



CITY COUNCIL MINUTES-Draft

COUNCIL CHAMBERS

TUESDAY, JULY 23, 2019

6:00 PM

Call to Order/Roll Call/Pledge of Allegiance

The meeting was called to order by Mayor Kevin Voracek at 6:00 pm. Councilors Elizabeth Cap, Royal Ross, Peter van Sluis, Tom Spooner, Janna Viscomi and Jon Wood were in attendance. Also in attendance were City Administrator Tim Murray, Assistant to the City Administrator Heather Slechta, Public Works Director Travis Block, City Engineer Mark Duchene, Human Resources Manager Kevin Bushard, Park and Recreation Director Paul Peanasky, Community and Economic Development Director Deanna Kuennen, Interim Finance Director Ann Remold, Planning Coordinator Peter Waldock, Police Chief Andy Bohlen and Fire Chief Dustin Dienst.

Presentations/Introductions

Presentation of the Cannon River Drug and Violent Offender Task Force – Task Force of the Year Award

Police Chief Andy Bohlen presented Captain Dave Dillon and Rice County Sheriff Deputy Paul LaRoche with the Task Force of the Year Award.

Night to Unite 2019 Proclamation

Mayor Voracek proclaimed that August 6, 2019 is Night to Unite in the City of Faribault. The Proclamation was presented to Police Chief Andy Bohlen.

Approve minutes of July 9, 2019 Regular Council Meeting and July 16, 2019 Special City Council Meeting

Motion by Ross, seconded by Spooner to Approve minutes of July 9, 2019 Regular Council Meeting and July 16, 2019 Special City Council Meeting and carried unanimously.

Consent Agenda:

- A. List of bills to be paid
- B. Resolution 2019-152 Accept Donation to the Canine Program
- C. Resolution 2019-142 Authorizing MnDOT Agreement No. 1034193 for Airport Tornado Recovery
- D. Resolution 2019-143 Approve 2019 Massage Therapist Licenses for Julie Ann Bayardo and Andrea Calderon
- E. Approve Encroachment Agreement with Magellan Pipeline for 40th Street NW Improvements related to a Proposed Air Separation Plant at 1305 40th Street NW
- F. Approve Proposal for Professional Services for the Fire Station Garage Project
- G. Assistance to Firefighters Grant Amendment
- H. Authorize Local Review and Permitting Process for the Great River Energy 115-kV Cannon River Park Transmission Project
- I. Approve Encroachment Agreement with Rice County and Superior Poultry Enterprises Inc. for a Business Sign in Public Easements at 904 Lyndale Avenue N.
- J. Resolution 2019-144 Approve Street Closures for Downtown Car Cruise Night
- K. Resolution 2019-145 Approve Blue Collar BBQ and Arts Festival Parking Restrictions and Street Closures
- L. Approve Quote for Lighting of Teepee Tonka Park Tunnel

- M. Resolution 2019-146 Declare Lincoln Warming House Surplus
- N. Approve Proposal from ISG for Professional Design Services for Prairie Park Improvements
- O. Approve Quote for Playground Equipment for Meadows Park
- P. Resolution 2019-149 Approving Professional Services Agreement for Electrical Inspections with Brian L. Grey
- ~~Q. Resolution 2019-148 Ordering the Abatement of Conditions Creating a Hazardous Property and Public Nuisance at 1215 Division Street East- (Moved to Item 7E.)~~
- R. Approve Amendment to the Purchase Agreement for 217 Mill Street
- S. Resolution 2019-150 Approve use of Parking Lot 16 for American Legion Motor Cycle Ride

Item 4N. Approve Proposal from ISG for Professional Design Services for Prairie Park Improvement was removed from the Consent Agenda by Councilor Janna Viscomi for further discussion.

Motion by Cap. Seconded by van Sluis to approve Consent Agenda Items A-M and O-S and carried unanimously.

4N. Approve Proposal from ISG for Professional Design Services for Prairie Park Improvements

Councilor Viscomi requested that this item be tabled and moved to a future Joint Committee meeting for further discussion. Viscomi stated that this park has not been formally discussed by the Council and would prefer to wait until the Master Parks and Trail Plan is completed prior to moving forward with authorizing Prairie Park Improvements.

Motion by Viscomi, seconded by Wood to table 4N. Approve Proposal from ISG for Professional Design Services for Prairie Park Improvements and move to a future work session for further discussion, motion carried 6:1 with Councilor Ross voting Nay.

Requests to be Heard

Frank Marzario requested that the Council consider adding additional 15-Minute Parking to the corner of Central and 3rd Street.

Public Hearings – None

Items for Discussion

Resolution 2019-140 Approve a Comprehensive Plan Amendment to Requite Certain Property at 601 1st Avenue NE and Ordinance 2019-13 Rezoning Certain Property from I-1 Light Industrial District to CBD Central Business District and O Open Space District at 601 1st Avenue NE – First Reading

City Planning Coordinator Peter Waldock explained that the former Public Works site will be redeveloped with a new market-rate apartment building and public park. The Comprehensive Plan currently guides the site for public and semipublic uses. The site is zoned I-1 Light Industrial to accommodate the public works use which is no longer needed at this site. The City has proposed a comprehensive plan amendment to requite the former Public Works Garage site to Downtown and Open Space Uses and is also seeking to rezone the site to CBD Central Business District and O Open Space District.

The proposed zoning boundaries will follow the new lot lines established with the proposed subdivision. Development of an apartment is allowed in the proposed CBD Central Business District with a Conditional Use Permit.

On July 15, 2019 the Planning Commission held a public hearing to consider the requests. No one from the public was present to speak on this matter. The City did not receive any comments from residents prior to the public hearing date. The Planning Commission agreed with the findings and recommendations of staff and voted 7-0 to approve the proposed ordinance to rezone the site as

shown on the attached zoning map. The Planning Commission also agreed with the findings and recommendations of staff and voted 7-0 to approve the resolution to amend the Comprehensive Plan as proposed.

Councilor Cap asked if the newly drawn property lines included the property next to the river, Waldock explained that the City will own to the river.

Motion by Ross, seconded by Cap to approve Resolution 2019-140 Approve a Comprehensive Plan Amendment to Reguide Certain Property at 601 1st Avenue NE and carried unanimously.

Motion by van Sluis, seconded by Cap to approve Ordinance 2019-13 Rezoning Certain Property from I-1 Light Industrial District to CBD Central Business District and O Open Space District at 601 1st Avenue NE – First Reading

Roll Call Vote:

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

Nay:

Motion carried 7:0

Resolution 2019-147 Adopt City of Faribault Americans with Disabilities Act (ADA) Transition Plan

City Engineer Mark DuChene explained that a portion of the American with Disabilities Act (ADA) enacted on July 26, 1990 requires that all providers of public transportation, of which the City of Faribault is, must evaluate and develop a plan for making transportation facilities within the public right-of-way accessible to all individuals. As required under Title II of the ADA Act, the City of Faribault has completed their self-evaluation of City owned pedestrian facilities and developed the attached final draft ADA Transition Plan. This plan was reviewed with the Joint Council Committee on June 18, 2019. The City published notice of a public open house to discuss the plan and conducted the open house on Thursday, July 11, 2019 from 5-6pm. One resident attended the meeting and no other comments have been received. The ADA Transition Plan provides a documented plan for addressing public transportation facilities in the right-of-way including design standards to use and a timeline for completing the improvements.

The prosed plan contains the following key components:

- Results of self-evaluation of public pedestrian facilities within the public right-of-way and condition assessment criteria
- Proposed City policies and practices regarding ADA improvements within the public right-of-way
- Establishes improvement and implementation schedule
- Designates an ADA Title II ADA Coordinator
- Establishes grievance procedure for complaints related to ADA Title II
- Establishes goals for ADA compliance within our public right-of-way.

Councilor Cap felt that this was a great plan.

Motion by Cap, seconded by van Sluis to approve Resolution 2019-147 Adopt City of Faribault Americans with Disabilities Act (ADA) Transition Plan and carried unanimously.

Approve Selection of Construction Management Firm for Aircraft Maintenance Hangar & Arrival/Departure Building

Public Works Director Travis Block explained that at the June 25, 2019 Council meeting, the City Council authorized the release of a RFP to solicit firms for Construction Management & Architectural Services for the construction of an Aircraft Maintenance Hangar & Arrival/Departure building, which was destroyed by a tornado in September 2018 at the Airport. The proposed project is for the construction of a pre-cast concrete hangar steel construction A/D building. The project is not an exact replica of the old building. Proposals were solicited from the following firms:

APPRO Development, Inc.	Lakeville, MN
Jaeger Construction, LLC	Mendota Heights, MN
Kraus-Anderson Construction	Rochester, MN
Met-Con Construction	Faribault, MN
ProCon, Inc.	Faribault, MN

The Airport Manager, City Engineer, and Public Works Director reviewed the three proposals that were returned and used the following criteria to rate each proposal: the firm's capacity to support the project, prior airport or similar project experience and qualifications, experience and work history, understanding of scope, schedule & approach, the proposed fees for the work.

Funding for the project is proposed to be provided by two sources, insurance proceeds and Homeland Security Emergency Management (HSEM) funds. The HSEM funds will be applied to items not covered under the insurance policy. The HSEM funds represent 75% of the cost to replace the existing footings and slab to the pre-disaster condition. A breakdown of the funding is as follows:

Insurance Proceeds	\$1,654,153.00
HSEM Funds	<u>\$ 266,671.00</u>
Total	\$1,920,824.00

The project has a construction cost estimate of \$1,522,000.00. Fees for the project including CMA fee, architectural, structural and civil engineering fees are \$227,950.00. The total estimated cost for the project is \$1,749,950.00.

After completing the review, staff recommended Jaeger Construction, LLC. Block explained that Jaeger Construction's proposal best demonstrated the ability to deliver a project that fits the City's objectives within budget. Construction is scheduled to begin in October 2019 with building occupancy in March 2020.

Staff also recommended entering into a professional services agreements with the following proposed sub-consultants: RLP Architects Inc., St. Paul, MN for architectural services, Rehder & Associates, Inc., St. Paul, MN for civil engineering and Paulson & Clark Engineering, White Bear Lake, MN for structural engineering, actual agreements with all parties will be brought back for formal approval at the next Council meeting.

Motion by Cap, seconded by van Sluis to Approve Selection of Construction Management Firm for Aircraft Maintenance Hangar & Arrival/Departure Building and carried unanimously.

Resolution 2019-148 Ordering the Abatement of Conditions Creating a Hazardous Property and Public Nuisance at 1215 Division Street East

Police Chief Andy Bohlen and Fire Chief Dustin Dienst explained that City Staff has attempted to work with, Larry Preuss, the property owner of 1215 Division Street East since 1989 to obtain code compliance due to the condition of the Property, which has significantly deteriorated over time. City code enforcement began at this Property in 1989 and has continued since, and the City cleaned up the Property approximately six years ago. Since that time, the Property has fallen back into disarray.

Following recent concerns for the safety of the Owner and others, it was determined that an inspection at the Property was necessary. On May 22, 2019, after obtaining an administrative search warrant, the Property was inspected by Sgt. Matthew Long of the Faribault Police Department, Fire Chief Dienst, and multiple community service officers. On that date, the following conditions were observed inside of the Owner's residence and garage:

1. Garbage and debris strewn around the interior of the dwelling and garage;
2. No clear walking paths throughout the dwelling or garage;
3. Ingress and egress blocked throughout the dwelling and garage (unable to access doors, windows, staircases);
4. Piles of junk property stacked to the ceilings throughout the dwelling and garage;
5. Putrid and decaying organic matter throughout the dwelling along with smells of rotting food;
6. Signs of rodent infestation throughout the dwelling;
7. Unsanitary conditions throughout the dwelling and garage, including in the kitchen and bathrooms;
8. No running water or flushing toilets in the dwelling; and
9. Significant damage to the dwelling's ceiling, including holes and water damage.

Additionally, on the same date, staff observed the following conditions throughout the Property's exterior:

1. Numerous piles of personal property stacked in bins and compiled in bags and other containers scattered throughout the yard;
2. Unmaintained vegetation throughout the yard; and
3. Inoperable, unregistered vehicles and trailers parked on the Property.

Based on these conditions, staff has determined that the Property is both hazardous and a nuisance under state law and the city code, which provisions are further specified in the proposed resolution. Allowing the Property to remain in its current state presents significant health and safety concerns to the Owner and others. The City has made numerous attempts to gain code compliance, none of which have been effective. Mr. Preuss has been charged criminally with various code violations and those matters are pending. Staff has determined that it is unlikely that the pending criminal proceedings will cause the Mr. Preuss to be brought into compliance.

A resolution was prepared that found that the Property is both hazardous and a public nuisance pursuant to state law and the city code; and authorizes staff and consultants to serve an order on the Owner that will require him to abate the unlawful conditions within 30 days. Should Mr. Preuss fail to do so, the City will initiate formal proceedings to request a court order authorizing the City to abate the conditions.

If the resolution is adopted, the City Attorney's office will work with staff to handle this matter moving forward, with the ultimate goal of abating the conditions that make the Property both hazardous and

a public nuisance.

Bohlen stated that Mr. Preuss is sleeping in a vehicle that is parked on his property. Dienst explained that the goal is to create a livable and safe space for the homeowner as well as responders. Dienst was also concerned that once items are removed what they discover might lead to more significant action.

Councilor Cap inquired if social service agency have been involved, Bohlen explained that they have involved various agencies in the process over the years. Councilor Wood asked how it will be determined to keep items or dispose of certain items, City Attorney Scott Riggs, explained that many times the items may be stored in a location for a specific time. Mayor Voracek was in favor of hiring a contractor to facilitate the property clean-up.

Motion by Ross, seconded by Spooner to approve Resolution 2019-148 Ordering the Abatement of Conditions Creating a Hazardous Property and Public Nuisance at 1215 Division Street East and carried unanimously.

Bids

Resolution 2019-151 Accept Bids for 30th Street NW Reconstruction Improvement Project – City Contract 2019-06

City Engineer Mark DuChene explained that on Wednesday, July 17, 2019, bids were received for the proposed 2019 30th Street NW Reconstruction Improvements project-City Contract 2019-06. The proposed work will include removal, 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; 30th Street NW-Cardinal Avenue to Industrial Drive

The bids were tabulated as follows:

Heselton Construction	\$2,005,283.06
BCM Construction, Inc.	\$2,035,493.15
Engineer's Estimate	\$1,637,201.30

DuChene spoke with both bidders on the job and discovered that the two main reasons for the increase in the bid prices compared to the engineer's estimate is that concrete materials have recently taken a significant jump in price and the unusually wet year so far has made contractors more cautious in their bid prices due to concerns about completion deadlines and potential damages costs.

Based on the low bidder's prices, the estimated funding for the project is as follows (includes 5% contingencies and engineering fees):

Special Assessments	\$ 116,006.00	4.8%
Federal Aid Funds	\$1,058,560.00	43.4%
Municipal State Aid Funds	\$1,001,210.00	41.3%
Water Utility Fund (601)	<u>\$ 254,200.00</u>	<u>10.5%</u>
Total	\$2,421,416.00	100.0%

Given the two bids were within 1.5% of each other and the current condition of the road, it was recommended to award to the low bidder, Heselton Construction, rather than reject all bids and try to rebid which would almost certainly require the work to be delayed until 2020 with no guarantee that bids would be any better.

Construction on the project if awarded is scheduled to begin in early August and be substantially completed by November 15, 2019.

Motion by Ross, seconded by Cap to approve Resolution 2019-151 Accept Bids for 30th Street NW Reconstruction Improvement Project – City Contract 2019-06 and carried unanimously.

Boards and Commissions Reports, Announcements and Project Updates

City Planner David Wanberg invited the Council to an electric vehicle Ride and Drive event on August 13, 2019, the event will begin at 3:00pm. Wanberg informed the Council that copies of the Downtown Master Plan would be provided at the Joint Committee meeting this evening, and a review of the Downtown Master Plan will be done at the Joint Committee meeting on August 20, 2019. Mayor Voracek inquired why Phase One of the Highway 60 project was still closed, City Engineer Mark DuChene will discuss this on Thursday at the construction meeting.

Adjournment

Motion by Viscomi, seconded by Wood to adjourn the Regular City Council meeting.

Meeting Adjourned at 7:13pm.

Respectfully Submitted,

Heather J. Slechta
Assistant to the City Administrator