

**WORTHINGTON CITY COUNCIL
REGULAR MEETING, FEBRUARY 28, 2022**

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: Chad Cummings, Amy Ernst, Alaina Kolpin, Chris Kielblock, Larry Janssen.

Staff present: Steve Robinson, City Administrator; Steve Schnieder, City Engineer; Matt Selof, City Planner; Mindy Eggers, City Clerk.

Others present: Emma McNamee, The Globe; Ryan McGaughey, Radio Works; Jorge Lopez, Stanley McGaughey.

The Pledge of Allegiance was recited.

AGENDA APPROVED WITH ADDITIONS/CHANGES

A motion was made by Council Member Kielblock, seconded by Council Member Ernst and unanimously carried to approve the agenda as presented.

CONSENT AGENDA

A motion was made by Council Member Cummings, seconded by Council Member Kolpin and unanimously carried to approve the consent agenda as presented:

- City Council Meeting Minutes of February 14, 2022
- Special City Council Meeting Minutes of January 26, 2022
- Park & Recreation Advisory Board Minutes of February 9, 2022
- Economic Development Authority Minutes of January 24, 2022
- Cross Cultural Advisory Committee Minutes of January 18, 2022
- Application for On-Sale Beer License - Worthington Area Youth Baseball Association
- Bills payable and totaling \$3,009,902.91 be ordered paid

PROFESSIONAL SERVICES AGREEMENT - MINNESOTA MAIN STREET ECONOMIC REVITALIZATION PROGRAM APPROVED

Steve Robinson, City Administrator, said the Southwest Initiative Foundation (SWIF) has been awarded a grant through the Minnesota Department of Employment and Economic Development for the Main Street Economic Revitalization Program. Worthington has been allocated \$750,000 in grants and \$600,000 in loan guarantees. Funds may be used within the targeted areas which include the downtown business district from First Avenue to Fifth Avenue between Ninth and Twelfth Streets; Oxford Street from Diagonal Road to the Hwy 59/60 Round-About; and North Humiston from Oxford Street to I-90.

Mr. Robinson said the grants can cover up to 30% of eligible costs and may be used for building construction, repair and renovation of real property, site preparation and professional services. The program's expectations are that a rigorous community engagement process will be undertaken to assist in defining the program's structure, size limits, and prioritization of uses. Staff is recommending retaining Jorge Lopez as the City's representative in assisting with the community engagement process. Mr. Lopez's proposal for payment of services is \$80.00 per hour by worked performed, for a fee not to exceed \$9,000.00. The proposal if approved by Council is

A motion was made by Council Member Cummings, seconded by Council Member Ernst and unanimously carried to approve the proposal by Jorge Lopez contingent on acceptance by SWIF and their commitment to reimburse the City for these administrative expenses.

APPROVED LEGISLATIVE SERVICES ON BEHALF OF THE SOUTHWEST MINNESOTA COUNCIL OF MAYORS

Mr. Robinson said the Southwest Council of Mayors, representing the cities of Canby, Granite Falls, Marshall, Pipestone, Luverne, Jackson and Worthington, is proposing the creation of a pilot program targeting workforce development in our region. The program is to attract and retain workforce through the support of technical education in targeted occupations based on input from employers and training capacity at Minnesota West Community and Technical colleges. The occupations included:

- Carpentry,
- HVAC,
- Mechatronics,
- Automotive,
- Plumbing,
- Auto Technician,
- Agriculture Diesel, and
- Electrical.

Mr. Robinson explained the group of Mayors is pursuing a Legislative funding request for a five-year pilot program with State funding of \$600,000 per year combined with local funds of \$150,000. The Mayors received a proposal from Flaherty and Hood, PA for legislative services through the 2022 legislative session. The total fee for services is \$16,500 to be paid by each of the cities on a per capita basis. Worthington's share for the services is \$5,160.39. The proposed fees were not included in the 2022 budget but the funds are available in the General Government Miscellaneous section of the budget.

A motion was made by Council Member Cummings, seconded by Council Member Kielblock and unanimously carried to participate in the pilot program and pay \$5,160.39 for the city's share of the services, contingent upon approval by the other cities.

U.S. DEPARTMENT OF THE TREASURY CORONAVIRUS LOCAL FISCAL RECOVERY FUND AWARD TERMS AND CONDITIONS APPROVED

Mr. Robinson said Sections 602(b) and 603(b) of the Social Security Act authorized the Treasury to make payments to certain recipients from the Coronavirus State Fiscal Recovery Fund and the Coronavirus Local Recovery Fund. As a recipient, the City of Worthington agrees to the terms and conditions and assurance of compliance with civil rights.

A motion was made by Council Member Ernst, seconded by Council Member Kolpin and unanimously carried to authorize the Mayor as the City's representative to sign the documents for the U.S. Department of Treasury.

RESOLUTION NO. 2022-02-07 ADOPTED RECEIVING REPORT AND CALLING FOR HEARING ON PROPOSED IMPROVEMENTS

Steve Schnieder, City Engineer, said pursuant to Council action on February 14, 2022, the firm of Bolton & Menk, Inc. has prepared a feasibility report on the proposed improvement of:

- Apel Avenue** - from Clary Street to Bristol Street;
- Bristol Street** - from near Apel Avenue to west end;
- Cynthia Avenue** - from Diagonal Road to Tower Street;
- Eleanor Street** - the entire length within the plat of Dano Addition; and
- West Oxford Street** - from Elmwood Avenue to Park Avenue

The improvements being made will be regrading, base reconstruction, necessary curb and gutter reconstruction, and resurfacing. The feasibility report on the improvement provides information on the proposed improvement including locations, nature of improvements, costs, and proposed financing.

Mr. Schnieder said a resolution receiving reports and ordering hearing on proposed improvements including all the street reconstruction and surfacing segments in one improvement project decreases the costs of assessment proceedings and helps optimize funding options. He said any particular street could be excluded from the improvement at the time it is authorized. Staff suggests that a public hearing be held at 7:00 p.m. on March 28, 2022, at the regular Council meeting and adopt the resolution receiving report and calling for hearing on proposed improvements.

Council Member Ernst asked why bituminous was being used versus concrete? Mr. Schnieder explained that it is easier to match up bituminous with existing curb and gutter than concrete. He said bituminous has a 20 year life expectancy depending on traffic.

Mr. Robinson said curb & gutter are accessible projects to property owners and more cost effective in some cases for the City and property owners to use bituminous versus concrete.

A motion was made by Council Member Kielblock, seconded by Council Member Kolpin and unanimously carried to approve the following resolution:

RESOLUTION NO. 2022-02-07

A RESOLUTION RECEIVING REPORT AND CALLING FOR HEARING ON PROPOSED IMPROVEMENTS

(Refer to Resolution File for complete copy of Resolution)

APPROVED AWARD CONTRACT FOR FOX FARM ROAD SAP BRIDGE REPLACEMENT PROJECT

Mr. Schnieder said five bids for the Fox Farm Road SAP Bridge Replacement Project were received on February 23, 2022. Existing Bridge Number L33 10, located 350 feet west of Crailsheim Road will be replaced by Bridge Number 53K09. The work is eligible for State Bridge Bond funding and Capital Reserve Financing.

Engineers Estimate	Henning Construction	A & C Excavating	Midwest Contracting
\$252,370.50	\$249,302.50	\$262,659.10	\$275,501.10
Minnowa Construction	LCS		
\$287,725.00	\$247,477.50 (Irregular Bid)		

Mr. Schnieder explained a low bid was rejected due to the signed bid proposal not being included as required in the Special Provisions. The City Attorney was consulted and agrees with this action.

Staff recommends award of the contract to Henning Construction, Inc of Adrian, MN the lowest responsible bidder.

A motion was made by Council Member Kolpin, seconded by Council Member Cummings and unanimously carried to award the contract to Henning Construction, Inc. of Adrian, MN.

PARKING RESTRICTIONS APPROVED

Mr. Schnieder said the Traffic and Safety Committee unanimously voted to recommend to Council that the following parking restriction be authorized and an existing loading zone parking restriction be removed from Fifth Avenue and placed on Tenth Street. The recommendation was made following considerable discussion by the committee along with input from Sanford Health.

Restrict Parking for loading zone from 8 AM to 5 PM Monday through Friday only in the first stall on Tenth Street located southeast of the intersection with Fifth Avenue in front of Sanford Orthopedics, and to establish a 2 hour parking restriction from 1 AM to 6 AM in the first stall on Fifth Avenue located on the southeast side of the intersection with Tenth Street along the northwest side of Sanford Orthopedics.

This request was made by Sanford Health to facilitate easier access to the clinic. The existing loading zone is further from the door on Fifth Avenue and safety is a concern from the left turning traffic off Tenth Street.

Council Member Kolpin said she has reservations that semis making deliveries may think they can use the stall on Tenth Street. Council Member Cummings would like the sign to say patient drop off/pick-up only to help alleviate those problems.

A motion was made by Council Member Cummings, seconded by Council Member Ernst to approve the parking restriction with the addition of the word patient to the new signage.

CONDITIONAL USE PERMIT - 310 11th STREET APPROVED

Matt Selof, City Planner, said Efrain Patino has submitted a request for a conditional use permit to allow him to use the existing building at 310 11th Street as a warehouse/storage space. Pursuant to Minnesota Statute § 462.3595 and as outlined in Worthington City Code Chapter 155, Appendix E, the City requires that warehouse uses are permitted by conditional use permit only in a 'B- 3' District, the zoning of the subject property. The legal description of the property under consideration is as follows:

NW 60' of Lot 5 & 6 and All of Lots 7 & 8, Block 15, Plat of Worthington, Nobles County, Minnesota.

The City Planning Commission voted unanimously to recommend approval of the requested conditional use permit at its February 16th, 2022 meeting, subject to the following conditions:

1. Deliveries to the property be limited to the hours of 7am – 7pm;
2. Pallets stored outside the building shall be enclosed with fencing or screening, not stacked higher than the fencing or screening, and not accessible to the public;
3. The subject property must maintain compliance with all applicable local, State, and Federal standards and requirements.

A motion was made by Council Member Kielblock, seconded by Council Member Ernst and unanimously carried to approve the Conditional Use Permit for 310 11th Street.

PRELIMINARY PLAT - GLENWOOD HEIGHTS THIRD ADDITION APPROVED

Mr. Selof said the City of Worthington is considering Preliminary Plat approval of a residential subdivision to be known as Glenwood Heights 3rd Addition on a 30.49-acre tract of land the City owns located west of Sutherland Drive, north of Campbell Blvd, and west of Buchanan Court. The plat would create thirty-nine (39) lots intended for residential development and three (3) Outlots, of which one (1) will likely be subdivided in the future for additional residential lots. The legal description of the property under consideration is as follows:

Outlot I, Glenwood Heights Second Addition, City of Worthington, Nobles County, Minnesota.

The Planning Commission considered the preliminary plat request and after holding a public hearing, at their February 16th, 2022 meeting, the Commission voted unanimously to recommend the City Council approve the preliminary plat subject to the following conditions:

1. Outlot C be sold or conveyed to an abutting property owner;
2. The preliminary plat and all improvements associated with it follow all local, State, and Federal regulations;
3. Sidewalks be added on both sides of the street along Aspen Drive, Sutherland Drive, and the unnamed street coming off Sutherland Drive to the south.

Council Member Ernst asked why sidewalks are being required now since they weren't in the previous plat. Council Member Kielblock said he thinks sidewalks are an important part of a neighborhood. Council Member Ernst replied that she thinks the neighborhood will look like it was piecemealed with sidewalks in some areas and not others, she asked if the city would be putting in the sidewalks. Mr. Robinson said the city would be putting in the sidewalks and since the lot prices have not been set it will be easy to add the cost for them to the overall development costs.

A motion was made by Council Member Kielblock, seconded by Council Member Kolpin and unanimously carried to approve the Preliminary Plat - Glenwood Heights Addition.

APPROVED REQUESTED WAIVER OF REQUIREMENTS OF CITY CODE §154.36 (A)

Mr. Selof said City Code §154.36 lays out the requirements or construction of improvements for new subdivisions. Section (A) (1) specifies:

“Before any final plat or minor subdivision is approved by the City Council or recorded, the subdivider shall make and install the applicable improvements listed in division (E) of this section. In lieu of completion prior to final approval, the city shall require a contract secured by a cash deposit, certified check, or bond in an amount and with surety and conditions satisfactory to it, to assure the city that such improvements will actually be constructed and installed according to the approved specifications within one year of final approval. The City Council may, on an annual basis and upon a showing of good cause, agree to an extension of the aforesaid contract for up to a period no longer than one year at a time as to all or any

portion of the required improvements.”

Mr. Selof said since the City, acting as a developer, is requesting plat approval for Glenwood Heights Third Addition, at this time all necessary improvements for nine (9) of the lots on Campbell Boulevard shown on the preliminary plat are completed. While installing the improvements for Glenwood Heights Second Addition, the opportunity to completely finish the Campbell Boulevard extension arose after some wetland mitigation work was done. This allowed the City to complete the street at a cheaper cost since crews and equipment were already working there. However, those nine lots do not exist yet as they have not been platted.

Rather than platting a small bunch of nine lots the city would like to plat all lots that we do not anticipate changing within our larger development plan for the area. Improvements for all but the nine lots on Campbell will be installed at a later date (yet to be determined). According to City Code the city would either be required to install the improvements associated with the plat or provide a cash deposit, certified check, or bond in an amount to assure the city that the improvements will actually be constructed and installed.

A motion was made by Council Member Cummings, seconded by Council Member Ernst and unanimously carried to waive the requirements of the City Code §154.36 (A).

FINAL PLAT - GLENWOOD HEIGHTS THIRD ADDITION APPROVED

Mr. Selof said that approval of the final plat will be brought back to a future meeting.

COUNCIL COMMITTEE REPORTS

Mayor Kuhle - No report.

Council Member Janssen - No report.

Council Member Ernst - No report.

Council Member Kielblock - Welcomed the 8 Ball Tournament to Worthington this weekend. The event will take place at The Event Center.

Council Member Kolpin - No report.

Council Member Cummings - Attended a YMCA Board meeting, construction progress continues on the new Aquatic Center, a reminder that the YMCA Cruise Dinner is on March 11th. Attended a Joint Operations Committee meeting, Brian Bergstrom was in attendance and will be giving options on the cold storage building.

CITY ADMINISTRATOR REPORT

Mr. Robinson said the Rental Housing Program will be brought to Council at the March 14th Council meeting. The State released that it has a 9 billion surplus.

ADJOURNMENT

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A motion was made by Council Member Cummings, seconded by Council Member Janssen and unanimously carried to adjourn the meeting at 8:10 p.m.

Mindy L. Eggers. MCMC
City Clerk