



## CITY COUNCIL MINUTES

**COUNCIL CHAMBERS**

**TUESDAY, MAY 8, 2018**

**6:00 PM**

### **Call to Order/Roll Call/Pledge of Allegiance**

The meeting was called to order by Mayor Kevin Voracek at 6:02 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, Director of Community and Economic Development Deanna Kuennen, Public Works Director Travis Block, Planning Coordinator Peter Waldoek, Fire Chief Dustin Dienst and Finance Director Karla McCall.

### **Presentations/Introductions**

Swearing in of New Firefighters

City Administrator Tim Murray swore in Firefighters Ben Jirik, Phillip Cappitelli, Adam Velishek, Dan Gruber, and Gary Sunde.

### **Approve minutes of April 24, 2018 Regular Council Meeting**

Motion by Rowan, seconded by Ross to approve the minutes of the April 24, 2018 Regular Council meeting and carried unanimously.

### **Consent Agenda:**

- A. List of bills to be paid
- B. Approve Recreational Vehicle Permits
- C. Resolution 2018-087 Appointment of Building Official
- D. Approve Travel Request for Community & Economic Development Director to attend National Association of Counties Annual Conference July 13-16, 2018
- E. Approve Storm Sewer Repair Quote
- F. Resolution 2018-091 Authorize Release of Request for Proposal for Professional Engineering Services for Construction of a Water Treatment Plant
- G. Approve Support of 2020 Census Complete Count Committee
- H. Approve 2018 CIP Purchase – Pressure Washers
- I. Approve Engineering Services Agreement for Digester Cover Repair Bidding Project
- J. Resolution 2018-092 Receive and File a Petition for Annexation and Initiate Annexation Proceedings – Certain Parcels, Wells Township
- K. Resolution 2018-093 Approving the Small Cities Development Program and Associated Grant Plans and Documents
- L. Approve Travel Request for Community & Economic Development Director to Attend 2018 SelectUSA Investment Summit
- M. Approve out-of-state travel of Officers to National Explorers Conference

Consent Agenda Item K. Resolution 2018-093 Approving the Small Cities Development Program and Associated Grant Plans and Documents and Consent Agenda Item M. Approve out-of-state travel of Officers to National Explorers Conference were removed for discussion.

Motion by Duchene, seconded by Ross to approve Consent Agenda Items A-J, and Item L and carried unanimously.

Consent Item K. Resolution 2018-093 Approving the Small Cities Development Program and Associated Grant Plans and Documents

Council member Viscomi requested clarification on the Public Hearing requirement. Community and Economic Development Director Deanna Kuennen explained that this is a requirement to allow for public comment on how the dollars will be spent.

Motion by Viscomi, seconded by Duchene to approve Consent Item K. Resolution 2018-093 Approving the Small Cities Development Program and Associated Grant Plans and Documents and carried unanimously.

Consent Item M. Approve out-of-state travel of Officers to National Explorers Conference  
Council member Cap asked if any Police Explorers were in attendance. Police Chief Andy Bohlen stated that no Police Explorers were in attendance. Cap requested that a member of the Explorers program attend a future Council meeting to share their experience as an Explorer with the Council.

Motion by Duchene, seconded by Rowan to approve Consent Item M. Approve out-of-state travel of Officers to National Explorers Conference and carried unanimously.

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

### **Public Hearings – None**

### **Items for Discussion**

Resolution 2018-078 Denying an Application for Setback and Flood Fringe Buffer Variances at 400 Western Avenue

Planning Coordinator Peter Waldock explained that United Development Group LLC is proposing to construct a 3,020 Square Foot retail building at 400 Western Avenue, with 21 parking spaces. The site is approximately 22,627 Square Feet in area and the plan calls for 64.4% hard surface coverage. The property is a long narrow wedge-shaped lot with over 100' of frontage on Western Avenue near the intersection with Hwy 60 W. There is a 20' wide utility easement that diagonally crosses the south half of the lot. The site adjoins the Sakatah Singing Hills Trail to the north and commercial areas to the east and south. The property is at the corner of Western Avenue and Hwy 60. Zoning of the site is C-3 Highway Commercial District. The site is within the Flood Zone AE -1% annual flooding chance area. City utilities adjoin the site along Western Avenue and along Hwy 60.

The City approved a final plat for the site and granted a number of variances at the site in 2006 for a prior development plan that was never built. In accordance with City ordinances, the variances lapsed one year after approval because they were not acted on.

On April 16, 2018, the Planning Commission held a public hearing on the requested variances and comprehensive plan amendment. No one from the public was in attendance at the meeting, but the City did receive an email from a property owner that is within the 350' notice area. He objected to the variances due to concerns with traffic access and congestion near the intersection with Hwy 60. He felt pedestrian crossing markings and sidewalks at the intersection of Western Avenue and Hwy 60 should be improved.

The Planning Commission spoke at length about traffic access concerns at the site. The Staff report recommended denial of the variances due to a number of factors including traffic, but more importantly staff found that the site could be developed with a smaller building and sufficient parking and driveway widths that comply with zoning codes without a variance. The setback variances for the building are due to the size of the building and the proposed number of parking spaces, which if reduced, could meet the requirements of the zoning code at this site and still be a reasonable commercial building size for a variety of different businesses. The legal test for a practical difficulty is not met in this case because the site is buildable without variances. The need for a variance is self-created in this case by trying to build too much on the site, not a result of the City's zoning code making the site unbuildable without variances.

Waldock explained that the Planning Commission agreed with the findings for denial as presented by staff and approved the draft resolution with findings for denial. The Planning Commission did not find that the application meets the findings required for approval of a variance. The Commissioners voted 6-1 to approve the resolution with findings for denial of the variance requests in this case

Nick Feira, PE from United Development spoke to the Council regarding the project. Mr. Feira stated that a project similar to this was approved in 2006, the only additional variance that they are requesting is for the 15' buffer, however he felt that they met the requirement on the front of the building as that is where the doors are going to be located. He also complimented the City Staff on the work they have done.

The Council spoke at length about the property, regarding the flow of traffic in and out of the proposed parking lot and requested a resolution be drafted that approves the variances. It was the consensus of the Council that approving the variances would be in the best interest of the City.

Motion by Rowan, seconded by Underdahl to bring a resolution approving an application for setback and flood fringe buffer variances at 400 Western Avenue to a future Council meeting and carried unanimously.

Ordinance 2018-7 Rezoning certain property from TUD Transitional Urban Development District to I-2 Heavy Industrial District at 17250 Acorn Trail and surrounding area - Second Reading  
Planning Coordinator Peter Waldock explained that this is the second reading of Ordinance 2018-7. The Council at its April 24, 2018 meeting voted unanimously to approve the first reading of Ordinance 2018-7. Waldock informed the Council that there have been no changes to the proposed ordinance revision, nor have any public comments been received since the first reading, passing Ordinance 2018-7 will rezone certain property from TUD Transitional Urban Development District to I-2 Heavy Industrial District at 17250 Acorn Trail and surrounding area.

Motion by Rowan, seconded by Duchene to approve Ordinance 2018-7 Rezoning certain property from TUD Transitional Urban Development District to I-2 Heavy Industrial District at 17250 Acorn Trail and surrounding area - Second Reading.

Aye: Cap, Duchene, Ross, Rowan, Underdahl, Viscomi and Mayor Voracek

No:

Motion carried 7:0

Motion by Duchene, seconded by Rowan to approve the summary publication of Ordinance 2018-7 Rezoning certain property from TUD Transitional Urban Development District to I-2 Heavy Industrial District at 17250 Acorn Trail and surrounding area and carried unanimously.

Resolution 2018-088 Order Improvements, Approve Plans and Specifications, and Approve Development Agreement for The Meadows Third Addition Utility and Street Improvements  
City Engineer Mark DuChene explained that Resolution 2018-088 orders the improvements, approves the construction plans and specifications, and approves the development agreement for The Meadows Third Addition subdivision, located south of 14th St NE generally between Legacy Drive and East View Drive. The project includes the platting of 38 single family home lots and associated street construction for Ivy Way, Violet Circle, East View Drive and Goldenray Drive, along with the installation of municipal utilities.

The improvements will be installed at the cost of the Developer under a private contract. The City is sharing in the cost of the street and public utility improvements for East View Drive per the Development Agreement. The estimated construction cost of the improvements is \$608,850, with the City share estimated to be \$105,205. A Development Agreement for the project was prepared for Council approval.

Motion by Ross, seconded by Rowan to approve Resolution 2018-088 Order Improvements, Approve Plans and Specifications, and Approve Development Agreement for The Meadows Third Addition Utility and Street Improvements and carried unanimously.

Resolution 2018-089 Approve Plans and Specifications and Establish Bid Date for the 2018 Street Reconstruction Improvements – City Contract 2018-04

City Engineer Mark DuChene explained that Resolution 2018-089 approves plans and specifications and establishes a bid date of June 6, 2018 for the 2018 street reconstruction improvements. The improvements were formally ordered by the City Council on January 9, 2018 upon the passage of Resolution 2018-011, following a Public Hearing. After the improvements were ordered, the Engineering Department finalized the plans and specifications in preparation of bidding the improvements. The project will include removal, grading, aggregate base, concrete curb and gutter, bituminous surfacing, storm sewer, sanitary sewer and services, sanitary sewer lift station and forcemain, watermain and services, storm sewer, concrete driveway pavement, turf restoration, and related improvements. The project will begin in July 2018.

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

11th Avenue NE - Parshall Street to Maple Lane  
Maple Lane - 11th Avenue NE to east end/cul-de-sac  
Matteson Street\* - 200' east to 1200' east of 11th Avenue NE

\* Sanitary sewer work only

The total estimated cost of the improvements will be \$1,525,000.00 including contingency and engineering fees.

Special Assessments	\$ 254,500.00	16.7%
Street Improvement Fund (401)	\$ 562,100.00	36.9%
Water Utility Fund (601)	\$ 171,900.00	11.3%
Sanitary Sewer Utility Fund (602)	\$ 511,500.00	33.5%
Storm Water Utility Fund (603)	\$ 25,000.00	1.6%
Total	\$ 1,525,000.00	100.0%

Council member Rowan questioned if Park Place was part of this project. City Administrator Murray stated that the Public Works Department will be overlaying Park Place.

Motion by Ross, seconded by Rowan to approve Resolution 2018-089 Approve Plans and Specifications and Establish Bid Date for the 2018 Street Reconstruction Improvements – City Contract 2018-04 and carried unanimously.

Ordinance No. 2018-4 Amending Chapter 15, Section 15-61 of the Code of Ordinances of the City of Faribault Regarding Parking Violation Fines – Second Reading

City Administrator Tim Murray explained that this is the second reading of Ordinance 2018-4. The Council at its April 24, 2018 meeting voted unanimously to approve the first reading of Ordinance 2018-4. Murray informed the Council that there have been no changes to the proposed ordinance revisions, nor have any public comments been received, since first reading. Ordinance 2018-4 will amend Chapter 15, Section 15-61 of the Code of Ordinances of the City of Faribault Regarding Parking Violation Fines, increasing the parking fine amounts from \$10.00 to \$25.00 if paid within 10 days and from \$25.00 to \$40.00 if paid after 10 days but before 30 day. Action by the Council in this second reading of the ordinance also includes the approval and direction of the summary publication.

Motion by Rowan, seconded by Ross to approve Ordinance No. 2018-4 Amending Chapter 15, Section 15-61 of the Code of Ordinances of the City of Faribault Regarding Parking Violation Fines – Second Reading.

Aye: Cap, Duchene, Ross, Rowan, Underdahl, Viscomi and Mayor Voracek

No:

Motion carried 7:0

Ordinance No. 2018-5 Amending Chapter 28, Section 28-66 of the Code of Ordinances of the City of Faribault Regarding the Setting of Water Utility Rates – Second Reading

City Administrator Tim Murray explained that water utility rates used to be established as part of the overall Fee Schedule, which was adopted by ordinance. In 2011, Section 11.02 of the City Charter was amended, allowing the water utility rates along with all other City owned utility rates and charges to be established by resolution. Since that time, the Fee Schedule has been adopted by resolution, however, Section 28-66 of the City Code still identifies that the utility fee schedule would be adopted by ordinance. Action by the Council in this second reading of the ordinance also included the approval and direction of the summary publication. There have been no changes to the proposed ordinance revisions, nor have any public comments been received, since first reading.

Motion by Duchene, seconded by Underdahl to approve Ordinance No. 2018-5 Amending Chapter 28, Section 28-66 of the Code of Ordinances of the City of Faribault Regarding the Setting of Water Utility Rates – Second Reading

Aye: Cap, Duchene, Ross, Rowan, Underdahl, Viscomi and Mayor Voracek

No:

Motion carried 7:0

### **Bids**

Resolution 2018-090 Accept Bids for 2018 MSA Street Overlay and Storm Sewer Improvements – City Contract 2018-02

City Engineer Mark DuChene explained that on Wednesday, May 2, 2018, bids were received for the 2018 MSA Street Overlay & Storm Sewer Improvements project-Contract 2018-02. The project

includes removals, concrete curb and gutter replacement, concrete sidewalk replacement, storm sewer replacement and repairs, casting adjustment and replacement, pavement milling, bituminous paving, pavement markings, and related improvements.

The streets included in this project are as follows:

- 14th Street NE - Central Ave. to 520' NE of Shumway Ave.
- Shumway Avenue - CSAH 20 (St. Paul Ave.) to 325' north of Legacy Ct.
- Townsquare Lane - CSAH 48 (Lyndale Ave.) to Prairie Ave.
- 14th Street NE\* - 850' NE of Eastview Drive

\*Storm sewer replacement project

The bids were tabulated as follows:

Bituminous Materials, Faribault, MN	\$ 713,080.67
Crane Creek Asphalt, Faribault, MN	\$ 716,813.05
Engineer's Estimate	\$ 780,449.50

DuChene explained that based on the low bidder's prices, the estimated funding for the project will be as follows including contingency and engineering fees:

Special Assessments	\$ 188,100.00	22.0%
Municipal State Aid Funds	\$ 599,450.00	70.0%
Water Utility Fund (601)	\$ 4,900.00	0.6%
Sanitary Sewer Utility Fund (602)	\$ 18,250.00	2.1%
Storm Water Utility Fund (603)	\$ 45,000.00	5.3%
Total	\$ 855,700.00	100.0%

Motion by Duchene, seconded by Ross to approve Resolution 2018-090 Accept Bids for 2018 MSA Street Overlay and Storm Sewer Improvements – City Contract 2018-02 and carried unanimously.

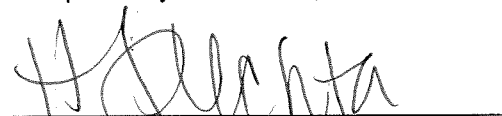
### **Boards and Commissions Reports, Announcements and Project Updates**

City Administrator Murray reminded the Council of the Joint Committee meeting following adjournment. Council member Rowan and Viscomi will be on KDHL on Thursday at 9:30 am. On May 15, 2018, the Joint Committee meeting will be held at the Airport. On May 10, 2018 the various Steering Committees will meet at the Public Works Building at 6:00 pm. On May 17, 2018 a public input session for the Steering Committees will be held at the Ice Arena.

### **Adjournment**

Motion by Viscomi, seconded by Underdahl to adjourn the meeting and carried unanimously.  
Meeting adjourned at 7:24 pm.

Respectfully Submitted,



Heather Slechta  
Assistant to the City Administrator