CITY OF Faribault

Minn. Stat. § 13D.021 – Meeting by Telephone or Other Electronic Means; Conditions - Minn. Stat. § 13D.021 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.

CITY COUNCIL MINUTES

COUNCIL CHAMBERS       WEDNESDAY, AUGUST 12, 2020       6:00 PM

This meeting was also able to be accessed 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: 878 5737 5957

Call to Order/Roll Call/Pledge of Allegiance
The meeting was called to order by Mayor Voracek at 6:00 pm. Mayor Voracek, Councilors Peter van Sluis, Royal Ross, Janna Viscomi and Jon Wood attended the meeting in-person. Councilor Elizabeth Cap and Councilor Tom Spooner were absent. Also in attendance were City Administrator Tim Murray, Assistant to the City Administrator Heather Slechta, Community and Economic Development Director Deanna Kuennen, City Engineer Mark DuChene, Planning Coordinator Peter Waldock, City Planner David Wanberg, Police Chief Andy Bohlen, and Human Resources Manager Kevin Bushard.

Presentations/Introductions – None

Approve minutes of July 28, 2020 Regular Council Meeting and July 28, 2020 Special Closed Meeting (majority vote)
Motion by Ross, seconded by van Sluis to approve minutes of July 28, 2020 Regular Council Meeting and July 28, 2020 Special Closed Meeting

Roll Call Vote:
Aye: Councilor Ross, van Sluis, Viscomi, Wood, Mayor Voracek
Nay:

Motion carried 5:0

Consent Agenda:
A. List of bills to be paid
B. Resolution 2020-114 Approve a One Year Extension of Conditional Use Permit for Garage at 514 Tyman Place
C. Approve 1-4 Day Temporary Liquor License for Divine Mercy
D. Approve LG230 Application to Conduct Off-Site Gambling Permit for Divine Mercy
E. Approve Professional Services Proposal for Cultural Resources Monitoring Services for 2020 Division Street & Central Avenue Improvements Project

Motion by van Sluis, seconded by Wood to approve Consent Agenda Items A-E.
Roll Call Vote:
Aye: Councilor Ross, van Sluis, Viscomi, Wood, Mayor Voracek
Nay:

Motion carried 5:0

Requests to be Heard – None

Public Hearings – None

Items for Discussion

Resolution 2020-115 Approving Faribault Small Business Relief Fund Awards
Community and Economic Development Director Deanna Kuennen explained that at the July 18, 2020 City Council meeting, the Council approved a Faribault Small Business Relief Fund Policy and Program Guidelines, dedicating $500,000 of the City’s CARE Act allocation to the program. Per the approved program policy and guidelines, applications were accepted through an online application form on the City’s website, between the dates of July 20, 2020 and noon on August 3, 2020. During this time nearly 70 applications were received, of which 60 were deemed to meet the eligibility guidelines totaling $420,000.

Motion by Ross, seconded by Wood to approve Resolution 2020-115 Approving Faribault Small Business Relief Fund Awards

Roll Call Vote:
Aye: Councilor Ross, van Sluis, Wood, Mayor Voracek
Nay:

Motion carried 4:0 with Councilor Viscomi abstaining.

Resolution 2020-116 Approving Continuation of the Faribault Small Business Relief Fund Program
Community and Economic Development Director Deanna Kuennen explained that the Council approved dedicating $500,000 of the City CARE Act allocation to the Faribault Small Business Relief Fund Program, only $420,000 was awarded and staff would like to extend this program to allocate the remaining $80,000. If the Council approves Resolution 2020-116, the application would be reactivated on the website, and online applications would be accepted August 14 through 5:00pm on August 28, 2020. Each application will be time-stamped, and funding awards will be based on a first-come, first-served basis for applications that meet the funding criteria and are considered eligible. Staff will make funding recommendations to City Council at the September 8, 2020 meeting.

Councilor van Sluis asked if there would be opportunities for more money to be allocated through this program, Kuennen explained that the Joint Committee would be further discussing allocating additional funds for housing assistance, non-profits and sole proprietors at its meeting on August 18.

Motion by van Sluis, seconded by Ross to approve Resolution 2020-116 Approving Continuation of the Faribault Small Business Relief Fund Program

Roll Call Vote:
Aye: Councilor Ross, van Sluis, Viscomi, Wood, Mayor Voracek
Nay:

Motion carried 5:0
Ordinance 2020-12 Repealing Sec. 28-250 through Sec. 28-260 of Article IX of Chapter 28 of the Faribault City Code – Second Reading and Approve Summary Publication of Ordinance 2020-12 (5/7)

Community and Economic Development Director Deanna Kuennen explained the Council reviewed and approved the first reading of Ordinance 2020-12 at its meeting on July 28, 2020. Since the first reading no comments have been received and no revisions have been made.

Motion by Ross, seconded by Wood to approve Ordinance 2020-12 Repealing Sec. 28-250 through Sec. 28-260 of Article IX of Chapter 28 of the Faribault City Code – Second Reading

Roll Call Vote:
Aye: Councilor Ross, van Sluis, Viscomi, Wood, Mayor Voracek
Nay:

Motion carried 5:0

Motion by Ross, seconded by van Sluis to approve Summary Publication of Ordinance 2020-12

Roll Call Vote:
Aye: Councilor Ross, van Sluis, Viscomi, Wood, Mayor Voracek
Nay:

Motion carried 5:0

Resolution 2020-117 Order Improvements, Approve Plans and Specifications, and Establish Bid Date for 2020 City Park Improvement Projects – Contract 2020-08

City Engineer Mark DuChene informed the Council that Resolution 2020-117 orders the improvements, approves the plans and specifications and establishes a bid date for the proposed 2020 City Park Improvement Project - Contract 2020-08, including removals, storm sewer, watermain, grading, paving, concrete sidewalk, restoration and related improvements.

DuChene reviewed the four areas for the proposed improvements including:
- Heritage Park Second Addition Park (Old Public Works Site)
- North Alexander Park (Keller Parkway) Parking Lot Improvements
- Prairie Ridge Park Trail Improvements
- 1st Avenue NW & 3rd Street NW Parking Lot Improvements

DuChene explained the purpose of the proposed projects is to provide park land development and improve parking access at the sites. The preliminary total estimated cost of the improvements including 10% contingency and 15% engineering is $1,234,050.00. Proposed funding for the project is as follows:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Park Improvement Fund (404)</td>
<td>$579,600.00</td>
<td>47.0%</td>
</tr>
<tr>
<td>Public Facilities Fund (437)</td>
<td>$524,050.00</td>
<td>42.5%</td>
</tr>
<tr>
<td>Street Improvement Fund (401)</td>
<td>$46,400.00</td>
<td>3.8%</td>
</tr>
<tr>
<td>Water Utility Fund (601)</td>
<td>$84,000.00</td>
<td>6.8%</td>
</tr>
<tr>
<td>Total</td>
<td>$1,234,050.00</td>
<td>100%</td>
</tr>
</tbody>
</table>

The resolution also established a bid date of September 2, 2020 for the project. Construction is scheduled to be completed by the end of the year.
Councilor Viscomi asked of the improvements to Heritage Park Second Addition Park included access to the river, DuChene explained that it did, Viscomi also asked about the amenities that would be installed at the site, City Administrator Tim Murray explained that the layout has been discussed by the Council and that the playground equipment will be approved by the Council prior to installation. Viscomi requested that swing benches be placed in the new park. Councilor Ross asked how many parking spaces are in the parking lot—DuChene explained that there are 24 spaces, Mayor Voracek asked if the speed bumps would be put back in North Alexander Park, DuChene explained that they would not be at this time. Mayor Voracek also questioned the installation of the trail in Prairie Ridge Park, DuChene explained that the park has sat empty for two-decades and this project can be done, it provides about a half-mile loop that provides an area for area residents to ride their bike.

Motion by Ross, seconded by Wood to approve Resolution 2020-117 Order Improvements, Approve Plans and Specifications, and Establish Bid Date for 2020 City Park Improvement Projects – Contract 2020-08

Roll Call Vote:
Aye: Councilor Ross, van Sluis, Viscomi, Wood, Mayor Voracek
Nay:

Motion carried 5:0

_Resolution 2020-118 Order Improvements, Approve Plans and Specifications, and Establish Bid Date for 2020 Library Plaza Project_

Library and Communications Director Delane James explained that Resolution 2020-118 orders the improvements, approves the plans and specifications and establishes a bid date for the proposed 2020 Library Plaza Project, including removals, grading, extending the existing plaza, restoration and related improvements. The area for the proposed library plaza improvements proposed to be included in this project are: the plaza surrounding the old main entrance; the green space surrounding the current plaza and the parking stalls immediately north of the old main entrance.

The purpose of the proposed project is to improve and develop the area surrounding the old main entrance of the library to create a welcoming community gathering space. The preliminary total estimated cost of the improvements including contingency and engineering is $240,000.00. Proposed funding for the project is from a donation from the Friends of Buckham Memorial Library, Inc. not to exceed $240,000.00.

The resolution established a bid date of September 2, 2020 for the project. Construction is scheduled to be completed by the end of the year.

Councilor Ross stated that the Friends of the Library deserves a round of applause for this project.

Motion by van Sluis, seconded by Viscomi to approve Resolution 2020-118 Order Improvements, Approve Plans and Specifications, and Establish Bid Date for 2020 Library Plaza Project

Roll Call Vote:
Aye: Councilor Ross, van Sluis, Viscomi, Wood, Mayor Voracek
Nay:

Motion carried 5:0

_Resolution 2020-119 Approve Variances from Wetlands Setback and Buffer Requirements at 2805 Cardinal Avenue NW, Resolution 2020-120 Approve a Conditional Use Permit for a Multi-Family Dwelling in the C-2 Highway Commercial District at 2805 Cardinal Avenue NW and Resolution 2020-
121 Approve Preliminary and Final Plats of Cashin Addition Subdivision at 2805 Cardinal Avenue NW

Planning Coordinator Peter Waldock explained that Rick Cashin, of Rick Cashin Construction Co. LLC the property owner/developer, submitted applications for Preliminary and Final Plat Approval and for a Conditional Use Permit for an apartment in a commercial district. The applications are for a two-lot commercial subdivision of an 18.4-acre parcel. The subdivision creates two apartment lots and two outlots. One outlot will include the pond and most of the wetlands area, the other outlot will include an existing billboard along the interstate highway. This zoning district requires a CUP for apartments. Variances from wetlands buffer and setback requirements are also needed due to the extent of the wetlands on the uniquely shaped site.

The plan includes two, 2-story, buildings, a 20-unit building in phase one and a 15-unit building in phase two. The buildings will have different footprints but similar designs. The site will have a 16-stall garage structure and a surface parking lot. The development will be done in two phases. The first phase will be on Lot 2, Block 1. It includes a 20-unit apartment building, 42 surface parking spaces and the 16-stall garage. Parking and driveways serving both buildings will be shared, with most of the spaces and all of the garages located on Lot 2 that will be developed first. A private easement for the driveways and shared parking will be provided for the property.

On April 20, 2020, the Planning Commission held a public hearing on this application. No one from the public spoke regarding this matter. The Planning Commission recommended approval of each of the applications according to conditions and findings in the associated resolutions.

Kathy Kalow on behalf of the previous property owners expressed concern regarding the preliminary plat not containing the agreed upon 33-foot easement and requested that the Council not approve the preliminary and final plat until it is shown on the plat. City Administrator Tim Murray explained that an easement of this type is not included on the plat and that the private easement agreement should be done via a deed between the private parties. Rick Cashin, property owner informed the Council that the easement would be granted through a deed as previously agreed upon.

Motion by Wood, seconded by van Sluis to approve Resolution 2020-119 Approve Variances from Wetlands Setback and Buffer Requirements at 2805 Cardinal Avenue NW

Roll Call Vote:
Aye: Councilor Ross, van Sluis, Viscomi, Wood, Mayor Voracek
Nay:

Motion carried 5:0

Motion by Viscomi, seconded by Wood to approve Resolution 2020-120 Approve a Conditional Use Permit for a Multi-Family Dwelling in the C-2 Highway Commercial District at 2805 Cardinal Avenue NW

Roll Call Vote:
Aye: Councilor Ross, van Sluis, Viscomi, Wood, Mayor Voracek
Nay:

Motion carried 5:0

Motion by van Sluis, seconded by Viscomi to approve Resolution 2020-121 Approve Preliminary and Final Plats of Cashin Addition Subdivision at 2805 Cardinal Avenue NW

Roll Call Vote:
Aye: Councilor Ross, van Sluis, Viscomi, Wood, Mayor Voracek
Nay:

Motion carried 5:0

Standing Resolution 2020-122 Deny Application for a Zoning Text Amendment to Establish Minimum Separation Requirements for Pawn Shops

Planning Coordinator Peter Waldock informed the Council that Frank Marzario, owner of Pawn Shops in Minnesota at 230 Central Avenue applied for a zoning text amendment to establish a 3000-foot separation between pawn shops in the city. The ordinance if approved would prevent more than one pawn shop downtown and would limit the number of pawn shops in the city to 11 or 12 according to an estimate by City Staff. Mr. Marzario stated that the intent of the application is to prevent a concentration of pawn shops in close proximity to each other. He noted other cities regulate the number of pawn shops licensed to operate within their jurisdiction and a couple of other cities regulate separation between them.

Waldock explained that in 2018 the City Council approved Ordinance 2018-11 to establish Pawn Shop / Pawn Broker License Requirements and Automated Pawn System (APS) Compliance. APS will allow the Police Department to better regulate current and future pawn businesses, decrease and stabilize costs associated with the regulation of this industry, and increase identification of criminal activities through the timely collection and sharing of pawn transaction information. As part of the City Council discussions of the pawnshop ordinance, the City Council agreed to consider a minimum separation requirement for Pawn Shop businesses in the city. Such an ordinance would limit the total number of Pawn Shops that could operate in the city and prevent a concentration of such businesses in one area of the city. At that time the City Council did not adopt the proposed zoning text amendment at the time to establish a 1-mile separation radius.

On August 3, 2020, the Planning Commission held a public hearing to consider this application. No one from the public spoke regarding this matter and City Staff received no comments from the public. The Planning Commission discussed the background of this request including the 2018 application for the separation requirement. In 2018, the Planning Commission had recommended against the separation ordinance finding that it was too restrictive and would limit competition, preferring a free market approach in the community. In discussing the current application, the Planning Commission found that adding a separation requirement in the zoning ordinance would add complexity by having separate regulations apart from the recent pawn shop licensing ordinance (approved in 2018). The Planning Commission found that pawn shop separation requirements are a City Council Policy Decision, and would best be established in the pawn shop licensing ordinance and not in the zoning ordinance. The Planning Commission by a vote of 4-0 voted to recommend denial of the zoning text amendment application based on the finding that the separation requirement would add complexity if placed in the zoning ordinance.

Through much discussion it was determined that the Council would like to further review and discuss Pawn Shop separation requirements.

Motion by Viscomi, seconded by Wood to table Resolution 2020-122 Deny Application for a Zoning Text Amendment to Establish Minimum Separation Requirements for Pawn Shops and move to a Joint Committee Meeting for further review and discussion.

Roll Call Vote:
Aye: Councilor Ross, van Sluis, Viscomi, Wood, Mayor Voracek
Nay:

Motion carried 5:0
Bids – None

Boards and Commissions Reports, Announcements and Project Updates
Councilor Wood questioned if CARES Act dollars could be used to fix infrastructure—City Administrator Tim Murray will look into this further. Mayor Voracek informed the Council that a ribbon cutting for the downtown benches will be on August 20 at 4:00 pm.

Adjournment
Motion by Ross, seconded by van Sluis to adjourn the meeting.

Roll Call Vote:
Aye: Councilor Ross, van Sluis, Viscomi, Wood, Mayor Voracek
Nay:

Motion carried 5:0

Meeting adjourned at 7:24 pm.

Respectfully Submitted,

[Signature]
Heather Slechta
Assistant to the City Administrator