

**WORTHINGTON CITY COUNCIL
REGULAR MEETING, MARCH 11, 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; Todd Wietzema, Public Works Director; Jason Brisson, Director of Community Development, Planning, Zoning and Building Services; Dwayne Haffield, Director of Engineering; Janice Oberloh, City Clerk.

Others present: Leah Ward, The Globe; Andy Johnson, YMCA.

HONORARY COUNCIL MEMBER

Mayor Kuhle welcomed Orville Janssen as the Honorary Council Member for the months of January, February and March, 2019, and presented him with a certificate for his service. Mr. Janssen said it was not what he expected - he learned a lot and appreciated it, and thanked Council for the opportunity.

AGENDA CLOSED / APPROVED

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

CONSENT AGENDA APPROVED

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

- City Council Minutes of Regular Meeting February 25, 2019
- Minutes of Boards and Commissions - Planning Commission Minutes of March 5, 2019; Water and Light Commission Minutes of March 4, 2019; Worthington Public Arts Commission Minutes of February 21, 2019; Housing and Redevelopment Authority Minutes of January 29, 2019
- 2019 Park User Fees as presented
- Bills Payable and totaling \$861,275.82 be ordered paid

NOMINATING COMMITTEE RECOMMENDATIONS FOR COMMITTEE APPOINTMENTS / REAPPOINTMENTS APPROVED WITH ADJUSTMENT

The Nominating Committee met on March 6, 2019 and were making the following recommendations for Committee appointments / reappointments:

Center for Active Living Committee

Appoint Aida Simon for a three-year term to

replace Jerry Perkins who was not eligible for another term, term to expire 12/31/2021

Planning Commission -

Appoint Andy Berg to replace Ryan Weber who declined to serve a second term, term to expire 03/31/2022

Water and Light Commission -

Reappoint Mike Harmon for a second three-year term, term to expire 03/31-2022

Reappoint Lyle Ten Haken for a second three-year term, term to expire 03/31/2022

Steve Robinson, City Administrator, noted that the appointment for the Center for Active Living Committee was to be pulled as there appeared to be a conflict with meeting times for the Nominee, along with the reappointment of Lyle Ten Haken to the Water and Light Commission to allow for discussion of his ability to attend meetings during the winter months.

The motion was made by Council Member Ernst, seconded by Council Member Cummings and unanimously carried to approve Committee appointments / reappointments as recommended by the Nominating Committee, excluding the appointment of Aida Simon to the Center for Active Living Committee and reappointment of Lyle Ten Haken to the Water and Light Commission.

POSITION GUIDELINES AND SALARY GRADES APPROVED

Steve Robinson, City Administrator, said based on the discussion at the City Council planning session January 23, 2019, Administration was requesting the creation of staff positions that may be filled to further our ability to serve our constituents. The positions include:

- Assistant City Administrator/Director of Economic Development - Salary Classification of E-9
- City Clerk - Salary Classification of E-4
- Human Resources Assistant and Compensation Specialist - Salary Classification of N-15
- City Planner - Salary Classification of N-9

Position Guidelines / Essential Duties and Position Classifications were presented for each of the positions. Mr. Robinson said the changes would result in one additional employee with an impact in salary to the budget of \$31,400, and with benefits would be about \$37,800. The purpose was to address workload imbalance, separate some job duties that are schedule and calendar driven, and putting job descriptions where the duties would align with the realistic talent pool expectations and further our focus on customer service. The positions would not be filled immediately but Staff was

requesting approval to add them to our salary grade position schedule. Space needs for the new City Planner and related department were also discussed.

The motion was made by Council Member Cummings, seconded by Council Member Ernst and unanimously carried to approve the position guidelines and salary grades as presented.

2019 YMCA PROGRAM FEES APPROVED

Todd Wietzema, Public Works Director, said the Park and Recreation Advisory Board had reviewed the proposed 2019 YMCA program fees at their March 6, 2019 meeting. The proposed rates showed little or no increase over 2018. The summer program fees will include a \$1 increase. Andy Johnson, Executive Directory of the YMA, was present at the meeting to answer any questions regarding the programs and proposed fees.

The motion was made by Council Member Cummings, seconded by Council Member Oberloh and unanimously carried to approve the 2019 YMCA program fees as presented.

2019 PRIVATE DOCKS ON PUBLIC PROPERTY

Per the City's policy regarding private docks on public property, the City Council shall annually set the number of private docks allowed on public property and set the annual permit fee. In 2018, Council set the number of docks allowed at 15, and increased the permit fee from \$150 to \$165. Twelve permits were issued. In response to a question from Council, Todd Wietzema, Public Works Director, said the fee does adequately cover the costs of staff time involved in issuance and inspection of the docks.

The motion was made by Council Member Oberloh, seconded by Council Member Harmon and unanimously carried to set the number of private docks allowed on public property at 15, and to leave the permit fee at the 2018 rate of \$165.

REVIEW OF CENTENNIAL BEACH NOOK BATHROOM BIDS AND AWARD OF CONTRACT

Todd Wietzema, Public Works Director, said the following bids were received on March 6, 2019 for the Beach Nook Bath House project in Centennial Park:

	<u>Base Bid</u>	<u>Alt. 1</u>	<u>Alt. 2</u>
Tri-State Contracting	\$439,662.00	\$9,550.00	\$20,521.00
Breenen Company	\$469,500.00	\$19,500.00	\$19,500.00
Sussner Construction	\$479,100.00	\$10,200.00	\$26,600.00

Van Grouw Construction	\$482,000.00	\$15,000.00	\$15,600.00
Wilcon Construction	\$488,450.00	\$13,300.00	\$21,450.00
Bladhome Inc.	\$616,000.00	\$12,700.00	\$19,400.00

Brunton Architects had reviewed the bids and recommended the City accept Tri-State Contracting's base bid of \$439,662.00. Staff was recommending that we also accept their bid of \$9,550.00 for Bid Alternate Number 1, but that we not accept Bid Alternate Number 2 for the solar system at this time to allow Staff to check the value and to look at other funding sources. Mr. Wietzema said Tri-State has agreed to hold the bid amount for Alternate No. 2 for 14 days from award of the contract.

The motion was made by Council Member Ernst, seconded by Council Member Oberloh and unanimously carried to award the bid for the Beach Nook Bath House project to Tri-State Contracting in the combined amount of \$449,212.00 for the base bid and Alternate No. 1.

REVIEW OF CENTENNIAL BEACH NOOK UTILITY AND LANDSCAPING BIDS AND AWARD OF CONTRACT

Todd Wietzema, Public Works Director, said the following bids were received on March 6, 2019 for the Centennial Park Beach Nook Bath House Trails and Utilities portion of the project:

<u>Bidder</u>	<u>Total Bid Amount</u>
Reker Const. & Aggregate	\$190,333.95 (As Read)
Duinink, Inc.	\$194,721.45
D & G Excavating, Inc.	\$207,908.64
Henning Construction, Inc.	\$222,457.00
Hulstein Excavating, Inc.	\$248,245.33

Bolton & Menk, the City's Engineer for the project, had noted in their bid tabulation and recommendation letter, that a unit price bid tabulation was prepared and the bid from Reker Construction and Aggregate was considered as unresponsive. Mr. Wietzema said the bid contained tabulation problems based on an incorrect form that was used. Bolton and Menk were recommending award of the bid to Duinink, Inc. as the low qualified bid in the amount of \$194,721.45. The bid is \$467,000 less than when the total project was bid together last year.

The motion was made by Council Member Ernst, seconded by Council Member Oberloh and unanimously carried to award the bid for the Centennial Beach Nook Utility and Landscaping project to Duinink, Inc. as the low qualified bidder in the amount of \$194,721.45.

RESOLUTION NO. 2019-03-09 ADOPTED RECEIVING REPORT AND CALLING FOR HEARING ON PROPOSED IMPROVEMENT

Staff presented a feasibility report on the improvement of East Avenue from C.S.A.H. 5 to 580 feet east, requesting that Council receive the report and order a hearing for the project to be held at 7:00 p.m. on March 25, 2019 at the regular City Council meeting. Dwayne Haffield, Director of Engineering, said the report outlines information on the project, which is a little different from a straight-forward project in that we would be implementing something not quite to City standards, but trying to fit City standards in out there at this time, until that area transforms a bit, would not be prudent. The improvement was by petition from the Worthington Housing and Redevelopment Authority, who owns Rising Sun Estates, which abuts the road segment.

The motion was made by Council Member Oberloh, seconded by Council Member Harmon and unanimously carried to adopt the following resolution receiving the report and call for a hearing to be set for 7:00 p.m. on Monday, March 25, 2019 at the regular City Council meeting:

RESOLUTION NO. 2019-03-09

RECEIVING REPORT AND CALLING FOR HEARING ON PROPOSED IMPROVEMENT

(Refer to Resolution File for complete copy of Resolution)

FIRST READING PROPOSED ORDINANCE - TEXT AMENDMENT TO REMOVE "L" ZONED PROPERTIES FROM CITY CODE SECTION §155.145 (B)2(b)5 ZONING PROVISIONS

The required setback for any general development on the lakeshore of Lake Okabena is 50 feet. An exception to the requirement exists for water oriented accessory structures - one water oriented accessory structure of no more than 250 square feet in size and no more than 10 feet is permitted on each lakeshore property in the City. At their February 5, 2019 meeting, the Planning Commission stated it's desire to approve a variance to Section § 155.145 (B)(2)(b)(5), which requires that water oriented accessory structures must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities. The Board felt there had been no negative effects to the quality of public waters from the numbers of legally nonconforming "L" properties that do not meet this requirement, or from a variance to this requirement that was granted in 2012. To maintain the integrity of the variance process, staff recommended that the Planning Commission instead consider a text amendment to the City Code to revisit the Ordinance requirement of Section § 155.145 (B)(2)(b)(5) rather than approve a variance from the Ordinance. At their March 5, 2019 meeting, the Planning Commission voted 3-2 to recommend a text amendment to the City Code that would exempt "L" zoned properties from this City Code section. All water and sewer regulations not contained within this subsection would still apply. Through State mandate, the City adopted its Shoreland Overlay Ordinance in 1995 with assistance from the DNR.

Staff presented a proposed ordinance that would remove "L" zoned properties from City Code

Section § 155.145 (B)(2)(b)(5) for Council consideration. Jason Brisson, Director of Community Development, Planning, Zoning and Building Services noted, however, that no land use applications have been received in this matter, so the requirement for a 60 day response does not apply. Council Member Ernst said this ordinance change would only allow them to hook up to water and sewer that is already there, it doesn't change anything else. Council Member Oberloh said the applicant on this particular property does not have water service there, how does he get it? Council Member Ernst replied it is up to him to figure out how to get water there if none exists. Mr. Brisson said Council has the authority to mandate that the structures could not be used for habitation, that only sewer and water could be there.

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

COUNCIL COMMITTEE REPORTS

Mayor Kuhle - On March 4th he and Mr. Robinson testified before House Sub-Committee regarding the City's proposed sales tax - it went well, they received some good comments. He asked how the City's snow removal budget was coming and if we have an action plan for flooding. Mr. Robinson said he would address those questions in his report.

Council Member Janssen - attended a NEON meeting - they talked about the impact of large equipment on the County roads, along with a discussion on day care.

Council Member Oberloh - noted he had received a call from someone regarding a meeting the County was holding to look at potentially changing their current feed lot rule. He was unavailable for the meeting so contacted Mr. Robinson requesting that someone from the City attend that meeting. There was much opposition to the proposed change.

Council Member Cummings - The Memorial Auditorium Advisory Board met and are getting ready for the upper level seat project - they are looking for cost savings like cleaning instead of replacing the carpet on that level. Noted upcoming movies and said the attendance for movies continues to grow. Reminded everyone of the upcoming YMCA Cruise Dinner and Hospice Banquet.

Council Member Ernst - NEON is really looking to get behind a project. Community Growth Committee met and approved their project this afternoon.

Council Member Harmon - the Water and Light Commission met, those minutes were in the packet. The wells are above normal, and there will be a summer dive inspection in the big tank this summer. They also met with a potential architect for the conversion of the blue building.

CITY ADMINISTRATOR'S REPORT

Steve Robinson, City Administrator, also mentioned the meeting with the architect for the conversion of the blue building. Community Growth Committee met on the 7th regarding the Beach

Nook and Plaza projects, and the Entertainment team meets on Thursday the 14th for updated drawings and site plans regarding the theater. March 20th is the deadline to submit quotes for the Auditorium Seat project. Last week he spoke with the Commissioner of Human Rights - the Governor's budget includes opening an office here in Worthington, pending approval by the Legislature. If that happens we may assist them with local contacts.

The Public Works budget through February shows that a little over 49% of the snow removal budget had been used, but we have a 5 to 6 month snow removal season. We've used almost 50% of the budget but are only 35 to 40% through the budget year. With the time being spent moving snow, crews have spent less time on other winter projects, so we're 16.67% through the budget year but total spent is 16.1%.

Todd Wietzema, Public Works Director, added that they are busy trying to free up catch basins, but he is not concerned about flooding in the city. He noted he has a great crew.

ADJOURNMENT

The motion was made by Council Member Oberloh, seconded by Council Member Ernst and unanimously carried to adjourn the meeting at 8:05 p.m.

Janice Oberloh, MCMC
City Clerk/HR Asst.