

**WORTHINGTON CITY COUNCIL
REGULAR MEETING, MAY 23, 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, Alaina Kolpin, Larry Janssen, Amy Ernst and Chris Kielblock.

Staff present: Steve Robinson, City Administrator; Steve Schnieder, City Engineer; Hyunmyeong Goo, Assistant City Engineer; Troy Appel, Public Safety Director; Matt Selof, City Planner; Corey Greenway, Fieldhouse Manager; Mindy Eggers, City Clerk.

Others present: Emma McNamee, The Globe; Ryan McGaughey, Radio Works; Rick Von Holdt, Honorary Council Member; Ken & Zuby Janssen, Cheryl Avenal-Navara.

The Pledge of Allegiance was recited.

AGENDA APPROVED WITH ADDITIONS/CHANGES

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

PUBLIC HEARING AND FIRST READING PROPOSED ORDINANCE TO AMEND WORTHINGTON CITY CODE TITLE XV, CHAPTER 150: BUILDING REGULATIONS TO ESTABLISH CHANGES TO RENTAL PROPERTY STANDARDS, INSPECTIONS, AND ENFORCEMENT

Pursuant to published notice this was the time and date for a public hearing on a proposed ordinance to amend Worthington City Code Title XV, Chapter 150: Building Regulations to Establish Changes to Rental Property Standards, Inspections, and Enforcement.

The motion was made by Council Member Cummings, seconded by Council Member Kielblock and unanimously carried to open the hearing.

Matt Selof, City Planner, said The City of Worthington is considering a text amendment to City Code Chapter 150 Section 10 which establishes minimum standards for rental units, inspections of rental units, and enforcement mechanisms to ensure compliance with this chapter. The proposed amendment would make some changes to the rate of inspections (partly dependent on whether the unit receives a good regularly-scheduled inspection), provide for administrative fines, and make some clean-up changes to the existing code.

Council Member Cummings asked who could impose the penalties. Mr. Selof said the Rental Inspector according to authority standards and whom the city authorizes to do so. Mr. Robinson noted State Statute does not allow the city to assess fines so it would have to likely be a lien depending on the violation. Mr. Selof said the ordinance will allow staff to enforce standards and keep rental housing safe.

Mr. Selof noted the proposed ordinance has gone through legal review and following the passage of this ordinance, the intent would be to later bring forth a resolution for consideration to establish fines and fees for this chapter.

Mayor Kuhle asked if there was anyone who wished to present testimony. None was received.

The motion was made by Council Member Kielblock seconded by Council Member Ernst and unanimously carried to close the hearing.

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

CONSENT AGENDA

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

- City Council Meeting Minutes of May 9, 2022
- Water & Light Commission Meeting Minutes of May 16, 2022
- Cross Cultural Committee Meeting Minutes of April 19, 2022
- Worthington Public Arts Commission Meeting Minuted of April 12, 2022
- Cable 3 Joint Powers Meeting Minutes of March 10, 2022
- Application for Temporary On-Sale Liquor License - Lake Okabena Improvement Association
- Application for Parade Permit or to Block Streets - Solid Rock Church
- Application for Parade Permit or to Block Streets - International Festival Cultural Awareness Organization
- Application for Parade Permit or to Block Streets - UFCW 663/St. Mary's Church
- Approve Dock Permits
- Municipal Liquor Store Income Statement for the Period January 1, 2022 through April 30, 2022
- Bills payable and totaling \$2,032,057.12 be ordered paid

SECOND READING PROPOSED ORDINANCE TO AMEND WORTHINGTON CITY CODE TITLE XI, CHAPTER 113: PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS TO ESTABLISH AN ANNUAL PERMIT FOR MOBILE FOOD UNITS

Pursuant to published notice this is the time and date set for the second reading of a proposed ordinance to Amend Worthington City Code Title XI, Chapter 113: Peddlers, Solicitors and Transient Merchants to Establish an Annual Permit for Mobile Food Units.

A complete copy of the ordinance was provided in your May 9, 2022 Council Agenda.

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

FIRST READING OF A PROPOSED ORDINANCE TO AMEND TITLE XI, CHAPTER 111, REPEALING CURRENT SUBCHAPTER 111.05 TO CREATE AMENDED SUBCHAPTER PERTAINING TO LIQUOR LIABILITY INSURANCE

Steve Robinson, City Administrator, said staff is recommending a text amendment to Chapter 111, Liquor Regulations, Subchapter 111.05 - Liability Insurance. In 2011, Council amended the above ordinance with the addition of a requirement to name the City as an additional insured on the license holder's liability insurance policy. The text amendment added to Subchapter 111.05 was acted on following a recommendation from the City's Liquor Committee.

Mr. Robinson said it was brought to Staff's attention that requiring the City to be named as an additional insured may cause the license holder to pay a substantial increase in their annual insurance premium to add a rider satisfying the ordinance. Mr. Robinson explained staff consulted with the City Attorney, Minnesota Department of Public Safety Alcohol and Gambling Enforcement, the League of Minnesota Cities Insurance Trust and the local insurance carrier. None of those consulted advised that it was necessary for the City to require this additional coverage and that amending the text of the ordinance would not result in additional exposure to the City.

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

RESOLUTION NO. 2022-05-30 ADOPTED ACCEPTING A DONATION OF FUNDS

Troy Appel, Public Safety Director, said Jeanine and Marv Spomer generously donated \$500 to the Worthington Police Department to benefit police programs. The funds will be used to purchase items such as books, pencils and sporting equipment the officers can utilize and distribute while interacting with the local youth.

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

RESOLUTION NO. 2022-05-30

A RESOLUTION ACCEPTING A DONATION OF FUNDS

(Refer to Resolution File for complete copy of Resolution)

RESOLUTION NO. 2022-05-31 ADOPTED ACCEPTING A DONATION OF FUNDS

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Mr. Appel said Scott Altman generously donated \$50 to the Worthington Police Department to benefit the City Pound. The funds will be used to purchase items such as bowls and/or other animal care items.

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

RESOLUTION NO. 2022-05-31

A RESOLUTION ACCEPTING A DONATION OF FUNDS

(Refer to Resolution File for complete copy of Resolution)

AMELIA EARHART SCULPTURE ANNOUNCEMENT AND PERIOD FOR PUBLIC REVIEW APPROVED

Mr. Robinson said the Worthington Community Image Committee, has presented to the Public Arts Commission, a proposed statue of Amelia Earhart, to be placed on City owned property. Miss Earhart was known to have spent time in Worthington when she was younger and has been mentioned in numerous Worthington historical writings. At the May 10, 2022 Public Arts Commission meeting they unanimously approved the proposed sculpture.

Mr. Robinson explained the Community Image Committee and the Public Arts Commission are proposing placing the sculpture on Sailboard Beach. The Park and Recreation Advisory Board met on May 17, 2022 to review the proposed art work and its location within the park. The Park Advisory Board has endorsed the project.

The total cost for the project is \$44,000.00. All fundraising for the project will be undertaken by the Community Image Committee of the Chamber of Commerce. City staff has agreed to help with the placement of the proposed statue.

Mr. Robinson said under the City's Public Arts Commission Policies and Procedures, tonight would mark the public announcement period for public review and 30 day comment period. A final presentation will be made by the Public Arts Commission to City Council on June 27, 2022 for approval to proceed.

A motion was made by Council Member Janssen, seconded by Council Member Ernst and unanimously carried to approve the 30 day public comment and review period.

REVIEWED AND RECOMMENDATION MADE ON BIDS RECEIVED FOR THE OLSON PARK PEDESTRIAN BRIDGE PROJECT

Mr. Robinson said bids were received and opened on May 17, 2022 at 1:00 p.m. for the Olson Park Pedestrian Bridge Project. Mr. Robinson explained the project includes a 130'x 8' steel structured bridge, appropriate bridge foundations, concrete sidewalks connecting to the trail, and removal of the existing bridge. The engineers estimate for the project was \$440,465.00. The city received four bids and they are as follows:

<u>Bidder</u>	<u>Bid Amount</u>
Structural Specialties, Inc	\$400,274.20
Prahm Construction, Inc	\$513,022.00
LCS Inc.	\$678,274.20
Urban Companies	\$755,140.00

After reviewing the bids, staff is recommending that council award the contract to Structural Specialties, Inc, in the amount of \$400,274.20.

A motion was made by Council Member Cummings, seconded by Council Member Ernst and unanimously carried to accept the Structural Specialties, Inc. bid in the amount of \$400,274.20.

APPROVED A PROPOSAL FOR CONSTRUCTION SERVICES FOR OLSON PEDESTRIAN BRIDGE PROJECT

Mr. Robinson said Short Elliott Hendrickson Inc, has provided city staff with a proposal to provide contract administration and construction services for the Olson Park Pedestrian Bridge project. These services will include:

1. Construction observation
2. Pre-construction and Post-construction videotaping
3. Administration and record keeping of the project
4. Review of shop drawings
5. Review and approve contractors pay request
6. Perform a final walk through punch list and complete any close-out paperwork

Short Elliott Hendrickson's proposed fee for these professional services is in the amount of \$43,751.00. Staff has reviewed this proposal and recommends approval.

A motion was made by Council Member Kolpin, seconded by Council Member Janssen and unanimously carried to accept the Construction Administration Services proposal from SEH in the amount of \$43,751.00.

APPROVED FEE STRUCTURE FOR THE JBS FIELDHOUSE

Mr. Robinson said the Park and Recreation Advisory Board reviewed and endorsed a proposed fee structure for user of the JBS Fieldhouse at their May 17, 2022 meeting. The fees proposed would include:

Daily Fees

- Age 6 and under: Free
- Age 7 - 12: \$2.00
- Age 13 and over: \$5.00

Rental Rates

- Field rental (1/2) \$60.00
- Batting cage (1/2 Hr.) \$10.00
- Meeting room (Hr.) \$15.00
- Mezzanine (Hr.) \$30.00

Corey Greenway, Fieldhouse Manager, said at this time fieldhouse staff is proposing the referenced fees and is anticipating they will be adjusted in the future as staff is aware that at some point there may be a need for a monthly or yearly pass but in the beginning staff would like to evaluate the needs and user demographics and consider other possible fee options.

A motion is made by Council Member Kielblock, seconded by Council Member Kolpin and unanimously carried to approve the proposed JBS Fieldhouse fee schedule.

AWARDED CONTRACT FOR THE 2022 STREET RECONSTRUCTION AND OVERLAY PROJECT

Steve Schnieder, City Engineer, said one bid was received for the five street reconstruction projects and the bituminous overlay work. An abstract of the bid was provided to Council. Mr. Schnieder noted the abstract (identifying the unit prices) is considered not public information until the contract is awarded or the project is dropped.

The bid was received from Duinick, Inc. in the amount of \$1,551,080.75 and was over the engineer's estimate by \$276,112.82. Mr. Schnieder said although the bid was above the engineer's estimate, it reflects the increased bid prices that are due to the current economic situation. There is no indication that bid prices will be any lower if rebid this year.

Mr. Schnieder explained of the six schedules included in the bid, the first five schedules are for street reconstruction which have costs assessed back to the property owners. The amount bid over the engineer's estimate was \$202,858.52 for the reconstruction projects. The percent overrun was fairly

consistent on each of the five schedules between 15.8% to 23.4% with an average of 18.8%. He said the funding budgeted for the overlay projects, \$400,000 which included engineering costs, should cover the higher bid costs of schedule six the overlay projects and staff recommends that Council award the bid to the only bidder, Duininck, Inc. of Prinsburg, MN.

A motion was made by Council Member Kolpin, seconded by Council Member Janssen and unanimously carried to carried to award the bid to Duininck, Inc. In the amount of \$1,551,080.75.

APPROVED AGREEMENT FOR PROFESSIONAL SERVICES FOR RECONSTRUCTION OF EIGHTH AVENUE FROM NINTH STREET TO THE WESTERLY TERMINI ALONG WITH UTILITY IMPROVEMENTS

Mr. Schnieder said the contract for the reconstruction of Eighth Avenue was awarded on May 9, 2022. Mr. Schnieder explained there will be a need for consulting engineering services due to the complex nature of the project and the current work load scheduled this construction season.

Worthington currently has a master agreement for Professional Services dated September 14, 2020. Task Order Number 15 is proposed at a cost not to exceed \$172,000, which is 13.6% of the project cost.

A motion was made by Council Member Ernst, seconded by Council Member Kolpin and unanimously carried to approve Task Order Number 15 with Bolton and Menk, Inc. to provide Administrative Services for the Eighth Avenue Reconstruction and Utility in the amount not to exceed \$172,000.

COUNCIL COMMITTEE REPORTS

Mayor Kuhle - Attended a City, County, School meeting, a daycare architect will be coming to town on Thursday. The NHI program will be coming up for renewal. Attended a ground breaking for the new homes being built by JBS.

Council Member Janssen - No report.

Council Member Ernst - No report.

Council Member Kielblock - Attended a Park & Recreation Advisory Board meeting and reviewed the Fieldhouse fees. Attended the emergency management meeting session, good representation from the area counties.

Council Member Kolpin - No report.

Council Member Cummings - Welcomed the new YMCA Aquatic Center Director Joelle to the YMCA. 240 kids from Worthington and surrounding area completed the two week free swimming program. Austin Barber a senior and one of the kids in the first class to go through the program attended the last day. Over 2,400 kids have taken part in the program in the last ten years.

CITY ADMINISTRATOR REPORT

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Mr. Robinson reminded Council of the Special meetings on Wednesday at 8:00 a.m. and 3:30 p.m.

ADJOURNMENT

A motion was made by Council Member Ernst, seconded by Council Member Cummings and unanimously carried to adjourn the meeting at 8:07 p.m.

Mindy L. Eggers. MCMC
City Clerk