



## CITY COUNCIL MINUTES

**COUNCIL CHAMBERS TUESDAY, JULY 10, 2018**

**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. Council Members Elizabeth Cap, Kay Duchene, Royal Ross, John Rowan, Steve Underdahl and Janna Viscomi were in attendance. Also in attendance were City Administrator Tim Murray, Assistant to the City Administrator Heather Slechta, Public Works Director Travis Block, Director of Community and Economic Development Deanna Kuennen, City Planner David Wanberg, Human Resource Manager Kevin Bushard, Planning Coordinator Peter Waldock, Police Captain Jason Severson, City Engineer Mark Duchene, Parks and Recreation Director Paul Peanasky, Finance Director Karla McCall and City Attorney Scott Riggs.

### **Presentations/Introductions**

#### Night to Unite Proclamation

Mayor Voracek presented the Night to Unity Proclamation to Police Captain Jason Severson. Captain Severson stated that there were 16 neighborhood parties in 2017. The 2018 Night to Unite packets can be picked up at the Police Department or at the Chamber office. Packets can also be delivered to your home by calling the Police Department.

### **Approve minutes of June 26, 2018 Regular Council Meeting**

Motion by Rowan, seconded by Duchene to approve minutes of June 26, 2018 Regular Council Meeting and carried unanimously.

### **Consent Agenda**

- A. List of bills to be paid
- B. Approve 1-4 Day Temporary Liquor License for The Catholic Church of Divine Mercy of Faribault for September 23, 2018
- C. Approve LG220 Application for Exempt Gambling Permit for Catholic United Financial Council 13 for September 23, 2018
- D. Resolution 2018-142 Approve Pet Parade Street Closures and Parking Restrictions
- E. Approve Employee Settlement Agreement and Release
- F. Approve New Hangar Rental Agreement
- G. Approve Hangar Rental Agreement Transfer
- H. Approve Right-of-Entry Agreements for TH 60 Reconstruction Project (Contract 2019-03)
- I. Accept Quote for Water Distribution System Radio Equipment
- J. Accept Quote for Sanitary Sewer Pipe Lining
- K. Resolution 2018-146 Approve Fund Balance Policy and Investment Policy
- L. Approve Supplemental Letter Agreement with SEH for Water Treatment Plant Design
- M. Approve Private Hangar Land Lease Agreement
- N. Accept Proposal for Professional Engineering Services for the Acorn Trail (CSAH 76) Sanitary

Sewer Lift Station

- O. Accept Proposal for Professional Engineering Services for the Park Avenue & Acorn Trail (CSAH 76) Utility Extension Improvements

Motion by Ross, seconded by Duchene to approve Consent Agenda Items A through O and carried unanimously.

## **Requests to be Heard-None**

### **Items for Discussion**

#### Resolution 2018-143 Approve Comprehensive Plan Amendment to Guide Land in the Met-Con Business Park for Industrial Use

City Planner David Wanberg explained that Wells Township and the City Council each approved a Joint Resolution for Orderly Annexation of land associated with Met-Con Business Park. On June 22, 2018, the Chief Administrative Law Judge of the State of Minnesota Office of Administrative Hearings issued an order approving the annexation. The newly annexed property is currently zoned TUD. The North I-35 Corridor Area Plan, which the City Council adopted on February 23, 2010, envisioned that the subject property should be guided for industrial use if the subject property were to be annexed into the city. Now that the subject property has been annexed into the City of Faribault, the City Council should amend the City's Comprehensive Plan to guide the subject property for industrial development

The Planning Commission held a public hearing on July 2, 2018 to consider the Comprehensive Plan amendment request. Although the property owner's representatives attended the public hearing, no one from public was present to comment on the request. In addition, no one from the public submitted written or verbal comments related to the request. With a 5-0 vote, the Planning Commission recommended that the City Council approve Resolution 2018-143, which would amend the Comprehensive Plan to guide the subject property for industrial use.

Motion by Underdahl, seconded by Rowan to approve Resolution 2018-143 Approve Comprehensive Plan Amendment to Guide Land in the Met-Con Business Park for Industrial Use and carried unanimously.

#### Ordinance 2018-8 Rezone Property in the Met-Con Business Park to I-1, Light Industrial and I-2, Heavy Industrial

City Planner David Wanberg explained that due to the annexation of land associated with Met-Con Business Park the property was placed in the TUD, Transitional Urban Development zoning district on the date of the annexation order, consistent with Section 5-60 of the City's Unified Development Ordinance, the

Municipal utilities are planned to serve the annexed area late this summer or fall. A new industrial development is planned for later this summer. Consequently, the property owner, McDonough Farms, LLC/McDonough Partners, LLC is requesting that the subject property on the west side of Acorn Trail be rezoned from TUD to I-1, Light Industrial and that the subject property on the east side of Acorn

Trail be rezoned from TUD to I-2, Heavy Industrial.

The purpose of the I-1, Light Industrial zoning district is to “provide for the establishment of bulk commercial activities, service warehousing, light industrial development, and the further processing or refining of raw material first handled by heavy industry.” Most of the existing industry adjacent to Interstate Highway 35 in Faribault is I-1, Light Industrial or I-P, Industrial Park. Consequently, it would be consistent with the other industrial property in Faribault to rezone the area between Acorn Trail and Interstate Highway 35 to I-1.

The purpose of the I-2, Heavy Industrial zoning district is to “provide for the establishment of heavy industrial and manufacturing development and uses, which because of the nature of the product or services, requires isolation from residential and/or commercial uses.” Most of the existing property east of Park Avenue and abutting the railroad in the Northern Industrial Park is I-2, Heavy Industrial, Faribault Foods and Willow Creek Concrete Products. Consequently, it would be consistent with the other industrial property in Faribault to rezone the area east of Acorn Trail to I-2.

On July 2, 2018 the Planning Commission held a public hearing to consider the rezoning request. Although the property owner’s representatives attended the public hearing, no one from public was present to comment on the request. In addition, no one from the public submitted written or verbal comments related to the request. With a 5-0 vote, the Planning Commission recommended that the City Council approve Ordinance 2018-8, which rezones the subject property from TUD to I-1 and I-2.

Motion by Rowan, seconded by Ross to approve Ordinance 2018-8 Rezone Property in the Met-Con Business Park to I-1, Light Industrial and I-2, Heavy Industrial

Roll Call Vote:

Aye: Council Member Cap, Duchene, Ross, Rowan, Underdahl, Viscomi, Mayor Voracek

Nay:

Motion carried 7:0

*Resolution 2018-144 Approving a Conditional Use Permit for an Outdoor Dining and Drinking Enclosure for Al's Place Inc. at 28 3rd Street NW*

Planning Coordinator Peter Waldock explained that Jim Jasinski, owner of Grampa Al's Bar and Restaurant at 28 3rd Street NW is seeking a Conditional use permit for an outdoor dining patio on the north end of the site. The area is currently paved with concrete and will be enclosed with a new wrought iron fence of 4' in height with a gate facing north to the parking lot. The patio area will be about 24' X 20'. Waldock noted that there were no music speakers proposed at this time. There will be seating for about 20 patrons with 4-tables with 5 chairs each.

On July 2, 2018 the Planning Commission held a public hearing on the conditional use permit application. No one from the public was in attendance at the meeting, and the City did not receive comments prior to the meeting. The Planning Commission felt this application was consistent with other recent applications. The Commissioners discussed whether the patio should have an emergency exit alarm on the gate but the majority felt that this would not be consistent with other enclosure approvals recently granted in the City and therefor they chose not to require one. By a vote

of 4-1 the Planning Commission approved findings for approval of the CUP for Grampa Al's Bar and Restaurant as requested.

Council Member Underdahl asked if the CUP defined what monitoring by staff mean. Waldock stated that we do not define it. Council Member Rowan would like the word monitor removed. Council Member Viscomi question the one nay vote, Waldock explained that the nay vote was in regards to a request to add a locking device. Council Member Cap is excited for the patio addition.

Motion by Ross, seconded by Duchene to approve Resolution 2018-144 Approving a Conditional Use Permit for an Outdoor Dining and Drinking Enclosure for Al's Place Inc. at 28 3rd Street NW and carried unanimously.

Ordinance 2018-3 Amending the Unified Development Ordinance, Section 6-180, Residential Accessory Buildings

Motion by Rowan, seconded by Duchene to table the discussion on Ordinance 2018-3 Amending the Unified Development Ordinance, Section 6-180, Residential Accessory Buildings and move it to a future work session. The motion was carried unanimously.

**Bids**

Resolution 2018-138 Accept Bids for 2018 Airport Taxi-Lane E Utility Extensions – Contract 2018-09

City Engineer Mark DuChene explained that this item was tabled at the June 26, 2018, City Council meeting to allow staff to look further into options of funding the proposed utility extensions due to the State rescinding a grant offer that was proposed to cover 70% of the costs. On Wednesday, June 20, bids were received for the 2018 Airport Taxi-lane E Utility Extension project. The project will include sanitary sewer and services, watermain and services, turf restoration, and related improvements to serve private hangar pad sites adjacent to existing taxi-lane E at the airport and future taxi-lane F.

At the time this project was authorized for bids the City had received word from MnDOT that the project would be available for grant funding through MnDOT aviation; however, since that time MnDOT changed their stance and stated that no State grant funds are available. As such, state funding requirements including prevailing wages were removed from the project requirements as this project is intended to be solely funded by City utility funds. Per the current 2018 fee schedule all private hangar land leases include a one-time charge of \$100/linear front foot at the start of the lease. There are 12 proposed pad sites to be served by the proposed utilities ranging in size from 60-ft wide to 79.5-ft wide with the majority of them 65-ft wide. It is proposed to use these one-time upfront land lease charges together with the standard SAC & WAC charges to reimburse the water and sanitary sewer utility funds for the cost of the utility extensions. Any monies above and beyond the project costs will then be deposited in the airport fund.

Four bids were received the bids are tabulated as follows:

JJD Companies, LLC Blooming Prairie, MN	\$ 79,350.00
Swenke Ims Contracting LLC, Kasson, MN	\$ 94,842.00
Heselton Construction, Faribault, MN	\$ 97,343.90
Alcon Construction Corp., Rochester, MN	\$ 110,307.40

Engineer's Estimate \$ 95,331.00

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

Water Utility Fund	\$48,336.00	50.7%
Sanitary Sewer Utility Fund	\$46,884.00	49.3%
Total	\$95,220.00	100.0%

Motion by Duchene, seconded by Rowan to approve Resolution 2018-138 Accept Bids for 2018 Airport Taxi-Lane E Utility Extensions – Contract 2018-09 and carried unanimously.

Resolution 2018-145 Accept Bids for 2018 Airport Former Maintenance Hangar/Terminal Building Demolition – Contract 2018-11

City Engineer Mark DuChene explained that on Friday, June 29, 2018 bids were received for the for 2018 Airport Former Maintenance Hangar/Terminal Building Demolition - Contract 2018-11. The project includes the removal of the old yellow hangar and related structures/footings, capping of services and salvaging of up to two roof trusses to make way for the Stein Air hangar development. Since that time, Stein Air has decided to not have any roof trusses salvaged.

Four bids were received; however one bid did not acknowledge receipt of the addendum so it was excluded, it should be noted that the excluded bid was not the lowest. The remaining bids were tabulated as follows:

Timm's Trucking, Morristown, MN	\$31,250.00
BCM Construction, Inc., Faribault, MN	\$46,500.00
M.A.A.C. Inc., Montevideo, MN	\$48,856.00
Engineer's Estimate	\$50,000.00

The City of Faribault Economic Development Authority has pledged up to \$100,000 towards the development of a building pad for the Stein Air project which includes removal of the existing hangar.

Motion by Duchene, seconded by Underdahl to approve Resolution 2018-145 Accept Bids for 2018 Airport Former Maintenance Hangar/Terminal Building Demolition – Contract 2018-11 and carried unanimously.

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

City Administrator Tim Murray provided an update on the SCPD dollars. It has become a cumbersome and frustrating process. Staff will be verifying that DEED will not be taking the funds back. Next Tuesday the Council will be touring different areas around the community. The bus will be leaving City Hall at 6:00pm. Council Member Rowan is concerned over the rezoning that has happened over the last 6 years for developments that have not come to fruition, he requested that Staff look into changing the zoning back to the original zoning. Rowan also is concerned with the state of the K-Mart site. City Administrator Murray stated that there has been correspondence with the property owner and that a meeting has been scheduled for the end of the month. Council Member Cap encouraged the public

to attend the pet parade.

**Adjournment**

Motion by Viscomi, seconded by Ross to adjourn the City Council Meeting and carried unanimously.  
Meeting Adjourned at 6:34pm.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "H. Slechta", written over a horizontal line.

Heather Slechta  
Assistant to the City Administrator