

**WORTHINGTON CITY COUNCIL  
REGULAR MEETING, MAY 8, 2017**

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.

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.

Others present: Justine Wettschreck, KWOA; Karl Evers-Hallstrom, Daily Globe.

The Pledge of Allegiance was recited.

**AGENDA CLOSED/APPROVED**

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

- City Council Minutes of Regular Meeting April 24, 2017
- Minutes of Boards and Commissions - Water and Light Commission Minutes of Regular Meeting May 1, 2017; Planning Commission Minutes of May 2, 2017; Center for Active Living Committee Minutes of April 12, 2017; Worthington Convention and Visitors Bureau Minutes of March 29, 2017
- Application to Block Streets from the Worthington Okabena Windsurfers for the 2017 Windsurfing Regatta
- Application to Block Streets from Solid Rock Assembly for their 2017 Bike Blessing/Ride event
- Application to Block Streets from Lakeyta Swinea for the 2017 International Festival
- Application for Temporary On-Sale Liquor License from the Worthington Okabena Windsurfers for the 2017 Regatta
- 2017 Soccer League Agreement
- Bills payable and totaling \$542,393.31 be ordered paid

**SECOND READING PROPOSED ORDINANCE AMENDING CHAPTER 116 OF THE  
WORTHINGTON CITY CODE - LAWFUL GAMBLING**

Pursuant to published notice, this was the time and date set for the second reading of a proposed ordinance amending Chapter 116 of the Worthington City Code that would change the gambling tax

from the current 3% of the gross receipts, less prizes actually paid by the organizations, to 1%.

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

#### **MEMORIAL AUDITORIUM - ISD #518 RENTAL AGREEMENT APPROVED**

Steve Robinson, City Administrator, presented the 2017 - 2020 Rental Agreement between the City of Worthington Memorial Auditorium Performing Arts Center and Independent School District #518 for Council consideration. The agreement includes 62 days in the contract year with an additional prorated amount should the number of days exceed that count, and includes a 2% increase per year for all three years of the contract. Term of the contract is July 1, 2017 through June 30, 2020. Mr. Robinson noted any Council approval should be contingent on approval of the agreement by the School Board.

The motion was made by Council Member Oberloh, seconded by Council Member Cummings and unanimously carried to approve the Memorial Auditorium - ISD #518 Rental Agreement, contingent on approval by the ISD #518 School Board.

#### **DESIGNATION OF OFFICIAL CITY REPRESENTATIVE TO CUERO, TEXAS FOR 2017 TURKEY FEST AND AUTHORIZATION FOR REIMBURSEMENT OF EXPENSES**

Council was asked to designate a member of Council to represent the City at the 2017 Turkey Fest in Cuero, Texas October 13<sup>th</sup> - 15<sup>th</sup>, with travel dates to be October 11<sup>th</sup> or 12<sup>th</sup> to Cuero, and returning home October 15<sup>th</sup> or 16<sup>th</sup>. Section 4.17 of the Worthington City Charter provides that Council may authorize expenditures for one or more designated City Officials to serve as official City of Worthington Representatives to Crailsheim, Germany, Cuero, Texas, and such other destinations that have a historical partnership/significance to the City. Council Member Ernst was offered the opportunity to represent the City and agreed to check her schedule.

The motion was made by Council Member Cummings, seconded by Council Member Janssen and unanimously carried to authorize a member of the City Council to travel to Cuero, Texas for the 2017 Turkey Fest, and to authorize reimbursement of his/her expenses.

#### **RESOLUTION NO. 2017-05-01 ADOPTED ACCEPTING ESTATE DONATION**

Troy Appel, Public Safety Director, notified Council that the Worthington Police Department K-9 Unit is the beneficiary of personal property funds from the estate of Florence Nolte, and presented a resolution accepting the donation for Council approval.

The motion was made by Council Member Oberloh, seconded by Council Member Cummings and

unanimously carried to adopt the following resolution accepting the funds from the Florence Nolte estate:

RESOLUTION NO. 2017-05-01

A RESOLUTION ACCEPTING A DONATION OF PERSONAL PROPERTY

(Refer to Resolution File for complete copy of Resolution)

**REQUEST FOR BUDGET AMENDMENT/EXPENDITURE OF K-9 FUNDS APPROVED**

Troy Appel, Public Safety Director, was requesting a budget amendment to expend K9 funds to purchase a dog to replace a K9 who was retired to pet status in November of 2016, and to purchase a squad camera for an existing squad that is otherwise equipped for a K-9 unit, and other items related to the care and keep of a dog. The funds received from the Florence Nolte estate for the benefit of the Worthington Police Department K-9 Unit will completely cover the cost of a dog (\$6,000), squad camera system (\$5,120), and supplement the canine reserve fund for purchase of a kennel and related equipment.

The motion was made by Council Member Oberloh, seconded by Council Member Cummings and unanimously carried to approve the budget amendment/expenditures of K-9 funds.

**CONTRACT AWARD FOR 2017 SAP CONCRETE RECONDITIONING PROJECT**

The 2017 SAP Concrete Reconditioning Project involves replacing fractured concrete pavement panels on Humiston Avenue and Fifth Avenue from Clary Street to 12<sup>th</sup> Street. It also includes partial depth pavement repairs along segments of certain pavement joints and replacing pedestrian curb ramps at all crosswalks within this segment. As an add-alternate, the project also incorporated pedestrian bump-outs on the west side of Humiston Avenue at Clary Street. Council had an opportunity to view painted / coned bump outs prior to the meeting to determine whether they should be included in the project.

Dwayne Haffield, Director of Engineering, noted the following bids were received May 5, 2017 for the project:

<u>Bidder</u>	<u>Base Bid</u>	<u>Add Alternate</u>	<u>Total Bid</u>
Engineer's Estimate	388,242.33	43,829.05	432,071.38
McCuen Construction, Inc.	355,966.85	40,662.40	396,589.25
Larson Crane Service	368,479.68	41,832.15	410,311.83
Duininck, Inc.	377,621.40	40,417.20	418,038.60
Nielsen Concrete, LLC	411,098.95	42,548.00	453,646.95

Staff was recommending awarding the bid to McCuen Construction, Inc. as the low bidder, whether the bump outs were included or not which is strictly Council's discretion.

The motion was made by Council Member Cummings and seconded by Council Member Oberloh to award the bid for the 2017 SAP Concrete Reconditioning Project without the bump outs to McCuen Construction, Inc. as the low qualified bid in the amount of \$355,966.85.

Mayor Kuhle asked if there was a possibility of having enhanced signage or a yellow flashing light at that location during school times. Council Member Cummings mentioned the push button flashing light at the Middle School. Mr. Haffield said they could look at the count there, and price may be somewhat of an issue, and that we would also look at where we have them and where we do not, that there may be a place that has a higher volume - what warrants it there versus other locations. It did not come up with the Safe Routes to School study and that would be the route that we would want to use to take a look at it.

The following Council Members voted in favor of the motion: Oberloh, Cummings, Ernst, Harmon; with the following Council Members voting against the same: Janssen. Motion carried.

**CONDITIONAL USE PERMIT DENIED - LOT 1, BLOCK 2, FAREWAY FIRST ADDITION**

The Southwest Minnesota Opportunity Council was requesting approval of a conditional use permit for property owned by Fareway Stores, Inc., located on Stower Drive east of the intersection of Stower Drive and McMillan Street. The permit would allow the applicant to operate a child care facility (Head Start) on the subject property. Child care facilities are permitted through the issuance of a conditional use permit in the "B-3" - General Business zoning district, which is the zoning classification of the subject property. The legal description of the property is as follows:

Lot 1, Block 2, Fareway First Addition, City of Worthington, Nobles County, Minnesota

The request was considered by the Planning Commission at their May 2, 2017 meeting, and after holding a public hearing, the Commission voted to recommend Council approval of the conditional use permit subject to the following conditions:

1. Improvements are done in accordance with plans submitted with the application Project #765.01
2. The driveway plans are consistent with City Engineering requirements. Provisions (i.e. hammerhead turn around) need to be included as part of the service drive to prevent the need for delivery trucks to maneuver on and back from Stower Drive to make deliveries.
3. Parking requirements are consistent with the code.
4. The site must comply with NPDES storm water permitting requirements.

Staff's opinion was that the proposed Child Care Facility is compatible with the businesses in the area of Highway Business that transitions into Community Commercial, and that the facility would not negatively impact its surroundings - staff was recommending approval of the conditional use permit, subject to the conditions as set forth by the Planning Commission.

Council Member Cummings stated he that this was not a good fit at all there - Council Members Oberloh and Janssen agreed. Council Member Cummings added that he thought it would hinder future commercial development in that area, but would like to start today to help them find a different location.

Council Member Ernst said the Planning Commission was completely positive about the project, and Child Care facilities are permitted in the "B-3" zoning district.

The motion was made by Council Member Ernst and seconded by Council Member Harmon to approve the conditional use permit subject to the conditions as set by the Planning Commission, with the following Council Members voting in favor of the motion: Ernst, Harmon; and the following Council Members voting against the motion: Janssen, Oberloh, Cummings. Motion failed.

#### **PRELIMINARY PLAT APPROVED - SOUTH LAKE SUBDIVISION**

South Lake Development, LLC was seeking preliminary plat approval of a 2-lot residential subdivision, to be known as South Lake Subdivision, on a 6.5 acre tract of land it owns on First Avenue Southwest directly southeast of the intersection of Knollwood Drive and First Avenue Southwest. The property is legally described as:

That part of the Northeast Quarter of Section 34, Township 102 North, Range 40 West, lying Northwest of the right-of-way of the Chicago, St. Paul, Minneapolis and Omaha Railway Company, EXCEPT a tract beginning at the North Quarter Corner of said Section 34; thence Easterly along the North line of said Section 34, a distance of 115.00 feet; thence Southwesterly, a distance of 119.60 feet, more or less, to a point on the West line of the Northeast Quarter of said Section 34 distant 33.00 feet South of the North Quarter corner of said Section 34, a distance of 33.00 feet to the point of beginning.

#### **ALSO EXCEPTING**

That part of the Northwest Quarter of the Northeast Quarter of Section 34, Township 102 North, Range 40 West, Nobles County, Minnesota described as follows:

Commencing at the North Quarter corner of said Section 34; thence on an assumed bearing of North 85 degrees 31 minutes 44 seconds East, along the north line of said

section, a distance of 231.00 feet to an iron monument, said iron monument being the point of beginning of the tract to be described; thence South 0 degrees 54 minutes 01 seconds East a distance of 212.00 feet to an iron monument; thence North 85 degrees 31 minutes 44 seconds East a distance of 132.00 feet to an iron monument; thence North 50 degrees 08 minutes 05 seconds East a distance of 74.45 feet to an iron monument; thence North 0 degrees 54 minutes 01 West a distance of 168.79 feet to an iron monument located on the north line of said section; thence South 85 degrees 31 minutes 44 seconds West, a distance of 190.00 feet to the point of beginning.

The Planning Commission considered the request at their May 2, 2017 meeting, and after holding a public hearing, voted to recommend Council approval of the Preliminary Plat - South Lake Subdivision.

The motion was made by Council Member Oberloh, seconded by Council Member Ernst and unanimously carried to approve the Preliminary Plat - South Lake Subdivision.

### **COUNCIL COMMITTEE REPORTS**

Mayor Kuhle - reported on a brief meeting with the WREDC Chair and suggested that WREDC get a data base of trucking companies to contact because of our location here with three main highways.

Council Member Janssen - Nothing to report.

Council Member Oberloh - Nothing to report.

Council Member Cummings - Memorial Auditorium Advisory Board met - they are happy about the possibility of the extension of the half-cent sales tax and the potential to use it for the seating project. Movies have been doing very well - the numbers are up along with concessions. The Middle School Renaissance kids were treated to a movie at the Auditorium and it was great for concessions. Attended the YMCA Cruise Dinner - it did well, Milbrandts and Ludlows have contributed funding for a climbing wall for the YMCA. The Y has also started a family to family mentoring program. Council Member Ernst - Attended a Public Health Meeting, everything a community does plays into public health. Also attended the Planning Commission meeting, and a Planning Commission work session where they received information from the Arts Place people on considerations for design standards we need to look for when new businesses come to town and current businesses remodel - what are the standards we're looking for. Also attended a Cable 3 meeting.

Council Member Harmon - Attended the May 1<sup>st</sup> Public Utilities meeting, and on April 25<sup>th</sup> they also had the first of two strategic planning sessions for the Water and Light. First session was mainly hearing from the department heads, then Commission members were to assess what they heard and discuss it at the follow-up meeting which will be tomorrow afternoon. Attended the Center for Active Living Committee meeting this morning - they are planning monthly coffees, they want to start a monthly travelogue, and are also planning on starting a monthly program that ties into the health care industry. They are organizing biking and kayaking groups, and a tour of the watershed area with Dan Livdahl

**CITY ADMINISTRATOR'S REPORT**

Steve Robinson, City Administrator, agreed with Council Member Cummings' comments regarding the visit by the Renaissance Group from the Middle School, adding that we were better prepared this year for that group. He sent out request for proposals for appraisals on six different properties, which will come back with individual fees for each for Council review and selection of which ones they want to do. We received word last week from Grazix that they will be moving out of their current location at the BAC, which was expected. Thursday is the Coalition of Greater Minnesota Cities' lobby day - he'll be up there. Reminded Council that Board of Review is at 9 A.M. on Thursday in the County Commissioners Board Room.

**ADJOURNMENT**

The motion was made by Council Member Janssen, seconded by Council Member Oberloh and unanimously carried to adjourn the meeting at 7:54 p.m.

Janice Oberloh, MCMC  
City Clerk