

**WORTHINGTON CITY COUNCIL  
REGULAR MEETING, AUGUST 13, 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: Ryan Weber.

Staff present: Steve Robinson, City Administrator; Dwayne Haffield, Director of Engineering; Jason Brisson, Director of Community Development, Planning, Zoning and Building Services; Todd Wietzema, Public Works Director; Janice Oberloh, City Clerk.

Others present: Rick Von Holdt, Fire Chief; Annette Fiedler, SRDC; Chris Kielblock; Alyssa Sobotra, The Globe; Justine Wettschreck, KWOA; Juan and Angela Palma; Rhonda Allis, Forrest Hasty and Neal Anderson from MnDOT.

The Pledge of Allegiance was recited.

**HONORARY COUNCIL MEMBER**

Mayor Kuhle introduced and welcomed Julius Leibl. Mr. Leibl is from our Sister-City of Crailsheim, Germany, and is in Worthington for a visit.

Mayor Kuhle also welcomed Dayton Williamson as the Honorary Council Member for July, August and September, 2018.

**AGENDA CLOSED / APPROVED**

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

**CONSENT AGENDA APPROVED**

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

- City Council Minutes of Regular Meeting July 23, 2018
- Minutes of Boards and Commissions - Water and Light Commission Minutes of July 23, 2018; Traffic and Safety Committee Minutes of July 31, 2018; YMCA Board of Directors Minutes of June 25, 2018; Center for Active Living Committee Minutes of June 11, 2018
- Application for Exemption from Lawful Gambling - King Turkey Day, Inc.
- Application for Exemption from Lawful Gambling - Tomorrow's Turkeys
- Application for Temporary On-Sale Liquor License - St. Mary's Parish/School
- Applications for Temporary On-Sale Liquor Licenses - King Turkey Day, Inc.
- Application for Parade Permit/ to Block Streets - King Turkey Day, Inc.
- Application for Parade Permit / to Block Street - Cruisin' Downtown Worthington

- Traffic and Safety Committee Recommendations
- Bills payable and totaling \$1,584,874.68 be ordered paid

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

Pursuant to published notice, this is the time and date set for the second reading of a proposed ordinance to rezone 2.9 acres at 1535 Collegeway, owned by Wettering Investments, 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.

Rezoning the property to Multi-Family, Medium and High Density will bring the property into compliance with the City's Comprehensive Plan and allow for additional housing units on the property.

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

#### **MnDOT PRESENTATION / DISCUSSION**

Rhonda Allis, MnDOT, said the reason for their request to attend the meeting was because they are looking at their 10 year plan, which includes the Highway 59 North project. The project might be labeled as a flex project, which means if funding becomes available it might be looked at for that project, so they were looking for input from Council. Plans in their 10 year program do not include any expansion, but are focused on preservation. Forrest Hasty said the Highway 59 project will start just south of Interstate 90 to Highway 62 in Fulda, and will more than likely be concrete pavement repair or a bituminous overlay. Ms. Allis said the project could typically be done under traffic unless major culvert works needs to be done. Council Member Cummings said he would like to see the intersection of 59 and Airport Road addressed because of our law enforcement personnel who enter the highway there. Mr. Hasty said, based on the most recent study, the section of the highway from Airport Road to Worthington would not merit increasing to four lanes, but they would look at it again. Ms. Allis said there will be additional opportunities for Council input.

Council thanked the MnDOT Reps for their visit.

#### **PROFESSIONAL SERVICES AGREEMENT BETWEEN CITY OF WORTHINGTON AND CBS SQUARED APPROVED**

The City is scheduled to complete the purchase of the MC Fitness building on September 1, 2018. As part of the City's due diligence, CBS Squared was retained to perform an assessment of the building, prepare schematic plans and provide an opinion of estimated costs to renovate the facility for use as a Public Works Department, including equipment storage and shop, offices, additional storage, restrooms and a break room. The proposal from CBS Squared has been received for architectural and engineering construction and bid documents, and to perform bidding services. Steve Robinson, City Administrator, said upon award of the contract to a single prime contractor,

CBS will perform construction phase services including review of shop drawings, evaluation of the work, prepare pay requests and perform project completion inspections. The proposed fee for the services is time and materials not to exceed \$162,400.00

The motion was made by Council Member Harmon, seconded by Council Member Janssen and unanimously carried to approve the agreement between the City of Worthington and CBS Squared.

**RESOLUTION NO. 2018-08-01 ADOPTED - SMALL TOWN AND REGIONAL VITALITY INVESTMENT ACT OF 2018**

Staff presented a resolution for Council consideration that supports the Small town and Regional Vitality Investment Act of 2018. Congressman Tim Walz had introduced legislation for the act in mid-July, which would create a new investment initiative by sharing federal revenues directly with local governments to address major challenges facing their specific communities while tying directly those decision to their region's long term strategic framework. Funding is limited to towns with a population of 30,000 or less, and may be used for critical needs including child care, housing, healthcare services, training skilled workers and community amenities.

Some Council Members questioned the value of supporting the act when Congressman Walz would not be there to carry it forward. Steve Robinson, City Administrator said the Congressman has developed an exit plan to advise his replacement on the program.

Following discussion, the motion was made by Council Member Ernst and seconded by Council Member Oberloh to adopt the resolution, 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.

RESOLUTION NO. 2018-08-01

A RESOLUTION IN SUPPORT OF THE SMALL TOWN AND REGIONAL VITALITY INVESTMENT ACT OF 2018

(Refer to Resolution File for complete copy of Resolution)

**RESOLUTION NO. 2018-08-02 ADOPTED RELATING TO ACCEPTANCE OF FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) GRANT**

The Worthington Fire Department applied for a grant to replace self-contained breathing apparatus (SCBA) and turn-out gear for all department firefighters. The request totaled \$348,600.00, with a local matching share of 5%. The department was notified in July that we were awarded a grant in the amount of \$332,953.00, with the local matching share of \$15,647.00. The grant will be used to

purchase the following:

- 38 SBCA units at \$6,200.00 \$235,600.00
- 2 Extra Face Masks at \$500.00 \$1,000.00
- 35 Sets of Turnout Gear at \$3,200.00 \$112,00.00

Staff was requesting that Council accept the grant and adopt a resolution authorizing the grant agreement.

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

RESOLUTION NO. 2018-08-02

RELATING TO FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) GRANT AGREEMENT

(Refer to Resolution File for complete copy of Resolution)

**WORTHINGTON CEMETERY ASSOCIATION FUNDING REQUEST APPROVED**

At their February 26, 2018 meeting, Council considered a request from the Worthington Cemetery Association for annual funding of up to \$10,000.00 from both the City of Worthington and Nobles County to help fund operational expense shortfalls. Council approved an immediate payment of \$5,000.00, with additional funding contingent on a joint committee meeting of members of the Nobles County Board, Worthington Cemetery Association and the City Council. That meeting occurred June 26, 2018.

The City and County have now received a letter from the Cemetery Association requesting consideration of releasing an additional \$5,000.00 from each entity to cover shortfalls for the remainder of 2018. Nobles County approved the request contingent on the approval by City Council.

Following discussion, the motion was made by Council Member Oberloh, seconded by Council Member Harmon and unanimously carried to approve the funding request in the amount of \$5,000.00, and that a plan be requested from the Cemetery Association for them to become sustaining.

**NOMINATING COMMITTEE RECOMMENDATIONS FOR COMMITTEE APPOINTMENTS / REAPPOINTMENTS APPROVED**

The Nominating Committee met on August 7, 2018 and were making the following

recommendations for committee appointments/reappointments:

Memorial Aud. Advisory Board - Appoint Pastor John Stewart to replace Mara Jirele, who was not eligible for another term, for a three-year term, term to expire July 31, 2021

Appoint Gretchen O'Donnell to replace Steve Woitalewitz, who was not eligible for another term, for a three-year term, term to expire July 31, 2021

Re-appoint Betty McAllister for a first full three-year term, term to expire July 31, 2018. Ms. McAllister was filling an unexpired term of a previous Board member.

The motion was made by Council Member Cummings, seconded by Council Member Ernst and unanimously carried to approve the committee appointments/reappointments as recommended by the Nominating Committee.

**CENTENNIAL PARK BEACH NOOK BATHROOM BUILDING DESIGN CONCEPT APPROVED AND ADVERTISEMENT FOR BIDS AUTHORIZED**

Todd Wietzema, Director of Public Works, said Brunton Architectural and Engineers has completed the design and construction documents for the new Beach Nook project. Staff was requesting Council approval of the design, and authorization for staff to advertise for bids for the project to be received September 6, 2018 and submitted for Council consideration at their regular meeting on Monday, September 10, 2018. Mr. Wietzema said it is planned to do the utility and ground work for the project yet this fall, with completion of the project in May, prior to Memorial Day.

The motion was made by Council Member Ernst, seconded by Council Member Oberloh and unanimously carried to approve the Beach Nook Bathroom building design concept and to authorize staff to advertise for bids for the project.

**USE OF COMMUNITY GROWTH FUNDS FOR REPLACEMENT OF PEDESTRIAN BRIDGE OVER WHISKEY DITCH APPROVED WITH AUTHORIZATION TO EXECUTE AGREEMENT**

Dwayne Haffield, Director of Engineering, said the Community Growth Committee was recommending replacement of the pedestrian bridge over Whiskey Ditch in Centennial Park through the use of Community Growth funds. The cost of the bridge replacement project, including engineering and limited contingency, is estimated to be \$120,000.00 at this time for a pre-fabricated

steel truss bridge six-foot in width. Staff solicited a proposal for professional services for obtaining permits and to develop documents for competitive bidding of the bridge replacement from SEH. Mr. Haffield said SEH is recommended due to their current work with the Corp of Engineers on the 10<sup>th</sup> Avenue bridge, and their ability to extend the hydraulic modeling used for the project to the pedestrian bridge. Cost of the proposal is \$23,310.00, which does not include the soil borings that will be paid directly by the City, or the historic review which is being done as a minimal add on to that being done for the 10<sup>th</sup> Avenue bridge. In response to a question from Council, Mr. Haffield said they can aim for having the work by SEH done by fall, but the bridge itself would not be dropped in this fall.

The motion was made by Council Member Cummings, seconded by Council Member Oberloh, and unanimously carried to authorize the use of Community Growth funds for the bridge replacement, to accept the SEH proposal and authorize execution of an agreement subject to approval by the City Attorney.

**FIRST READING PROPOSED ORDINANCE - TEXT AMENDMENT (COMMERCIAL PARKING LOTS)**

At their August 13, 2018 meeting, Council tabled a rezoning request and requested that staff address their concerns regarding required pavement for commercial lots used primarily for parking. Jason Brisson, Director of Community Development, Planning, Zoning and Building Services, said staff researched the issue and found that it would not be legally enforceable. Instead, staff was proposing an ordinance amending Title XV, Section 155.042 of the City Code as follows:

Section I.

In order to better protect and enhance the public health, safety and general welfare, the Worthington City Council hereby finds that it is necessary to amend Section of § 155.042 City of Worthington City Code so as to require construction of a dustless and durable hard surface on any part of a parcel of property used primarily for parking where such parcel is located in the 'B-3' - General Business zone and where such parcel abuts property located within a residential zone.

The Planning Commission considered the proposed text amendment at their August 7, 2018 meeting, and after holding a public hearing and discussion, voted unanimously to recommend adoption of the proposed Ordinance.

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

**COMPREHENSIVE PLAN AMENDMENT APPROVED - PARCEL 31-2853-000**

At their July 23, 2018 meeting, Council considered a request to rezone the parcel identified as Parcel 31-2853-000, however, staff noted that the Comprehensive Plan did not seem to support the change of zone. Looking at it as a potential oversight by the Comprehensive Plan, staff now presented a proposed change of land use within the Comprehensive Plan that would change the approximate 0.21 acres of land located south of Oxford Street between Burlington and Humiston Avenues from its current designation of Medium Density Residential to Community Commercial. Jason Brisson, Director of Community Development, Planning, Zoning and Building Services, said if Council then moved forward with the change of zone it would show we are following our comprehensive plan. The subject property 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 proposed amendment at their August 7, 2018 meeting, and after holding a public hearing, voted unanimously to recommend Council approval of the amendment.

Council noted that at their August 13<sup>th</sup> meeting, they had also suggested looking at the additional parcel of property near the alley, for inclusion in this process. Jason Brisson, Director of Community Development, Planning, Zoning and Building Services, said that would be a rezoning issue and that would need to go through Planning Commission.

The motion was made by Council Member Oberloh, seconded by Council Member Ernst and unanimously carried to approve the comprehensive plan amendment - parcel 31-2853-000.

Council requested that Mr. Brisson work with the Planning Commission regarding the additional parcel.

**FIRST READING PROPOSED ORDINANCE - CHANGE OF ZONE - PARCEL 31-2853-000**

An application was submitted by Juan and Angela Palma to rezone 0.21 acres of property owned by Palma Enterprizes LLC, from it's 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 Avenues, and is legally described as follows:

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 had first considered the request at their July 10, 2018 meeting, and after holding a public hearing, voted unanimously to recommend Council approval of the application. Council considered the request at their July 23, 2018 meeting and citing concerns about the City



Code's lack of minimum surfacing standards for commercial parcels primarily used for parking, Council sent the application back to the Planning Commission. After City staff was able to develop and present a proposed City Code amendment designed to establish minimum surfacing requirements for commercial parking lots, the Planning Commission again considered the request at their August 7, 2018 meeting, and following discussion, voted unanimously to recommend Council approval of the request.

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

Juan and Angela Palma were at the meeting and questioned what the time frame would be for compliance with the hard surfacing requirement. Staff responded they would have one year.

### **COUNCIL COMMITTEE REPORTS**

Mayor Kuhle - Reviewed the employee awards given at the employee picnic and thanked the employees for being safety conscious. Also reminded Council of the open house at Memorial Auditorium on Sunday, August 19<sup>th</sup> from 1 to 4 p.m.

Council Member Janssen - Attended a NEON meeting last week - day care was the main topic.

Council Member Oberloh - Attended the Law Enforcement National Night Out on Tuesday - good event.

Council Member Cummings - Attended a 'Y' Board meeting - the focus was day care and expansion of the aquatic center with the half cent sales tax. Also mentioned the Memorial Auditorium open house, and reminded people to get out and vote tomorrow.

Council Member Ernst - No report - her meetings were already covered.

Council Member Harmon - Attended a Water and Light Commission meeting today - November 19<sup>th</sup> is the target date to be hooked up to the Lewis and Clark water project. Attended a CAL meeting this morning - 3 members of the Board will be leaving in December, one of them wants to go now. Attended the CGMC Conference - the day care issue was part of the agenda. They visited a day care center in St. Peter accomplished with private investment. Suggested we have a work session on it - reps from there would be willing to attend.

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

Steve Robinson, City Administrator, reminded Council that September 21<sup>st</sup> is the first Council budget meeting - plans are to then have one follow up meeting. He met with Senator Weber and Representative Hamilton a week or so ago and discussed the proposed half cent sales tax - asked for their support when it gets to the legislative level. Mr. Robinson reported that there will be an open house at the new liquor store some time in October. Also, the link for the theater poll has been fixed now - responses currently were running in favor of the City providing a building for a theater. Staff will take the question out to all the civic groups.

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**ADJOURNMENT**

The motion was made by Council Member Janssen, seconded by Council Member Harmon and unanimously carried to adjourn the meeting at 8:31 p.m.

Janice Oberloh, MCMC  
City Clerk