

**WORTHINGTON CITY COUNCIL
REGULAR MEETING, FEBRUARY 23, 2015**

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. Honorary Council Member: Steve Forrest.

Staff present: Brad Chapulis, Director of Community/Economic Development/Interim Administrator; Dwayne Haffield, Director of Engineering; Steve Robinson, Public Works Director; Janice Oberloh, City Clerk.

Others present: Erin Trester, Daily Globe; Justine Wettschreck, KWOA; Vanessa Pazurek, Exchange Student from Crailsheim, Germany; various citizens in attendance for the public hearings.

The Pledge of Allegiance was recited.

INTRODUCTIONS AND OPENING REMARKS

Mayor Kuhle introduced Steve Forrest as the Honorary Council Member for January, February and March 2015. He also introduced Vanessa Pazurek, the exchange student from Crailsheim, Germany. Vanessa said she had been here for approximately six months and will be here until July - she is having a great time. Mayor Kuhle also acknowledged Vanessa's current host family, Jean and Jason Johnson.

**PUBLIC HEARING AND RESOLUTION NO. 3582 ADOPTED ORDERING
IMPROVEMENT AND PREPARATION OF PLANS AND SPECIFICATIONS -
IMPROVEMENT OF SOUTH CRAILSHEIM ROAD BY EXTENSION OF SANITARY
SEWER**

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

Dwayne Haffield, Director of Engineering, provided background on the proposed improvement, which is to run the sanitary sewer south on the west side of South Crailsheim Road, noting the project was initiated by petition, and reviewed the steps taken to get us to the public hearing tonight. Mr. Haffield said that Council can reduce the size of the project but not expand it, and they don't need to make a decision tonight but have six months from this hearing to conclude the process. Also, because the project was initiated by petition, it would only require a simple majority vote to move it ahead. In reviewing the proposed assessments, Mr. Haffield said they would be based on 15 years as has been typical for long range assessments, and Council would consider those assessments in the fall when the final assessment hearing is called. Of the estimated improvement cost of \$96,000.00, \$45,494.62 is assessable and \$56,617.50 is City share. Additional trunk costs of \$11,750 bring the total project cost to about \$108,000. Mr. Haffield said that if Council should order both projects presented tonight to go ahead staff would like to keep the projects together for bid purposes.

Mayor Kuhle asked if there was anyone who wished to present testimony on the project.

Lyle Voss asked which pond was indicated as a reference point for the project and had no other comments.

The motion was made by Council Member Graber, seconded by Council Member Sankey and unanimously carried to close the hearing.

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

RESOLUTION NO. 3582

ORDERING IMPROVEMENT AND PREPARATION OF PLANS AND SPECIFICATIONS

(Refer to Resolution File for complete copy of Resolution)

**PUBLIC HEARING AND RESOLUTION NO. 3583 ADOPTED ORDERING
IMPROVEMENT OF CSAH 35 EAST OF CSAH 5 BY WATER MAIN EXTENSION**

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

Dwayne Haffield, Director of Engineering, presented background on the proposed project, which is extension of the municipal water distribution system along C.S.A.H. 35 from C.S.A.H. 5 to 1400 feet east. The project would definitely entail running a trunk so the issue of over sizing will be in play. Total estimated cost of the improvement is \$183,000. There are no trunk assessments on this project as that was done a number of years ago, all of those costs will be coming out of the trunk fund. Approximately \$34,000 of the total are trunk costs, leaving approximately \$149,500 in lateral costs. The City share is just under 80%, and there are just adequate assessments to bond the project. Mr. Haffield said running the main down the highway should work out, but many times they wait for a master plan for the area. While this is a major step for the project Council would still have an out for the project if the bids were not good. Usually the expectation is that if we proceed with this step the project will go. The project was initiated by petition, and Mr. Haffield said they wouldn't say it was adequate but the same parties were involved and there is a legal issue.

Mayor Kuhle asked if there was anyone present who wished to present testimony on the project.

Marvin Voss - owns the first three pieces of property shown-when Julio started this last fall he asked him (Mr. Voss) to sign the petition and indicated it would cost him nothing. Now he finds out it will cost him about \$27,000. He felt that information should have come from the City. He is in the

process of selling the property so this will go on his purchaser. He feels like he was blind sided. He already has water, and tried to build on that property eight or ten years ago and was denied. He would like to bring water from County 5 to service all of his property.

Al Drost - He plans on developing this property anyway so he is okay with the water project going through - what about sewer? Mr. Haffield responded that sewer is not there yet - they had hoped to bring it in through development - to run it at this time would be a much different scope, and we would be serving property we didn't intend to serve. If a property is over 200' to 300' away from a sanitary sewer system, an on-site system is allowed.

Marvin Voss - If Al is okay with it I have no problem with it.

Dr. Craig Pfeiffer - he is not opposed to the additional assessments to get water there - he didn't sign the petition but is in favor of the project.

Juan Palma - has the property across from Julio and already has water - how does this affect him? Mr. Haffield responded that Mr. Palma has already paid lateral and trunk assessments for the water main to the south, so what they're suggesting is that he get pricing to bring his service up from East Avenue to his building. If he came off the proposed main he would pay more assessments and pay to get across the highway. It would be much better financially to use the East Avenue access - it would maybe be 100 feet more of service but should cost less. If he decides to subdivide he should visit with the City and do something different.

Juan Palma - Julio told him that if this project did not go through that he (Julio) could pull water from East Avenue. Mr. Haffield responded that he would not be allowed to do that.

The motion was made by Council Member Nelson, seconded by Council Member Sankey and unanimously carried to close the hearing.

The motion was made by Council Member Harmon, seconded by Council Member Nelson and unanimously carried to move the project forward and adopt the following resolution:

RESOLUTION NO. 3583

ORDERING IMPROVEMENT AND PREPARATION OF PLANS AND SPECIFICATIONS

(Refer to Resolution File for complete copy of Resolution)

AGENDA APPROVED/CLOSED

The motion was made by Council Member Sankey, seconded by Council Member Nelson and

unanimously carried to close the agenda as presented.

CONSENT AGENDA APPROVED

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

- City Council Minutes of Regular Meeting February 9, 2015; City Council / Nobles County Commission Minutes of Joint Meeting - Work Session February 10, 2015; City Council Minutes of Special Meeting February 18, 2015
- Minutes of Boards and Commissions - Water and Light Commission Minutes of Regular Meeting February 17, 2015; Water and Light Commission Minutes of Regular Meeting February 2, 2015; Prairie View Long Range Planning Committee Minutes of January 22, 2015; Heron Lake Watershed District Minutes of December 17, 2014; Public Arts Commission Minutes of December 11, 2014
- Application to Conduct Off-Site Gambling - Worthington Hockey Association as follows:
 - Organization: Worthington Hockey Association
 - CEO: Kevin Black
 - Type of Event: Raffles
 - Date and Location of Event: March 12, 2015
Worthington Hockey Arena, 1600 Stower Drive
- Bills payable and totaling \$624,887.13 be ordered paid

DATE SET FOR LOCAL BOARD OF APPEAL AND EQUALIZATION

The City received notice from Nobles County that their proposed date for the City of Worthington Board of Appeal and Equalization was set for Friday, May 15, 2015 at 9:00 a.m. in the Nobles County Commission Board Room. Brad Chapulis, Director of Community/Economic Development/Interim Director, stated that since that notification was received, the Nobles County Assessor had notified him that the May 15th date was a conflict with the Nobles County Commissioners, and she was suggesting June 5, 2015 at 9:00 a.m. as the date for the City's Local Board of Appeal and Equalization.

The motion was made by Council Member Nelson, seconded by Council Member Graber and unanimously carried that the time and date for the City of Worthington Local Board of Appeal and Equalization be set as 9:00 a.m. on Friday, June 5, 2015 in the Nobles County Commission Board Room, and that all Council members attend.

ASSIGNMENT AND ASSUMPTION OF AGREEMENT FOR JOINT USE OF EQUIPMENT APPROVED

Council considered a request from Great Life Development MN, LLC for approval of an Assignment and Assumption Agreement regarding the agreement in place between the City of Worthington and the Worthington Country Club (WCC) for joint use of equipment owned by the two entities. Great Life recently purchased the assets of WCC, one of which was one-half interest in the equipment owned by the Country Club. The original agreement between the City and the Country Club did not prohibit the assignment, and could have been done without the City's consent. The agreement was reviewed by the City Attorney, who was recommending Council consent to the Assignment and Assumption Agreement and authorize the Mayor and Clerk to execute the Assignment. The Agreement would be dated February 1, 2015, which is the date Great Life began insuring the personal property of WCC.

The motion was made by Council Member Graber, seconded by Council Member Janssen and unanimously carried to approve the Assignment and Assumption Agreement for Joint Use of Equipment, and to authorize the Mayor and Clerk to execute the Assignment.

WORTHINGTON BIOSCIENCE CONFERENCE SPONSORSHIP APPROVED

Council considered a request from the Worthington Regional Economic Development Corporation requesting the City to be a gold level sponsor (\$2,500) of its 2015 Worthington Bioscience Conference scheduled for April 9th and 10th. In the past the City has been a silver level sponsor (\$1,500) of the event.

Following discussion, the motion was made by Council Member Nelson, seconded by Council Member Janssen and unanimously carried to approve sponsorship of the 2015 Worthington Bioscience Conference at the Gold Level rate of \$2,500.

The funds will come from the carry forward funds from previous EDA levies.

DESIGNATION OF CITY REPRESENTATIVE TO CUERO, TEXAS FOR 2015 TURKEY FEST AND AUTHORIZATION FOR REIMBURSEMENT OF EXPENSES

The Chamber of Commerce was requesting that Council designate one of their members as the official representative of the City of Worthington at Cuero's 2015 Turkey Fest, so the Chamber could start investigating travel arrangements. Section 4.17 of the Worthington City Charter *Historical Partnerships*, 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 as the City Council may from time to time determine by resolution. The City Council may also authorize such minor expenses for the enhancement and support of the recognized historical partnerships." Mayor Kuhle offered the opportunity to newly elected Council Members Janssen and Harmon, as the remaining members have represented the City at that event in the past. Council

Member Janssen said he was interested but was unable to confirm the dates with his calendar - he could, however, notify staff within a few days.

Council Member Nelson brought up the gift exchange that has occurred in the past, where the City representative was responsible for the cost of that gift to the City of Cuero, noting the City should pay that expense, not the Council Member.

The motion was made by Council Member Nelson, seconded by Council Member Graber and unanimously carried to approve up to \$100 for a gift to the City of Cuero and to designate a member of the City Council to represent the City of Worthington at the 2015 Turkey Fest in Cuero, Texas, and to reimburse the Council Member for his expenses.

**FIRST READING PROPOSED ORDINANCE AMENDING WORTHINGTON CITY CODE,
TITLE V, CHAPTER 54, SECTION 54.10 - STORM WATER REGULATIONS**

Dwayne Haffield, Director of Engineering, told Council that, in addition to the City being under requirement to regulate storm water in Worthington, there is also a state-wide construction permit required for anyone disturbing over one acre anywhere in the State. Our original storm water ordinance included the construction permit language. The City is also required to have a MS4 Permit for separate storm sewer systems for municipalities. One of the things we are required to have under the MS4 permit is to prohibit illicit discharges, which is, anything not storm water related is not supposed to go into the storm water system. That language is already in our ordinance, however, the MPCA is recommending that we change it to accommodate a relaxation in the definitions of illicit discharge that resulted in a longer list of exemptions. The other item that we need to have regulations on is the ability to inspect for illicit discharges, and the ability to inspect properties that have privately owned storm water management systems on them. The MPCA found that the language in our current ordinance did not satisfy these requirements for the MS4 permit. Mr. Haffield said the big item that changed with the new permit is with construction and redevelopment. The basic requirement is that all new development shall not result in an increase in discharge volume, total suspended solids or total phosphorous on an annual average basis.

Staff presented a proposed ordinance amending Section 10 of Chapter 54 of the City Code to implement the necessary and recommended changes as follows:

The ordinance adopted by the Council regulates all storm water discharged into the municipal storm water system as well as all non-storm water discharges into the system. The ordinance prohibits certain activities and items of personal property in areas susceptible to draining into the municipal system. The ordinance establishes erosion and sediment controls upon certain sites and establishes control over privately owned storm water management systems.

The proposal provides the option to come in and meet the construction permit standards, or the option to come in and meet minimum impact development standards developed by the MPCA.

The motion was made by Council Member Sankey, seconded by Council Member Graber and unanimously carried to give a first reading to the proposed ordinance amending Section 10, Chapter 54 of the Worthington City Code.

COUNCIL COMMITTEE REPORTS

Mayor Kuhle - Attended WREDC - they talked about the Bioscience Conference and passed a resolution in support of Dr. Randy Simonson's appointment to the Board of Regents for the University of Minnesota. They also received project updates on the mall and other projects. Last Wednesday he met with senators in St. Paul regarding Dr. Simonson's appointment. Regarding the redevelopment of the Oxford Street corridor, Council needs to consider whether they would support a moratorium of building permits along Oxford Street until the standards are done. There will be a SRDC workshop on February 28th - he encouraged Council to attend - Council Members Harmon and Janssen said they are registered for that workshop.

Council Member Nelson - Attended a Prairie Justice Center Joint Operations meeting - the City is wanting to move forward with building on to the parking garage - approximately a \$650,000 expansion - there are currently six stalls split between the City and the County. The project would take that to 12 stalls, of which the City would use six for the PD vehicles with all the electronic equipment in them. The City's share of the operations right now is 12.72% and this would up that a little bit. They will probably be bringing that to us at the next Council meeting. The other discussion was on collaboration efforts to be determined. One question is do we want to participate in the actual construction. They'll be sending out the entire rental agreement in the next few weeks and he urged Council to read it carefully as in the next few weeks, or at the next meeting, they will be asked to make a decision on support of, and what level of support.

Council Member Graber - The Prairie View study group met - Steve continues to come up with more facts - they had a healthy discussion about its future and possibilities. The Public Arts Committee met, they're dealing with the model bridge to emulate the bridge in Crailsheim, its cost and placement.

Council Member Janssen - Oxford Street Redevelopment Committee met February 11th, it was an interesting meeting, public was there. NEON met February 12th, he's getting up to speed with that committee. He will be attending the SRDC meeting on February 28th, and the Clean Water Partnership Board will be meeting March 3rd.

Council Member Harmon - Attended the Prairie View Long Range Planning Committee meeting, which Council Member Graber summed up. Attended the City/County meeting on the 10th. Wanted to thank Mayor Kuhle and Council Members Graber and Sankey - they went with him to speak to a 7th grade class in lieu of answering all their letters. Attended a Crailsheim Committee meeting on the 16th with Council Member Graber and the Mayor. Also Water and Light Commission on the 17th - we elected Scott as their APPA delegate to the meeting on March 8th in Washington. They also

voted to replace a trencher. Water levels dropped 5 ½ inches but we're still five feet ahead of 2014 and eight feet ahead of 2013 so they delayed any decisions on the watering ban. Mayor Kuhle requested that the Commission look at the parameters of the watering ban to allow for hand watering versus hose, or to address the power scrubbing of decks - couldn't be done privately but could be hired. Council Member Harmon said he also attended the LEC Joint Powers meeting and that Council Member Nelson had nominated him to chair that committee.

Council Member Sankey - Attended a Heron Lake Watershed meeting - the Governor's office sent out a form to gather information - he wants 50 feet of buffer on both sides of waterways now instead of the current 16 ½ feet. May bring Prairie View into play. BAC - attended a Clean Energy meeting - solar panels are not as efficient as wind towers.

Honorary Council Member Steve Forrest - Would also like to see them look into the watering ban issue for plantings.

INTERIM ADMINISTRATOR REPORT

Brad Chapulis, Director of Community/Economic Development/ Interim Administrator, reported that the demolition team for the old K-Mart building arrived today and will be here about two weeks. Over 75 people participated in the Oxford Street redevelopment meetings over two days. It was encouraging - public participation was a key component for this, and Mr. Chapulis thanked Council and the public for being involved.

ADJOURNMENT

The motion was made by Council Member Sankey, seconded by Council Member Nelson and unanimously carried to adjourn the meeting at 8:49 p.m.

Janice Oberloh, MCMC
City Clerk