



## CITY COUNCIL MINUTES -DRAFT

**COUNCIL CHAMBERS      WEDNESDAY, AUGUST 15, 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, Steve Underdahl and Janna Viscomi were in attendance. Council Member John Rowan was absent. Also in attendance were City Administrator Tim Murray, Assistant to the City Administrator Heather Slechta, Public Works Director Travis Block, Police Chief Andy Bohlen, Fire Chief Dustin Dienst, City Engineer Mark Duchene, Parks and Recreation Director Paul Peanasky, Finance Director Karla McCall, Human Resources Manager Kevin Bushard, Director of Community and Economic Development Deanna Kuennen, Planning Coordinator Peter Waldock and City Planner David Wanberg.

### **Presentations/Introductions**

#### *Swearing in of New Full-Time Firefighter and Fire Captain*

City Administrator Tim Murray swore in new Full-Time Firefighter Alex Bolster and new Fire Captain Matthew DeGroot. Bolster and DeGroot received their new position badges and certificates during the presentation. Fire Chief Dustin Dienst spoke in regards to the dedication and education that both men have acquired through the years to advance their careers with the City of Faribault Fire Department.

### **Approve minutes of July 24, 2018 Special Closed Meeting, July 24, 2018 Regular Council Meeting and July 31, 2018 Special Closed Meeting (majority vote)**

Motion by Ross, seconded by Duchene to approve the minutes of the July 24, 2018 Special Closed Meeting, July 24, 2018 Regular Council Meeting and July 31, 2018 Special Closed Meeting and carried unanimously.

### **Routine Business:**

- A. List of bills to be paid
- B. Approve New Hangar Rental Agreement
- C. Approve Hangar Rental Agreement Transfer
- D. Approve Proposal from Medin Architects, Inc., for Design Services for City Hall HVAC Plans and Specifications for Unit Replacement
- E. Approve Proposal from Medin Architects, Inc., for Design Services for Community Center Ductwork Improvements
- F. Resolution 2018-156 Approve an Easement for Ravine Stabilization in River Bend Nature Center
- G. Approve Permanent Right-of-Way Easement and Temporary Construction Easement for 430 2<sup>nd</sup> Avenue NW
- H. Approve Change Order No. 1 with Zillgitt Civil Design for Park Avenue & Acorn Trail (CSAH 76) Utility Improvements – City Contract 2018-10
- I. Approve Water Crossing Licenses with Minnesota Department of Natural Resources for Park Avenue & Acorn Trail (CSAH 76) Utility Improvements – City Contract 2018-10
- J. Approve Right-of-Entry Agreements for TH 60 Reconstruction Project (Contract 2019-03)
- K. Resolution 2018-159 Approve CROP Hunger Walk Street Closures

- L. Resolution 2018-160 Approve Debt Management Policy
- M. Resolution 2018-161 Approve Transfer of Funds and Close of Debt Reserve Fund
- N. Resolution 2018-162 Accept Donation of \$2,000.00 from Cargill
- O. Approve Application to Conduct Off-Site Gambling for River Bend Nature Center on October 6, 2018
- P. Approve Drainage and Utility Easement for 1228 Maple Lane
- Q. Resolution 2018-164 Approve Hiring Patrol Officer
- R. Approve Temporary Liquor License for Rice County Fair on September 15, 2018
- S. Approve Temporary Liquor License for Faribault Chamber of Commerce on August 17, 2018
- T. Approve Task Order No. 9 with Foth for Taxilane G Rehabilitation Construction Services
- U. Approve Change Order No.1 for Fuel System Replacement at Airport
- V. Approve New Hangar Rental Agreement
- W. Approve Commercial Hangar Land Lease Agreement
- X. Accept Proposals for Geotechnical Services for Flood Mitigation and Water Treatment Plant Projects
- Y. Resolution 2018-166 Ordering the Abatement of Conditions Creating a Nuisance and Hazardous Building Existing at 2311 Cornell Drive, Faribault, MN 55021

Motion by Duchene, seconded by Underdahl to approve Routine Business items A-Y and carried unanimously.

#### **Requests to be Heard**

Laura Sterling, Promotion Manager and Event Coordinator, Faribo West Mall, invited the Council and public to attend the Faribo West Mall's 40<sup>th</sup> Anniversary celebration on Thursday, August 16, 2018. There will be numerous events at the mall throughout the day.

#### **Public Hearings – None**

#### **Items for Discussion**

Ordinance 2018-2 Amending the Unified Development Ordinance, Section 6-250, Fence Location and Height Requirements and Section 6-260, Fence Materials and Maintenance Requirements – First Reading

Planning Coordinator Peter Waldock explained that the City Council received the proposed ordinance for first reading, at its June 26, 2018 meeting and deferred action until it could hold further discussion at Joint Council Committee Meeting. The City Council asked to see some examples of the different types of fences. At a Joint Council Committee meeting held on July 24, 2018 the Council members reviewed photos of different fence styles. The Council determined that ordinance should proceed to first reading at its next meeting. Waldock reviewed the proposed ordinance.

Council Member Ross asked Waldock what the typical setback would be on a corner lot, Waldock explained that the ordinance would allow for one (1) foot from the property line.

Motion by Underdahl, seconded by Ross to approve Ordinance 2018-2 Amending the Unified Development Ordinance, Section 6-250, Fence Location and Height Requirements and Section 6-260, Fence Materials and Maintenance Requirements.

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

Motion carried 6:0

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

Planning Coordinator Peter Waldock explained that at its meeting on July 10, 2018, the City Council deferred action on the second reading of the ordinance and asked that the ordinance be placed on a Joint Council Committee agenda for further discussion before passage. The City Council members asked for clarification on cargo container rules, carports, and greenhouses that are used for storage.

At a Joint Committee meeting held July 24, 2018, the City Council members discussed the ordinance and asked staff to make some changes that would clarify the use of temporary storage containers like pods and similar mobile units that are delivered to the residence for temporary storage during remodeling or for moving.

Staff has added language to clarify temporary accessory uses for short term use of storage pods for moving or remodeling and prohibiting cargo containers except for short term use. The new language allows storage pods up to 6 months without a zoning certificate and up to one year with a zoning certificate or current building permit. The use of greenhouses for equipment storage is also now prohibited in the ordinance.

Two property owners in attendance at the meeting (they did not give their name and address) questioned whether or not the car port they have purchased and erected is allowable. Waldock explained that they are not currently allowed and will not be allowed in the updated code.

Motion by Ross, seconded by Viscomi to approve Ordinance 2018-3 Amending the Unified Development Ordinance, Section 6-180, Residential Accessory Buildings – Second Reading.

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

Motion carried 5:1

*Resolution 2018-157 Order Improvements, Approve Plans and Specifications, and Establish Bid Date for Bell Baseball Field Improvements*

Parks and Recreation Director Paul Peanasky explained that Resolution 2018-157 orders the improvements, approves the plans and specifications, and establishes the bid date for the Bell Baseball Field improvements. The project was included in the approved 2018 Capital Improvement Plan. The improvements consist primarily of installing Novabrik over the grand stand at Bell Field. This is phase two of improvements for that facility. Phase one was completed earlier in 2018. The bid opening is scheduled for Thursday, September 6, at 2:00 PM and the City Council will receive those bids at their September 11, 2018, City Council Meeting for approval. Anticipated construction to begin in late September 2018.

Mayor Voracek asked if the handicap railing would be fixed during the project, Peanasky explained that they are looking to lower the inside railing however, the exterior railing cannot be lowered.

Motion by Duchene, seconded by Ross to approve Resolution 2018-157 Order Improvements, Approve Plans and Specifications, and Establish Bid Date for Bell Baseball Field Improvements and carried unanimously.

*Resolution 2018-165 Approve Development and Annexation Agreement between the City of Faribault and McDonough Farms, LLC and McDonough Partners, LLC*

City Planner David Wanberg explained that earlier this year, Troy Zabinski of Met-Con Companies on behalf of McDonough Farms, LLC and McDonough Partners, LLC, submitted a petition to the City of Faribault requesting annexation of property in Wells Township to the City of Faribault. The City of Faribault and Wells Township agreed to an orderly annexation. In June of 2018, the Minnesota Office of Administrative Hearings issued an order granting the annexation. The subject property is now officially part of Faribault.

To help ensure a clear and shared understanding of the roles, responsibilities, and expectations related to development in the annexed area, the City and the Owner wanted to enter into a Development and Annexation Agreement that addresses utilities, parkland dedication, street names, environmental review, and other pertinent items.

City Staff reviewed a draft version of the attached Agreement with the Joint Council Committee on July 31, 2018. As per the request of the Joint Council Committee, Staff added language to clarify that existing communication towers on the subject property shall be considered legal nonconformity if the towers are inconsistent with the City Code. Staff also provided additional language related to parkland dedication, environmental review, the existing feedlot, and utilities.

Motion by Ross, seconded by Duchene to approve Resolution 2018-165 Approve Development and Annexation Agreement between the City of Faribault and McDonough Farms, LLC and McDonough Partners, LLC and carried unanimously.

*Resolution 2018-163 Approving a Conditional Use Permit Amendment to Construct an Office Addition for Trinity Lutheran Church at 530 4<sup>th</sup> St. NW*

Planning Coordinator Peter Waldock explained that Trinity Lutheran Church is seeking a Conditional Use Permit (CUP) Amendment to construct a 2,083 Sq. Ft. office addition on the west side of the existing building. The building addition is designed to match or compliment the rest of the building. The addition will have four offices and a small conference room for use by the Church staff.

On August 6, 2018, the Planning Commission held a public hearing on the proposed CUP amendment. No one from the public was in attendance at the meeting, and staff received a call from one of the neighboring owners. He inquired about the project details but had no concerns with the request. The Planning Commission noted that the office addition would complement the architecture of the building and would not overburden available parking on site even with a loss of some spaces due to the addition. The Commissioners also noted the prior variances granted for parking on site and the prior CUP amendments for the parking expansion on site.

By a vote of 6-0 the Planning Commission approved the draft resolution for the CUP amendment with findings in support.

Council Member Cap felt the building specs were well done.

Motion by Duchene, seconded by Viscomi to approve Resolution 2018-163 Approving a Conditional Use Permit Amendment to Construct an Office Addition for Trinity Lutheran Church at 530 4th St. NW and carried unanimously. Council Member Underdahl abstained from the vote due to a conflict of interest.

**Bids**

*Resolution 2018-158 Accept Bids for Park Avenue & Acorn Trail (CSAH 76) Utility Improvements – Contract 2018-10*

City Engineer Mark DuChene explained that on Tuesday, August 7, 2018, bids were received for Park Avenue & Acorn Trail (CSAH 76) Utility Improvements Project - Contract 2018-10. The project includes sanitary sewer and watermain trunk utility extensions adjacent to CSAH 76 from the utilities' current termini near 43<sup>rd</sup> Place to approximately 2,650-ft north of 160<sup>th</sup> St W to serve the area recently annexed into the City by McDonough Farms, LLC and McDonough Partners, LLC which includes the parcel for the Daikin redevelopment project.

Three bids were received and the bids are tabulated as follows:

Alcon Construction Corp., Rochester, MN

\$ 2,224,836.00

GM Contracting, Inc., Lake Crystal, MN	\$ 2,266,054.82
BCM Construction, Inc., Faribault, MN	\$ 2,369,101.40
<i>Engineer's Estimate</i>	\$ 2,326,972.00

Based on the low bidder's prices, the estimated funding for the project including 5% construction contingencies and 2.5% engineering fees is as follows:

DEED BDPI GRANT	\$ 895,500.00	36.4%
Rice County	\$ 500,000.00	20.3%
Water Utility Fund (601)	\$ 676,100.00	27.5%
Sanitary Sewer Utility Fund (602)	\$ 390,700.00	15.9%
Total	\$2,462,300.00	100.0%

A portion of the watermain and sanitary sewer costs related to the lateral utility improvements are proposed to be recouped from the benefiting property owners through a combination of SAC/WAC charges and area charges at the time the properties develop and/or connect to the new utilities.

It is recommended to award to the low bidder, Alcon Construction Corp., contingent on the award of the MN DEED BDPI grant and a written funding commitment from Rice County. Construction on the project is scheduled to begin August 27, 2018 and be substantially completed by the end of December, 2018.

Motion by Duchene, seconded by Underdahl to approve Resolution 2018-158 Accept Bids for Park Avenue & Acorn Trail (CSAH 76) Utility Improvements – Contract 2018-10 and carried unanimously.

#### **Announcements and Project Updates**

Mayor Voracek read the following statement prepared by Human Resources Manager Kevin Bushard: The City Council has conducted a review and evaluation of the performance of Timothy C. Murray in the position of City Administrator for the City of Faribault. As part of the evaluation process, the City Council gathered information concerning several aspects of Mr. Murray's performance from Directors, Staff and City Council Members. The evaluation process by the City Council reach the following conclusions: Mr. Murray's six month performance is exceeding expectations in all areas. Goals, objectives and areas to focus on were given to Mr. Murray to work towards over the next six months and going forward. As per Mr. Murray's employment agreement with the City of Faribault, and by exceeding all expectations, he will receive a two-step increase in wages to step 12, retro back to his six-month anniversary of July 15, 2018.

City Planner David Wanberg invited the public to the various events put together by Perkins and Will on August 16, 2018 at 206 Central Ave. There will also be a community forum event at South Central College on August 23, 2018 focusing on the downtown.

Mayor Voracek invited the public to the car cruise at Harley Davidson on Friday, August 17 and to the Faribo West Mall on Thursday, August 16, 2018 for their 40<sup>th</sup> Anniversary celebration.

Council Member Cap thanked the Police Department for the successful Night to Unite on Tuesday, August 7, 2018.

#### **Adjournment**

Motion by Viscomi, seconded by Ross to adjourn the City Council Meeting and carried unanimously.

Meeting Adjourned at 6:44 pm.

Respectfully Submitted,

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Heather J. Slechta  
Assistant to the City Administrator

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