

**WORTHINGTON CITY COUNCIL  
REGULAR MEETING, JUNE 13, 2016**

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: Scott Nelson, Diane Graber, Larry Janssen, Mike Harmon, Rod Sankey. Honorary Council Member: Clyde Hoffman.

Staff present: Steve Robinson, City Administrator; Dwayne Haffield, Director of Engineering; Brad Chapulis, Director of Community/Economic Development; Janice Oberloh, City Clerk.

Others present: Justine Wettschreck, KWOA; Alex Chhith, Daily Globe; various citizens in attendance regarding agenda items.

The Pledge of Allegiance was recited.

**PUBLIC MEETING - REVIEW OF STORM WATER POLLUTION PREVENTION PLAN**

Dwayne Haffield, Director of Engineering, said that the public meeting tonight is for taking public comment on our storm water pollution prevention plan. The City of Worthington is a regulated city under Phase II of the federal program to reduce pollution from Municipal Separate Storm Sewer Systems (MS4s). As a regulated city, we need to be covered under a statewide NPEDES permit. One of the permit requirements is implementation of a storm Water Pollution Prevention Plan that includes the following mandatory minimum control measures:

- Public Education and Outreach
- Public Involvement and Participation
- Illicit Discharge Detection and Elimination
- Construction Site Storm Water Runoff Control
- Post-Construction Storm Water Management
- Pollution Prevention / Good Housekeeping for Municipal Operations

Mr. Haffield said that 368 of the City's 430 basins had been inspected before they ran out of time.

Mayor Kuhle asked if there was any public comment regarding the plan.

Deb Vander Kooi -Do those basins run in to the lake? Mr. Haffield said most of the downtown basins go without treatment directly to the lake, which is why this is a priority area to inspect. Are the street sweeping measures by the City enough? Mr. Haffield said the City sweeps immediately after downtown events, but other than that it is two times a year.

Gary Ewert - Does the City monitor performance of its program? Mr. Haffield responded it is difficult to do when working with storm events. When further asked what his opinion was on the effectiveness of our program, Mr. Haffield said a plan must have performance to it, that we are making progress and that we've satisfied the MPCA.

### **INTRODUCTIONS AND OPENING REMARKS**

Mayor Kuhle welcomed Clyde Hoffman as the Honorary Council Member for May, June and July, 2016.

Mayor Kuhle requested a moment of silence to honor the victims of the Orlando tragedy.

### **AGENDA CLOSED / APPROVED WITH ADDITION**

The Clerk requested an addition to the consent agenda under item E.3. Item 3 - *Additional 2016 License Renewal Applications*.

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

### **CONSENT AGENDA APPROVED**

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

- City Council Minutes of Regular Meeting May 23, 2016 and Special Meeting - Work Session May 31, 2016
- Minutes of Boards and Commissions - Planning Commission/Board of Appeals Minutes of June 7, 2016; Worthington Housing and Redevelopment Authority Board Minutes of April 20, 2016; Center for Active Living Committee Minutes of May 9, 2016; Worthington Convention and Visitors Bureau Minutes of March 30, 2016; NEON Committee Minutes of May 12, 2016
- Cancellation of Smith Truck Memorandum of Understanding
- Temporary On-Sale Beer License - Lake Okabena Improvement Association for their Beach Bash event July 3, 2016
- Additional 2016 License Renewal Applications as presented and with the requested additions
- Application for Exemption from Lawful Gambling Permit - King Turkey Day, Inc.
- Application for Parade Permit or to Block Street(s) - Worthington Trojan Marching Band
- Center for Active Living - Membership Renewal Policy
- Center for Active Living - Key Holder Agreement
- Change Orders 1 and 2 to the Taxiway C Extension Project
- Bills payable and totaling \$752,363.20 be ordered paid

### **THIRD READING AND ORDINANCE NO. 1096 ADOPTED VACATING PORTION OF PLATTED UTILITY EASEMENT IN LOT 5, BLOCK 2, HOMEWOOD HILLS THIRD ADDITION**

Pursuant to published notice this was the time and date set for the third reading of a proposed ordinance that would vacate a portion of a platted public utility easement as follows:

An ordinance vacating that portion of the platted public utility easement in Lot 5, Block 2, Homewood Hills Third Addition, City of Worthington, Nobles County, Minnesota described as follows:

The east 8.00 feet of the west 16.00 feet of Lot 5, Block 2, Homewood Hills Third Addition, City of Worthington, Nobles County, Minnesota

Vacating a portion of the easement by adopting the proposed ordinance will allow the owner of the property to place an accessory structure closer to the rear line.

The motion was made by Council Member Nelson, seconded by Council Member Sankey and unanimously carried to give a third reading to, and subsequently adopt the following ordinance:

ORDINANCE NO. 1096

AN ORDINANCE TO VACATE A PORTION OF THE PLATTED PUBLIC UTILITY EASEMENT IN LOT 5, BLOCK 2, HOMEWOOD HILLS THIRD ADDITION

(Refer to Ordinance File for complete copy of Ordinance)

**THIRD READING AND ORDINANCE NO. 1097 ADOPTED AMENDING TITLE XV OF THE CITY CODE OF WORTHINGTON, NOBLES COUNTY, MINNESOTA TO REZONE PROPERTY FROM "R-2" (ONE FAMILY, LOW DENSITY RESIDENTIAL) TO "R-4" (MEDIUM DENSITY RESIDENTIAL)**

Pursuant to published notice, this was the time and date set for the third reading of a proposed ordinance that would rezone the following legally described property from its current "R-2" - One Family, Low Density Residential to "R-4" - Medium Density Residential:

The following legally described area, presently included in the "R-2" district, shall henceforth be included in the "R-4" district:

That part of the Northeast Quarter of the Southwest Quarter, Section 13, Township 102, Range 40, City of Worthington, Nobles County, Minnesota lying north of a westerly projection of the north line of Block 2, Northland Park Second Addition, City of Worthington, Nobles County, Minnesota EXCEPT 8.63 acres for Interstate 90 and EXCEPT 8.02 acre tract described in Document No. 212660 and EXCEPT that part of the Northeast Quarter of the Southwest Quarter of Section 13, Township 102 North, Range 40 West, City of Worthington, Nobles County, Minnesota, described as follows:

Commencing at the southeast corner of Lot 3 of Auditor's Plat of the West Half of the Southwest Quarter of Section 13, Township 102, Range 40, City of Worthington, according to the recorded plat thereof; thence on an assumed bearing of South 89 degrees 04 minutes 09 seconds East, along the easterly extension of the south line of said Lot 3, a distance of 208.33 feet; thence North 0 degrees 01 minutes 52 seconds West, parallel with the east line of Lots 1, 2 and 3 of said Auditor's Plat, a distance of 437.57 feet to the southerly right-of-way line of Interstate Highway No. 90 as recorded in Document No. 189598; thence North 89 degrees 12 minutes 07 seconds West, along said southerly right-of-way line, a distance of 208.33 feet to the east line of Lot 1 of said Auditor's Plat; thence South 0 degrees 01 minutes 52 seconds East, along the east line of Lots 1, 2 and 3 of said Auditor's Plat, a distance of 437.09 feet to the point of beginning, containing 2.09 acres, subject to easements now of record in said county and state,

and EXCEPT that part of the Northeast Quarter of the Southwest Quarter of Section 13, Township 102 North, Range 40 West, City of Worthington, Nobles County, Minnesota, described as follows:

Commencing at the center of said Section 13; thence on an assumed bearing of South 0 degrees 00 minutes 00 seconds West, along the north-south quarter line of said Section, a distance of 282.95 feet to the southerly right-of-way line of Interstate Highway No. 90; thence North 89 degrees 11 minutes 29 seconds West, along said southerly right-of-way line, a distance of 445.00 feet to the intersection with the westerly line of the Worthington Christian School Tract as recorded in Document No. 212660, said intersection being the point of beginning of the tract to be described; thence North 89 degrees 12 minutes 06 seconds West, along said southerly right-of-way line, a distance of 330.00 feet; thence South 0 degrees 00 minutes 00 seconds West a distance of 438.36 feet; thence North 89 degrees 04 minutes 09 seconds West a distance of 135.00 feet; thence South 0 degrees 00 minutes 00 seconds West a distance of 70.01 feet; thence South 89 degrees 04 minutes 09 seconds East a distance of 135.00 feet; thence South 0 degrees 00 minutes 00 seconds West a distance of 172.64 feet; thence South 89 degrees 12 minutes 06 seconds East a distance of 330.00 feet to the westerly line of said Worthington Christian School Tract as recorded in Document No. 212660; thence North 0 degrees 00 minutes 00 seconds East, along said westerly line, a distance of 269.00 feet; thence North 89 degrees 12 minutes 06 seconds West, along said westerly line a distance of 125.00 feet; thence North 0 degrees 00 minutes 00 seconds East, along said westerly line, a distance of 88.00 feet; thence South 89 degrees 12 minutes 06 seconds East, along said westerly line, a distance of 125.00 feet; thence North 0 degrees 00 minutes 00 seconds East, along said westerly line, a distance of 324.00 feet to the point of beginning, containing 5.12 acres, subject to easements now of record in said county and state.

Adoption of the ordinance will allow the applicant to construct a multi-family residential development.

The motion was made by Council Member Janssen, seconded by Council Member Sankey and unanimously carried to give a third reading to, and subsequently adopt the following ordinance:

ORDINANCE NO. 1097

AN ORDINANCE TO AMEND TITLE XV OF THE CITY CODE OF WORTHINGTON, NOBLES COUNTY, MINNESOTA, TO REZONE PROPERTY FROM "R-2" (ONE FAMILY, LOW DENSITY RESIDENTIAL) TO "R-4" (MEDIUM DENSITY RESIDENTIAL)

(Refer to Ordinance File for complete copy of Ordinance)

**FUNDING REQUEST FOR NEW KING TURKEY DAY COSTUME APPROVED**

The motion was made by Council Member Graber, seconded by Council Member Sankey and unanimously carried to approve a funding request from King Turkey Day, Inc. for a new Turkey Day Costume, up to a maximum of \$2,000, with a corresponding budget amendment.

**FIVE YEAR AGREEMENTS BETWEEN CITY OF WORTHINGTON AND SCHAAP SANITATION FOR RESIDENTIAL REFUSE COLLECTION, DISPOSAL AND RECYCLING AND YARD WASTE AND TREE/BRUSH DISPOSAL APPROVED**

Steve Robinson, City Administrator, noted that the current five-year agreement with Schaap Sanitation for refuse collection, disposal and recycling, and yard waste and tree/brush disposal expires on June 30, 2016. Presented to Council was a new five-year agreement that would expire June 30, 2021. Mr. Robinson said the terms of the new agreement are generally the same as the previous agreements and include:

- Schaap shall provide each resident with two 95-gallon containers, one for refuse and one for recyclables,
- Weekly pick up for refuse and every other week pick up for recyclables on established regular routes
- Any residence that is owned or leased by a person aged 62 or more shall be eligible for senior rates
- Schaap shall provide a yard waste disposal site for leaves, grass clippings, trees and bushes at the Hwy 59/60 Recycling Center
- For an annual fee of \$3,965.00, the City shall have use of the yard waste disposal site for leaves, grass clippings, trees and brush from public owned property
- For a fee of \$1.00/ton, the City may dispose of street sweepings at the sanitary landfill
- The cost of service is subject to an annual adjustment based on the Consumer Price Index for all Urban Consumers
- The adjusted monthly rates effective July 1, 2016 are \$18.29 per residence (\$16.29 senior

rate) for refuse and \$3.65 per residence (\$3.50 senior rate) for recyclables. This adjustment represents a 1.1% increase

Eric Joens of Schaap Sanitation was present at the meeting and noted that they will currently pick up unlimited recycling, and that residents only need to ask for an additional container if they need one, which is currently free of charge.

The motion was made by Council Member Graber, seconded by Council Member Sankey and unanimously carried to approve the new five-year agreements between the City of Worthington and Schaap Sanitation for refuse collection, disposal and recycling, and yard waste and tree/brush disposal, to expire June 30, 2021.

**CENTER FOR ACTIVE LIVING/BOUNTIFUL BASKETS AGREEMENT WITHOUT RENTAL OR USER FEE APPROVED**

Based on prior Council action, the Center for Active Living (CAL) Committee met on May 9<sup>th</sup> and again on June 7<sup>th</sup> to discuss Council's direction to consider implementation of a user fee to Bountiful Baskets as part of the proposed one-year renewal agreement for the use of the CAL for distribution of their produce. Following those meetings, the Committee was recommending approving the request from Bountiful Baskets for a one-year renewal agreement without rental or use charges.

Following discussion, the motion was made by Council Member Harmon and seconded by Council Member Janssen to approve the one-year renewal agreement between the City of Worthington and Bountiful Baskets for the use of the CAL for distribution of their produce, without rental or use charges, with the following voting in favor of the motion: Nelson, Graber, Janssen, Harmon; and the following voting against the same: Sankey. Motion carried.

**APPLICATION FOR PARADE PERMIT OR TO BLOCK STREET(S) APPROVED - WORTHINGTON AREA YMCA**

At their May 9, 2016 meeting, Council approved a street closure application from the YMCA for a Color Dash event scheduled for Friday evening, June 10, 2016. The event has been rescheduled to Sunday, July 3, 2016, at a different location and route, and will be coordinated with the Lake Okabena Improvement Association's Beach Bash event.

The new request was to block Liberty Drive from Lake Avenue to Leon, from 9:00 a.m. to 6:00 p.m. on Sunday, July 3, 2016, for giant water slides and for staging the YMCA's 5K Run/Walk. The layout of the event has been discussed with Sgt. Brett Wiltout of the Public Safety Department. The YMCA's request also includes the use of the parking lot at the old out door pool site for the duration of the event. Andy Johnson has been designated as the Safety Officer for the event, and an insurance certificate naming the City as additional insured has been received.

The motion was made by Council Member Graber, seconded by Council Member Nelson and unanimously carried to approve the application for parade permit on Block Street(s) for the Worthington Area YMCA as requested.

### **INTERIM USE PERMIT DENIED - JOURNEY OF WORTHINGTON**

Due to the number of people in attendance for this item, Mayor Kuhle announced that Council would be taking it out of order and addressing it now.

Brad Chapulis, Director of Community/Economic Development, said Journey of Worthington was seeking the issuance of an interim use permit for property it owns at 212 Tenth Street. The permit would allow the applicant to temporarily use the property solely as a religious institution until December 1, 2016, allowing them to invest time and resources for establishment of a coffee house/restaurant. The legal description of the property is as follows:

The southeast 16.50 feet of Lot 10, all of Lot 11, and the NW ½ of the vacated alley lying between Lots 11 and 12, Block 7, Plat of Worthington, Nobles County, Minnesota

The Planning Commission considered the application at their June 7, 2016 meeting, and after holding a public hearing, voted on a 5-1 vote to deny the requested interim use permit, concluding that the permit would not be beneficial for all downtown business/business owners. Mr. Chapulis said additional emails were received today regarding the interim use permit.

Mayor Kuhle said he wanted to address this issue, and reminded people that we need to be respectful on both sides. This is a three-block area that is intensely retail, and the retail owners are concerned. The reason he addressed the Planning Commission last Tuesday was because he was on the Planning Commission back in 2007 and negotiated with the Wilsons regarding the property. The Commission did not grant a special use permit for the church at that time as the primary focus of the property was coffee house/restaurant nature and complimented the area. He stands by his comments. He would caution Council on the recommendation from the Planning Commission - caution them highly on that. If Council had no objections, he would allow comment from both sides, limiting it to three people from both sides, each for a two minute comment period.

Todd Ahlquist - I'm a Board member and corporate treasurer for Journey of Worthington. Before I begin my comments I request that Mayor Kuhle recuse himself from any further discussion on this matter and any potential vote - casting the deciding vote - based on his testimony to the Planning Commission. It's difficult for him to sit here and state that he's an impartial decision maker at this time. I request that you make a decision on that first.

Mayor Kuhle presented the request to Council.

Council Member Sankey - I don't think that's in line.

Council Member Nelson - He won't be voting tonight because you have five Council Persons here.

Mr. Ahlquist - well that's good, but you have the discussion as well.

Council Member Nelson - I disagree. I think if the Mayor wants to speak he should be allowed to speak.

Council Member Sankey - I don't think that's proper either. The Mayor should be able to say what he has to say. He is the leader of this community.

Mr. Ahlquist - I would just suggest for the future that the Mayor should not be testifying in a body where he is in a supervisory position over that body. They need to make a recommendation to this Council, and it seems kind of meaningless to have the body that.... We are asking for an interim use permit, temporary in nature. We requested to have the permit terminate on December 1 - it would allow Journey of Worthington to continue to use its building for religious purposes during that time, but predominantly the use is on Sunday mornings and Wednesday evenings. It would also allow the building to be used by the King Turkey Day Committee, which has requested the use of the building, a Turkey Day reunion class has requested to use the building, and Christmas parties will be requesting to use the building. If we aren't granted the permit we have to turn those down because of not being in compliance with the City's ordinance. The application meets every standard that is set out in the City ordinance with the issuance of interim use permits - every single standard. The Planning Commission stated the stated reason to deny the application is that it is not beneficial for downtown, stating that Journey of Worthington would be the only group to benefit from issuing the requested interim use permit. Being beneficial to the community is not a stated standard set out in the ordinance. It should not be of any concern. Even if a beneficial standard is part of the ordinance, which it is not, but even if it was, several of the area business owners, Amanda Walljasper-Tate of the Daily Apple, Marie Thier of Little Wizards, testified at the Commission's hearing that foot traffic in the downtown area had decreased since the closing of the former café. The establishment of a coffee house would benefit downtown businesses by increasing foot traffic. Again, the application meets every single standard set out in the ordinance. The interim use permit would allow Journey to invest the necessary time and resources to establish and staff a quality coffee house that will be an asset to the community and will benefit other downtown businesses. Journey's use would then be an accessory, a permitted use of the building. The interim use of the building will not change Journey's use of the building at all. If the application is denied, Journey will need to spend time, energy and money in seeking an alternate meeting location - those resources we would rather spend on a coffee house. If the application is denied because the diversion of those resources to find an alternate meeting location, the denial of the application may well delay the start up date for a new coffee house. We can rush the procedure. People have suggested "throw up three Keurig's and open up the coffee shop!" We want to do it well - we want it to be a business that the downtown and



Worthington can be proud of - we don't need mediocre - we need excellence. That takes some time, that takes some money - Journey is willing to invest some time, Journey is willing to invest some money. If you choose to issue the permit with the sooner termination date, so you could choose for instance September 16<sup>th</sup>, which would be in time for Turkey Day, rather than December 1, we can get the beverage side of things up and running. We probably can't get the food side of things up for Turkey Day but there is plenty of street food anyway. The point is that the downtown businesses have expressed a desire to have a coffee house downtown. Journey has expressed a desire to open a coffee house downtown. I'm having a hard time seeing what the rub is here. The desires are the same. We want this to be a benefit for everybody - we understand that when the businesses thrive everyone wins - Journey is committed to a win-win scenario where all the interested parties benefit. On behalf of Journey of Worthington I request that the application for the interim use permit be granted - if you choose to shorten that time that's your prerogative.

Brad Bohn - I'm the Pastor at Journey, and when you put a mic out and you invite people you gotta be careful if there's a Pastor around so I couldn't resist you know, but I'll keep it short. One of the pieces that has been important to me to start to realize is that it is not so much a legal issue for us, or a legal issue that we're really dealing with, it's a neighborhood issue. As a church, and as a group of people that are a part of our neighborhood, and we own a business so we're part of a business neighborhood, we need to be good neighbors of that neighborhood as well. And one of the things that I've been struggling with I guess is that never once in the last six months since the closing of the café has been announced and the time line's kind of started, I've never been called, never been contacted, not on Facebook but if checked nobody ever did, nobody ever wrote to me, nobody ever approached me at all about any concern or anxiousness that came about because of the decision that we were doing as land owners, as landlords of the building. So part of this I realize for us is that there has to be mending of fences there, because it is a neighborhood issue. It's not a yes or no or right or wrong issue it is a neighborhood issue. And so as the Pastor and leader of the people our part is to mend those fences, to be good neighbors, and it always takes two. The decision that you are going to make on the permit really doesn't help us if you would deny that permit, it doesn't help us make good neighborhood or to be good neighbors in that way. I understand there is anxiety about this building that is sitting empty for a while, but there is also a large number of families that are invested not only in that building but also in what's going on in the downtown area. To simply say no to a group of people, from my perspective, just slams the door in somebody's face and says we're not willing to talk. And personally I think I guess that most things can get worked out by talking, I guess that's why I'm a Pastor, one of the reasons.

Council Member Nelson - One of the things I can't understand is you've talked about quite a few different reunions, Turkey Day activities, Christmas parties, only happening on Wednesdays and Sundays?

Pastor Bohn - that is what your permit was asking for - those two days.

Council Member Nelson - how do you resolve all the parking issues?

Pastor Bohn - if the permit would get passed it would allow us, as we have in the past we've used the coffee shop, has been used for different events and they were not all Journey events at all - they were events by other people that needed a meeting space. By granting that interim permit use it would open it up for other people like the class reunion for Turkey Day to come in. They are not Journey people at all - they just are looking for space that they want to have their reunion in. So it would just open it up for other events to come down, which brings people down there as well.

Council Member Graber - as owners of the building, it is my understanding that you could allow that to be rented to those people without, as long as you are not conducting any church services while you are doing that. Am I right?

Pastor Bohn - Brad - do you want to speak to that?

Brad Chapulis, Director of Community/Economic Development - no, not necessarily. Being on Tenth Street there is an overlay regulation that applies for ground level storefronts that is to give a preference to retail and restaurant businesses, and with that it gives them the outright permission to operate on the ground level any other type of business that is either permitted or permitted by special use in the downtown business district. It requires the issuance of a special use permit. If the activities, like a banquet hall, things of that nature don't fall necessarily as part of a permitted business, a restaurant, the answer to that would be no - they would have to go through a special use permit process. In 2007 the Planning Commission reviewed a proposed business plan, though it wasn't written it was verbalized, indicating the intent to open up a restaurant, and part of the business plan for the restaurant was to allow for the rental of the building or a smaller space to the general public for meetings, organizations, individual parties, things of that nature. Back in 2007 the Planning Commission made the interpretation that the meeting space was accessory to the permitted use, which was the restaurant. In conjunction with that, the Planning Commission saw the use of the facility on specific hours that, in a rentable situation, would be drawn on for the use of the church for its services and things of that nature, would be considered part of that accessory. And that's the reason why it's been operable in the format that it has since 2007.

Council Member Graber - And continued to have services even after the restaurant left, this time, in 2016.

Brad Chapulis - in 2016 the date of termination of the lease was May 2<sup>nd</sup>. Upon that time, with the advice of legal counsel, we were to monitor it for period of time to determine if there were violations being made. During that time of observation an application for what was originally a special use permit but was modified to an interim use permit, was received. Anytime that we receive an application we don't take enforcement action until the item has been resolved.

Council Member Graber - And there's precedent for that?

Brad Chapulis - Yes.

Pastor Bohn - And so if you were to deny...we would not be meeting there next week - we won't go in violation of the ordinance - it's just not right.

Council Member Harmon - I guess I struggle with the length of the interim permit that you want particularly, having spent most of my life in the retail business, the hardest part is when you close a business and leave it closed you're running the risk of losing those people. I know there's not a lot of competition downtown for what you had in there with BenLee's, but on the surface it appeared to be a very successful business, very good, I knew a lot of people there downtown. But like you said, you are not responsible for the neighborhood but by the same token, you are a draw for the neighborhood and these people that have sizable investments in their businesses, whether it would be you or the Daily Appel or whoever, if one of them closes it has a direct affect on the others. I guess at this point I would surely like to see the time period shortened up if it's approved at all. I would like to hear the rest of the testimony before I comment any further.

Sara Ricker - I too owned a business, retail, in Hawaii, for 12 years, that yes, it's difficult when there isn't someone next to you to pull other customers in, and it's also terrible if you have nothing going on next to you. I mean, this is a potential of creating something there. If you do it well, you've got clients. If you do it very simply and weakly and it fizzles, then you've lost the confidence of the people who used to come. So I can't see the sense, I can see shortening the time as to when we're up and running but I don't understand just letting it lay fallow for a huge period of time. It does not ring true. You have to allow something to be happening, and there's complete intention to have something happening, it's just the time frame. You're talking money, you're talking investment of energies, time - I'm certain you wouldn't run a business like that either. You wouldn't just throw something in there and hope it works. My God I hope not! We don't intend to do that either - or at least that wasn't our intention. If we're forced to, we'll put something in there and you'll be very happy - no you won't. It's only appropriate for you to give the time that's needed to create what you want. And what you want is another place downtown that's active and draws people in, that people want to go to. And certainly the people that I've associated with in this church, once I started attending, have a love that is expressed through their actions and their manner that would welcome you coming in, no matter who you are - that's what strikes me as so unusual. It's so welcoming. And if you have a faulty business and faulty people you're going to have a good business and you're going to have a lot of followers. That's my impression of business. And why I did well in Hawaii is because we served the customer - and we served them damn well. And I think we need to pay attention to that and stop rushing or fretting because it's not done today! That's my opinion.

Clyde Hoffman - We're talking about a business - as with any good business, do you have a plan?

Sara Ricker - You're asking me for a plan?

Clyde Hoffman - I'm just asking - are you set up for this? You're asking for a time frame.

Sara Ricker - You want a written plan? You want a schematic?

Clyde Hoffman - A time frame - there are generalities here.

Lori Bristow - I'd like to speak on that.

Sara Ricker - Go ahead. Excuse me - or not.

Lori Bristow - I am actually on the task force for putting the business together. And yes, we do have a plan. We do have a plan, we have things in place, we're looking at things, we're talking to people about what we can do and what we can't do, what works in the building. We do have something in plan. We don't want this to take until December 1<sup>st</sup>, but we want to have time to work on this and if it takes longer, if the health inspector comes in and tells us we have something set up wrong we have to have the time to fix it - to take care of it. And if we have that additional time then we know we will. My personal opinion - I want it open by Turkey Day. That's what I want. And if I can do it, I will.

Council Member Nelson - So you're going to take the inside of this building all apart - right - a construction phase?

Lori Bristow - No, no.

Council Member Nelson - That's what confused me - how can you hold church services if you're going to remodel the interior of the building at the same time - why would you even want to.

Lori Bristow - Painting, refreshing the walls, but it's still set up the same way it was when BenLee's was in there. There's still the counters, there's still the tables in the back. We're going to have to purchase everything that goes with a coffee business but that can be done. But we're all business people, we all have jobs, we all have families, this is a - we don't have eight hours a day to focus just on this. That's not our paying job.

Council Member Nelson - Does September 1<sup>st</sup> or 16<sup>th</sup>, whatever Todd put out there - does that put you in a bind trying to get it done by then?

Lori Bristow - I don't think it...

Council Member Nelson - At least it would accommodate the rest of the downtown individuals who

are concerned.

Lori Bristow - Correct - and I don't think it puts us in a bind to get it done by then - it might not be fully functional and up and running as this is our business, this all we're doing - there might be other things that we add in after September 1<sup>st</sup> or 16<sup>th</sup>, whatever the day would be. You know, but to have it open by Turkey Day if we're doing the basic coffee, lattes, smoothies, whatever we do, that part will be open and we will add as we move forward then.

Mayor Kuhle said he would allow up to four people to speak against the permit.

Ken Moser - I'm chair of the Planning Commission and we had similar discussion, this isn't the first time hearing tonight of a shortened schedule. The bulk of our discussion was on the time frame. We had an existing business in there, an existing restaurant, an existing coffee shop, plumbing was in place, bathrooms are compliant, a matter of getting some, in my opinion from my previous experiences in the food services business, it was a matter of getting the tables, the equipment, the food, training and someone to run it. As well as we had discussion on if the notice of termination took place in February, however the relationship was all along at that point, what happened from February to now for the development of that business plan - hadn't heard or seen of a business plan, or a plan for, they didn't know what they were going to do yet. Our concern was the length of time. And the effect on a fall/Christmas retail environment where a coffee shop would be great - a restaurant would be great downtown, whatever it may be. It is the foot traffic - having the coffee shop would be a real draw to downtown because, I'll say a buddy of mine from Luverne, hey lets meet over here in Worthington and maybe a cup of coffee at BenLee's or lunch or whatever, lets walk the streets. You walk up and down the blocks and our retail overlay district - that's where the advantage of having a strong retail and this coffee shop downtown. We kept coming back to the length of time - if that could be shortened down, if something would have been presented to the Commission on a shorter time frame than that I think the outcome would have been different.

Council Member Graber - Mr. Moser, there were other issues besides the time frame. I think there were also some issues of whether, who actually manages the ordinances of Worthington, who sets the rules, who sets it, and part of that is the Planning Commission has to have some authority and I think that was discussed. I think we lost all authority in terms of the City when the church was conducting business with weddings and events and so on that were not part of the plan. So I think that was also part of the discussion at the Planning.

Ken Moser - It was, but I think that we all support the coffee shop, and I don't want to say irregardless of what had taken place earlier or whatever, we just wanted to make this work but we kept coming back to the length of time - we felt it could be done quicker.

Council Member Graber - Tomorrow.

Ken Moser - Well I don't think it could happen tomorrow, but if I was given a notification within six months I think that business could be operating.

Maria Thier - I am a property owner in the downtown area. Just a couple of things that I want to address. Lori Bristow spoke, she was the one that came to visit me in my business in May and we had a discussion about what was going to go in there and the time frame, because that's the big question, the time frame. And she reassured me that by the middle of June they would have something open. So I'm just throwing that out to you. That was our discussion and that was my time frame, so that lays in my concern tonight as I hear her speak again as it's approaching the middle of June and still we're discussing whether or not to continue operating or not. Now the second thing that I wanted to address is that we were assured that Journey of Worthington was an accessory, the word accessory kept being used over and over again. And I consider myself getting dressed in the morning and I don't leave my house with just my accessories on. I first clothe myself and then I add my accessories and I think that's how we have to look at this building. This building was meant to be a restaurant/coffee house with the accessory being Journey Mission. Now in saying that, I have absolutely no problem with Journey Mission continuing, but I think the goal here is to open the business first, and then continue on with Journey of Worthington. In addition to that 2007 agreement that has been discussed here, weddings, funerals, large gatherings, over and over again I hear King Turkey Day being thrown out - let me publicly say the location at 211 Tenth Street, my location, could easily house Paycheck's Treasure Box if that becomes the issue. I would gladly open my business and move all my product to the back of the store and let King Turkey Day continue on. So if that becomes an issue. As far as the class reunions and such that they're talking about, on June 1<sup>st</sup> I did get a visitor once again, or we visited, and we talked about the renovation of the building as did Mr. Nelson inquired about, and Laura Ahlquist had said there was lots of renovation that needed to take place because the building was in rough shape. So my question to that is how can they house all these extra activities if the building is in such rough shape and needs to be renovated. Painting and such that's minimal time. In closing I just would like to say I'm the mother of four and we own two local businesses in town and I'm a busy person too, so you find time for the things that need to get done.

Todd Hironimus - my name is Todd Hironimus, I'm a property owner down there too. Again, I would just like to talk about the time line. You know, when you terminate a lease, you usually don't wake up in the morning and say I think I'm going to terminate the lease today, usually you have a plan in place. Again, at the Commissioners, um the previous meeting, there was a plan, there was a plan, but nothing was ever handed out as to what the plan was, only that they needed more time. Again at that meeting as was brought up about BenLee's and that they had given him different locations in town that would be able to house his coffee shop. Again, I brought to that meeting the same thing that I'm bringing to this one - they're talking about moving a coffee house to a building where there is no plumbing, no cooking utensils, or cooking equipment that has been there - you're starting from scratch. Here at Journey's you have a complete area that's been a working kitchen, a working coffee shop. You have the plumbing, you have the necessary equipment, it shouldn't take

a year to set up you know, and that was something that I pointed out at the Commissioner's meeting earlier. The equipment is there, the plumbing is there. If Dave had two months to get his business going in a building that had none of that there should be no reason they can't get it operational in two months and we're at five months already. That's just my opinion...any questions?

Mayor Kuhle asked if there was one more person who would like to speak against. None came forward.

Council Members Sankey and Janssen stated that this was the downtown core area and it was important to keep that identity, with Council Member Janssen adding that parking there is a concern of his.

The motion was made by Council Member Graber and seconded by Council Member Janssen to concur with the Planning Commission and deny the Interim Use Permit.

Mayor Kuhle allowed Mr. Ahlquist to address some of the comments.

Mr. Ahlquist - There was a few mis-statements that have been made. There were five weddings that occurred to his knowledge - four of them were BenLee's functions. They had nothing to do with the church. They were - the café got rented for a wedding. It had nothing to do with the church. There was one older couple that wanted to get married, that had all of 15 people there, and we let them have a wedding there. There have never been any funerals, although I would love to see a New Orleans style funeral come down Tenth Street. Mr. Hartzler still owes the church money. He wasn't making any money. The only way he was making money was we were subsidizing him heavily. We never even charged him any rent - all he paid for was utilities, cleaning services, and paper towels and paper supplies. It wasn't no successful business. When Debbie Peterson was there we were subsidizing her in the same way, and we were paying her utilities some months. So it wasn't no grand, you know, booming business. Alright? Now, we're willing to put in the time to put in a business. Regardless of what you decide tonight, we're going to put in a café. And at that point, the church as an accessory use is going to be able to use that building - regardless of what you say. You keep going back to that 2007 thing - there was no agreement, alright? There were some conditional promises made if the Council gave the permit, it was a special use permit the Wilsons were requesting. There were promises made based on you granting that permit. That permit was never granted, in fact, the application itself was withdrawn. Therefore the condition failed - there were no promises made. I think some people feel that they were betrayed, but there was nothing there, there was nothing to betray.

Mayor Kuhle - There was no contract to be done because we negotiated with the Wilsons, and they made promises.

Mr. Ahlquist - They withdrew their application - there was nothing to back up the promise on the

City's part.

Mayor Kuhle - But they had made promises, and it was in those promises that it wasn't a church.

Mr. Ahlquist - They fulfilled those promises except for that one single wedding for that older couple.

Council Member Graber said what the Planning Commission thinks is that you do, absolutely, with or without the permit, have the right to go ahead with the coffee shop, absolutely.

Mr. Ahlquist - And the church will follow after the coffee shop as an accessory use. We did not know until after, it was mid-April, that Mr. Hartzler was going to vacate the building. We were thinking up to that point, because he hadn't said anything, that we were going to have to go through an eviction process to get him out. How are we supposed to start planning anything without having some kind of dates in place? Everyone talks about this February 1 date as if some kind of magic. That just started the ball rolling - it didn't get it anywhere close to down the hill.

Brad Chapulis clarified that in 2007 there was an application for a special use permit for a permanent change to be utilized for a religious institution. Through the due process, the applicants, Keith and Jean Wilson, recognized the challenges but they were looking at alternatives for the use of that. What they brought forward to the Planning Commission was the idea of starting up a coffee shop/restaurant which started as BenLee's. With that, as part of the business plan, there was space to be rented to the general public, anybody can do it, and that would be considered accessory. The Planning Commission, who has the right to help and assist with interpretation, black and white, as they are the Board of Appeals, reviewed that and made the conclusion that a. the coffee shop fit the definition of the restaurant land use group which is outlined in the ordinance, and that the renting of that space would be accessory, not the primary function of it - its meant to be for Chamber of Commerce meetings, for non-profit meetings, open to the general public to be rented out. Birthday parties, things of that nature. With that, you have basically time slots, and Keith and Jean Wilson were indicating that Wednesday evenings and on Sunday mornings that they would take those time slots and reserve them for the church. No different than, and the Planning Commission concurred, it would be no different than you or I renting every Sunday the Long Branch or any other public space of that nature. That was the conclusion drawn at that time, that's how its been functioning since that point in time. Due to the vacancy of the primary function, which is the restaurant, the church becomes in violation of the zoning ordinance. The interim use permit is their request to be able to conduct religious activities in there during a temporary time while they get the restaurant up and running. The interpretation would be applied to any similar situation.

Council Member Harmon said based on the emails and letters he came with the thought of a sixty day extension - I know Ms. Bristow is someone who gets things done - I could even look at 90 days.

Staff reminded Council that there was a motion and second on the table.



Mayor Kuhle called the question.

The following voted in favor of the motion to concur with the Planning Commission and deny the application for interim use permit: Nelson, Graber, Janssen, Harmon, Sankey; with the following voting against the same: None.

Motion carried.

**RESOLUTION ADOPTED AUTHORIZING EXECUTION OF MINNESOTA DEPARTMENT OF PUBLIC SAFETY GRANT AGREEMENT AND PROFESSIONAL SERVICES PROCUREMENT FOR CD 12 FLOOD MITIGATION PROJECT**

Staff presented a Minnesota Department of Public Safety grant Agreement and Professional Services Procurement for the County Ditch 12 Flood Mitigation project. Dwayne Haffield, Director of Engineering, said the grant agreement provides for them to administer the FEMA funds, and we do need that agreement in order to proceed with the grant. In addition, staff was requesting Council approval of a professional services procurement process. Phase one is essentially the design permitting and those types of professional services. Proposals are due June 15<sup>th</sup>, and there is a 36 month window for the project, some of which has already been taken away.

The motion as made by Council Member Harmon, seconded by Council Member Nelson and unanimously carried to adopt the following resolution executing the state agreement:

RESOLUTION

AUTHORIZATION TO EXECUTE MINNESOTA DEPARTMENT OF PUBLIC SAFETY GRANT AGREEMENT A-HMGP-DR4182-WORTHICI-009

It is resolved by the City of Worthington as follows:

1. That the Grant Agreement Number A-HMGP-DR4182-WORTHICI-009 for is accepted.
2. That the Mayor and Clerk are authorized to execute this Agreement and any amendments on behalf of the City of Worthington.

The City Engineer and the County Engineer will work together through it.

**CONTRACT AWARDED FOR TAXIWAY C CRACK REPAIR AND SEAL COAT PROJECT, SUBJECT TO GRANT AWARD**

Dwayne Haffield, Director of Engineering, said the following two bids were received on June 8, 2016 for the Taxiway C Crack Repair and Seal Coat project:

Fahrner Asphalt Sealing	\$ 92,680.40
Duininck, Inc.	\$109,076.10

Both were below the Engineer's estimate. The formal recommendation from our consultant for the project is to award to Fahrner, and should be approved subject to the grant award.

The motion was made by Council Member Nelson, seconded by Council Member Janssen and unanimously carried to award the contract for the Taxiway C Crack Repair and Seal Coat project to Fahrner Asphalt Sealing as the low qualified bidder in the amount of \$92,680.40 subject to grant award.

**RESOLUTION NO. 3671 ADOPTED APPROVING PLANS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR NORTH INDUSTRIAL COMMERCIAL PARK PHASE 2 SEWER AND WATER EXTENSIONS**

Bolton and Menk have completed the plans and specifications for the North Industrial/Commercial Park Phase 2 Sewer and Water Extensions project as ordered by Council at their May 23, 2016 meeting. Staff was requesting that Council approve the plans and specifications for the project and authorize advertisement for bids to be received on July 8, 2016 and considered for award at the July 11, 2016 Council meeting.

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

RESOLUTION NO. 3671

APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS

(Refer to Resolution File for complete copy of Resolution)

**PRIOR COUNCIL ACTION RESCINDED AND CONTRACT AWARDED FOR KNOLLWOOD DRIVE AND 1<sup>ST</sup> AVENUE SOUTHWEST SANITARY SEWER EXTENSION WITHOUT STIPULATION**

At its May 23, 2016 meeting, Council awarded the contract for the Knollwood Drive and 1<sup>st</sup> Avenue Southwest Sanitary Sewer Extension project to Larson Crane Service subject to adoption and publication of the ordinance annexing the property south of 1<sup>st</sup> Avenue SW, and approval of the

ordinance by the Minnesota Office of Administrative Hearings. It was determined that the Ordinance annexing the property as adopted needs to be amended before the Office of Administrative Hearings can approve the annexation. Because the delay will likely preclude completing the project before school resumes, staff was requesting that Council rescind their May 23<sup>rd</sup> action, and award the contract to Larson Crane Service with condition.

The motion was made by Council Member Nelson, seconded by Council Member Sankey and unanimously carried to rescind the May 23<sup>rd</sup> Council action and award the contract for the Knollwood Drive and 1<sup>st</sup> Avenue Southwest Sanitary Sewer Extension project to Larson Crane without the stipulation of annexation.

**RESOLUTION NO. 3672 ADOPTED PERTAINING TO INTENT TO BOND FOR COSTS INCURRED IN MAKING PUBLIC IMPROVEMENT**

Dwayne Haffield, Director of Engineering, said that federal tax regulations require that local governments declare the intent to reimburse themselves for prior costs incurred in making public improvements with proceeds from bonds - the City must state the intent to sell bonds for a project after significant costs have already been incurred for the project. Staff was recommending Council adoption of a resolution stating such intent for the following project as approved at the May 23, 2016 Council meeting:

<u>Project</u>	<u>Maximum Amount of Bonds Expected to be Issued for Project</u>
Improvement of Bioscience Drive in the Northeast Quarter of Section 14, T102N, R40W from approximately 855 feet west of the west right-of-way of TH 59 to a point approximately 1,170 feet west and 340 feet south by extension of the municipal wastewater collection system and by extension of the municipal water distribution system	\$705,990

Mr. Haffield said the maximum amount listed is approximately 10% higher than the project estimate presented for the projects ordered by Council.

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

RESOLUTION NO. 3672

RELATING TO FINANCING OF CERTAIN PUBLIC IMPROVEMENT BY THE CITY OF WORTHINGTON; ESTABLISHING COMPLIANCE WITH REIMBURSEMENT BOND REGULATIONS UNDER THE INTERNAL REVENUE CODE

(Refer to Resolution File for complete copy of Resolution)

**FIRST READING PROPOSED ORDINANCE AMENDMENT - DROST ANNEXATION**

At their May 23, 2016 meeting, Council gave a third reading to and subsequently adopted Ordinance No. 1095 approving the annexation of Allen and Kimberly Drost's property on 1<sup>st</sup> Avenue. Brad Chapulis, Director of Community/Economic Development, stated that when the ordinance and supportive documentation was submitted to the State's Office of Administrative Hearings for final approval it was determined that there was an error in the legal description as it included property that was not part of the petition for annexation. Because the ordinance had been adopted, the appropriate method to correct the error is to amend the ordinance by ordinance, which, as with all ordinances, will require three readings. The corrected legal description of the property to be annexed is as follows:

That part of the Northeast Quarter of Section 34, Township 102 North, Range 40 West, lying Northwest of the right-of-way of the Chicago, St. Paul, Minneapolis and Omaha Railway Company, EXCEPT a tract beginning at the North Quarter Corner of said Section 34; thence Easterly along the North line of said Section 34, a distance of 115.00 feet; thence Southwesterly, a distance of 119.60 feet, more or less, to a point on the West line of the Northeast Quarter of said Section 34 distant 33.00 feet South of the North Quarter corner of said Section 34, a distance of 33.00 feet to the point of beginning.

ALSO EXCEPTING

That part of the Northwest Quarter of the Northeast Quarter of Section 34, Township 102 North, Range 40 West, Nobles County, Minnesota described as follows:

Commencing at the North Quarter corner of said Section 34; thence on an assumed bearing of North 85 degrees 31 minutes 44 seconds East, along the north line of said section, a distance of 231.00 feet to an iron monument, said iron monument being the point of beginning of the tract to be described; thence South 0 degrees 54 minutes 01 seconds East a distance of 212.00 feet to an iron monument; thence North 85 degrees 31 minutes 44 seconds East a distance of 132.00 feet to an iron monument; thence North 50 degrees 08 minutes 05 seconds East a distance of 74.45 feet to an iron monument; thence North 0 degrees 54 minutes 01 West a distance of 168.79 feet to an iron monument located on the north line of said section; thence South 85 degrees

31 minutes 44 seconds West, a distance of 190.00 feet to the point of beginning.

The motion was made by Council Member Graber, seconded by Council Member Harmon and unanimously carried to give a first reading to the proposed ordinance amending Ordinance No. 1095.

**PETITION FOR ANNEXATION INDEPENDENT SCHOOL DISTRICT 518 AND RESOLUTION NO, 3673 ADOPTED AMENDING THE JOINT RESOLUTION FOR ORDERLY ANNEXATION BETWEEN THE TOWNSHIP OF WORTHINGTON AND THE CITY OF WORTHINGTON ORIGINALLY ADOPTED ON SEPTEMBER 1, 1972, PURSUANT TO M. 414.0325**

Brad Chapulis, Director of Community/Economic Development, said ISD 518 had submitted a petition requesting that the City annex 155.29 acres of land that it owns directly northwest of the intersection of Crailsheim Road and Fox Farm Road, legally described as:

That part of the Southeast Quarter of Section 21, Township 102 North, Range 40 West, Nobles County, Minnesota, described as follows:

Commencing at the Southeast corner of said Section 21; thence on an assumed bearing of South 89 degrees 22 minutes 38 seconds West, along the south line of said section, a distance of 395.48 feet to the point of beginning of the tract to be described; thence North 0 degrees 37 minutes 22 seconds West a distance of 33.00 feet to the Southeast corner of a Nobles County Sight Easement as recorded in Document No. 182052; thence North 34 degrees 13 minutes 33 seconds West, along the northeast line of said sight easement, a distance of 104.74 feet to the easterly line of a Nobles County Highway Easement as recorded in Document No. 335990; thence North 22 degrees 10 minutes 02 seconds East, along the easterly line of said highway easement, a distance of 95.56 feet; thence North 25 degrees 01 minutes 46 seconds East, along the easterly line of said highway easement, a distance of 100.13 feet; thence North 22 degrees 10 minutes 02 seconds East, along the easterly line of said highway easement, a distance of 100.00 feet; thence North 27 degrees 52 minutes 40 seconds East, along the easterly line of said highway easement, a distance of 100.50 feet; thence North 25 degrees 01 minutes 46 seconds East, along the easterly line of said highway easement, a distance of 100.13 feet; thence North 22 degrees 10 minutes 02 seconds East, along the easterly line of said highway easement, a distance of 200.00 feet; thence North 16 degrees 27 minutes 24 seconds East, along the easterly line of said highway easement, a distance of 100.50 feet; thence North 38 degrees 51 minutes 59 seconds East, along the easterly line of said highway easement, a distance of 52.20 feet; thence North 22 degrees 10 minutes 02 seconds East, along the easterly line of said highway easement, a distance of 179.11 feet; thence northeasterly, along the easterly line of said highway easement, along a tangential curve, concave to the northwest, having a radius of 1562.40 feet, a central angle of 4 degrees 04 minutes 55 seconds, the chord of said curve bears North 20 degrees 07 minutes 33 seconds East, a chord distance of 111.29 feet, an arc distance of 111.31 feet to the east line of said section; thence North 0 degrees 19 minutes 45 seconds West, along said east line, a distance of 1519.91 feet to the East Quarter corner of said section; thence South 89 degrees 00 minutes 31 seconds West, along the east-west quarter line of said section, a distance of 2637.81 feet to the Center of said section; thence South 0 degrees 18 minutes 39 seconds East, along the north-south quarter line of said section, a distance of 2662.26 feet to the South

Quarter corner of said section; thence North 89 degrees 22 minutes 38 seconds East, along the south line of said section, a distance of 2243.05 feet the point of beginning, containing 155.29 acres, subject to easements now of record in said county and state.

The school is requesting the annexation to assure access to public infrastructure to properly service their proposed high school facility for the subject property.

The Planning Commission considered the request at their June 7<sup>th</sup> meeting, were recommending that Council accept the annexation by Joint Resolution.

The motion was made by Council Member Graber, seconded by Council Member Nelson and unanimously carried to adopt the following joint resolution accepting the petition:

RESOLUTION NO. 3673

JOINT RESOLUTION OF THE TOWNSHIP OF WORTHINGTON AND THE CITY OF WORTHINGTON DESIGNATING AN UNINCORPORATED AREA AS IN NEED OF ORDERLY ANNEXATION AND CONFERRING JURISDICTION OVER SAID AREA TO THE MINNESOTA MUNICIPAL BOARD- AMENDMENT TO THE JOINT RESOLUTION FOR ORDERLY ANNEXATION BETWEEN THE TOWNSHIP OF WORTHINGTON AND THE CITY OF WORTHINGTON ORIGINALLY ADOPTED ON SEPTEMBER 1, 21972, PURSUANT TO M.S. 414.0325

(Refer to Resolution File for complete copy of Resolution)

**COUNCIL COMMITTEE REPORTS**

Mayor Kuhle - reported on the Governor's visit to town and attendance at a Sister Cities conference in Shoreview, Minnesota with Lon Lien.

Council Member Nelson - reported on Park Board meeting and a Housing and Redevelopment Authority meeting.

Council Member Graber - reported on the Governor's discussion, commented on the Regatta and the upcoming Beach Bash, reported on the Chamber and CVB meeting and the Public Arts Commission meeting.

Honorary Council Member Hoffman - commented on the regatta.

Council Member Janssen - noted the regatta and attended NEON.

Council Member Harmon - commented on the regatta, reported on Water and Light Commission meeting and Lewis and Clark, Cable 3 meeting, and two meetings of the Center for Active Living.

Council Member Sankey - reported on the May 31<sup>st</sup> work session with the school, the Blandin Broadband subcommittee, the School Board meeting regarding information on the school proposal, Governor Dayton's visit, NEON, and noted the Crailsheim Bridge sculpture.

**CITY ADMINISTRATOR'S REPORT**

Steve Robinson, City Administrator, reported that the unveiling of the bridge sculpture will be moved to August 12<sup>th</sup> to accommodate the arrival of Axel Huss. Fund raising for the project is at \$8,300 as of today. Due to the death of Tammy Mackram's father, the soft opening for movie showings at the Auditorium will now be June 22<sup>nd</sup>. He will be in St. Paul tomorrow at the legislature, and at the League of Minnesota Cities Conference Wednesday through Friday.

**CLOSED SESSION UNDER MINN. STAT. § 13D.05, SUBD. 3 (C)(3) - REAL ESTATE ACQUISITION SOLICITATION - PARCEL NO. 31-0628-000**

Mayor Kuhle announced that Council would be going into closed session under Minn. Stat. § 13D.05, Subd. 3(c)(3) to discuss a real estate acquisition solicitation on Parcel No. 31-0628-000.

The motion was made by Council Member Sankey, seconded by Council Member Nelson and unanimously carried to close the meeting at 8:55 p.m.

The motion was made by Council Member Sankey, seconded by Council Member Janssen and unanimously carried to re-open the meeting at 9:22 p.m.

**ADJOURNMENT**

The motion was made by Council Member Harmon, seconded by Council Member Graber and unanimously carried to adjourn the meeting at 9:24 p.m

Janice Oberloh, MCMC  
City Clerk