



## CITY COUNCIL MINUTES

**COUNCIL CHAMBERS      MONDAY, DECEMBER 23, 2019      6:00 PM**

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

The meeting was called to order by Mayor Voracek at 6:00 pm. Councilors Peter van Sluis, Tom Spooner, Janna Viscomi and Jon Wood were in attendance. Councilor Elizabeth Cap and Royal Ross were absent. Also in attendance were Deputy City Administrator Deanna Kuennen, Assistant to the City Administrator Heather Slechta, City Engineer Mark DuChene, City Planner David Wanberg, Planning Coordinator Peter Waldock, Parks and Recreation Director Paul Peanasky, Human Resources Manager Kevin Bushard and Fire Chief Dustin Dienst.

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

### **Approve minutes of December 10, 2019 Regular Council Meeting, December 10, 2019 Special Council Meeting and December 17, 2019 Special Council Meeting (majority vote)**

Motion by Viscomi, seconded by van Sluis to approve minutes of December 10, 2019 Regular Council Meeting, December 10, 2019 Special Council Meeting and December 17, 2019 Special Council Meeting and carried unanimously.

### **Consent Agenda:**

- A. List of bills to be paid
- B. Resolution 2019-240 Accept Donations to the Faribault Parks and Recreation Department
- C. Adopt Non-Profit/Civic Organization Funding Policy and Procedures
- D. Approve 2020 Civic Organization Agreements
- E. Resolution 2019-262 Repeal Resolution 94-60 Regarding Municipal Primary Elections
- F. Approve SELCO ILS Membership Agreement
- G. Approve City Administrator Employment Agreement
- H. Resolution 2019-266 Approve Pawnbrokers License Renewal for Pawn Minnesota

Motion by Wood, seconded by Viscomi to approve Consent Agenda Items A-H and carried unanimously.

### **Requests to be Heard – None**

### **Public Hearings – None**

### **Items for Discussion**

Ordinance 2019-25 Authorizing Disposal of Real Property Owned by City Located Along the Sakatah Trail at Western Avenue PID # 1836227012 – Second Reading and Approve Summary

Publication of Ordinance 2019-25

Planning Coordinator Peter Waldock explained that the City Council at its meeting of December 10, 2019 approved the first reading of Ordinance 2019-25 to authorize disposal of real property. There were no changes and no comments from the public.

Motion by Spooner, seconded by Wood to approve Ordinance 2019-25 Authorizing Disposal of Real Property Owned by City Located Along the Sakatah Trail at Western Avenue PID # 1836227012 – Second Reading

Roll Call Vote:

Aye: van Sluis, Spooner, Viscomi, Wood, Mayor Voracek

Nay:

Motion carried 5:0

Motion by van Sluis, seconded by Viscomi to Approve Summary Publication of Ordinance 2019-25 and carried unanimously.

Resolution 2019-261 Approve Variances to Allow Informational Signs at 15620 Acorn Trail to Exceed Maximum Allowable Dimensional Requirements and Approve Encroachment Agreement Regarding Signs at 15620 Acorn Trail

Planning Coordinator Peter Waldock explained that the existing Daikin facility at 15620 Acorn Trail will be completing construction on extensive site improvements started earlier this year. Daikin Applied Americas requested variances to allow informational signs on the site that exceed the maximum allowable dimensional requirements. The request also included a setback variance for their main freestanding sign at the Northeast entrance to the site on Acorn Trail.

The informational signs will be used to direct truck drivers, visitors, and others to the correct area of the site. Daikin felt that the variances would reduce the chance for confusion for drivers entering the site. The City Council approved a similar variance request for the Daikin site on 24th Street NW. Since the proposed sign locations would be located within public drainage and utilities easements on the perimeter of the lot, an encroachment agreement would be required.

The Planning Commission held a public hearing on December 16, 2019 regarding this request. No one from the public was in attendance. No comments were received by the City before or after the public hearing. The Planning Commission by a vote of 5-0 approved a draft of Resolution 2019-261 with findings in support of the variances. The planning commission added a condition of approval regarding lighting on the signs to avoid glare off premise.

Mayor Voracek asked if any permissions from Rice County would be required since it is on a County road, Waldock explained that Rice County will be notified, but no permissions would be needed.

Motion by Spooner, seconded by van Sluis to approve Resolution 2019-261 Approve Variances to Allow Informational Signs at 15620 Acorn Trail to Exceed Maximum Allowable Dimensional Requirements and carried unanimously.

Motion by van Sluis, seconded by Viscomi to Approve Encroachment Agreement Regarding Signs at 15620 Acorn Trail and carried unanimously.

Resolution 2019-263 Approve Agreement to Consent to Allow Conveyance of Property without Platting

City Planner David Wanberg explained that the Joint Council Committee discussed allowing the conveyance of the Lorentsen property on December 17, 2019. The Joint Committee did not object to Lorentson, West Side Development Company, or any future owner of the subject property conveying the property in its entirety without the need to first plat the property. However, all other provisions of the 2009 Letter of Understanding should remain in effect. Consequently, regardless of who owns the property, no development nor any subdivision of any portion of the subject property can occur without first platting the entire property in accordance with the 2009 Letter of Understanding.

Wanberg informed the Council that it was requested by the City that \$3500.00 be placed in an escrow account to reimburse the City for the legal fees that will be incurred. Attorney for the seller, David Hvistendahl requested that the fees be paid at closing. There was discussion among the Council and the consensus was to collect the legal fees at closing rather than escrow.

Motion by Viscomi, seconded by Wood to approve Resolution 2019-263 Approve Agreement to Consent to Allow Conveyance of Property without Platting and carried unanimously

*Resolution 2019-264 Extend the Deadlines to Record All Required Documents and to Start Construction on the Proposed Cave Creek Development Near 935 Faribault Road*

City Planner David Wanberg explained that On December 27, 2016, the City Council approved resolutions and ordinances related to the proposed Cave Creek Development located at the old Kmart site near 935 Faribault Road. On December 12, 2017 and then again on December 11, 2018, the City Council approved Resolution 2017-269 and subsequently Resolution 2018-256, which granted John Cameron on behalf of Cave Creek, LLC, Faribault Senior Living, LLC, and Faribault Townhomes Association one-year extensions to file documents related to the proposed development. The resolutions also granted the Applicant one-year extensions to start construction on the development.

The Mr. Cameron has worked diligently to move this project forward, but the viability of this project is dependent on state financing, which the he has applied for, but has not yet been awarded. Consequently, while he continues to try to secure financing, he is requesting that the City Council extend the deadline to December 31, 2020 to file all required documents and start construction on the project. More specifically, the deadline extension applies to the following resolutions and ordinances:

Mr. Cameron stated that he is still very interested in moving forward with the project. Councilor Spooner stated that he is asked frequently about the status of the project. Mr. Cameron also stated that he is trying to stay on top of the weeds and dirt pile at the site.

Motion by Wood, seconded by van Sluis to approve Resolution 2019-264 Extend the Deadlines to Record All Required Documents and to Start Construction on the Proposed Cave Creek Development Near 935 Faribault Road and carried unanimously.

*Resolution 2019-265 Approve Parks, Trails, and Open Space Plan*

City Planner David Wanberg explained that the Joint Council Committee reviewed a complete draft of the Parks, Trails and Open Space Plan at its November 6, 2019 meeting and found the Plan ready for adoption.

Councilor Viscomi was concerned about using the word foreign on page 28 of the plan, explaining that all people may have extended family that use the city parks and open space. Wanberg will review that concern with the Perkins+Will.

Motion by Viscomi, seconded by Wood to approve Resolution 2019-265 Approve Parks, Trails, and Open Space Plan and carried unanimously.

### **Bids – None**

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

The Monthly Financial Report was provided to the Councilors in the meeting packet. Mayor Voracek read a statement summarizing the purpose of the Special Closed Council meeting on December 17, 2019. Voracek stated that the City Council has conducted an annual performance review and 360 degree staff 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 evaluated Mr. Murray on productivity, cooperation, problem solving ability, leadership and several other areas. The process reached the following conclusions: Mr. Murray's performance is greatly exceeding expectations in all areas. Goals, objectives and areas to focus on were given to Mr. Murray to work towards over the next year. As per Mr. Murray's employment agreement with the City of Faribault, and by exceeding all expectations, he will receive a one-step increase in wages Grade V Step 9 under the 2020 wage structure, a lump sum merit increase of \$1000, and also receive 80 hours of administrative leave, effective January 1, 2020. Thank you Tim.

### **Adjournment**

Motion by Spooner, seconded by van Sluis to adjourn the meeting and carried unanimously.

Meeting adjourned at 6:32 pm.

Respectfully Submitted,

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Heather J. Slechta  
Assistant to the City Administrator