

**WORTHINGTON CITY COUNCIL
REGULAR MEETING, MAY 26, 2020**

The meeting was called to order at 7:00 p.m. via conference call by Mayor Mike Kuhle with the following Council Members present: Chad Cummings, Amy Ernst, Alan Oberloh, Larry Janssen, Mike Harmon.

Staff present: Steve Robinson, City Administrator; Jason Brisson, Assistant City Administrator/Economic Development Director; Todd Wietzema, Director of Public Works; Dwayne Hafffield, Director of Engineering; Mindy Eggers, City Clerk.

Others present: Justine Wettschreck, Radio Works, Ryan McGaughey, Kelly Reeves, Chris Kielblock.

The Pledge of Allegiance was recited.

AGENDA CLOSED / APPROVED

Mayor Kuhle noted there were two additions to the agenda under Administration and one item to be removed under Community/Ec. Development. Administration items *F. 3. Presentation by Dr. Steve Dudley - Community Wide Coronavirus Antibody Testing* and *F.4. Expanding Outdoor Service at Bars and Restaurants* will be added. Community/Ec. Development Item *I. 1. Prairie View Golf Course Topographic Survey Proposal* will be removed. A motion was made by Council Member Oberloh, seconded by Council Member Cummings and unanimously carried to approve the agenda with the additions of *F.3. Presentation by Dr. Steve Dudley - Community Wide Coronavirus Antibody Testing* and *F.4. Expanding Outdoor Service at Bars and Restaurants* and the removal of *I.1. Prairie View Golf Course Topographic Survey Proposal* by a roll call vote: Ayes: Cummings, Ernst, Janssen, Harmon, Oberloh. Nays: None. Motion passed.

PUBLIC MEETING - STORM WATER PREVENTION PLAN

Pursuant to published notice, this was the time and date set for a public meeting regarding the City's Storm Water Pollution Prevention plan.

A motion was made by Larry Janssen, seconded by Council Member Oberloh and unanimously carried to open the public meeting by roll call vote. Ayes: Janssen, Harmon, Cummings, Ernst, Oberloh. Nays: None. Motion passed.

Dwayne Hafffield, Director of Engineering, provided an overview of the NPDES program and a review of the City's required Storm Water Pollution Prevention Plan. The City is regulated under Phase II of the federal program to reduce pollution from Municipal Separate Storm Sewer Systems (MS4s). Regulated cities need to be covered under a statewide NPDES permit, which requires the City to develop a Storm Water Pollution Prevention Plan and then to implement it. The Plan includes the following six 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 the City conducts an annual public meeting to allow public comment on our plan, which satisfies the Public Involvement and Participation control measure. A copy of the SWPPP, in the form of the application for NPDES permit coverage, is available for review at the office of the City Engineer and on the City's website.

A motion was made by Council Member Cummings, seconded by Council Member Ernst and unanimously carried to close the public meeting by roll call vote. Ayes: Janssen, Harmon, Ernst, Cummings, Oberloh. Nays: None. Motion passed.

Following the overview and Council comments, Mayor Kuhle asked if there was anyone on the conference call who wished to offer comment on the plan. No comments were received.

CONSENT AGENDA APPROVED

Council Member Oberloh stated that he has a concern regarding the minutes of the Prairie Justice Operations Committee from January 20, 2020. He said according to the minutes there is a verbal agreement regarding the construction of a building for impounded cars in the county. Council Member Cummings stated there was recent conversation regarding replacing the impound building that had originally been brought up 2-3 years ago. He said there is nothing formal decided as it's in the early stages of discussion.

The motion was made by Council Member Harmon, seconded by Council Member Janssen and unanimously carried to approve the consent agenda as presented by roll call vote: Ayes: Cummings, Ernst, Janssen, Harmon, Oberloh. Nays: None. Motion passed.

- City Council Minutes of Regular Meeting of May 11, 2020
- Local Board of Appeal/Equalization Minutes of April 30, 2020
- Prairie Justice Center Operations Committee Minutes of January 20, 2020
- Municipal Liquor Store Income Statement for the Period of January 1, 2020 through April 30, 2020
- Private Dock Applications approved
- Bills payable and totaling \$1,488,484.83 be ordered paid

RESOLUTION NO. 2020-05-28 ADOPTED TO PRORATE 2020-2021 CITY ISSUED LIQUOR LICENSES

Steve Robinson, City Administrator, stated Governor Tim Walz ordered the closure of bars and restaurants on March 16, 2020 through Executive Order 20-04. The closure continues as of this meeting. The closure of these small establishments has had a devastating impact on the professional and personal lives on the affected business owners.

Mr. Robinson said as a show of goodwill, staff is recommending that all City-issued liquor licenses for the July 1, 2020 - June 30, 2021 period be reduced a prorated amount equal to three months. There are currently 14 businesses that have liquor licenses issued through the City. The reduction in license fees is estimated to be \$7,650.00.

A motion was made by Council Member Oberloh, seconded by Council Member Cummings and unanimously carried to adopt a resolution approving three month liquor license fee credits by a roll call vote. Ayes: Cummings, Janssen, Ernst, Harmon, Oberloh. Nays: None. Motion passed.

RESOLUTION NO. 2020-05-28

A RESOLUTION APPROVING THREE MONTH LIQUOR LICENSE FEE CREDITS

(Refer to Resolution File for complete copy of Resolution)

NOMINATING COMMITTEE RECOMMENDATION FOR COMMITTEE APPOINTMENT APPROVED

The Nominating Committee met on March 9, 2020 and are making the following recommendations for committee appointments:

Housing & Redevelopment Authority	Appoint Mike Johnson to fill the unexpired term of Lyle Ten Haken who is resigning effective May 31, 2020, term to expire October 31, 2023
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The motion was made by Council Member Harmon, seconded by Council Member Janssen and unanimously carried to approve the appointment as recommended by the Nominating Committee by a roll call vote. Ayes: Cummings, Harmon, Ernst, Oberloh. Nays: Janssen. Motion passed.

HEARD PRESENTATION BY DR. STEVE DUDLEY - COMMUNITY WIDE CORONAVIRUS ANTIBODY TESTING

Dr. Steve Dudley gave a presentation for testing the community of Worthington for COVID 19 antibodies. He explained Worthington has approximately 12% of the positive cases of COVID19 within the State of Minnesota.

He said that testing the entire community is an excellent opportunity to add to the epidemiological

data for the US population for identification of percentage of positive individuals. Finding out the percentage of those antibody positive individuals that also tested positive with the PCR test 2 weeks prior when many JBS employees and local population were tested. This would help to validate information on the antibody test in confirmed PCR positive people and would also give additional information for people as they venture back to jobs and opening the economy.

Mr. Dudley explained that JBS in Worthington is a substantial employer. By working with their management team, HR, and their union this information will assist in the dialog of exposure and education of workers. If there is a higher than expected exposure rate it would change the dialog within the plant, the community as well as the state and nation. This epidemiologic data would help in the discussion on case fatality rates as well as future predictions of relapse and exposure issues.

He said multiple health care partners can work with the state of Minnesota and the University of Minnesota to analyze this data. Correlations looking to compare households with and without positives, employer status within our community, and a host of other epidemiological information regarding spread of SARS-COV-2. There are many reasons to push this in Worthington and include that we are a small population that could be inexpensively tested. With local leadership and the passion that this issue has developed we would target 80% of the population for participation.

Mr. Dudley noted to move forward with the testing that the MN Department of Health would have to say yes.

Council thanked Mr. Dudley for his informative presentation.

RESOLUTION NO. 2020-05-29 APPROVED EXPANDING OUTDOOR SERVICE AT BARS AND RESTAURANTS

Jason Brisson, Assistant City Administrator/Director of Economic Development, stated on May 20, Governor Walz announced that bars and restaurants may serve sit-down customers starting June 1, but that seating will be restricted to outdoors. Mr. Brisson explained the City recently updated its Ordinances to permit outdoor seating areas on private property. The City also recently update its Ordinances to permit limited obstructions in the public right of way intended to allow some outdoor seating and display of merchandise.

Mr. Brisson said City staff has reviewed the League of Minnesota Cities' Guidance for Cities on Expanding Outdoor Service at Bars and Restaurants. According to the League's advice, cities may issue permits administratively to allow alcohol to be served at outdoor seating areas in public right-of-way if the following conditions are met:

- The retailer must provide the city with proof that their liquor liability insurance covers alcohol sales in any expanded outdoor spaces which, under Minnesota law, must be "compact and contiguous" to the main structure.

- The city will need to approve a map of expanded service areas.
- Once approved, the city must send a copy of the map to the Department of Public Safety (DPS) Alcohol and Gambling Enforcement Division.

Mr. Brisson said since the agenda was issued Alcohol & Gambling will not be requiring a copy of the map as previously stated. With that, Section 3. Procedure Item 3.02 can be removed from the resolution.

Council Member Oberloh stated that under 3.01 he thinks it should say the City Clerk shall issue a permit; not may issue a permit. Council Member Harmon stated that his opinion is that “may issue a permit” means once the City Clerk receives all the information that is needed she can get the permit issued. Steve Robinson, City Administrator, stated the City Clerk is authorized to issue the permits.

Council Member Janssen asked how long this temporary permit would be good for. Council Member Oberloh stated he would think until at least October. Council Member Cummings stated that he would not put an end date on it just in case something would change.

A motion was made by Council Member Oberloh, seconded by Council Member Cummings and unanimously carried to adopt the Resolution Enabling Expansion of Outdoor Service at Bars and Restaurants removing 3.02 under Section 3 by a roll call vote: Ayes: Cummings, Ernst, Janssen, Oberloh, Harmon. Nays: None. Motion passed.

RESOLUTION NO. 2020-05-20

RESOLUTION ENABLING EXPANSION OF OUTDOOR SERVICE AT BARS AND RESTAURANT

(Refer to Resolution File for complete copy of Resolution)

APPROVED SPEC BUILDING CHANGE ORDER NO. 2

Todd Wietzema, Public Works Director, stated Tri-State General Contracting has submitted a second change order proposal which includes modifications to the aggregate base located under a portion of the parking lot area. Mr. Wietzema said these modifications include an additional 6” sub cut, type 5 fabric and 6” compacted crushed concrete. The reason for these changes are due to the excess moisture in the soils where the utilities trenches were dug last fall. The change order pricing is based on estimated quantities of product needed and these prices were established in change order number one. The proposed change order is an increase of \$11,786.00 increasing our total contract price to \$3,924,512.75.

A motion was made by Council Member Oberloh, seconded by Council Member Ernst and unanimously carried to approve the Spec Building Change Order No. 2 by a roll call vote. Ayes:

Cummings, Ernst, Hartmon, Janssen, Oberloh. Nays: None. Motion passed.

BEACH NOOK AGREEMENT AMENDMENT APPROVED

Todd Wietzema, Public Works Director, stated the City of Worthington has received a donation from the Lake Okabena Improvement Association, to purchase non-motorized watercraft, for rent on Lake Okabena. The operators of the Beach Nook concession stand have agreed to administer this rental program for the City of Worthington.

Council Member Cummings asked if there will be a reserve fund for replacement items or adding additional items. Mr. Wietzema explained that not all of the donation has been used and monies will be put into a CIP fund for replacement costs.

Mr. Wietzema explained that users will have to be 16 years old with an ID and minors will need to be accompanied by an adult. Life jackets will need to be worn at all times and a waiver will need to be signed by each user.

A motion was made by Council Member Cummings, seconded by Council Member Ernst and unanimously carried to approve the Beach Nook Agreement Amendment by a roll call vote: Ayes: Harmon, Cummings, Ernst, Janssen, Oberloh. Nays: None. Motion passed.

APPROVED PLANS AND SPECIFICATIONS FOR 2020 BITUMINOUS OVERLAYS

Dwayne Haffield, Director of Engineering, stated the 2020 Construction Fund Budget includes \$400,000 for contract street maintenance. Mr. Haffield explained contract maintenance typically includes overlays and seal coating but may include joint sealing or pavement rehabilitation. It is proposed that the 2020 budget be used for overlays. The streets proposed to be overlaid are:

Apel Avenue - Dover Street to Oxford Street
Elmwood Avenue - Liberty Drive to West Oxford Street
Knollwood Drive - 1st Avenue SW to South Shore Drive
West Gateway Drive - spot patch near TH 59/60

He said the proposed work also includes the surfacing of two driveways as part of the restoration of West Lake Avenue from a 2018 water main replacement project.

The total estimated cost of the project, including engineering and contingencies, is \$393,500. This also includes an estimated \$2,500 attributable to the West Lake Avenue driveway restoration which will be funded from the Water Utility budget for the street restoration.

Council Member Cummings asked if Knollwood would be getting more of an overlay. Mr. Haffield stated that Knollwood would be receiving a leveling before the overlay.

A motion was made by Council Member Cummings, seconded by Council Member Oberloh to approve the Plans and Specifications for the 2020 Bituminous Overlays by a roll call vote. Ayes: Cummings Ernst, Harmon, Janssen, Oberloh. Nays: None. Motion passed.

PROFESSIONAL SERVICES FOR TAP TRAIL PROJECT APPROVED

Dwayne Haffield, Director of Engineering, stated the current 2021 Capital Improvements includes two proposed federal aid projects. The larger of these projects is the reconstruction of Oxford Street from McMillan Street to Humiston Avenue. The second project, is the Transportation Alternative Program (TAP) trails project. This involves extending a trail from Knollwood Drive to the Prairie Elementary school and a trail from Cecilee Street to the TH 60 trail.

The federal funding for each of these projects has been able to be moved to 2022 to match the current expected delivery date for the projects. The Oxford Street project has been moved due to an existing tight schedule now subject to significant delays in regard to property acquisitions and public outreach. Each of those project development steps typically involve on site and/or multi-person meetings.

The wetland delineation and topographic survey work on the project has revealed unexpected challenges. Given the anticipated interruption of resources, a project delivery date of 2022 is now expected.

At its December 10, 2018 meeting, Council approved a contract with the firm of SEH to provide full project development services for the Oxford Street project and only those services needed to develop the Project Memorandum for the TAP Trails project.

As presented in 2018:

The project cost as presented to Council for approval of the TAP application in December 2016 is as follows:

TRAIL	<u>Total</u>	<u>TAP Funding</u>	<u>Local Cost</u>
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

Mr. Haffield said local funding included the School District participating in 50% of the local costs for the Prairie Elementary trail (\$19,550). The remaining local share will be from general tax levy, use of Construction (401) Fund reserves and/or other funds that may be identified at a future date.

A motion was made by Council Member Oberloh, seconded by Council Member Harmon and unanimously carried to approve the Professional Services Agreement for the Tap Trail Project. Ayes: Cummings, Oberloh, Harmon, Ernst, Janssen. Nays: None. Motion passed.

COUNCIL COMMITTEE REPORTS

Mayor Kuhle - Thanked staff for the extra work and leadership. Also thanked the citizens and businesses of Worthington for their responsible actions during the pandemic. Wishes the businesses well.

Council Member Jansen - No report.

Council Member Oberloh - No report.

Council Member Cummings - Asked about the trash pick-up fee that appears on the utility bill if there would not be a pick-up this year, Mr, Wietzema stated that the fee being collected this year is from last year but if we did not have it, the fee would have to be removed.

Council Member Ernst - No report.

Council Member Harmon - Attended Water & Light Commission meeting, heard a presentation from Bolten & Menck.

CITY ADMINISTRATOR'S REPORT

Steve Robinson, City Administrator, gave an update on re-opening City Hall, looking at protective measures in the reception areas, targeting next week. We have received a grant for artwork from SW MN Arts Council in the amount of \$20,000. The Community Growth Committee will be working with the artists to incorporate the art work into the Tenth Street Plaza plans. The plans for the Plaza are almost finished and will be brought forward to Council at one of the meetings in June. Working with the School District on the contract for the Memorial Auditorium which expires at the end of June.

ADJOURNMENT

The motion was made by Council Member Oberloh, seconded by Council Member Cummings and unanimously carried to adjourn the meeting at 8:23 p.m. by a roll call vote. Ayes: Harmon, Ernst, Janssen, Cummings, Oberloh. Nays: None. Motion passed.

Mindy L. Eggers, MCMC
City Clerk