

**WORTHINGTON CITY COUNCIL
REGULAR MEETING, JANUARY 28, 2019**

The meeting was called to order at 7:00 p.m. in City Hall Council Chambers by Mayor Mike Kuhle with the following Council Members present: Larry Janssen, Alan Oberloh, Chad Cummings, Amy Ernst, Mike Harmon. Honorary Council Member: Orville Janssen.

Staff present: Steve Robinson, City Administrator; Troy Appel, Public Safety Director, Dwayne Haffield, Director of Engineering; Jason Brisson, Director of Community Development, Planning, Zoning and Building Services; Janice Oberloh, City Clerk.

Others present: Justine Wettschreck, KWOA; Leah Ward, The Globe; Kelly Meyer, Ryan Weber, Bruce Kraft, Jason Schutz, Jess Noble, Brian Dorcey, Lyle Meyer, Chad Henderson; Tim Truesdell.

The Pledge of Allegiance was recited.

HONORARY COUNCIL MEMBER

Mayor Kuhle welcomed Orville Janssen as the Honorary Council Member for the months of January, February and March, 2019.

AGENDA CLOSED / APPROVED

The motion was made by Council Member Janssen, seconded by Council Member Cummings and unanimously carried to close / approve the agenda as presented.

CONSENT AGENDA APPROVED

The motion was made by Council Member Janssen, seconded by Council Member Ernst and unanimously carried to approve the consent agenda as follows:

- City Council Minutes of Annual Meeting January 14, 2019
- Water and Light Commission Minutes of January 22, 2019 and January 7, 2019
- Worthington Public Arts Commission Minutes of December 20, 2018
- YMCA Board of Directors Minutes of December 17, 2018
- Southwest Regional Development Commission Minutes of December 18, 2018 and November 18, 2018
- Park and Recreation Advisory Board Minutes of November 29, 2018
- Heron Lake Watershed Board Minutes of November 20, 2018
- Worthington Economic Development Authority Minutes of January 14, 2019
- Application for Exemption from Lawful Gambling Permit - Worthington Firefighters Relief Association
- No Build Easement and Agreement - JR & R Partnership and Yellow Company, LLC
- Bills payable and totaling \$2,135,175.20 be ordered paid

**SECOND READING PROPOSED ORDINANCE FAILED - CHANGE OF ZONE -
PROPERTY LOCATED ALONG SOUTH CRAILSHEIM ROAD SOUTH OF
SUTHERLAND DRIVE**

Pursuant to published notice this was the time and date set for the second reading of a proposed ordinance that would rezone the following legally described property from its current "R-1" - One Family Detached designation to "R-5" - Multi-Family, Medium and High Density:

The following described property, presently included in the "R-1" district, shall henceforth be included in the "R-5" district:

That part of the South Half of the Northeast Quarter and the North Half of the Southeast Quarter of Section 28, Township 102 North, Range 40 West, City of Worthington, Nobles County, Minnesota, described as follows:

Beginning at the southeast corner of Glenwood Heights First Addition, according to the recorded plat thereof; thence on an assumed bearing of South 89 degrees 37 minutes 02 seconds West, along the south line of said Glenwood Heights First Addition, a distance of 330.01 feet to the southwest corner of said Glenwood Heights First Addition; thence continuing South 89 degrees 37 minutes 02 seconds West a distance of 107.17 feet; thence South 0 degrees 24 minutes West a distance of 120.01 feet; thence continuing South 0 degrees 24 minutes West a distance of 671.74 feet; thence North 89 degrees 37 minutes 02 seconds East a distance of 443.18 feet to the west right of way line of County State Aid Highway No. 10; thence North 0 degrees 02 minutes 04 seconds West, along said west right of way line, a distance of 791.70 feet to the point of beginning.

Rezoning of the subject property is being requested by Midwest Sustainable Construction LLC and would allow for construction of two 27-unit apartments and an assisted living and daycare. Steve Robinson, City Administrator, noted that a successful second reading requires a four-fifths vote by Council.

Several people were in attendance at the meeting for this issue and spoke about their concerns regarding the project in that location, citing traffic and safety, parking, spot zoning, safety of children there. Some Council Members spoke in favor of the project, citing daycare needs and that denying the project could be harmful to future projects. Other Members were not in support of the project in that location, citing negative contact from constituents and concerns over the ability to maintain the facility as a higher-end apartment complex. Council Members Ernst and Janssen said they had not received any comments from anyone regarding the project.

Following a lengthy discussion, the motion was made by Council Member Janssen and seconded by Council Member Harmon to give a second reading to the proposed ordinance, with the following Council Members voting in favor of the motion: Janssen, Harmon, Ernst; and the following Council Members voting against the motion: Oberloh, Cummings. Motion failed.

RESOLUTION NO. 2019-01-06 ADOPTED ACCEPTING PROGRAM FUNDS - RE/MAX

Troy Appel, Public Safety Director, said RE/MAX Premier Realty generously donated \$1,000 to the Worthington Police Department to benefit police programs. The funds will be utilized to enhance WPD's Blue in the School program through purchases of books, pencils and other educational items officers will share with students and teachers.

The motion was made by Council Member Oberloh, seconded by Council Member Cummings and unanimously carried to adopt the following resolution accepting the funds:

RESOLUTION NO. 2019-01-06

A RESOLUTION ACCEPTING A DONATION OF FUNDS

(Refer to Resolution File for complete copy of Resolution)

RESOLUTION NO. 2019-01-07 ADOPTED ACCEPTING PROGRAM FUNDS - MARV AND JEANINE SPOMER

Marv and Jeanine Spomer generously donated \$500 to the Worthington Police Department to benefit police programs. Troy Appel, Public Safety Director, said the funds will be utilized to enhance WPD's Blue in the School program through purchases of books, pencils and other educational items officers will share with students and teachers.

The motion was made by Council Member Harmon, seconded by Council Member Ernst and unanimously carried to adopt the following resolution accepting the funds:

RESOLUTION NO. 2019-01-07

A RESOLUTION ACCEPTING A DONATION OF FUNDS

(Refer to Resolution File for complete copy of Resolution)

CONSIDERATION OF PUBLIC COMMENT ON BODY WORN CAMERA PROGRAM AND POLICY

The Worthington Police Department is in the process of implementing a Body Worn Camera (BWC) program. Troy Appel, Public Safety Director, said the Department has sought public comment through social media and is in the process of developing a policy. He was seeking public comment tonight. A draft policy was presented to Council for review and comment that was developed from other communities' policies and a model policy from the League of Minnesota Cities. Cameras would be issued to uniformed officers, including Sergeants, at the start of their shifts, and would be tested at that time. Activation would occur only when the officer is on a call. Failure to have the camera on or a camera that is not working will be documented through the program and audited bi-annually to be sure the program is being followed. Plans are to implement the program sometime in early summer. Based on a question from Council regarding funding, Chief Appel said it is hopeful that there will be enough funding through grants for the program.

Mayor Kuhle asked if there was anyone present who wished to comment on the proposed policy. No comments were received.

PROFESSIONAL SERVICES CONTRACT FOR PREPARATION OF RESIDENTIAL DEVELOPMENT LAYOUT APPROVED

Dwayne Haffield, Director of Engineering, said staff issued a Request for Proposal (RFP) to four firms for design services needed to bring a potential residential development through a preliminary design phase. The following proposals were received:

- Bolton and Menk \$34,500
- ISG \$49,280
- SEH \$37,500

The fourth firm, Ulteig Engineers, declined to submit a proposal. A subcommittee of the Housing Committee was appointed to evaluate the proposals and make a recommendation to Council. The firm of Bolton and Menk was selected based on the Committee's preference in the firm's approach to the layout development process. Mr. Haffield said fees were not a deciding factor, but they were evaluated for reasonableness. The proposed services do not include final design, permitting or construction phase services.

The motion was made by Council Member Cummings, seconded by Council Member Ernst and unanimously carried to approve the professional services contract with Bolton and Menk at the not to exceed fee of \$34,500, subject to approval of the document by the City Attorney.

The motion was made by Council Member Cummings, seconded by Council Member Ernst and unanimously carried to approve the Professional Services Contract for Preparation of Residential Development Layout with Bolton and Menk at the proposed not to exceed fee of \$34,500, subject to approval by the City Attorney, and to authorize the Mayor and Clerk to execute the document.

PROFESSIONAL SERVICES CONTRACT FOR FOX FARM ROAD BRIDGE REPLACEMENT APPROVED

At their November 13, 2018 meeting, Council approved a cooperative construction agreement with Nobles County providing for development of plans for the replacement of the Fox Farm Road bridge nearest Crailsheim Drive. It was noted to Council at that time that the services of a consultant would also be required to provide for the hydraulic design of the bridge replacement. The amount budgeted for the hydraulic design was \$5,000 based on the County's experience with similar services, with a total budget including Nobles County of \$10,000. The proposed fees from AE2S are \$5,500. Dwayne Haffield, Director of Engineering, said the need for a budget amendment will be determined as actual costs for the County and consultant's work are incurred.

The motion was made by Council Member Oberloh, seconded by Council Member Harmon and unanimously carried to approve the contract with AE2S for Fox Farm Road Bridge Replacement, subject to approval of the document by the City Attorney, and to authorize the Mayor and Clerk to execute the document.

COUNCIL COMMITTEE REPORTS

Mayor Kuhle - Reported on the Joint City/County/School College meeting - Council Member Harmon and Steve Robinson, City Administrator also attended.

Council Member Janssen - No report.

Council Member Oberloh - Reported on an ATV Committee meeting - Council Member Janssen also attended.

Council Member Cummings - No report.

Council Member Ernst - No Report.

Council Member Harmon - Reported on the Joint City/County/School/College meeting. Attended a Water & Light Commission meeting on Monday - minutes were in the packet.

CITY ADMINISTRATOR'S REPORT

Steve Robinson, City Administrator, said the we may close the Liquor Store an hour or two early tomorrow with the extreme cold weather that is forecasted.

CLOSED SESSION UNDER MINN. STATUTE § 13D.05, SUBD, 3 (C)(3) - REAL ESTATE ACQUISITION - PARCEL NO. 31-3845-000

Mayor Kuhle announced that Council would be going in to closed session under Minnesota Statute § 13D. 05, Subd., (3)(c) - Real Estate Acquisition - Parcel 31-3845-000.

The motion was made by Council Member Oberloh, seconded by Council Member Harmon and unanimously carried to close the meeting at 8:14 p.m.

Those not entitled to stay left the meeting.

The motion was made by Council Member Ernst, seconded by Council Member Cummings and unanimously carried to re-open the meeting at at 8:36 p.m.

ADJOURNMENT

The motion was made by Council Member Oberloh, seconded by Council Member Ernst and unanimously carried to adjourn the meeting at 8:37 p.m.

Janice Oberloh, MCMC
City Clerk