would include making the adjacent building sound, DuChene informed the Council that it would include improvements to the party wall. Cap was not in support of spending tax dollars on demolition of this building. Councilor Viscomi felt that the City is between a rock and a hard place and that both paths are moving forward, as directed by the Council. Mayor Voracek asked if there were any estimates on what it would cost for mold remediation, DuChene stated that it could be six figures.

Motion by Spooner, seconded by Ross to approve Resolution 2019-135 Order Improvements, Approve Plans and Specifications and Establish Bid Date for 2019 Downtown Building Demolition – Contract 2019-10 and carried 5:1 with Councilor Cap voting Nay.

Resolution 2019-136 Order Improvements, Approve Plans and Specifications and Establish Bid Date for 2019 Old Public Works Site Building Demolition Project – Contract 2019-11

City Engineer Mark DuChene explained that Resolution 2019-136 approves the demolition plans and specifications for the 2019 Old Public Works Site Building Demolition project-Contract 2019-11. The project includes the removal of the buildings and related structures/footings, capping of services and restoration back to a gravel surface for the property at 601 1st Avenue NE. The total estimated cost of the demolition is \$50,000. The attached resolution also established a bid date of August 7, 2019 for the project. Staff is working through the environmental remediation consultant to see what can and cannot be removed below ground.

Councilor Cap inquired who will be responsible for the underground improvements to the property. DuChene explained that once the new property lines are drawn the City will be responsible for the property to the north and anything south is the responsibility of the developer. Cap stated that she could support the demolition of the buildings on this site.

Motion by Spooner, seconded by van Sluis to approve Resolution 2019-136 Order Improvements, Approve Plans and Specifications and Establish Bid Date for 2019 Old Public Works Site Building Demolition Project – Contract 2019-11 and carried unanimously.

Ordinance 2019-10 Approve Amendment to Section 6-250 and Section 6-260 of the Unified Development Code Related to Fences – Second Reading and Approve Summary Publication of Ordinance 2019-10 (5/7)

City Planner David Wanberg explained that on June 25, 2019, the Faribault Council approved the first reading of Ordinance 2019-10, which amends Section 6-250 and Section 6-260 of the Unified Development Ordinance related to fencing. The ordinance amendments 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 amendments also provide flexibility in the use of barbed wire fencing in commercial and industrial zoning districts when needed for safety and protection of property. City Staff has not received any comments from the public on the proposed ordinance amendments. Wanberg stated that Staff corrected small typographic errors with Ordinance 2019-10, but made no substantive changes to the Ordinance.

Motion by Ross, seconded by Cap to approve Ordinance 2019-10 Approve Amendment to Section 6-250 and Section 6-260 of the Unified Development Code Related to Fences – Second Reading

Roll Call Vote

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

Nay:

Motion carried 6:0

Motion by van Sluis, seconded by Spooner to Approve Summary Publication of Ordinance 2019-10 and carried unanimously.

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 – Second Reading (5/7) and Approve Summary Publication of Ordinance 2019-11 (5/7)

City Administrator Tim Murray explained that Kwik Trip, Inc. is planning the construction of a new facility and is acquiring property at the intersection of 2nd Avenue NW (T.H. 3) and 20th Street NW. They requested to purchase a portion of City-owned property in this location to accommodate their development. The City does not have any current or future use planned for the property. Per Section 12.04 of the City Charter, the disposal of real property of the City requires the approval of an ordinance, with a minimum 5/7 vote in favor. The first reading of this ordinance was held on June 25, 2019, at which time the Offer of Purchase from Kwik Trip was also approved upon the passage of Resolution 2019-127. There have been no changes on this item since that time.

Motion by Ross, seconded by Cap 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 – Second Reading

Roll Call Vote

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

Nay:

Motion carried 6:0

Motion by Spooner, seconded by van Sluis to approve Summary Publication of Ordinance 2019-11 (5/7) and carried unanimously.

Ordinance 2019-12 Authorizing Disposal by Sale of Real Property Owned by City identified as Lot 2, Block 1, Faribault Hillside Addition – Second Reading (5/7) and Approve Summary Publication of Ordinance 2019-12 (5/7)

City Administrator Tim Murray explained that the City has agreed to convey a parcel of City-owned property to Faribault Division, LLC to accommodate the construction of a 44-unit apartment building for the Mac Hamilton project. The property is located along Division Street W., between Central Avenue and 1st Avenue NW. Per Section 12.04 of the City Charter, the disposal of real property of the City requires the approval of an ordinance, with a minimum 5/7 vote in favor. The first reading of this ordinance was held on June 25, 2019, at which time the Purchase and Development Agreement with Faribault Division, LLC was also approved upon the passage of Resolution 2019-132. There have been no changes on this item since that time.

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

Roll Call Vote

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

Nay:

Motion carried 6:0

Motion by van Sluis, seconded by Cap to Approve Summary Publication of Ordinance 2019-12 and carried unanimously.

Bids

Resolution 2019-137 Accept Bids for 2019 3rd Street NE Parking Lot Improvements – Contract 2019-13

City Engineer Mark DuChene explained that on Tuesday, July 9, 2019, bids were received for the proposed 2019 3rd Street NE Parking Lot Improvements - Contract 2019-13.

The bids were tabulated as follows:

Healy Construction Co.	\$182,815.30
BCM Construction, Inc.	\$190,694.00
Engineer's Estimate	\$149,687.50

Based on the low bidder's prices, the estimated funding for the project will be as follows including a 5% contingency:

Small Cities Development Fund	\$ 167,000.00	87.0%
Consent Assessment for 321 3rd St NE	\$ 25,000.00	13.0%
Total	\$ 192,000.00	100.0%

DuChene explained that the adjacent property owner will pay approximately \$25,000.00 for improvements to the portion of the parking lot that is privately owned. Construction is anticipated to begin in July or August with substantial completion in September. Due to the use of SCDP funds, plans must be approved by the State Historic Preservation Office prior to the start of construction.

Councilor Viscomi was concerned with the lack of trees in the parking lot, DuChene explained that there are trees located on the 1st Avenue NE side of the lot and one will be planted in an island in the parking lot.

Councilor Cap had concerns about working with the adjacent property owner on the parking lot

improvements. DuChene explained that work would not start on the private property until an agreement was signed that outlined the process to reimburse the City for the costs of improvements.

Motion by van Sluis, seconded by Viscomi to approve Resolution 2019-137 Accept Bids for 2019 3rd Street NE Parking Lot Improvements – Contract 2019-13 and carried 5:1 with Councilor Cap voting Nay.

Boards and Commissions Reports, Announcements and Project Updates

Councilor Cap provided the Council with an update on the 2020 Census Complete Count Committee (CCC). The CCC along with the Northfield CCC will have a booth at the Rice County Fair. Cap also asked when the bike trail will be usable, Mayor Voracek stated that it is open, however it is a DNR project, so the City is pretty hands off. Cap requested a notice be placed on the website informing people that the trail is open. Councilor Ross asked if the Census was still looking for volunteers/staff, Cap stated that they are looking for part-time, temporary employees and encourage those interested to look at the 2020 Census website. City Engineer Mark DuChene provided an update on the Highway 60 project.

Adjournment

Motion by Viscomi, seconded by Ross to adjourn the Council meeting and carried unanimously.

Meeting adjourn at 6:44 pm

Respectfully Submitted,

Heather J. Slechta
Assistant to the City Administrator