

**WORTHINGTON CITY COUNCIL  
REGULAR MEETING, JANUARY 10, 2011**

The meeting was called to order at 7:00 p.m. in City Hall Council Chambers by Mayor Alan E. Oberloh with the following Aldermen present: Lyle Ten Haken, Mike Kuhle, Scott Nelson, Ron Wood, Mike Woll.

Staff present: Craig Clark, City Administrator; Mike Cumiskey, Public Safety Director; Detective Dave Hoffman; Brad Chapulis, Director of Community/Economic Development; Janice Oberloh, City Clerk.

Others present: Bruce Kness, Mike Haiar, Jacoba Nagel, Bill Keitel, Francisco Resendez, Bob Rieckhoff, Craig Sailor.

**STATE OF MINNESOTA PROCLAMATION**

On behalf of Governor Dayton's office, Jacob Holck read a proclamation ordering all U.S. flags and Minnesota flags to be flown at half-staff at all state and federal buildings in the State of Minnesota until sunset on Friday, January 14, 2011 as a mark of respect for the victims of the violent tragedy that occurred in Tucson, AZ on January 8, 2011. The proclamation is submitted as part of this official record of the meeting.

**AGENDA APPROVED AS PRESENTED**

The motion was made by Alderman Ten Haken, seconded by Alderman Wood and unanimously carried to approve the agenda as presented.

**CONSENT AGENDA APPROVED**

The motion was made by Alderman Wood, seconded by Alderman Ten Haken and unanimously carried to approve the consent agenda as follows:

- City Council Minutes of regular meeting December 27, 2010.
- Fire Department/Ambulance Program Minutes of December 20, 2010.
- Additional 2011 license renewals:
  - Off-Sale Beer license - El Horizonte Store, 100 E. 12<sup>th</sup> Street
  - On-Sale Beer license - Tacos Lupe, 415 Ninth Street
- Bills payable and totaling \$721,626.89 be ordered paid.

**PUBLIC HEARING - ALCOHOL COMPLIANCE CHECK VIOLATIONS**

This was the time and date set by Council for a public hearing for the November 7, 2009 alcohol compliance violations, which had now been completed in the court system for criminal charges. Mark Shepherd, City Attorney, and Detective Dave Hoffman provided Council with the background on the compliance checks and the Liquor Committee's actions thus far. Violations of sale of alcohol

to a minor had occurred at the following locations: Hy-Vee (second violation), Ampride (first violation), Ground Round (first violation), A & T Tap (second violation). Based on past procedure, the Liquor Committee was recommending a weekend license suspension (5:00 Friday to 5:00 p.m. Sunday) for first time violators, and a week long license suspension (5:00 p.m. Friday to 5:00 p.m. the following Friday) for second time violators. Following a brief discussion with Craig Sailor, A & T Tap, Mr. Shepherd stated that the public hearing was not necessary as none of those present were disputing the violations, but they did want to address Council regarding the penalties suggested by the Liquor Committee.

Bruce Kness, Attorney for Ground Round Grill & Bar, addressed Council, noting the criminal penalty had already been imposed on the employee that committed the violation. Although the statute says the City may impose a civil penalty of suspension or a fine, he requested that, if the Council should determine to impose such a penalty, that it be just. The "cookie cutter" approach that everybody gets the same penalty doesn't impose the same penalty and it would be a huge economic loss for the Ground Round as alcohol is an intricate part of their business - much different than the sales at a convenience store.

Craig Sailor, A & T Tap, noted the arguments heard already by Council were the same as his. This is his second offense, which is bad, and the first time he took the weekend off - the financial burden was huge. This time if it would be a week, that might do it for his business.

Mark Shepherd asked that Mike Haiar, Manager of Hy-Vee, be given a chance to speak as he was also in attendance at the meeting. Mr. Haiar noted that the violations had occurred before he was at the local store. They have made some changes at the store and the sale of alcohol there will now require a supervisor's code. They are ready to take whatever penalty Council would determine but also thinks a week long suspension would be harsh.

Mr. Shepherd said it was now Council's decision on whether to uphold the Liquor Committee's recommendations based on their policy of zero tolerance and graduated punishment, and reviewed other options they could choose. State Statute allows revocation, suspension for up to 60 days or up to a \$2,000 penalty, or any combination of such. Mayor Oberloh noted the Liquor Committee will be meeting to establish penalties for third violations now that second violations have occurred. Alderman Ten Haken asked when and if the clock would be reset regarding the number of violations. Mr. Shepherd said the Liquor Committee had talked about modeling it after a DWI, maybe two within five years, three within ten years.

Following discussion, the motion was made by Alderman Ten Haken, seconded by Alderman Wood and unanimously carried to impose the following penalties:

- \$500 fine or a weekend licence suspension for a first offense
- \$1,000 fine or a one week license suspension for a second offense

Alderman Ten Haken clarified that all four businesses in violation tonight would have those options even though some of them had already agreed to a license suspension.

Mark Shepherd suggested that Council determine the time frame for payment of the fines.

Alderman Ten Haken amended his motion to include a time frame of 30 days from the date of the hearing to pay the fine. Alderman Wood seconded the amended motion and it was unanimously carried.

In response to a question from Craig Sailor, Council further clarified that those businesses in violation had 30 days from the date of the hearing to a) notify the City of which penalty they chose and b) pay the fine if that is the penalty they chose. For those who chose a license suspension, they would also need to notify the City of their intended suspension dates by the end of the same 30 day period, and suspension must occur by the end of the year.

#### **REQUEST FOR APPROVAL OF AMELIA EARHART RECOGNITION**

Council considered a request from Bill Keitel and Jacoba Nagel for Council support to rename the point at the end of May Street, currently owned by Bruce Kness, as Earhart Point in recognition of Amelia Earhart who once lived in a home on the adjacent property now owned by Wayne Freese. Mr. Keitel said possibly an announcement by proclamation could be made at the Regatta this summer, with perhaps future plans of some type of plaque. Council determined it would be better to have a plaque in Chautauqua Park with recognition given to the point, rather than funneling people down a dead end street.

#### **RESOLUTION NO. 3455 ADOPTED REQUESTING LEGISLATIVE SUPPORT FOR LOCAL GOVERNMENT AID (LGA)**

The motion was made by Alderman Kuhle, seconded by Alderman Nelson and unanimously carried to adopt the following resolution urging the continued support of LGA with the start of the 2011 legislative session:

RESOLUTION NO. 3455

CITY OF WORTHINGTON RESOLUTION ON LGA

(Refer to Resolution File for complete copy of Resolution)

#### **ANNUAL APPOINTMENTS APPROVED FOR 2011**

The motion was made by Alderman Woll, seconded by Alderman Ten Haken and unanimously

carried to approve the annual appointments for 2011 as follows:

- Mayor Pro Tem - Lyle Ten Haken (elected unanimously by paper ballot)
- Annual Committee Appointments:
  - Scott Nelson - Employee Advisory Committee  
Heron Lake Watershed Restoration Association  
Traffic & Safety Advisory Board  
Convention & Visitors Bureau  
Worthington Rediscovered Committee  
Highway 60 Pedestrian & Landscaping Committee
  - Mike Woll - Employee Insurance Board of Trustees  
Downtown Parking Advisory Board  
Park & Recreation Advisory Committee  
Memorial Auditorium Advisory Board  
Worthington Rediscovered Committee  
Aquatic Center Committee
  - Mike Kuhle - Planning Commission  
Okabena - Ocheda Bella Clean Water Partnership Joint Powers Board  
WGTV-TV3 Public Access Channel Joint Powers Board  
Airport Advisory Board  
Lake Improvement Committee  
Highway 60 Pedestrian & Landscaping Committee
  - Ron Wood - Prairie Justice Center - City/County Joint Building  
Golf Advisory Board  
Transit Board Joint Powers  
Water & Light Commission  
Housing & Redevelopment Authority
  - Lyle Ten Haken - Economic Development Revolving Loan Fund  
Transit Board - Joint Powers  
Prairie Justice Center - City/County Joint Building  
Southwest Regional Development Commission  
City/County/School Joint Powers Board  
SW MN Regional Radio Advisory Committee
  - Alan Oberloh - Nominating Committee  
Okabena-Ocheda-Bella Clean Water Partnership Joint Powers Board

Liquor and Gambling Committee  
Economic Development Revolving Loan Fund  
Lake Improvement Committee  
E.O. Olson Trust Fund Board  
City/County/School Joint Powers Board

- Set City Council meeting dates and time as 7:00 p.m. the second and fourth Mondays of each month., In the event that a legal holiday falls on the second or fourth Monday, the Regular City Council meeting will be held on the following day (Tuesday).
- Designated the Daily Globe as the official newspaper.
- Appointed Janice Oberloh as the City Clerk and Mindy Eggers as the Assistant City Clerk (pursuant to Section 2.03 of the City Charter).
- Designated the following financial institutions as official depositories for the City of Worthington in 2011: Bank of the West, First State Bank Southwest, Rolling Hills Bank, United Prairie Bank, and Wells Fargo Bank and Investments.

#### **PLANS AND SPECIFICATIONS APPROVED FOR BUILD OUT OF BIO SCIENCE TRAINING & TESTING CENTER AND ADVERTISEMENT FOR BIDS AUTHORIZED**

The motion was made by Alderman Wood, seconded by Alderman Kuhle and unanimously carried to approve the plans and specifications for the Bio Science Training & Testing Center project and authorize the advertisement for bids upon receipt of the US EDA's approval of the same plans.

The project will be funded by state and federal grants and \$220,000 pledged by the City Council.

#### **ZONING APPLICATION AUTHORIZED TO REZONE FORMER CAMPBELL SOUP PROPERTY FROM "M-1" - LIGHT INDUSTRIAL AND "M-2" - GENERAL INDUSTRIAL TO "B-2" - CENTRAL BUSINESS DISTRICT**

The motion was made by Alderman Wood, seconded by Alderman Kuhle and unanimously carried to authorize the Mayor to execute the necessary zoning application forms and allow staff to move forward with the rezoning of the former Campbell Soup property.

#### **COUNCIL COMMITTEE REPORTS**

Mayor Oberloh - participated in a conference call with the CGMC Board of Directors, Mayors and Administrators - it's going to be an uphill battle with the new legislature...LGA has a target on its back and the Minnesota Chamber is going after it. Also reported on indications from Senator Magnus and Representative Hamilton that the new legislature is having issues among their own ranks.

Alderman Ten Haken - met a couple of times in the last few weeks with the Joint LEC Committee

looking at technology levels.

Alderman Kuhle - reported on an Airport Advisory Board meeting - they're scrapping the idea of a hangar next to the spray pad due to the proximity to the beacon. They have a marketing meeting set up with WREDC. Also reported on CVB meeting where they approved some policies and did some housekeeping. Also wanted to note that he has received many good comments about the good job City crews have done with snow removal this year.

Alderman Nelson - nothing to report.

Alderman Wood - the joint dispatch discussion will be Friday. Also - he and Alderman Ten Haken met with the Joint Powers Transit Board and it's time for rfp's to come out for taxi services.

Alderman Woll - reported on Auditorium project - it's coming along well, slightly ahead of schedule. Park Board continues to work with the \$250,000 - should see some action in the spring. The Park Board also took action to support keeping a green space at the former outdoor pool site.

#### **CITY ADMINISTRATOR'S REPORT**

Craig Clark, City Administrator, reported that he's had some initial proposals from Cornerstone and the management company regarding the hotel/event center on what the agreement would look like...they are continuing to move forward.

#### **ADJOURNMENT**

The motion was made by Alderman Woll, seconded by Alderman Ten Haken and unanimously carried to adjourn the meeting at 8:28. p.m.

Janice Oberloh  
City Clerk