

**WORTHINGTON CITY COUNCIL  
REGULAR MEETING, DECEMBER 27, 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.

Staff present: Steve Robinson, City Administrator; Troy Appel, Public Safety Director; Todd Wietzema, Public Works Director; Dwayne Haffield, Director of Engineering; Janice Oberloh, City Clerk; Sgt. Brett Wiltrout.

Others present: Justine Wettschreck, KWOA; Julie Buntjer, Daily Globe; Council Elects Amy Ernst, Chad Cummings, Alan Oberloh; Nakorn Chommes.

The Pledge of Allegiance was recited.

**AGENDA CLOSED/APPROVED WITH ADDITIONS**

Staff requested the additions to the agenda of Administrative Items E.5 *Professional Services Agreement Architectural/Engineering Design and Construction Documents for New Liquor Store* and E.6. *Application for Off-Sale Beer License*, and an additional Bills Payable report from December 23, 2016.

Representatives

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

**CONSENT AGENDA APPROVED WITH CORRECTION**

The City Clerk requested a correction to the City Council Minutes of December 12, 2016 to include the press representatives as present at the meeting.

The motion was made by Council Member Graber, seconded by Council Member Nelson and unanimously carried to approve the consent agenda with the requested correction, as follows:

- City Council Minutes of Regular Meeting December 12, 2016
- Minutes of Boards and Commissions - Water and Light Commission Minutes of Regular Meeting December 19, 2016; Park and Recreation Advisory Board Minutes of November 30, 2016; Okabena-Ocheda-Bella Clean Water Partnership Joint Powers Board Minutes of February 11, 2016
- Municipal Liquor Store Income Statement for the Period January 1, 2016 through November 30, 2016
- Professional Services Agreement with Midwest Engineering for a Topographic Survey of New Liquor Store Site at a fee of \$2,500.00
- Application for Exemption from Lawful Gambling Permit from the Worthington Okabena Windsurfers for a raffle on June 10, 2017 at Sailboard Beach

- Bills payable and totaling \$2,082,959.56 be ordered paid

**THIRD READING AND ADOPTION OF ORDINANCE NO. 1103 AMENDING CHAPTER 111 OF THE WORTHINGTON CITY CODE TO ADD SECTION 111.29, SUNDAY ON-SALE INTOXICATING LIQUOR LICENSES**

Pursuant to published notice, this was the time and date set for the third reading of a proposed ordinance amending Chapter 111 of the Worthington City Code to add Section 111.29 as follows:

**111.29 SUNDAY INTOXICATING LIQUOR LICENSES**

Sunday on-sale intoxicating liquor licenses were authorized by voter approval at the November 8, 2016 General Election. Sunday on-sale intoxicating liquor licenses may be issued only to those establishments which hold an intoxicating liquor license. All state and local laws which apply to intoxicating liquor licenses shall apply to Sunday on-sale intoxicating liquor licenses. The maximum fee for this license, which shall be established by the Council under the provisions of § 111.49, shall not exceed \$200.00, or the maximum amount provided by M.S. § 340A.504, Subd. 3b, as it may be amended from time to time.

Sunday On-Sale Intoxicating Liquor was approved by the voters of the city of Worthington at the November 8, 2016 General Election. Following publication of the ordinance, it will become effective January 1, 2017.

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

ORDINANCE NO. 1103

AN ORDINANCE TO AMEND CHAPTER 111 TO ADD SECTION 111.29

(Refer to Ordinance File for complete copy of Ordinance)

**RESOLUTION NO. 3706 ADOPTED ESTABLISHING SUNDAY ON-SALE INTOXICATING LIQUOR LICENSE FEE**

At their December 8, 2016 meeting, the Liquor Committee discussed what the fee should be for the Sunday On-Sale Intoxicating Liquor License should Council adopt the ordinance approving issuance of the licenses. Minnesota Statute caps the fee at \$200.00. Following their discussion, the

Committee was recommending that Council set the fee for the Sunday On-Sale Intoxicating Liquor License at the maximum fee of \$200.

The motion was made by Council Member Harmon, seconded by Council Member Graber and unanimously carried to adopt the following resolution establishing the fee for the Sunday On-Sale Intoxicating Liquor License at \$200:

RESOLUTION NO. 3706

A RESOLUTION TO AMEND ESTABLISHED LICENSE FEES ADOPTED IN RESOLUTION NO. 3419

(Refer to Resolution File for complete copy of Resolution)

**APPLICATIONS FOR SUNDAY ON-SALE INTOXICATING LIQUOR LICENSE APPROVED**

Following adoption of the Sunday On-Sale Intoxicating Liquor Ordinance, and adoption of the resolution setting the license fee, the following applications for a Sunday On-Sale Liquor License were submitted to Council for approval:

- Great Life Golf & Fitness Club - 851 W. Oxford Street
- The Tap - 107 12<sup>th</sup> Street
- The Ground Round Grill & Bar - 1290 Ryan's Road
- Mini Market Lupita - 1906 Oxford Street
- El Mexicano #3 Restaurant - 304 Tenth Street
- La Azteca Restaurant - 223 Tenth Street
- VFW #3958 - 1117 Second Avenue
- Historic Dayton House - 1311 Fourth Avenue
- Elks Lodge - 1105 Second Avenue
- Eagles Aerie 3282 - 205 Oxford Street
- Long Branch Saloon - 206 Tenth Street
- Hy-Vee - 1235 Oxford Street

License period will be January 1, 2017 through June 30, 2017.

The motion was made by Council Member Janssen, seconded by Council Member Nelson and unanimously carried to approve the applications for Sunday On-Sale Intoxicating Liquor License as submitted.

**RESOLUTION NO. 3707 ADOPTED AUTHORIZING INTERFUND LOAN FOR LIQUOR**

**STORE RELOCATION**

Staff presented a resolution for Council approval that authorized the advance of \$1,000,000 from the City's General Fund for the purchase of the building and property for the relocation of the Municipal Liquor Store. The term of the loan would be 3% for ten years, with repayment to come from Liquor Store profits. Steve Robinson, City Administrator, noted staff is anticipating earlier repayment of the loan.

The motion was made by Council Member Nelson, seconded by Council Member Harmon and unanimously carried to adopt the following resolution approving the Interfund Loan for the relocation of the Municipal Liquor Store:

RESOLUTION NO. 3707

RESOLUTION AUTHORIZING AN INTERFUND LOAN FOR PURCHASE OF BUILDING AND REAL PROPERTY FOR LIQUOR STORE RELOCATION

(Refer to Resolution File for complete copy of Resolution)

**PROFESSIONAL SERVICES AGREEMENT APPROVED FOR ARCHITECTURAL /ENGINEERING DESIGN AND CONSTRUCTION DOCUMENTS FOR NEW LIQUOR STORE**

The City received a proposal from TSP for architectural, structural engineering, mechanical engineering and electrical engineering services related to the liquor store renovation and building addition project. The proposal was for a lump sum fee of \$64,450.00 for design development, preparation of plans and specifications, and bidding services. Steve Robinson, City Administrator, noted the proposal did not include civil site engineering, for which staff was recommending utilization of Midwest Engineering of Worthington for those services. That proposal would be brought to Council at a future meeting.

The motion was made by Council Member Graber, seconded by Council Member Janssen and unanimously carried to approve the professional services agreement with TSP for architectural/engineering design and construction documents for the new liquor store.

**APPLICATION FOR OFF-SALE BEER LICENSE APPROVED - TOP ASIAN FOOD, INC.**

Council considered an application for an Off-Sale Beer License from Nakorn Chommes for Top Asian Food, Inc, 312 Tenth Street, which he recently purchased from the previous owner. All the required paperwork and fees were received and background check completed. The license period will be from January 1, 2017 through December 31, 2017.

The motion was made by Council Member Nelson, seconded by Council Member Graber and unanimously carried to approve the application for an Off-Sale Beer License from Nakorn Chommes for Top Asian Food, Inc., 312 Tenth Street.

**RESOLUTION ADOPTED AUTHORIZING GRANT AGREEMENT WITH MN DEPARTMENT OF PUBLIC SAFETY**

Troy Appel, Public Safety Director, stated the Minnesota Department of Public Safety has awarded grant funds to the City of Worthington Police Department to supplement the 2017 operation of the Buffalo Ridge Drug Task Force. The City of Worthington will continue as financial agent for the Task Force, and funding must be reapplied for annually. A resolution relating to the grant agreement was presented for Council approval.

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

**RESOLUTION RELATING TO BUFFALO RIDGE DRUG TASK FORCE  
GRANT AGREEMENT**

WHEREAS, the Counties of Nobles, Murray and Pipestone, by and through their Sheriff's Departments, and the Cities of Adrian, Fulda, Slayton and Worthington, by and through their police departments (sometimes referred to herein as the 'parties'), have formed and operated a task force for the purpose of coordinating regional drug enforcement efforts; and

WHEREAS, the parties have determined that the task force should be called the 'Buffalo Ridge Drug Task Force'; and

WHEREAS, the parties have determined that, pursuant to Minn. Stat. §471.59, they should form a Joint Powers Agreement for the purposes of coordinating and administrating Buffalo Ridge Drug Task Force efforts, and to receive law enforcement funds available for regional narcotics task forces through the State and Federal Government;

WHEREAS, by the Worthington City Council resolution, the City of Worthington entered into a Joint Powers Agreement with the parties for the purpose of forming and operating the 'Buffalo Ridge Drug Task Force';

NOW THEREFORE BE IT RESOLVED, Worthington Police Department, on behalf of Buffalo Ridge Drug Task Force, enter into an agreement with the Minnesota Department of Public Safety, Office of Justice Programs and that Troy Appel, Worthington Public Safety Director, is authorized to execute such agreement and any amendment thereto;

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the task force grants administrator of Minnesota Department of Public Safety, Office of Justice Programs.

**RESOLUTIONS # 3708, #3709, #3710 ADOPTED ACCEPTING DONATIONS FOR SNOW GROOMING EQUIPMENT**

At their October 24, 2016 meeting, the Park and Recreation Advisory Board heard a presentation from a group of local winter snow trail enthusiasts who were proposing a groomed, non-motorized snow trail in Olson Park that would be approximately 1.5 miles long. As the City does not own snow grooming equipment, staff proposed that if the group could raise the funds to purchase the equipment, the City Park staff would maintain the trail. The Park Board accepted the proposal. In early December staff was informed the funds had been raised, and the equipment was purchased. Donations were as follows:

- Worthington Regional Health Care Foundation      \$2,300.00
- Bedford Industries      \$1,000.00
- Mike Woll Investments      \$200.00

The motion was made by Council Member Nelson, seconded by Council Member Harmon and unanimously carried to adopt the following resolutions accepting personal donations for snow grooming equipment:

RESOLUTION NO. 3708

A RESOLUTION ACCEPTING A DONATION OF PERSONAL PROPERTY

(Refer to Resolution File for complete copy of Resolution)

RESOLUTION NO. 3709

A RESOLUTION ACCEPTING A DONATION OF PERSONAL PROPERTY

(Refer to Resolution File for complete copy of Resolution)

RESOLUTION NO. 3710

A RESOLUTION ACCEPTING A DONATION OF PERSONAL PROPERTY

(Refer to Resolution File for complete copy of Resolution)

**RESOLUTION ADOPTED PRIORITIZING BRIDGE REPLACEMENTS**

Staff presented a resolution to seek bridge bonding funds from the state for two bridges in the City's jurisdiction that have sufficiency ratings below 80, making them eligible for the funding when available. The most easterly bridge on Fox Farm Road has a sufficiency rating of 62.8, but is not on a Municipal State Aid Street so is not eligible for MSAS funding. The 10<sup>th</sup> Avenue bridge over Whiskey Ditch has a sufficiency rating of 63.6 and is eligible for MSAS funding. However, Dwayne Haffield, Director of Engineering, said it would be desirable to use other funds for the bridge replacements instead of using all of the City's MSAS funding.

A motion was made by Council Member Nelson, seconded by Council Member Graber and unanimously carried to adopt the following resolution prioritizing the bridge replacements:

RESOLUTION

PRIORITIZED BRIDGE REPLACEMENTS

WHEREAS, City of Worthington has reviewed the pertinent data on bridges requiring replacement, rehabilitation, or removal, supplied by local citizenry and local units of government; and

WHEREAS, City of Worthington has identified those bridges that are high priority and that require replacement, rehabilitation, or removal within the next five years;

NOW, THEREFORE BE IT RESOLVED, that the following deficient bridge is a high priority and City of Worthington intends to replace, rehabilitate, or remove this bridge as soon as possible when funds are available,

<u>Old Bridge Number</u>	<u>Road Number</u>	<u>Total Project Cost</u>	<u>Township or State Bridge Funds</u>	<u>Federal Funds</u>	<u>Local or State Aid Funds</u>	<u>Proposed Construction Year</u>
L3310	Fox Farm Rd (163)	\$215,000	\$160,000		\$55,000	2017
L4651	10 <sup>th</sup> Avenue (115)	\$782,000	\$630,000		\$152,000	2018

NOW, THEREFORE, BE IT ALSO RESOLVED, that the Worthington City Council does hereby request authorization to replace, rehabilitate, or remove these bridges.

**CLEAN WATER PARTNERSHIP REQUEST FOR FUNDING AND EASEMENT APPROVED**

On December 16, 2016 the Clean Water Partnership Board met and considered a Legacy Clean

Water grant they received in the amount of \$428,000 for the Combined Pond Best Management Practices project that was presented in the Prairie View Golf Course Stormwater Best Management Practices feasibility study. The total estimated cost of the project (excluded design completed) is \$597,000, therefore, the local project cost is estimated to be \$169,000. At their meeting, the Board voted to make two recommendations to City Council - the first was that Council approve granting an easement to the Okabena-Ocheda Watershed to allow them to construct the project on City property and to document that the project will be protected into the future. A minimum recommended easement was provided for Council consideration, along with an expanded easement that would provide for on site disposal of material that will be removed from the pond. The second recommendation was that Council authorize release of up to \$170,000 of Clean Water Partnership reserves for funding the local share of the project costs.

Discussion centered on the benefits of the minimum recommended easement compared to the maximum easement that was offered. Council Member Janssen said by granting the maximum easement it would put a cloud over the property - start with the minimum easement required because it can always be expanded if necessary.

Following discussion, the motion was made by Council Member Janssen, seconded by Council Member Harmon and unanimously carried to grant the minimum recommended easement to the Okabena-Ocheda Watershed.

The motion was made by Council Member Nelson, seconded by Council Member Janssen and unanimously carried to release up to \$170,000 of Clean Water Partnership reserves for funding the local share of the project costs.

**RESOLUTIONS ADOPTED REGARDING TRANSPORTATION ALTERNATIVES PROGRAM FUNDING**

At their November 28, 2016 meeting, Council received information regarding the Transportation Alternatives Program (TAP) that provides a competitive federal grant opportunity for local communities and regional agencies to fund projects for pedestrian and bicycle facilities, historic preservation, Safe Routes to School and other transportation related projects. Following the presentation, Council gave preliminary approval for continuing pursuit of TAP funding for the Prairie Elementary School to Knollwood Drive trail and the Cecilee Street to TH 60 trail. Direction was based on the School District contributing funding for 50% of the local share of the Prairie Elementary trail, and assuming responsibility for the snow and debris removal on the trail. The School Board acted on that request at their December 20, 2016 meeting, but Mr. Haffield told Council that any heavy maintenance to the trail would City responsibility. Estimated costs are as follows:

<u>TAP PROJECT</u>	<u>Total</u>	<u>TAP Funding</u>	<u>Local Cost</u>
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Prairie Elementary to Knollwood Drive	\$128,434	\$89,334	\$39,100
Cecilee Street to TH 60	<u>\$201,001</u>	<u>\$139,799</u>	<u>\$61,200</u>
TOTAL COST	\$329,435	\$229,133	\$100,301

The motion was made by Council Member Graber, seconded by Council Member Harmon and unanimously carried to adopt the following resolutions establishing the City as the sponsor for the project, committing to securing funding for the local share, and committing the City to maintaining the trails for their useful life:

RESOLUTION  
TRANSPORTATION ALTERNATIVES PROJECT

Be it resolved that the City of Worthington agrees to act as sponsoring agency for a transportation alternatives project identified as Cecilee Street and Prairie Elementary Trails and has reviewed and approved the project as proposed. Sponsorship includes a willingness to secure and guarantee the local share of costs associated with this project and responsibility for seeing this project through to its completion, with compliance of all applicable laws, rules and regulations.

Be it further resolved that the City Engineer is hereby authorized to act as agent on behalf of this sponsoring agency.

RESOLUTION  
MAINTENANCE OF TRANSPORTATION ALTERNATIVES PROJECT

WHEREAS: The Federal Highway Administration (FHWA) requires that states agree to operate and maintain facilities constructed with federal transportation funds for the useful life of the improvement and not change the use of right of way or property ownership acquired without prior approval from the FHWA; and

WHEREAS: Transportation Alternatives projects receive federal funding; and

WHEREAS: the Minnesota Department of Transportation (MnDOT) has determined that for projects implemented with alternative funds, this requirement should be applied to the project proposer; and

WHEREAS: City of Worthington is the sponsoring agency for the transportation alternatives project identified as Cecilee Street and Prairie Elementary Trails.

THEREFORE BE IT RESOLVED THAT the sponsoring agency hereby agrees, in cooperation with Independent School District No. 518 pursuant to the School Board's resolution of December 20, 2016, to assume full responsibility for the operation and maintenance of property and facilities related to the aforementioned transportation alternatives project.

### **YEARS OF SERVICE PLAQUES**

Mayor Kuhle presented out-going Council Members Nelson, Graber and Sankey with years of service plaques, thanking each of them for their service. Council Member Nelson served two terms from 2009 through 2016, Council Members Graber and Sankey both served one term from 2013 through 2016.

### **COUNCIL COMMITTEE REPORTS**

Mayor Kuhle - Nothing to report.

Council Member Nelson - Nothing to report.

Council Member Graber - Reported on a Memorial Auditorium Advisory Board Meeting; reported on the Chamber of Commerce/Convention and Visitors Bureau Retreat;

Council Member Janssen - Nothing to report.

Council Member Harmon - Reported on the Water and Light Commission meeting.

Council Member Sankey - Nothing to report.

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

Steve Robinson, City Administrator, noted that staff will schedule a planning retreat in January or early February. Mr. Robinson also noted that staff is working on putting together our legislative priorities to be ready when the session opens next week.

### **ADJOURNMENT**

The motion was made by Council Member Janssen, seconded by Council Member Nelson and unanimously carried to adjourn the meeting at 8:06 p.m.