

**WORTHINGTON CITY COUNCIL
REGULAR MEETING, MARCH 12, 2018**

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: Jason Turner.

Staff present: Steve Robinson, City Administrator; Todd Wietzema, Public Works 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; Karl Evers-Hillstrom, the Globe; several community members present regarding the application for a conditional use permit.

The Pledge of Allegiance was recited.

HONORARY COUNCIL MEMBER

Mayor Kuhle welcomed Jason Turner as the Honorary Council Member for the months of January, February and March, 2018.

AGENDA CLOSED/APPROVED

Staff requested an addendum to the consent agenda of item D.1.b. *City Council Minutes of Regular Meeting February 26, 2018.*

The motion was made by Council Member Harmon, seconded by Council Member Ernst and unanimously carried to close/approve the agenda with the requested addition.

CONSENT AGENDA APPROVED

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

- City Council Minutes of Special Meeting February 21, 2018 and Regular Meeting February 26, 2018
- Minutes of Boards and Commissions - Planning Commission Minutes of March 6, 2018; Water and Light Commission Minutes of February 20, 2018; Park and Recreation Advisory Board Minutes of February 15, 2018; NEON Committee Minutes of February 8, 2018; Employee Advisory Board Minutes of February 9, 2018; Housing and Redevelopment Authority Board Minutes of January 30, 2018; Center for Active Living Committee Minutes of February 12, 2018
- Application for Temporary On-Sale Liquor License - Avera Medical Group Worthington
- Ratification of Purchase Agreement - Parcels 31-3889-000,31-3885-500, 31-3887-500
- Bills payable and totaling \$2,752,124.41 be ordered paid

PROFESSIONAL SERVICE AGREEMENT WITH CBS SQUARED APPROVED

Steve Robinson, City Administrator, said the purchase agreement for the MC Fitness Building includes a due diligence contingency that allows the City to perform a condition assessment of the building, develop schematic designs and prepare estimates of probable costs for remodeling. Staff was recommending the Architecture and Engineering firm of CBS Squared of Chippewa Falls, WI based on experience in programming and design of public works facilities of their Principal Architect, Bob Sworski. The proposal is at a not to exceed fee of \$12,725.00.

The motion was made by Council Member Oberloh, seconded by Council Member Harmon and unanimously carried to approve the professional services agreement with CBS Squared.

RESOLUTION NO. 2018-03-01 ADOPTED APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS

Dwayne Haffield, Director of Engineering, said plans and specifications for the North Crailsheim Drive Sewer and Water improvements project have been completed by Bolton and Menk, as ordered by Council at their January 23, 2018 meeting. Staff was requesting that Council adopt a resolution approving the plans and authorizing advisement for bids to be received on April 6, 2018 and considered for award at the April 9, 2018 meeting.

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

RESOLUTION NO. 2018-03-01

APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS

(Refer to Resolution File for complete copy of Resolution)

COUNTY DITCH 12 FLOOD MITIGATION PROJECT ACTION TAKEN

Plans and specifications for the County Ditch 12 Flood Mitigation project have been prepared and the project is able to be advanced to advertising for bids for construction this year. Dwayne Haffield, Director of Engineering, said staff was looking for Council approval of three items now.

The first is to approve purchase agreements for two properties and the easement agreement for three other properties. The compensation for them is as was presented as appraised to Council last year, therefore, staff was recommending approval of them, or Council could choose to go into closed

session for further discussion.

The second item is that we need construction phase services out of the consultant AE2S. Task Order No. 2 was provided in the agenda and covers ordinary construction and bidding phase services including a field inspector. Fees of \$278,000 are estimated and are quite variable as you get into the construction phase and eminent domain.

The third request is to approve the plans and specifications and authorize advertisement for bids for the construction. Excavation of the pond could go on for several months over Ryan's Road and Highway 59. Oxford Street will be kept open to traffic but there will be lane shifts, and will extend past Labor Day. Oslo Street closure will not go beyond Labor Day.

Mr. Haffield reported that the 606 fund continues to build reserves so Council could look at putting more than the \$750,000 cash towards the project, and which may allow options other than bonding. There are still two pieces of land left that it appears will go through eminent domain.

The motion was made by Council Member Harmon, seconded by Council Member Janssen and unanimously carried to approve the purchase and easement agreements.

The motion was made by Council Member Ernst, seconded by Council Member Cummings and unanimously carried to approve the Task Order No. 2 with AE2S for bidding and construction phase services.

The motion was made by Council Member Ernst, seconded by Council Member Harmon and unanimously carried to approve the plans and specifications and authorize advertisement for bids to be received on April 5, 2018 and considered for award at the April 9, 2018 Council meeting.

CONDITIONAL USE PERMIT TABLED - TSADKANE MARIAM

Tsadcane Mariam was seeking issuance of a conditional use permit for property owned by Timothy Blume and located along South Crailsheim Road just south of Sutherland Drive. Approval of the permit would allow the applicant to erect and operate a church on the subject property. The proposed facility is 24,792 square feet. Jason Brisson, Director of Community Development, Planning, Zoning and Building Services, said public institutional and cultural uses, including churches, are permitted in the "R-1" - Single Family Detached zoning district, which is the zoning classification of the subject property, through a conditional use permit. The legal description of the property is:

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 to an iron monument; thence South 0 degrees 24 minutes West a distance of 120.01 feet to a stone monument; thence continuing South 0 degrees 24 minutes West a distance of 671.74 feet to an iron monument; thence North 89 degrees 37 minutes 02 seconds East a distance of 443.18 feet to an iron monument located on 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.

The Planning Commission considered the request at their March 6, 2018 meeting, and after holding a public hearing, voted 4-1 to approve the conditional use permit with the following conditions:

1. Maintain compliance with Worthington City Code Chapter 155: Appendix B: Table 2 requiring that all parking and loading space needs generated by development shall be accommodated off-street. Such spaces shall not be less in number than the parking and loading requirements of Worthington City Code Chapter 155: Appendix B: Table 2;
2. Maintain compliance with the Worthington City Code Chapter 155: Appendix A: Table 1 height requirements for the "R-1" - One Family Detached zoning district;
3. The facility have seating for no more than 406 people to ensure compliance with Worthington City Code Chapter 155: Appendix B: Table 2 regulating required parking;
4. Improvements are done in accordance with the application, the plans submitted with the application and included with this Case Item with the exception of non-material amendments approved by the City Zoning Administrator;
5. The site must comply with NPDES storm water permitting requirements;
6. Maintain compliance with Worthington City Code section § 155.044 regulating objectionable noise;
7. Maintain compliance with Worthington City Code sections § 155.042 and § 155.044 regulating exterior lighting;
8. Maintain compliance with Worthington City Code Chapter 153 regulating signage;
9. All vehicle access to the site must come directly from County Road 10;
10. The applicant must install and maintain visual screening of the property on the north, west and south sides in the form of coniferous trees and berm; and
11. The Planning Commission must approve an updated site plan illustrating access to the site from County Road 10.

Mr. Brisson stated that the Planning Commission added the last three of the conditions, and he also reviewed the public input he had received regarding the proposed CPU, which offered both support and opposition.

Mayor Kuhle said he would allow two people on each side of the issue speak. Council Member Oberloh said a lot of people took the time to come and he would like to hear what they had to say. Council Member Ernst suggested that a time limit be imposed as they already had a hearing at the Planning Commission meeting.

Dennis Rick, Glenwood Heights resident - spoke in opposition of the CUP citing neighborhood concerns, no tax revenue, declining home values and traffic and safety. You should table this and find other options.

Dessaleyn Abraha, President of their church - spoke in favor of the CUP, thanking the Mayor and Council and those supporting them, noting the church would empower them and make them willing to invest in the city, citing the need for discipline for their children, and that it would be a center of excellence for their people who don't speak or write English. It would help them share their culture and language and will bring others to the community. They have about 400 followers here now, most show up at baptisms or special occasions, 100 to 150 at a regular service, between 6:00 a.m. and 1:00 p.m. on Sundays.

Mayor Kuhle asked if they had looked at other properties, to which Mr. Abraha responded yes, for five years, and they felt this was their only option.

Tsegaye Bayou, Board Member - spoke in favor of the CUP stating they need a church here to keep them a strong community - they love Worthington and most of them work at JBS. They need a church here for their children. All their activities would be inside.

Justin Larson, Glenwood Heights resident - spoke against the CUP, he attends the Lutheran Church and knows these people - it's not about that, it's about following the comprehensive plan, and keeping the property on the tax rolls. He will continue to work with them until they find a location. They want to build to hold 400 people.

Rebecca McGaughey, 1st Lutheran Church Council President - they have a respectful relationship with that congregation, they've just outgrown their space at 1st Lutheran. She supports their effort.

Pastor Jeannette McCormick, 1st Lutheran Church - known them a little over a year, they would be great neighbors. She has no expectations of them worshipping outdoors. There is not enough space for all of them at baptisms now.

Len Bakken, JBS - started working with them about a year ago, they need at least four acres - this

site is five acres. We're known for our diversity, it's who we are, it will draw more people that will stay. Some are refugees that can't go home, and they want a space that looks and feels like home.

Kelly Meyer - Glenwood Heights resident - also past member of the Planning Commission. He learned a lot about the City's comprehensive plan, it protects the community and its residents. He did vote for the church on Stower Drive, but made some mistakes on that Board and would do it differently. He was told this land was earmarked for a church, but it was never applied for. He cited safety, protecting the comprehensive plan, and protecting the location for future housing in Worthington. It frustrates him that his opposition is met in the community, and possibly by some on Council, with thoughts that it is racial. He and his family interact with diversity, and his neighborhood is good representation of the diversity in Worthington. The neighborhood is a beautiful area and has been targeted by the Planning Commission for future expansion. Most churches were built in their locations and then the homes came. Churches are a business - if they're allowed why do they need a permit? Because they can be denied - they have to comply and it's their burden. They haven't seen the plans but he was told they have one. It's a health and safety issue - the first 10 houses have 26 children under 18, and no sidewalks. He's concerned about the church's growth in 5 - 10 years. Will the church become short term housing for them for the new people coming in? When the Planning Commission approved the location for the SMOC project, Council denied it because they didn't think it was in the best interest of the retail area. Maybe this isn't the best fit for the residential area. He loves Worthington too.

Asefash Hailu - loves Worthington - bless Worthington. Give her a church, 200 will come to Worthington. She came to the U.S. in 1990, everyone was white. Everyone gave a church for the Sudan people, now give for Orthodox. She is American, she is a citizen, and her kids are citizens. Please help, I need church.

Tara Kraft, Glenwood Heights resident - she is the only Indian in the room and her husband is white, she is not prejudiced, she wants to represent where she lives. She would like to see them build a church. When they lived on Burlington there was a church, and every Sunday her husband they could not sleep in, so they bought a house in Glenwood Heights and bought the lot to the north and to the south so neighbors would not get in his way. It's a matter of peace - I would love to see those people get a church, the City needs to work and get a church for them, but not out at the residence out there. Everybody is resting there. Let's make everybody happy.

There were no other comments from the floor.

Mayor Kuhle - we're not changing the comp plan, we're following it because churches and schools are permitted through CUP.

Council Member Oberloh - spent a lot of time on this. Nobody is not wanting them to have a church - it's not a racial issue, but it would be a place of assembly. He displayed a document issued to the

residents there regarding development, it was a copy of the covenants that showed a planned town home development on this property. He provided examples indicating that most of the churches in Worthington were built in their locations before houses were built there. This is an established neighborhood.

Council Member Cummings - received a lot of letters, visitors, emails, facebook comments - heard everything, even the ugly. When he ran for Council he ran on one big thing - to develop that neighborhood - and he wants to protect it. He's concerned for Kelly Meyer, his house is right next to where the access is. He's trying to do something for the betterment of the neighborhood. He would like to have more time to see if we could help.

Council Member Ernst said this would not be a daycare, it would be a place of assembly but only once a week. Council Member Cummings said it could be more. Council Member Janssen voiced his support for the CUP. We put SMOC in a residential neighborhood - we're hearing the same arguments. They're looking at putting a school out there and adding apartments - they'll increase traffic and have access off Crailsheim Drive. He has a problem with the access contingency, and doesn't want to hide it with a berm.

Council Member Oberloh suggested that they look at the City-owned lot by Shine's - it's about 10 acres and not encumbered. It will have new infrastructure soon, it's not currently on the tax base, and there is not one person from the neighborhood out there (Glenwood Heights) that supported it. Lets be advocates to get it done - this location would be closer to downtown. Steve Robinson, City Administrator said the property is not currently developed or zoned.

Council Member Oberloh said he would move to sell it to them. Mayor Kuhle suggested that Council table it. Council Member Oberloh agreed and rescinded his motion. Mr. Robinson said the appraised price of the property is \$35,000 per acre, and any funds from the sale would need to be put back in to the E.O. Olson Trust Fund.

The motion was made by Council Member Oberloh and seconded by Council Member Cummings to table this item.

Mr. Brisson pointed out that once the Planning Commission receives the CUP application they have 30 days to report to City Council, which was done tonight, and we need to act on the application with 60 days, whether it is approved or denied. We may inform the applicant that we need an additional 60 days - without going into the extension period we would have until April 9th. Council Member Oberloh called the question.

The following members voted in favor of the motion: Oberloh, Cummings, Ernst, Harmon; and the following members voted against the motion: Janssen. Motion carried.

COUNCIL COMMITTEE REPORTS

Mayor Kuhle - nothing to report.

Council Member Janssen - nothing to report.

Council Member Oberloh - reported on an HRA meeting - they discussed the difficulty in getting their three-bedroom units rented - they are also now offering a free month's rent as is being offered at the apartments on Grand Avenue. He also noted some errors in reporting by the Globe reporter.

Council Member Cummings - nothing to report.

Council Member Ernst - Larry and she attended the NEON meeting on the 8th - talked about daycare. The Planning Commission met last week - the meeting was a lot like this one.

Council Member Harmon - attended an Employee Advisory Committee meeting on the 28th of February. Also reported on the Water and Light Commission meeting, and on the CAL meeting held this morning. Attended the Planning Commission as a spectator.

CITY ADMINISTRATOR'S REPORT

Steve Robinson, City Administrator, reported that there will be a pre-bid meeting tomorrow for the Memorial Auditorium seating - bids are due a week from Wednesday. There has been some interest from local suppliers. A Council work session has been scheduled for March 21st - no agenda yet but local option sales tax will be on it. Council Member Oberloh requested that we add addressing blighted properties and potentially using Administrative Fines.

ADJOURNMENT

The motion was made by Council Member Oberloh, seconded by Council Member Janssen and unanimously carried to adjourn the meeting at 8:47 p.m.

Janice Oberloh, MCMC
City Clerk