



## CITY COUNCIL MINUTES

**COUNCIL CHAMBERS      TUESDAY, JANUARY 26, 2021      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: 882 5261 3618; Passcode: 668022

### **Call to Order/Roll Call**

The regular meeting of the City Council was called to order by Mayor Kevin Voracek at 6:00 pm. Councilors Sara Caron, Royal Ross, Peter van Sluis, Tom Spooner, Janna Viscomi, and Jon Wood were in attendance. Also in attendance was City Administrator Tim Murray, Assistant to the City Administrator Heather Slechta, Human Resources Manager Kevin Bushard, Community and Economic Development Director Deanna Kuennen, City Planner David Wanberg, Finance Director Jeanne Day, Fire Chief Dustin Dienst, Police Chief Andy Bohlen, City Engineer Mark DuChene and Public Works Director Travis Block.

### **Presentations/Introductions – None**

### **Approve minutes of January 12, 2021 Regular Council Meeting (majority vote)**

Motion by Ross, seconded by Spooner to approve minutes of January 12, 2021 Regular Council Meeting.

### **Roll Call Vote**

Aye: Councilor Caron, Ross, van Sluis, Spooner, Viscomi, Wood, and Mayor Voracek

Nay:

Motion Carried 7:0

### **Consent Agenda:**

- A. List of bills to be paid
- B. Resolution 2021-014 Revising the 2021 Adopted Budget for Encumbrances
- C. Resolution 2021-015 Accept Donation from the State Bank of Faribault
- D. Accept Quote for Activated Carbon at Water Reclamation Facility
- E. Accept Quote for Replacement UV Bulbs at Water Reclamation Facility
- F. Accept Quote for Potable Water Reservoir Cleaning
- G. Resolution 2021-016 Initiate Project and Order Feasibility Report for 2021 Street Reconstruction Improvements – Contract 2021-03
- H. Accept Proposal for Surface Water Management Plan and Municipal Separate Storm Sewer System Permit Updates
- I. Resolution 2021-017 Authorizing a Business Development Infrastructure Grant Application to Offset the Public Infrastructure Costs Associated with the Northwest Water Tower and Watermain Loop
- J. Resolution 2021-018 Approve Hiring Accounting Technician
- K. Resolution 2021-019 Approve Appointments of Committee, Board, and Commission Members
- L. Approve Yard Waste Composting Agreement with Rice County
- M. Resolution 2021-020 Accept Donation from Barta Machine, LLC
- N. Resolution 2021-025 Approve Selection of Mural Artist for City-Owned Wall Located at 25 3rd St NW

- O. Approve LG 220 Application for Exempt Permit for Catholic United Financial Council 13 SS Lawrence/Anne
- P. Resolution 2021-023 Authorize Submission of a Grant Application to the Minnesota Pollution Control Agency for Level 2 Electric Vehicle Chargers
- Q. Approve Date Change for River Bend Nature Center Raffle
- R. Authorize the Execution of a Memorandum of Understanding between MREA and the City of Faribault regarding a Solar Group Buy Program

Motion by Ross, seconded by Spooner to approve consent agenda items A-R.

Roll Call Vote

Aye: Councilor Caron, Ross, van Sluis, Spooner, Viscomi, Wood, and Mayor Voracek

Nay:

Motion Carried 7:0

Mayor Voracek thanked Barta Machines and State Bank of Faribault for their donations.

**Requests to be Heard- None**

**Public Hearings – None**

**Items for Discussion**

Ordinance 2021-1 Amend Sec. 3-15 of the City Code of Ordinances regarding Composition of the Airport Advisory Board – Second Reading

Public Works Director Travis Block explained that the first reading of Ordinance 2021-1 Amend Sec. 3-15 of the City Code of Ordinances regarding Composition of the Airport Advisory Board was approved on January 12, 2021. Since that time there have been no comments received or revisions made.

Motion by Ross, seconded by Wood to approve Ordinance 2021-1 Amend Sec. 3-15 of the City Code of Ordinances regarding Composition of the Airport Advisory Board – Second Reading

Roll Call Vote

Aye: Councilor Caron, Ross, van Sluis, Spooner, Viscomi, Wood, and Mayor Voracek

Nay:

Motion Carried 7:0

Approve Summary Publication of Ordinance 2021-1 (5/7)

Motion by Ross, seconded by van Sluis to approve Summary Publication of Ordinance 2021-1

Roll Call Vote

Aye: Councilor Caron, Ross, van Sluis, Spooner, Viscomi, Wood, and Mayor Voracek

Nay:

Motion Carried 7:0

Ordinance 2020-4 Vacate Certain Perimeter Public Drainage and Utility Easements Originally Platted in Hofmeister Second Addition – Second Reading, Approve Summary Publication of Ordinance 2020-4 (5/7), Resolution 2021-021 Approve the Preliminary and Final Plats of Hofmeister Third Addition and Resolution 2021-022 Approve Agreements Related to Hofmeister Third Addition

Community and Economic Development Director Deanna Kuennen explained that at the City Council meeting on December 22, 2020 the Council approved the first reading of this ordinance by unanimous vote. No objections have been received and no changes have been made to the ordinance since that time. Kuennen went on to explain that the subdivision plat and related development agreement are also being presented for City Council approval as separate items.

Kuennen further explained that the proposed Hofmeister Third Addition subdivision plat converts Outlot A to a buildable 6-acre commercial lot for future resale, and combines Lots 2 and 3 from the Hofmeister Second Addition plat for future expansion of the Harley Davidson Dealership. The property included in this subdivision is owned by members of the Hofmeister family who are collectively seeking approval. The Planning Commission held a combined public hearing on August 17, 2020 regarding applications for the Preliminary and Final Plat of Hofmeister Third Addition and the Vacation of Certain Easements related to this plat application. There were several members of the public in attendance during the online public hearing and no objections to the request were received. The Planning Commission with a vote of 6-0 approved findings in support of this application and recommends approval of the Preliminary and Final Plat of Hofmeister Third Addition as proposed.

Lastly Kuennen explained that the City Subdivision Regulations require developers to enter into a Development Agreement with the City to address and articulate responsibilities for requirements specified in City Codes and State Statutes. The Development Agreement addresses requirements for wetland protection, stormwater management, parkland dedication fees, escrow requirements, platting requirements, title insurance, reimbursement of City costs associated with the subdivision application, and indemnification. The Development agreement states that the Developers will provide an escrow to reimburse the City for legal costs incurred in preparing and reviewing the plat and agreements. It also outlines that the Developers have paid the parkland dedication fee balances from the prior subdivision of the property as required by ordinances and as provided in prior agreements with the City. The principal amount of the parkland fees required for this subdivision have thereby been paid in full. The Agreement waives any interest or penalties that may have resulted from an error causing a delay in payment to the City. The Agreement acknowledges prior wetland credits the Developers paid in 2013 and provides for the manner in which the wetlands setback and buffer requirements will be administered for future development on the site. The Agreement requires a Stormwater Maintenance Agreement to address City access and ongoing maintenance to stormwater facilities required for development.

The Developers have reviewed the Agreement and agree with the terms identified. The City Council is asked to approve the Development Agreement along with the required Stormwater Maintenance Agreement for the Hofmeister Third Addition.

Ordinance 2020-4 Vacate Certain Perimeter Public Drainage and Utility Easements Originally Platted in Hofmeister Second Addition – Second Reading

Motion by Ross, seconded by van Sluis to approve Ordinance 2020-4 Vacate Certain Perimeter Public Drainage and Utility Easements Originally Platted in Hofmeister Second Addition – Second Reading

Roll Call Vote

Aye: Councilor Caron, Ross, van Sluis, Spooner, Viscomi, Wood, and Mayor Voracek

Nay:

Motion Carried 7:0

Approve Summary Publication of Ordinance 2020-4 (5/7)

Motion by Spooner, seconded by Ross to approve Summary Publication of Ordinance 2020-4 (5/7)

Roll Call Vote

Aye: Councilor Caron, Ross, van Sluis, Spooner, Viscomi, Wood, and Mayor Voracek

Nay:

Motion Carried 7:0

Resolution 2021-021 Approve the Preliminary and Final Plats of Hofmeister Third Addition

Motion by van Sluis, seconded by Ross to approve Resolution 2021-021 Approve the Preliminary and Final Plats of Hofmeister Third Addition

Roll Call Vote

Aye: Councilor Caron, Ross, van Sluis, Spooner, Viscomi, Wood, and Mayor Voracek

Nay:  
Motion Carried 7:0

Resolution 2021-022 Approve Agreements Related to Hofmeister Third Addition

Motion by Ross, seconded by Viscomi to approve Resolution 2021-022 Approve Agreements Related to Hofmeister Third Addition

Roll Call Vote

Aye: Councilor Caron, Ross, van Sluis, Spooner, Viscomi, Wood, and Mayor Voracek

Nay:

Motion Carried 7:0

Resolution 2021-024 Approve Performing and Visual Arts Programming Agreement with the Paradise Center for the Arts

Councilor Sara Caron recused herself from the discussion due to a conflict of interest.

City Administrator Tim Murray explained that the Paradise Center for the Arts (PCA) provides performing and visual arts programming for the City under an agreement executed in 2005. In July of 2020, the PCA submitted a proposal to the Faribault City Council, requesting \$250,000 in funding from the City as part of a fund-raising campaign to eliminate mortgage debt on the facility, which would allow them to allocate their financial resources to programming and operations. The proposal was reviewed at the July 21, 2020 Joint Committee meeting.

Murray further explained that rather than doing an amendment to the 2005 agreement, a new agreement was prepared that would replace the previous agreement. Most of the terms are the same—the City is still looking for the PCA to continue providing the performing and visual arts programming services. However, the agreement includes a \$250,000 payment by the City to the PCA, subject to a number of conditions and restrictions. The new agreement also extends the termination date by ten years, out to December 31, 2036.

Councilor Ross asked if there would be additional funds given to the PCA in 2021, Murray explained that the PCA will receive the funds that they requested for 2021, as that was approved prior to this agreement, however going forward the PCA will not request funds from the City for 10 years. Mayor Voracek asked if the 2005 agreement stated how the hours donated back to the City were to be used, Murray stated that it just stated 20 hours, the new agreement states 10 hours per year. Councilor Viscomi stated that 10 hours seemed very minimal and requested more hours. PCA Director Heidi Nelson provided information about the various programs that the PCA does for the community including and 18 and under gallery, as well as an annual program that allows for the elementary students to see a play at the PCA among many other offerings. Viscomi requested that community programming hours be increased to 24 hours per year. Ms. Nelson was agreeable to 24 hours of programming. Councilor Spooner asked if this entire agreement has a sunset date of end of 2021, Murray explained that the agreement goes through 2036, however, the terms of the payment of \$250,000 would expire at the end of 2021 if the PCA does not reach their fundraising goal. Spooner asked if the PCA does not reach their goal, would they Council have to have this discussion again, Murray explained that they would, if they still wanted to give the PCA \$250,000.

Josh Sorensen, 10 Division Street, spoke in opposition of the Council providing a payment of \$250,000 to fund a business and urged the Council to discuss this further.

Mayor Voracek explained that this goes back a number of years, this is essentially a pre-payment on the annual contribution that the City provides to the PCA. The PCA is a valuable asset to the community. Ross stated that the PCA is a non-profit, not a private business, and is essential to the community. Spooner stated that the City could subsidize a number of things, and stated that what the Mayor stated was very well said.

Motion by Ross, seconded by Viscomi to approve Resolution 2021-024 Approve Performing and

Visual Arts Programming Agreement with the Paradise Center for the Arts as amended changing 10 hours of programming per year to 24 hours of programming per year for required community programming.

Roll Call Vote

Aye: Councilor Ross, van Sluis, Spooner, Viscomi, Wood, and Mayor Voracek

Nay:

Motion Carried 6:0, Councilor Caron abstained due to a conflict of interest.

**Bids – None**

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

The Monthly Financial Report was provided to the Council prior to the meeting. City Administrator Tim Murray reminded the Council that they will be meeting in-person again beginning next Tuesday. Staff will be coordinating Board and Commission Oaths of Office for the newly appointed Board and Commission members.

Mayor Voracek informed the Council that Councilor Spooner will be running the meeting next week as he will not be in attendance.

Councilor Ross requested a review of the year-end financial report at a future meeting.

**Adjournment**

Motion by Spooner, seconded by Viscomi to adjourn the City Council Meeting.

Roll Call Vote

Aye: Councilor Caron, Ross, van Sluis, Spooner, Viscomi, Wood, and Mayor Voracek

Nay:

Motion Carried 7:0

Meeting adjourned at 6:47am.

Respectfully Submitted,

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Heather Slechta  
Assistant to the City Administrator