

**WORTHINGTON CITY COUNCIL  
REGULAR MEETING, FEBRUARY 24, 2020**

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: Chad Cummings, Amy Ernst, Alan Oberloh, Larry Janssen. Mike Harmon (excused).

Staff present: Steve Robinson, City Administrator; Jason Brisson, Assistant City Administrator/Economic Development Director; Jeremiah Cromie, City Planner; Dwayne Haffield, Director of Engineering; Mindy Eggers, City Clerk.

Others present: Ryan McGaughey, The Globe.

The Pledge of Allegiance was recited.

**AGENDA CLOSED / APPROVED**

Staff noted there were additions to the agenda under Administration, *E.5. Cost of Sharing for Government Relations Services Advocating on Behalf of the City/County/School WELL Project*, and under Community/Ec. Development, *G.2. Outdoor Aquatic Center Award Contract*.

A motion was made by Council Member Jansen, seconded by Council Member Cummings and unanimously carried to approve the additions to the agenda as presented.

**CONSENT AGENDA APPROVED**

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

- City Council Minutes of Regular Meeting of February 10, 2020
- Economic Development Authority Meeting Minutes of February 10, 2020
- Park & Recreation Advisory Board Meeting Minutes of February 3, 2020
- LEC Joint Powers Board Meeting Minutes of November 21, 2019
- Application to Conduct Off-Site Gambling - Worthington Hockey Association
- Amendment of Lease - State of Minnesota Department of Public Safety
- Bills payable and totaling \$2,361,624.85 be ordered paid

**SECOND READING PROPOSED ORDINANCE TO AMEND TITLE XV OF THE CITY CODE OF WORTHINGTON, NOBLES COUNTY, MINNESOTA - OUTDOOR SEATING AREA**

Pursuant to published notice, this was the time and date set for the second reading of a proposed ordinance to Amend Title XV of the City Code of Worthington, Nobles County, Minnesota - Outdoor Seating Areas.

Adoption of the proposed ordinance will create a new land use in Section 155: Appendix E

Table 5 entitled “Outdoor Seating Areas” defined as “An outdoor seating/serving area compact and contiguous to a bar, tavern, restaurant, café, coffee shop, brewery, brewpub, or distillery subject to §155.085(G)” that are permitted by right in a “B-2”, “B-3”, “B-4” district.

A motion was made by Council Member Cummings, seconded by Council Member Oberloh and unanimously carried to give a second reading to the proposed ordinance.

**SECOND READING PROPOSED ORDINANCE TO AMEND TITLE XV OF THE CITY CODE OF WORTHINGTON, NOBLES COUNTY, MINNESOTA TO REZONE PROPERTY FROM “TZ” (TRANSITION ZONE) TO “R-1” (ONE FAMILY DETACHED)**

Pursuant to published notice this is the time and date set for the second reading of a proposed ordinance amending Title XV of the City Code of Worthington, Nobles County, Minnesota to Rezone Property from “TZ” (Transition Zone) to “R-1” (One Family Detached) as follows:

The City of Worthington is considering a change of zone of approximately 2.15 acres that the City of Worthington owns North of Sutherland Drive and approximately 120 feet West of Sterling Avenue The City is considering rezoning the property from its current “TZ” Transitional Zone designation to “R-1” - One Family Detached designation.

A motion was made by Council Member Ernst, seconded by Council Member Janssen and unanimously carried to give a second reading to the proposed ordinance.

**PROFESSIONAL SERVICES AGREEMENT FOR 10<sup>TH</sup> STREET PLAZA AND SHELTER AND RESTROOM FACILITIES APPROVED**

Steve Robinson, City Administrator explained that on behalf of the Community Growth Committee, staff requested a proposal from SEH to perform architecture and engineering services for design, construction and bid documents for a shelter and restroom facility at the 10th Street Plaza. He said the shelter, as proposed in conceptual design, will be approximately 5,500 square feet with sidewall height that will accommodate parking underneath by cars and small trucks. The restroom building will have three separate single occupant facilities. The restrooms will be heated for year around use.

Mr. Robinson explained the scope of work includes architecture, structural engineering, mechanical engineering, and electrical engineering services. Civil/site engineering services are being provided separately by Larye Mick. Project fees are \$38,000.00 plus reimbursable expenses (estimated at 3% to 5% of the project fees).

Council Member Oberloh asked what was driving up the expenses of this project. Mr. Robinson said the bathroom will be a year round facility and the shelter is a custom design because of the need to reduce the number of columns and clear height.

A motion was made by Council Member Ernst, seconded by Council Member Cummings to approve the proposal with the following Council Members voting in favor of the motion: Ernst, Cummings, Janssen; and the following Council Members voting against the motion: Oberloh. Motion carried.

**FIELD HOUSE STRUCTURAL ENGINEERING FEE AMENDMENT APPROVED**

Steve Robinson, City Administrator, stated staff has been consulting with the Field House design architects and engineers exploring the option of adding a mezzanine above the lobby area to enhance the spectator viewing of the turf sports area. This would allow for spectator viewing through glass overlooking the fields. He explained there are several specific building codes that apply to mezzanines that must be met including total area, length of travel back to the main floor level and accessibility. The additional fee of \$12,400.00 for structural engineering and building code references has been requested from SEH, the project designer for the addition of the mezzanine.

A motion was made by Council Member Oberloh, seconded by Council Member Ernst and unanimously carried to approve the structural engineering fee amendment.

**COST SHARING FOR GOVERNMENT RELATIONS SERVICES ADVOCATING ON BEHALF OF THE CITY/COUNTY/SCHOOL WELL PROJECT APPROVED**

Steve Robinson, City Administrator, stated the City/County/School Committee is recommending that the three entities retain the services of Faegre Drinker Consulting to perform government relations services at the state legislature on behalf of the collaborative WELL project. The fee is \$20,000.00 with the recommendation that it be apportioned as follows:

Nobles County 40% \$8,000.00  
ISD 518 40% \$8,000.00  
City of Worthington 20% \$4,000.00

Council Member Oberloh stated the lobbying should be done by representatives of the entities, he does not support hiring a lobbyist. Mr. Robinson said that the County and School District have already approved the expenditures.

A motion was made by Council Member Ernst, seconded by Council Member Cummings to approve one third of the consultant services. Council Members voting in favor of the motion: Ernst, Cummings, Janssen; and the following Council Members voting against the motion: Oberloh. Motion carried.

**CONSTRUCTION PHASE PROFESSIONAL SERVICES FOR TENTH AVENUE BRIDGE APPROVED**

Dwayne Haffield, Director of Engineering, stated on January 13, 2020 Council awarded a contract

for the 10th Avenue Bridge replacement project. He explained construction is to begin no sooner than August 1, 2020 and the current contract with the firm of SEH was for design, permitting and bid services only. Mr. Haffield said it is recommended that SEH provide all construction phase services for this even though the city normally does it's own construction supervision.

He explained the estimated amount of the construction phase services is \$81,642. The total amount of the professional services contract is \$140,062 or about 11% of the amount of the construction contract. The past and proposed fees are within the total project budget of \$1,585,000. A 10% project contingency remains available in the budget.

A motion was made by Council Member Ernst, seconded by Council Member Cummings and unanimously carried to approve the contract amendment.

**FIRST READING PROPOSED ORDINANCE - TEXT AMENDMENT - CITY OF WORTHINGTON (COMMERCIAL TOWERS IN RESIDENTIAL DISTRICTS)**

At the February 10, 2020 City Council Meeting, Council wanted to amend an ordinance of a first reading to disallow commercial towers in residential districts to make it clear that the towers are only to be used solely in support of the school, hospital or other institutional use. The revised language in the proposed §155.072(F) reflects the change.

*(F) Commercial Communication Towers are not permitted in Residential Districts unless the principal land use is a school, hospital or other institutional use. Any Commercial Communication Towers located on property used primarily for a school, hospital or other institutional use must be utilized solely in support of the operations of the primary land use. Any commercial tower accessory to a school, hospital or other institutional use over 50 feet in height requires a conditional use permit in accordance with §155.186.*

The motion was made by Council Member Oberloh, seconded by Council Member Janssen and unanimously carried to give a first reading to the proposed ordinance.

**OUTDOOR AQUATIC CENTER AWARD CONTRACT APPROVED**

Jason Brisson, Assistant City Administrator/Director of Economic Development, stated after discussion regarding City staff's experience working with the consultant Waters Edge regarding the proposed budget for reimbursable expenses and the project schedule, Council directed staff to contact the other interested firm, US Aquatics, to revisit discussion on the project. US Aquatics submitted the proposed contract from Short Elliot Hendrickson (SEH) Inc. The proposed opening date of the expanded aquatic center is June 15, 2021 and the proposed fees are as follows:

<u>SEH Expense Type</u>	<u>Amount</u>
Non-Reimbursable Expenses	\$390,000

<u>Reimbursable Expenses</u>	<u>\$19,500</u>
Total	\$409,500

For comparison, the proposed expenses from Waters Edge are as follows:

<u>Waters Edge Expense Type</u>	<u>Amount</u>
Non-Reimbursable Expenses	\$370,000
<u>Reimbursable Expenses</u>	<u>\$17,000</u>
Total	\$387,000

Mr. Brisson explained site surveying, geotechnical work, special inspections, bid advertising, and permitting are not included in the SEH or Waters Edge proposals. City staff has allocated approximately \$200,000 for these services and other incidental expenses in the overall project budget. He said, the proposal from SEH is \$22,5000 above the amount proposed by Waters Edge but based on a \$5 million total project cost, the \$22,500 variance represents approximately 0.45% of the total project cost.

Mr. Robinson explained that US Aquatics was contacted about submitting a proposal and they contacted SEH, Inc. to take the construction lead on the project. US Aquatics will however be the pool designer.

Council Member Cummings stated he would prefer having the pool open a full year sooner than what Waters Edge had proposed in the beginning. Mr. Brisson stated the updated schedule received from Waters Edge had modified the completion date to 2021. He said the committee has not met for a few weeks but had recommended Waters Edge for their creativity.

Mr. Robinson said bonding for this project will take place later this summer.

A motion was made by Council Member Cummings, seconded by Council Member Ernst and unanimously carried to award the contract to SEH, upon satisfactory resolution from the City Attorney.

### **COUNCIL COMMITTEE REPORTS**

Mayor Kuhle - Attended a workshop called Rebuilding Together, the group works to rehab and enhance single family homes, they are doing projects in Windom, Jackson and Worthington.

Council Member Janssen - Attended the same workshop as the Mayor, the group has a lot of projects for the rehabilitation of homes and are currently looking for volunteers.

Council Member Oberloh - No report.

Council Member Cummings - No report.

Council Member Ernst - No report.

Council Member Harmon - No report.

**CITY ADMINISTRATOR'S REPORT**

Steve Robinson, City Administrator, said Todd Wietzema and himself met with the Early Riser Kiwanis group about the All Inclusive Park that they are fundraising for. They have already raised \$51,000.00 and have been awarded a \$125,000 matching grant from the Healthcare Foundation. The theater building is coming along, the outside color looks great and they will start to pour the floors in the next week. The field house plans should be completed in the next week.

**ADJOURNMENT**

The motion was made by Council Member Janssen, seconded by Council Member Oberloh and unanimously carried to adjourn the meeting at 7:38 p.m.

Mindy L. Eggers, MCMC  
City Clerk