

**WORTHINGTON CITY COUNCIL  
REGULAR MEETING, JULY 23, 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: Dayton Williamson.

Staff present: Steve Robinson, City Administrator; Todd Wietzema, Public Works Director; 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; Joni Harms and Jay Reisch, Forum Communications; Darlene Macklin; Jason Johnson; Angela and Kiana Palma; Dori Peters.

The Pledge of Allegiance was recited.

**HONORARY COUNCIL MEMBER**

Mayor Kuhle welcomed Dayton Williamson as the Honorary Council Member for the months of June, July and August, 2018.

**AGENDA CLOSED / APPROVED**

Staff provided the proposed ordinances for the Community Development three rezoning case items noting that they were omitted from the agenda packet, and requested that Council give them a first reading if approved.

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

**CONSENT AGENDA APPROVED**

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

- City Council Minutes of Regular Meeting July 9, 2018 and Special Meeting July 18, 2018
- Minutes of Boards and Commissions - Planning Commission /Board of Appeals Minutes of Special Meeting July 17, 2018; Planning Commission / Board of Appeals Minutes of Regular Meeting, July 10, 2018; Water and Light Commission Minutes of Regular Meeting July 2, 2018; Worthington Housing and Redevelopment Authority Board Minutes of June 27, 2018; Worthington Housing and Redevelopment Authority Board Minutes of June 5, 2018; YMCA Board Minutes of May 21, 2018; Public Arts Commission Minutes of May 17, 2018
- Financial Statements - General Fund Statement of Revenues and Expenditures for the Period January 1, 2018 through June 30, 2018; Municipal Liquor Store Income Statement for the Period January 1, 2018 through June 30, 2018

- Bills payable and totaling \$2,739,117.72 be ordered paid.

**RESOLUTION NO. 2018-07-05 ADOPTED ACCEPTING PARK BENCH DONATION**

Todd Wietzema, Public Works Director, said the following application to place a park bench on public property has been received from Vida Iten as follows:

- Friends of Carolee Anderson - on the bike path near Hospice Cottage

The motion was made by Council Member Cummings, seconded by Council Member Ernst and unanimously carried to adopt the following resolution accepting the park bench donation:

RESOLUTION NO. 2018-07-05

**A RESOLUTION ACCEPTING A DONATION OF PERSONAL PROPERTY**

(Refer to Resolution File for complete copy of Resolution)

**CENTENNIAL SPLASH PAD DESIGN CONCEPT APPROVED WITH AUTHORIZATION TO ADVERTISE FOR BIDS**

Todd Wietzema, Public Works Director, presented a preliminary design concept of the proposed Centennial Park splash pad. The design was approved by the Park and Recreation Advisory Board at their July 19, 2018 meeting, and Mr. Wietzema said he was requesting Council approval of the preliminary design and authorization to advertise for bids to be received August 21<sup>st</sup> and awarded at the August 27, 2018 City Council meeting. It is intended to have a ground breaking just before Turkey Day this fall, and to have the splash pad open prior to Memorial Day 2019.

The motion was made by Council Member Janssen, seconded by Council Member Oberloh and unanimously carried to approve the Centennial splash pad design concept and authorize staff to advertise for bids.

**VEHICLES DECLARED AS SURPLUS PROPERTY**

Per the City's Property Disposal Policy, Council shall declare City owned vehicles as surplus property before they can be listed for sale. Todd Wietzema, Public Works Director, was requesting that Council declare the following two vehicles as surplus:

- 1998 Ford F800 Plow Truck with 64,716 miles
- 2000 Ford Taurus Station Wagon with 106,293 miles

Mr. Wietzema said the vehicles would be listed for sale on the online auction site Govdeals.com.

The motion was made by Council Member Oberloh, seconded by Council Member Cummings and unanimously carried to declare the vehicles as surplus property and to authorize staff to advertise them for disposal.

**PROPOSAL FOR ROOF ASSESSMENT SURVEY AND REPORT FOR THOMPSON HOTEL APPROVED**

On April 23, 2018, Council declared the building located on parcel #31-0113-000, at 1009 Third Avenue, to be a hazardous building, and issued an order to the property owner to repair or remove the hazardous conditions documented at the property. The order required that the repairs listed in the report be commenced no later than June 1, 2018, and completed no later than July 31, 2018. When no roof repairs had commenced by June 1, 2018, the City Attorney filed a request with the Fifth District Court to grant the City authority to proceed with repairs to the property - any costs incurred would be assessed back against the property as a special assessment as authorized by State Statute. On Monday, July 9<sup>th</sup>, the Fifth District Court granted the City approval to start the work.

Jason Brisson, Director of Community Development, Planning, Zoning and Building Services, said staff solicited and received proposals from two independent roofing consultants for an estimate for services to identify and assess the current roofing system, provide recommendations for repair/reconstruction and provide a cost estimate for the recommended repairs. The high quote was \$7,530, and the low quote was \$5,300, and was provided by Inspec. Staff was recommending Council approval of the low quote and authorization for staff to engage Inspec to provide a roof assessment survey and report for the property. The costs for the services would go towards the total project cost to be assessed back. Mr. Brisson, noted that available TIF funds could be used for the initial cost and be replaced when the assessments are collected.

The motion was made by Council Member Oberloh, seconded by Council Member Cummings and unanimously carried to approve the quote from Inspec to provide a roof assessment survey and report for the Thompson Hotel at the low quote of \$5,300.

**FIRST READING PROPOSED ORDINANCE CHANGE OF ZONE - 1535 COLLEGEWAY**

Wettering Investments submitted an application to rezone 2.9 acres they own at 1535 Collegeway. The request is to rezone the property from its current "I" - Major Institution and "P.U.D." - Planned Use Development designations to "R-5" - Multi-Family, Medium and High Density. The property is legally described as:

A tract of land in the Northwest Quarter of Section 22, Township 102 North, Range 40 West, Nobles County, Minnesota, bounded by the following described lines: Beginning at a point of the south line of said Northwest Quarter a distance of 1360.23 feet North 89 degrees 35 minutes West of the southeast corner of said Northwest Quarter; thence North 89 degrees 35 minutes West along the south line of said

Northwest Quarter a distance of 490.00 feet; thence North 00 degrees 25 minutes East along a line at right angles to the south line of said Northwest Quarter a distance of 278.00 feet; thence South 89 degrees 35 minutes East along a line parallel with the south line of said Northwest Quarter a distance of 240.00 feet; thence South 62 degrees 52 minutes 40 seconds East a distance of 279.24 feet; thence South 00 degrees 13 minutes West a distance of 153.30 feet to the point of beginning EXCEPTING THEREFROM the following described property: That part of the Southwest Quarter of the Northwest Quarter of said Section 22 described as follows: Commencing at the west quarter corner of said Section 22; thence on an assumed bearing of North 90 degrees 00 minutes East, along the east-west quarter line of said Section, a distance of 797.30 feet to a point 1850.23 feet west, along said east-west quarter line, of the center of said Section; thence North 0 degrees 00 minutes East a distance of 173.83 feet to the point of beginning of the tract to be described; thence continuing North 0 degrees 00 minutes East a distance of 104.97 feet; thence North 90 degrees 00 minutes East a distance of 84.14 feet; thence South 38 degrees 43 minutes West a distance of 134.53 feet to the point of beginning.

TOGETHER WITH

That part of the Southwest Quarter of the Northwest Quarter of Section 22, Township 102 North, Range 40 West, City of Worthington, Nobles County, Minnesota, described as follows: Commencing at the west quarter corner of said Section 22; thence on an assumed bearing of North 90 degrees 00 minutes East, along the east-west quarter line of said Section, a distance of 797.30 feet to a point 1850.23 feet west, along the east-west quarter line, of the center of said Section; thence North 0 degrees 00 minutes East a distance of 278.80 feet; thence North 90 degrees 00 minutes East a distance of 84.14 feet to the point of beginning of the tract to be described; thence continuing North 90 degrees 00 minutes East a distance of 157.21 feet to the southwesterly line of Collegeway; thence North 63 degrees 17 minutes West, along said southwesterly line, a distance of 125.40 feet; thence South 38 degrees 43 minutes West a distance of 72.26 feet to the point of beginning.

Jason Brisson, Director of Community Development, Planning, Zoning and Building Services, said the majority of the property is currently zoned P.U.D., with a small part of it zoned as Institutional. Rezoning the property to Multi-Family, Medium and High Density will bring the property into compliance with the City's Comprehensive Plan, a cleanup that was intended in 1995, and allow for additional housing units on the property.

The Planning Commission considered the request at their July 10, 2018 meeting, and after holding a public hearing, voted unanimously to recommend Council approval of the change of zone.

The motion was made by Council Member Harmon, seconded by Council Member Janssen and

unanimously carried to give a first reading to the proposed ordinance to rezone the property from "I" - Major Institution and "P.U.D." - Planned Use Development designations to "R-5" - Multi-Family, Medium and High Density.

**FIRST READING PROPOSED ORDINANCE CHANGE OF ZONE TABLED AND RETURNED TO PLANNING COMMISSION- JUAN AND ANGELA PALMA**

An application was received from Juan and Angela Palma to rezone 0.21 acres owned by Palma Enterprizes LLC from its current "R-3" - Low Density Preservation Residential designation to: "B-3" - General Business. The property is located south of Oxford Street between Burlington and Humiston Avenue, and is legally described as:

East 140.2' of Lot 19, Block 14, Moulton's Resurvey and Subdivision of Clary's Addition to the Village (now City) of Worthington, Minnesota.

The Planning Commission considered the request at their July 10, 2018 meeting, and after holding a public hearing, voted unanimously to recommend Council approval of the change of zone.

Jason Brisson, Director of Community Development, Planning, Zoning and Building Services, said staff looked at the request and how it aligned with the Comprehensive Plan. Because there are businesses on the south side of Oxford Street, and residential housing just south of that, the Plan would call for multi-family or medium density housing on the property to provide a buffer to the single family homes to the south and the commercial businesses to the north, and to stop commercial creep. Mr. Brisson said the Planning Commission did not feel multi-family housing would be viable here, and noted that Council had a couple of options:

- They could approve the first reading as presented
- They could table action on this item and direct the Planning Commission to amend the Comprehensive Plan to support the rezoning - which is preferred by staff

Council Member Oberloh expressed concern regarding the existing gravel parking lot - that it should be require to be hard surfaced. Angela Palma stated that the intended use of the lot is for employee parking, and they would consider installing hard surfacing. Mr. Brisson said the hard surfacing could become a stipulation of the rezoning. Council also noted that the Planning Commission should look at the zoning change all the way to the alley-way.

The motion was made by Council Member Janssen, seconded by Council Member Oberloh and unanimously carried table action on this request and send it back to the Planning Commission for consideration with the Comprehensive Plan.

**CHANGE OF ZONE DENIED - 308 11<sup>TH</sup> STREET**

Forum Communications submitted an application to rezone 0.05 acres it owns at 308 11<sup>th</sup> Street from its current "B-2" - Central Business designation to "B-3" - General Business. The property is legally described as:

Lot 4, Block 2, Auditor's Plat of Chermak Sub-Division, City of Worthington, Nobles County, Minnesota, except that part of said lot which lies northerly of a line run parallel with and distance 45 feet southerly of Line 1 described below:

Beginning at a point on the north line of Section 23, Township 102, Range 40, Nobles County, Minnesota, distant 1970.1 feet west of the northeast corner thereof; thence run westerly on the north line of said Section 23 for 10 feet and there terminating.,

Together with,

That part of Alley Lot A, Block 2, Auditor's Plat of Chermak's Sub-Division, City of Worthington, Nobles County, Minnesota described as follows:

Beginning at the southeast corner of Lot 4 in said Block 2; thence west along the north line of said Alley Lot A to the southwest corner of Lot 4 in said Block 2; thence south, perpendicular to the south line of said Block 2, a distance of 7.50 feet; thence east, parallel to the south line of said Block 2, to a point which is 7.5 feet south of the point of beginning as measured perpendicular to the north line of said Alley Lot A; thence north to the point of beginning.

The Planning Commission considered the request at their July 10, 2018 meeting, and after holding public hearing, it was unanimously recommended to deny the change of zone application. The recommendation to deny was based on the following:

1. Approval of the application would allow the applicant to lease the property as commercial warehouse space. The proposed change of zone would create one "B-3" - General Business parcel within a large zone of "B-2" - Central Business district land use abutting an "R-4" - Medium Density Residential district.
2. The current land use map within the City's Comprehensive Plan categorizes the subject parcel as Downtown Mixed Use. The Plan states that the Downtown Mixed Use area will redevelop with a mixture of residential, office and commercial space, and that the Downtown Mixed Use area is a supportive area to the downtown, providing additional traffic to support the downtown business operations. The subject parcel is in the Downtown District, which is intended to attract people to support the smaller retail, service and office uses. The Plan states that industrial land uses are not compatible with plans and objectives for the Downtown District.

3. The subject property is surrounded by other commercial and residential uses.
4. The proposed change of zone would create a "B-3" - General Business "spot" with a larger "B-2" - central Business district. The League of Minnesota Cities advises that cities should avoid a type of rezoning known as "spot zoning".

Mr. Brisson said changing this zone would not be legally defensible. Warehousing is only allowed in the Industrial Zone, and in the "B-3" zone by Conditional Use Permit. Staff was recommending Council denial of the application.

Joni Harms and Jay Reisch were at the meeting representing Forum Communications, and stated that the space was used for a long time as a warehouse, although not lately. There were no complaints from adjacent land owners. Mr. Reisch said they were just trying to re-develop it for the City - they have Realtors on board who could lease it - it would make it more marketable.

Mr. Brisson said Council has the legislative authority to decide where warehousing is allowed, and could direct staff to allow it in the "B2" district with specific conditions. However, he cautioned that if someone came forward that met all those specific parameters but you didn't see it as a fit in that location, you would still have to allow it. Council Member Ernst said she understands, but doesn't want to open a can of worms. Council Member Janssen said we've tied their hands by keeping it the same.

Following discussion, the motion was made by Council Member Ernst and seconded by Council Member Oberloh to deny the request, with the following Council Members voting in favor of the motion: Oberloh, Cummings, Ernst, Harmon; and the following Council Members voting against the motion: Janssen. Motion carried,

A second motion was made by Council Member Oberloh and seconded by Council Member Harmon to keep the parcel in "B-2" and to direct staff to work with the applicant to find a plan to allow its use as a wholesale warehouse under "B-2", with the following Council Members voting in favor of the motion: Oberloh, Cummings, Ernst, Harmon; and the following Council Members voting against the motion: Janssen. Motion carried.

### **WORTHINGTON REGIONAL PARK DESIGNATION**

Jason Brisson, Director of Community Development, Planning, Zoning and Building Services, reported that the City's application for a regional park designation for the Prairie View property was ranked by the state as medium, and the feedback was that they would like to see a programming plan submitted. Mr. Brisson said he contacted the SREDC this afternoon and their estimate for a plan design is approximately \$25,000 to \$27,000, which would include a Landscape Architect. Staff was looking for Council approval to move forward with completing the programming plan, and noted even if Council decided at some point to not move forward with implementation of the plan, it would

still be a good idea to have a plan.

The motion was made by Council Member Oberloh, seconded by Council Member Janssen and unanimously carried to authorize staff to move forward with a programming plan design.

### **COUNCIL COMMITTEE REPORTS**

Mayor Kuhle - No report.

Council Member Janssen - No report.

Council Member Oberloh - No report.

Council Member Cummings - No report but provided a reminder of the upcoming Crazy Days this weekend and of the Pro-Am Golf Tournament Thursday through Sunday.

Council Member Ernst - Noted a Public Arts Commission meeting, and applauded Gail Holinka and Bobbie Alsgaard-Lien on their Artmobile projects.

Council Member Harmon - Reported on a Joint City/County/College/School Board meeting on Friday, and the Water and Light Commission meeting held earlier today.

### **CITY ADMINISTRATOR'S REPORT**

Steve Robinson, City Administrator, reported that the seat installation at Memorial Auditorium is underway following several mishaps with the delivery truck. Installation will go through at least tomorrow. Two proposals were received for a movie theater and Mr. Robinson said he met with the Economic Development Committee to review them briefly. Following that review, he prepared a side-by-side financial review of the two proposals based on various box office revenues, which provided a good idea of what the investment would be. They will be meeting again soon to review that information and provide direction. We are still working closely with a group that is looking at a market rental housing development and our workforce housing grant - he's hoping to have a firm plan in place in the next couple of days and we can go back to the state and re-do our grant application. We have Police Officer interviews tomorrow and will be interviewing eight applications.

### **ADJOURNMENT**

The motion was made by Council Member Oberloh, seconded by Council Member Cummings and unanimously carried to adjourn the meeting at 8:12 p.m.

Janice Oberloh, MCMC  
City Clerk