TUESDAY, APRIL 14, 2020
6:00 PM

This meeting was held 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: 472 724 463

Call to Order/Roll Call
The meeting was called to order by Mayor Voracek at 6:00 pm. Councilors Elizabeth Cap, Royal Ross, Peter van Sluis, Tom Spooner, Janna Visconi and Jon Wood were in attendance. Also in attendance were City Administrator Tim Murray, Assistant to the City Administrator Heather Slechta, City Engineer Mark DuChene, Public Works Director Travis Block, Police Chief Andy Bohlen, Fire Chief Dustin Dienst, Human Resource Manager Kevin Bushard, Community and Economic Development Director Deanna Kuennen, Parks and Recreation Director Paul Peanasky, City Planner David Wanberg, and Planning Coordinator Peter Waldock.

Presentations/Introductions
Mayor Voracek proclaimed May as Pollinator Month. Parks and Recreation Director Paul Peanasky read the following statement from the Pollinator Club:

Members of the GROWS garden club’s pollinator committee have been working with the City of Faribault and Librarian and Master Gardener Lisa Reuvers on activities to create awareness of the urgent need for pollinator conservation in our community. Of course, regretfully, most of these activities needed to be postponed because of the COVID-19 pandemic. We did decide, however, to go ahead with plans to submit a proclamation to the City Council asking that May be designated as Faribault Pollinator Month. This quote from the Xerces Society explains why we think it is so important to have community members focus on helping our pollinators beginning this spring.

“According to the National Academy of Sciences, close to 75% of the flowering plants on the earth rely to some degree on pollinators (especially bees) in order to set seed or fruit. From these plants comes one-third of humankind’s food and even greater proportions of the food for much of our wildlife.”

While populations of bees, butterflies, moths, etc., have been decimated by things like disease, habitat loss, pesticides, and climate change, we feel hopeful that people will be inspired to turn their properties into more welcoming pollinator habitats.

With a stay-at-home policy in effect, we know that people will want to be out in their yards, more than ever, in the coming months. We hope that everyone throughout Faribault will be encouraged to provide food and shelter for bees and other insects in your yards. And if this is the year you decide to put in a vegetable garden, be mindful, that you will owe pollinators a debt of gratitude for a successful harvest.

For information on how to plant for pollinators, contact a GROWS Pollinator Committee member: Dee Bonkoski, Joyce Buresh, Susan Erickson, Liz Hartman, Emily Nesvold, Pat Rice.

Approve minutes of March 24, 2020 Joint Meeting with Rice County Commissioners, March 24, 2020 Regular Council Meeting, March 24, 2020 Special Closed Session Meeting, March 26, 2020 Emergency Council Meeting and April 7, 2020 Special Closed Session Meeting
Motion by Cap, seconded by Wood to approve the minutes of March 24, 2020 Joint Meeting with Rice County Commissioners, March 24, 2020 Regular Council Meeting, March 24, 2020 Special Closed Session Meeting, March 26, 2020 Emergency Council Meeting and April 7, 2020 Special Closed Session Meeting

Roll Call Vote:
Aye: Councilor Cap, Ross, van Sluis, Spooner, Viscomi, Wood, Mayor Voracek
Nay:
Motion carried 7:0

Consent Agenda:
A. List of bills to be paid
B. Resolution 2020-040 Establish the City of Faribault Authorized Community Festivals within the City and Provide for the Terms and Conditions for Alcohol Service and Consumption at Community Festivals
C. Approve Fireworks Proposal for 4th of July Celebration
D. Accept Donation to the Police Department
E. Approve St. Anna/St. Lawrence Catholic United Financial LG220 Date Change
F. Resolution 2020-054 Approve Street Closures for Downtown Car Cruise Nights
G. Resolution 2020-055 Approve Hiring Building Inspector
H. Resolution 2020-058 Approve Uncontrolled Intersection Traffic Controls
I. Approve 2020 CIP Purchase – Water Tower Mixer
J. Resolution 2020-063 Declaration of Used Police Squads as Surplus Property
K. Resolution 2020-059 Accept Donation from Sage Electrochromics Inc.
L. Resolution 2020-060 Accept Donation from Sandra Thomas Estate
M. Resolution 2020-061 Appoint Commissioner to the Heritage Preservation Commission
N. Resolution 2020-062 Appoint Commissioners to the Environmental Commission
O. Accept Proposal for Excavation Oversight & Soil Vapor Intrusion Mitigation Services for Arrival/Departure Building at Airport
P. Accept Quote for Hangar Doors for Arrival/Departure Building at Airport
Q. Accept Quote for Overhead Door for Arrival/Departure Building at Airport

Motion by van Sluis, seconded by Cap to approve Consent Agenda items A-Q.

Roll Call Vote:
Aye: Councilor Cap, Ross, van Sluis, Spooner, Viscomi, Wood, Mayor Voracek
Nay:
Motion carried 7:0

Requests to be Heard – None

Public Hearings – None

Items for Discussion
Resolution 2020-056 Approve Plans and Specifications and Establish Bid Date for 2020 Street Reconstruction Improvements – Contract 2020-03.

City Engineer Mark DuChene explained that Resolution 2020-056 approves the construction plans and specifications for the proposed 2020 Street Reconstruction and Storm Sewer Improvements project (Contract 2020-03), including removals, watermain replacement, sanitary sewer replacement,
lot services, storm sewer construction, grading, aggregate base, bituminous paving, turf restoration, concrete sidewalk replacement and related improvements.

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

<table>
<thead>
<tr>
<th>Street</th>
<th>Specification</th>
</tr>
</thead>
<tbody>
<tr>
<td>2nd Street SE/SW</td>
<td>(1st Avenue SW to Willow St.)</td>
</tr>
<tr>
<td>State Avenue</td>
<td>(Division Street E. to TH 60)</td>
</tr>
</tbody>
</table>

The improvements were formally ordered by the City Council on March 24, 2020 upon the passage of Resolution 2020-039, following the Public Hearing. After the improvements were ordered, the Engineering Department finalized the plans and specifications in preparation of bidding the improvements.

The total estimated cost of the improvements is $835,000.00. Proposed funding for the project comes from a number of sources, as outlined below:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Special Assessments</td>
<td>$79,200.00</td>
<td>9.5%</td>
</tr>
<tr>
<td>Street Improvement Projects Fund (401)</td>
<td>$493,800.00</td>
<td>59.1%</td>
</tr>
<tr>
<td>Water Utility Fund (601)</td>
<td>$97,000.00</td>
<td>11.6%</td>
</tr>
<tr>
<td>Sanitary Sewer Utility Fund (602)</td>
<td>$70,000.00</td>
<td>8.4%</td>
</tr>
<tr>
<td>Storm Sewer Utility Fund (603)</td>
<td>$95,000.00</td>
<td>11.4%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$835,000.00</strong></td>
<td><strong>100.0%</strong></td>
</tr>
</tbody>
</table>

Resolution 2020-056 also established a bid date of May 6, 2020 for the project. Construction is scheduled to begin in June, with substantial completion by the end of September 2020.

Councilor Cap stated that at a previous meeting there was some discussion about the retaining walls and requested clarification. DuChene explained that project was bid with most of the retaining wall left in it, with clarification that the contractor is to confirm retaining wall removals with the City prior to moving forward. Staff is hoping to save much of the retaining wall but bid the worst case scenario.

Motion by Cap, seconded by van Sluis to approve Resolution 2020-056 Approve Plans and Specifications and Establish Bid Date for 2020 Street Reconstruction Improvements – Contract 2020-03.

Roll Call Vote:
Aye: Councilor Cap, Ross, van Sluis, Spooner, Viscomi, Wood, Mayor Voracek
Nay:
Motion carried 7:0

Ordinance 2020-2 Amending the PUD-R Overlay District for the 23rd Street Apartments at 210-310 23rd Street NW – First Reading
Planning Coordinator Peter Waldock explained that Todd Nelson of T Nelson Properties requested approval of an amendment to the site plan for the 23rd Street Apartments Planned Unit Development (PUD) to eliminate a playground set approved in the PUD ordinance for the site plan. Mr. Nelson has stated that the apartments are largely rented to persons 55+ years of age and the playground set is not needed for these renters.

The development received approval of a Rezoning to R-3, Medium Density Residential (Ord. 2014-6), with a PUD-R (Res. 2014-077 for final plan approval) in June of 2014. On May 10, 2016 Ord. 2016-8 was approved amending the PUD for subject site to increase the number of units to 31, and attach previously built buildings with a new common community room area.

The site is largely developed now. Some of the landscaping is in, with some substitutions made by the developer on the east building. The DRC and Planning Commission have informally approved the
volunteer growth on the west side of the pond rather than the landscaping on that side of the pond shown on the final plan.

The Planning Commission held a public hearing on of January 6, 2020. The Commissioners received a report from City Staff that recommended denial of the request because the playground equipment would be used by residents and their guests, as this is not an age-restricted property. The Commissioners continued the hearing to January 21, 2020 to allow the applicant time to submit alternative amenities to replace the playground set. At the January 21st meeting, Mr. Nelson suggested a horseshoe court and a shuffle board court to replace the playground set on the plans for the site. The Planning Commission continued the public hearing on the matter to February 3, 2020 and directed the Mr. Nelson to submit revised plans with the shuffle board court and horseshoe court in place of the playground set. Mr. Nelson submitted a letter extending the review period for the request and submitted the revised plan as directed. The Park and Recreation Director representing the Park Board submitted an email expressing concerns with the application and stating that the plan should not be amended to remove the playground set as felt it was a benefit to the site. Mr. Nelson was not present for this meeting, and no one from the public was present and the City did not receive any public comments before or after the public hearing on this matter. The Planning Commission discussed the application and by a 5-0 vote they approved a finding to deny the application. The Commissioners found the comments of the Park Board had merit in this case.

On February 11, 2020 the City Council heard the staff report and recommendation of the Planning Commission. The council members were split concerning the recommendation in this case. The City Council tabled the item in order to discuss more options for possible replacement of the playground equipment at an upcoming work session meeting. At the City Council Joint Committee meeting on February 18, 2020 the City Council members discussed options regarding how to proceed with consideration of the agreement. The consensus of the council was to require the installation of all of the landscaping as shown on approved plans as required by the PUD ordinance for the project. The committee indicated that they would consider an improved/enlarged patio area outside of the community room with patio furniture and barbeque grills sufficient to serve the capacity of the community room as replacement for the playground set that was approved with the original PUD for apartments.

On March 24th Staff received the revised site plan that follows the City Council discussion from the work session. The updated plan includes four patio table/chair sets (about $800 each) and two Weber gas grills (about $1250 each). The patio will be enlarged to 30 feet by 25 feet. Staff feels this meets the directions of the City Council at the work session on February 18, 2020. For this reason staff has prepared an ordinance for the approval of the PUD amendment with the revised plan as described above.

Motion by Ross, seconded by Viscomi to approve Ordinance 2020-2 Amending the PUD-R Overlay District for the 23rd Street Apartments at 210-310 23rd Street NW – First Reading

Roll Call Vote:
Aye: Councilor Ross, van Sluis, Viscomi, Wood, Mayor Voracek
Nay: Councilor Cap, Spooner
Motion carried 5:2
Resolution 2020-057 Approve Variance to Allow Nine Residential Units on Parcel at 230 Central Avenue

City Planner David Wanberg explained that T. Nelson Properties, LLC purchased the 230 Central Avenue building and the 11 3rd Street NW building from Masonic Hall Building Association. Mr. Nelson proposed to convert the second and third floors of the building to eight apartments. The ground floor will continue to be used for a commercial use. The 11 3rd Street NW building is a two-story building immediately to the west of the 230 Central Avenue building and is on the same parcel as the 230 Central Avenue building. At one time, a hallway and a short stairway connected the second floors of the two buildings, which is no longer the case, but the Mr. Nelson proposed to restore the connection. Mr. Nelson proposed renovating the second floor for use as the ninth apartment on the parcel, but did not submitted plans showing the proposed apartment.

The subject parcel is in the Central Business District and the Heritage Preservation Overlay District. The City’s Unified Development Ordinance outright permits residential units above the ground floor of commercial use, but Section 11-430 limits the number of residential units based on the most restrictive of the following calculations; The area of the parcel in square feet divided by two thousand multiplied by the number of floors in the building above the ground floor, or minimum area requirements for apartments based on the number of bedrooms. This provision of the Unified Development Ordinance limits the parcel at 230 Central Avenue to five residential units.

Wanberg further explained that Section 11-430 of the Unified Development Ordinance also requires that the residential units meet minimum square footage standards. Two of the units included in the proposed project do not meet the minimum size requirement shown on the preliminary architectural plans, but it appears that there is sufficient area to refine the size of the units to be consistent with the Ordinance. Since Mr. Nelson requested a variance to develop nine residential units on the subject parcel, rather than the maximum allowed five residential units. All units must meet the minimum area requirements listed in the Ordinance.

The City’s Development Review Committee (DRC) noted that additional housing in the downtown would be beneficial to the community. However, the DRC also questioned whether there are “practical difficulties” that prevent Mr. Nelson from developing housing consistent with the requirements of the Ordinance. Consequently, the DRC felt it would be best to leave the final determination of whether the requested variance is justified to the Planning Commission and City Council, given that those bodies may have a different interpretation of “practical difficulties”. The DRC also noted that the Applicant did not submit an acceptable plan for how the development is going to handle the residents’ trash. Mr. Nelson proposed putting a trash container in the public alley across the street, to the north. The DRC did not support this approach. Mr. Nelson then, stated that he would explore providing an indoor trash room. The trash hauler would then pick up the trash from the indoor room.

The Planning Commission held a public hearing on April 6, 2020 to consider Mr. Nelson’s variance request. Other than Mr. Nelson, no one spoke to the variance request. However, before the public hearing, the City Planner did receive phone calls from two different property owners in the downtown who stated that they did not support approval of the variance request.

Wanberg presented the Planning Commission with three draft resolutions related to the Applicant’s variance request including; approving the variance requests as submitted, deny the variance request for nine units, but approve a variance for six units, or deny the variance request.

The Planning Commission voted 6-1 to recommend approval of the Applicant’s variance request based on the written findings included in the draft resolution approving the request. The Planning Commission emphasized that the Applicant should provide a trash area inside the building. The Planning Commission also noted that the City should review and possibly amend the provision of the Ordinance that limits the number of residential units in the downtown based on the parcel size and the number of floors. The dissenting vote by one member of the Planning Commission
appreciated Mr. Nelson's desire to provide housing in the downtown, but stated that there was a reason for the provision in the Ordinance that limits the allowable number of residential units based on parcel size and the number of floors. He felt that unless that provision is repealed or amended, he could not support the variance request.

Wanberg also informed the Council that the HRA approved financial assistance, the EDA approved deferred loan for exterior building improvements and the HPC approved Certificate of Appropriateness for new windows, however, these actions should not influence the Council's action on the variance request.

Councilor Ross struggled with denying the application since the apartments meet the square footage requirement. Councilor Cap questioned what the square footage of the bedrooms, the demographics of the people that would be renting the apartments, where parking would be, laundry and open space and felt that six apartments would be sufficient, Wanberg explained that the loan agreement with the HRA requires that at least four of the residential units are affordable housing units, there are no parking space requirements, in regards to open space and, the City adopted a downtown master plan with the intent of getting additional parks within that area, in terms of laundry that issue has been brought up to Mr. Nelson as an item to consider. As far as a trash enclosure, the applicant's first choice is to be able to use the alley across the street, however, there is a cove area on the ground floor of the building, that Mr. Nelson could use for a trash room and an overhead door would be used to shield the area, that would require a certificate of appropriateness from the HPC. Councilor Wood also had concerns with trash collection, as well as wanted to see plans for the ninth unit and recommended that this be tabled for further discussion. Councilor Spooner felt the plans were incomplete, Councilor Viscomi also requested further discussion. Mayor Voracek asked if lofts are considered legal bedrooms, Wanberg believed that they would be.

Motion by Wood, seconded by Cap to table Resolution 2020-057 Approve Variance to Allow Nine Residential Units on Parcel at 230 Central Avenue and move to a future work session for further discussion.

Roll Call Vote:
Aye: Councilor Cap, Ross, van Sluis, Spooner, Viscomi, Wood, Mayor Voracek
Nay:
Motion carried 7:0

Ordinance 2020-6 Allow a Biodigester as an Accessory Use to a Principal Industrial Use in an Industrial District – First Reading
City Planner David Wanberg explained that the wastewater that Faribault Foods discharges from its plant at 3200 Industrial Drive has a significant amount of organic material in it. As a result, Faribault Foods pipes its wastewater to its facility at 3801 Park Avenue NW where it pretreats the wastewater before it discharges it into the sanitary sewer system for final treatment at the City's wastewater treatment plant. However, after the pretreatment process, the wastewater still has a significant amount of organic material, which not only causes odor problems, but it also increases the costs of treatment at the City's wastewater treatment plant. Although the City passes the extra treatment costs to Faribault Foods, the extra treatment reduces the capacity of the wastewater treatment plant. Consequently, resolving this issue is in the best interest of Faribault Foods and the community.

To address these concerns, Faribault Foods is proposing to install a biodigester at its 3801 Park Avenue NW facility. A biodigester is a system in which microorganisms breakdown biodegradable material. As the organic material breaks down, biogas is released and captured. The biogas can be used for heat or power, it can be introduced into the natural gas pipeline, or it can be flared.

Although biodigesters are often used as an alternative energy source and as a means to produce organic byproducts, the purpose of the proposed digester at Faribault Foods is to pretreat its wastewater to reduce odors and reduce the costs associated with final treatment of its wastewater at
the City’s wastewater treatment plant. As its operation grows, Faribault Foods will explore the possibility of using the proposed biodigester to heat their facilities and/or generate electricity. For now, Faribault Foods intends to flare the biogas.

Wanberg further explained that Faribault’s Unified Development Ordinance does not specifically address the use of a biodigester in the city. However, like many cities, Faribault has a biodigester at its wastewater treatment plant. Wanberg recommended that Faribault regulate the use of biodigesters as an accessory use to a principal industrial use. Consequently, Faribault Foods and all other industries in an industrial district would be permitted to install a biodigester at their plants provided the biodigester met the standards outlined in the City’s Unified Development Ordinance.

Wanberg also recommended that the Ordinance remain silent on a biodigester as a principal use, which means that such a biodigester would not be allowed in Faribault without an ordinance amendment to allow it. A biodigester as a principal use would be a large operation that would take in materials from a large service area, similar to the MMPA biodigester in Le Sueur. Such a biodigester could raise community concerns that would need to be addressed before it could be approved. Therefore, development of a biodigester as a principal use would require an ordinance amendment.

This ordinance is intended to provide adequate measures to ensure that a biodigester does not create issues or concerns that would negatively affect the public. It is also intended to reduce barriers that would otherwise discourage or prevent industries from installing a biodigester that would benefit the industry and community as a whole.

The Planning Commission voted 7:0 to recommend approval of this ordinance.

Councilor Wood questioned why feedstock from secondary sources was not going to be permitted, Wanberg explained that there are concerns that it could get out of hand and at this point Faribault Foods is not interested in doing that, the are mostly interested in taking care of their odor issues, if it was allowed there could be more odor and truck traffic. Mayor Voracek thought that the ordinance could have included secondary sources, but stated this is a living document and can be changed if needed. Councilor Ross thanked Faribault Foods for coming up with this solution.

Motion by Spooner, seconded by Ross to approve Ordinance 2020-6 Allow a Biodigester as an Accessory Use to a Principal Industrial Use in an Industrial District – First Reading

Roll Call Vote:
Aye: Councilor Cap, Ross, van Sluis, Spooner, Viscomi, Wood, Mayor Voracek
Nay:
Motion carried 7:0

Bids – None

Boards and Commissions Reports, Announcements and Project Updates
Councilor Cap asked if the Council as a whole would be interested in having a future discussion regarding allowing chickens in the City. Councilors Viscomi and Spooner and Mayor Voracek were not in favor moving this item forward for more discussion. Councilor Viscomi requested that a future discussion regarding alcohol on the streets/parking lots/sidewalks for restaurants to create a patio space to help with social distancing. Councilor Spooner stated that the Governor discussed a soft opening, and requested that the Council wait to see what changed are done at the state level. Mayor Voracek stated that Samantha Markman and Nort Johnson had a good call today for businesses and Rice County is doing weekly COVID-19 calls. City Administrator Tim Murray informed the Council
that the city facilities are closed through May 3, 2020, however, business is still getting done via email and phone.

**Adjournment**
Motion by Wood, seconded by Spooner to adjourn the City Council Meeting.

Roll Call Vote:
Aye: Councilor Cap, Ross, van Sluis, Spooner, Viscomi, Wood, Mayor Voracek
Nay:
Motion carried 7:0

Meeting Adjourned at 7:20 pm.

Respectfully Submitted,

[Signature]
Heather J. Slechta
Assistant to the City Administrator