

**WORTHINGTON CITY COUNCIL
REGULAR MEETING, MARCH 24, 2014**

The meeting was called to order at 7:00 p.m. in City Hall Council Chambers by Mayor Alan E. Oberloh with the following Council Members present: Mike Kuhle, Diane Graber, Rod Sankey, Ron Wood, Scott Nelson. Honorary Council Member Andy Johnson.

Staff present: Craig Clark, City Administrator; Dwayne Haffield, Director of Engineering; Brad Chapulis, Director of Community/Economic Development; Mike Cumiskey, Public Safety Director; Brett Wiltrout, Public Safety Department; Scott Gigrich, Building Inspector; Tammy Makram, Memorial Auditorium Manager; Janice Oberloh, City Clerk.

Others present: Aaron Hagen, Daily Globe; Kris Hohensee, Center for Active Living; Anthony Luft; members of the Friends of the Auditorium.

The Pledge of Allegiance was recited.

Mayor Oberloh introduced Anthony Luft who, as a senior, has now completed his high school wrestling years and will leave as a two time state champion. Council congratulated Anthony on his recent wrestling state championship win.

Mayor Oberloh read a proclamation proclaiming April as National Donate Life Month to encourage residents of the city of Worthington to consider and become organ and tissue donor.

**PUBLIC HEARING - IMPROVEMENT OF OKABENA STREET BY WATER MAIN
EXTENSION AND RESOLUTION NO. 3541 ADOPTED ORDERING IMPROVEMENT
AND PREPARATION OF PLANS AND SPECIFICATIONS**

Pursuant to published notice, this was the time and date set for a public hearing regarding the improvement of Okabena Street by extension of the municipal water distribution as follows:

*Okabena Street - between the west line of Kragness Avenue and the west line of Boote's
Addition*

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

Dwayne Haffield, Director of Engineering, presented information on the 16 inch main improvement, noting this was a preliminary assessment hearing. Trunk improvement costs are \$52,000.00, lateral improvement costs are \$173,000.00, for a total project cost of \$225,000.00. Of that amount, \$25,570.26 (11.36%) is assessable to property owners, \$46,566.32 (20.70%) will come from the water main trunk account, and \$152, 863.42 (67.94%) is City Share - non-assessable costs. Mr. Haffield said the dollar amount by frontage foot was very high, so they reverted to using historical numbers instead. Costs still remain high for the size of the project but they are dealing with adverse conditions. Because the project was initiated by petition, only a majority vote of all members of the

Council is required.

Mayor Oberloh opened the floor for testimony - none was received.

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

The motion was made by Council Member Wood, seconded by Council Member Graber and unanimously carried to adopt the following resolution moving the project ahead:

RESOLUTION NO. 3541

ORDERING IMPROVEMENT AND PREPARATION OF PLANS AND SPECIFICATIONS

(Refer to Resolution File for complete copy of Resolution)

AGENDA CLOSED/APPROVED WITH CHANGES

Staff requested the addition of a Public Safety item to the Administration cases to the agenda - *Proposed Resolution Authorizing Grant Agreement with MN Department of Labor and Industry*. Craig Clark, City Administrator, noted the item would be the first item under Administration with the other items to be renumbered in the order listed.

The motion was made by Council Member Nelson, seconded by Council Member Sankey and unanimously carried to close/approve the agenda with the requested addition.

CONSENT AGENDA APPROVED

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

- City Council Minutes - Regular meeting March 10, 2014 and continued meeting March 12, 2014; Special Joint City Council/Water and Light Commission/Housing and Redevelopment Authority meeting March 18, 2014
- Minutes of Boards and Commissions - CAL Committee Minutes of February 17, 2014; Area Collaborative Minutes of February 18, 2014 and February 20, 2014; Worthington Public Arts Commission Minutes of February 20, 2014; Heron Lake-Okabena Watershed Board Minutes of January 21, 2014
- Financial Statements - Municipal Liquor Store Income Statement for the Period January 1, 2013 through December 31, 2013; Municipal Liquor Store Income Statement for the Period January 1, 2014 through February 28, 2014

- Exemption from Lawful Gambling Permit for Pheasants Forever Nobles County Chapter #14 to conduct raffles at their Pheasants Forever banquet on October 10, 2014 at the Worthington Event Center - Chief Executive Officer is Scott Rall
- Approved the Mission Statement, Vision Statement and Goals for the Center for Active Living, along with a new logo, as presented
- Appointed Dwayne Haffield, Director of Engineering, as the non-voting member and Council Member Graber as the voting member to represent Worthington to the Regional Trail Plan Steering Committee
- Modification to the Memorial Auditorium Advisory Committee By-laws that will increase the Board membership from six to seven to allow for a cross-membership with the Friends of the Auditorium
- Bills payable and totaling \$517,405.15 be ordered paid

RESOLUTION ADOPTED AUTHORIZING GRANT AGREEMENT WITH MN DEPARTMENT OF LABOR AND INDUSTRY

Sgt. Brett Wiltrot of the Worthington Public Safety Department presented a resolution to Council authorizing him to enter into a grant agreement with the Minnesota Department of Labor and Industry for a matching grant awarded to the department for the purchase of equipment for the Emergency Response Unit (SWAT) for \$8,500. The grant is authorized for Assault Enhanced Tactical Vests and supplementary equipment for the vests, ballistic helmet liners, and Dead Stop Police ballistic shields.

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

RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT

Be it resolved that the Worthington Police Department enter into a grant agreement with the Minnesota Department of Labor and Industry for the safety grant project submitted to the State of MN on January 27, 2014.

Police Sergeant Brett Wiltrot of Worthington is hereby authorized to execute such agreements and amendments as are necessary to implement the project on behalf of the Worthington Police Department and to be the fiscal agent and administer the grant.

SECOND READING PROPOSED ORDINANCE - TEXT AMENDMENT (FLOOD PLAIN MANAGEMENT ORDINANCE)

Pursuant to published notice, this was the time and date set for the second reading of a proposed ordinance that would amend Title XV, Section 152 of the City Code of Worthington, Nobles County, Minnesota, and bring the City's Flood Plain Management Plan into compliance with federal

regulations. Failure to adopt legally enforceable flood plain management measures that comply with Title 44 Code of Federal Regulations prior to the effective date of May 19, 2014 will result in the community's suspension from the National Flood Insurance Program.

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

NOMINATING COMMITTEE RECOMMENDATIONS APPROVED FOR COMMITTEE APPOINTMENTS/REAPPOINTMENTS

The Nominating Committee met on Monday, March 17, 2014 and was making the following recommendations to Council for committee appointments/reappointments:

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| Center for Active Living Comm.- | Appoint Paula Ausham to fill Bob Petrich's unexpired first term, which term will expire December 31, 2015 |
| | Appoint Simon Koster to fill Chuck Moore's unexpired first term, which term will expire December 31, 2015 |
| Econ. Dev. Rev. Loan Fund Comm.- | Reappoint Ryan Weber for first full two-year term, which term will expire December 31, 2015 |
| Park & Rec. Advisory Board - | Reappoint Joe Anderson for first full three-year term, which term will expire March 31, 2017 |
| | Reappoint Jacoba Nagel for a three-year term, which term will expire March 31, 2017 |
| | Appoint Scott Langeruud for a three-year term, which term expires March 31, 2017 - to replace Shawn Fritz who declined to serve a second term |
| Planning Commission - | Appoint Bob Bristow for a three-year term, which term expires March 31, 2017 - to replace Dana Oberloh who was not eligible for another term |
| | Appoint Amy Woitalewicz for a three-year term, which term expires March 31, 2017 - to replace Dale Ryan who declined to serve another term |
| Water & Light Commission - | Reappoint Gary Hoffmann for a three-year term, which term expires March 31, 2017 |
| | Reappoint Jim Elsing for a three-year term, which term expires March 31, 2017 |

The motion was made by Council Member Nelson, seconded by Council Member Kuhle and unanimously carried to approve the recommendations for committee appointments/reappointments as presented.

REQUEST FROM THE FRIENDS OF THE AUDITORIUM (FOTA) FOR FINANCIAL ASSISTANCE FROM THE CITY OF WORTHINGTON APPROVED

Several members of the Friends of the Auditorium were present at the meeting to present a request to Council for financial assistance for the 2014-2015 season at the Memorial Auditorium Performing Arts Center. Candace Joens, President of the Friends of the Auditorium, and Judie Wendt-Johnson, of the FOTA Committee, discussed their situation with Council. The request was for approximately \$25,000 to cover booking costs of \$16,000 for the 2014-2015 season, and advertisement and other bills that were due immediately.

Following discussion, the motion was made by Council Member Wood and seconded by Council Member Graber to provide a \$25,000 grant to the Friends from the hospital funds, and a \$16,000 booking loan from the hospital impact funds, with a management plan developed on or before July 1, 2014 that shows a relationship between FOTA and the Advisory Board - to be presented to the Finance Manager.

Craig Clark, City Administrator, noted his preference would be to draw the funds from the undesignated unreserved funds. Council Member Wood stated his motion would stay with the hospital funds. The motion was unanimously carried.

RESOLUTION ADOPTED AUTHORIZING AGREEMENT FOR TURN BACK OF TH 59/60 SEGMENTS

During the Hwy 60 project, Mn DOT indicated they would, at some point, turnback certain segments of the former TH 59/60 road to the City's and County's jurisdiction. With the recent completion of the project, staff now presented a resolution and agreement for the turnback. Dwayne Haffield, Director of Engineering, noted that in addition to the turnback, Minnesota statute provides that future costs of a roadway are a reasonable and proper consideration in its conveyance. Reimbursement for costs of improving a roadway to an appropriate condition may be provided to the receiving authority through state funding of a turnback project or through direct payment.

The segment of TH 59/60 from Flower Lane to County Road 57 warrants full reconstruction to an urban roadway design, and the segment from Dover Street to Oxford Street needs no improvement as it was fully reconstructed as part of the TH 59/60 project. The allowable cost for reconstruction of the Flower Lane/County Road 57 segment was proposed by MnDOT to be \$1,087,080. Because the need to reconstruct the segment is not immediate, and there is potential for some realignment of

the roadway in the future, it was proposed that funding for the improvement be provided by direct payment. Both segments are eligible for designation as Municipal State Aid Streets and therefore, eligible for construction and maintenance funding.

The City Attorney reviewed the agreement and had no concerns.

The motion was made by Council Member Wood, seconded by Council Member Nelson and unanimously carried to adopt the following resolution authorizing the turnback agreement and to request consideration for future reconstruction costs by direct lump sum payment in the amount of \$1,087,080:

RESOLUTION

IT IS RESOLVED that the City of Worthington enters into Mn/DOT Agreement No. 05616 with the State of Minnesota, Department of Transportation for the following purposes:

State release of a segment of Trunk Highway (TH) 60 to the City of Worthington from Flower Lane to County Road (CR) 57.

IT IS FURTHER RESOLVED that the Mayor and the Clerk are authorized to execute the Agreement and any amendments to the Agreement.

RENTAL HOUSING INSPECTION UPDATE

Scott Gigrich, Building Official for the City of Worthington, provided an update to Council on the rental housing inspection he's performed since his hiring in September of 2013. Of the 619 rental units in the city, 619 of them have been inspected, and 473 of those have received a certificate of compliance. An additional 137 unregistered rental units have been discovered. Some of the violations he has encountered include bed bugs, cockroaches, broken windows, missing smoke alarms, faulty wiring, illegal bedrooms, filth, collapsing ceilings, mold, sewage, open sewer lines, unapproved units, fire hazards, stair/step hazards, among other things. Mr. Gigrich said along with noting the violations to the landlords, he also tries to educate them and provide information on resources to help them become compliant.

They hope to look at a potential ordinance that would hold tenants responsible when they are the ones creating the problems. Brad Chapulis, Director of Community/Economic Development, said they were working with Nobles County on a course of action and trying to get local control over public health issues back to the County level instead of the state.

COUNCIL COMMITTEE REPORTS

Mayor Oberloh - met regarding the proposed bonding bill - seems that all of the projects from SW Minnesota have been taken out due to a partisan issue. They are in the process of setting up another meeting this week to try to get the projects back in the bill - they will go before the House and Senate leadership to get it done.

Council Member Kuhle - had a joint City/County/School Board meeting on Friday - great discussion. County and School reps noted the City needs to try to be more mindful of their projects. Discussion was also held regarding the mall.

Council Member Graber - attended a CAL meeting - the new logo was discussed. Regarding the joint meeting at the Fire Hall - very well done - the Mayor did great job chairing the meeting.

Council Member Sankey - nothing to report.

Council Member Wood - nothing to report.

Council Member Nelson - nothing to report.

CITY ADMINISTRATOR'S REPORT

Craig Clark, City Administrator, noted that staff was working on dates for the annual spring trash pickup and were looking at the week of April 21st to avoid prom, with residents able to start putting items out on the prior Wednesday, April 16th. Following discussion on several upcoming events, Mr. Clark said staff would continue to work on an appropriate dates for the clean up and relay that to Council.

ADJOURNMENT

The motion was made by Council Member Wood, seconded by Council Member Sankey and unanimously carried to adjourn the meeting at 8:32 p.m.

Janice Oberloh, MCMC
City Clerk