

**WORTHINGTON CITY COUNCIL
REGULAR MEETING, MARCH 28, 2016**

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: Jason Gerdes.

Staff present: Steve Robinson, City Administrator; Troy Appel, Public Safety Director, Sgt. Brett Wilttrout, Public Safety Department; Todd Wietzema, Public Works Director; Dwayne Haffield, Director of Engineering; Janice Oberloh, City Clerk.

Others present: Justine Wettschreck, KWOA; Alex Chhith, Daily Globe; Kirk Honius, Pat Honius, Marlis Anderson, Kody Honius, Konner Honius, Michelle Honius, Karter Honius, Kara Honius, Jill and Jake Cuperus, Robert and JoRita Feeken, Andy Johnson, Gary Randgaard, Mike Woll, Elwin Aggen, Norbert Schmitz.

The Pledge of Allegiance was recited.

**PUBLIC HEARING AND RESOLUTION NO. 3653 ADOPTED ORDERING
IMPROVEMENT AND PREPARATION OF PLANS AND SPECIFICATIONS**

Pursuant to published notice, this was the time and date set for a public hearing for the 2016 Street Reconstruction Improvements project.

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

Dwayne Haffield, Director of Engineering, provided background on the proposed project, which includes reconstruction of improvements to Darling Drive, Hagge Street, and Schaap Drive. Mr. Haffield reviewed what has happened on the project to date, noting that because the project was Council initiated it would require a 4/5's vote of Council to order the improvements ahead, and the final assessment hearing would come after the project is complete. The project came before Council last year, but when the bids came in they were extremely different than anticipated, and the project was halted. Mr. Haffield said two changes had been made to the project - adding additional drainage and adding concrete as an alternate. Bituminous is quicker in and out - less disruptive than concrete, and can have a smoother ride, especially with retrofit projects, however, concrete has a guarantee of 30 years compared to a 20 year guarantee for bituminous.

Mr. Haffield said there were several options for tonight: whether each street should be included, the pavement type, and if there would be an alternate bid or a re-bid. They were hoping for the same pavement throughout the projects but it may not be the best option for the community.

Gary Randgaard questioned the assessment rate saying his assessments went up \$11,000. Mr. Randgaard noted that when he bought his home there was broken tile that resulted from building homes there, and requested that the City investigate that prior to proceeding. Steve Robinson

responded that his rate did not go up \$11,000, but rather \$1,000.

Darling Drive - Mr. Haffield said with bituminous they were proposing to increase the pavement to 3½ inches from 2½ inches, and the extra inch is automatically City share. The concrete would go from 6 inches to 6½ inches. The easterly segment would be assessed at a reduced rate for failure of the existing pavement there to reach its life expectancy.

Project costs are as follows:

	<u>Bituminous</u>	<u>Concrete</u>
City share for non-assessable costs	\$122,853.78	\$136,711.47
City share of assessable costs	\$0.00	\$0.00
Total City Share	\$122,853.78 (82.3%)	\$136,711.47 (82.3%)
Assessments receivable	\$26,396.22 (17.7%)	\$29,388.53 (17.7%)
TOTAL COST	\$149,250.00	\$166,100.00
Estimated base assessment rate		
(westerly portion):	\$38.59/ft	\$42.97/ft.
Estimated reduced assessment rate		
(Easterly segment):	\$36.66/ft	\$40.82/ft

Mayor Kuhle asked if there was anyone who wished to provide testimony on the Darling Drive project. None was received.

Hagge Street - would be a standard residential pavement - 2.5 inches for bituminous or 6 inches for concrete - no reduced rate would apply - project costs are as follows:

	<u>Bituminous</u>	<u>Concrete</u>
City share for non-assessable costs	\$211,805.73	\$294,514.12
City share of assessable costs	\$0.00	\$0.00
Total City share	\$211,805.73 (88.6%)	\$294,514.12 (90.2%)
Assessments receivable	\$27,144.27 (11.4%)	\$32,035.88 (9.8%)
TOTAL COST	\$238,950.00	\$326,550.00
Estimated base assessment rate	\$18.37/ft.	\$21.68/ft.

Mr. Haffield noted Hagge is a narrower street, and the City is responsible for the center 24 feet.

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

Schaap Drive - this is the widest street in the proposed project at 34 feet - project costs are as follows:

	<u>Bituminous</u>	<u>Concrete</u>
City share for non-assessable costs	\$210,107.83	\$258,190.59
City share of assessable costs	\$0.00	\$0.00
Total City share	\$210,107.83 (73.8%)	\$258,190.59 (73.5%)
Assessments receivable	\$74,392.17 (26.2%)	\$93,309.41 (26.5%)
TOTAL COST	\$284,500.00	\$351,500.00
Estimated base assessment rate	\$38.71/ft.	\$48.55/ft

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

Gary Rangaard - the City needs to make the area where the sumps come out of the curb wider.

Dwayne Haffield responded that the curb is narrower on Schaap Drive and they are not doing the curb and gutter now. Staff will notify the property owners that they need to come up with an alternate for their sumps.

Elwin Aggen - He has the highest assessment out there, it doesn't matter what you do he wants the best bang for the buck - if it's concrete he'll go with concrete all the way.

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 put concrete pavement in all three of the streets.

AGENDA CLOSED / APPROVED

Mayor Kuhle stated that Item G.1 *Life Saving Awards* would be moved to just before the consent agenda to accommodate those in attendance for the presentation.

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

LIFE SAVING AWARDS

Troy Appel, Public Safety Director, presented Civilian Life Saving Awards to Kara and Karter Honius for heroic, lifesaving and outstanding civic contribution to the City of Worthington for their actions in saving a twelve-year old boy from drowning in the pool at the YMCA. Council thanked Kara and Karter for their actions and congratulated them on their awards.

CONSENT AGENDA APPROVED

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

- City Council Minutes of Regular Meeting March 14, 2016 and Special Meeting March 21, 2016
- Minutes of Boards and Commissions - Water and Light Commission Minutes of March 21, 2016; Public Arts Commission Minutes of March 10, 2016; Heron Lake Watershed Board of Directors Minutes of January 26, 2016
- Municipal Liquor Store Income Statement for the Period January 1, 2016 through February 29, 2016
- Application for Exemption from Lawful Gambling - St. Mary's Church, for a raffle event to be held May 1, 2016 at St. Mary's School
- Bills Payable and totaling \$579,666.60 be ordered paid

ADDITIONAL NOMINATING COMMITTEE RECOMMENDATIONS FOR COMMITTEE APPOINTMENTS/REAPPOINTMENTS APPROVED

In addition to the committee appointments/reappointments approved by Council at their regular meeting on March 14, 2016, the Nominating Committee had also addressed appointments to the Police Civil Service Commission and the Economic Development Revolving Loan Fund Committees to fill unexpired terms, pending resignations from those committees. The additional following Nominating Committee recommendations for Committee appointments were submitted for Council approval:

Economic Dev. Revolving Loan Fund Committee - Appoint Jason Schutz to fill the unexpired term of Ryan Weber, term to expire December 31, 2017. Mr. Weber resigned his term following his recent appointment to the Planning Commission

Police Civil Service Commission - Appoint Jennifer Weg to fill the unexpired term of Linda Hill, term to expire December 31, 2016. Ms. Hill has notified staff that she will be resigning her term prior to May 1st

2016.

The motion was made by Council Member Sankey, seconded by Council Member Nelson and unanimously carried to approve the committee appointments as recommended.

PRAIRIE VIEW CLUBHOUSE RENTAL AGREEMENT APPROVED

Council considered a request from Jill and Jake Cuperus to rent the Prairie View Clubhouse and cart house for the operation of their new business, Local Harvest, which will offer fresh local produce, chickens, farm fresh eggs, soup, sandwiches and local handcrafts on a daily basis. The couple also intends to rent out the meeting room in the Clubhouse, and will be responsible for obtaining all applicable licenses and permits as required. The terms of the triple net lease will also include, but not be limited to:

- Monthly rent of \$1,000, triple net
- Lessee shall pay all operational expenses including real estate taxes and utilities
- Lessee shall obtain and pay for all insurance as required by the City's Insurance carrier
- Covenant to hold harmless

Steve Robinson, City Administrator, noted the City Attorney is currently approving the proposed lease, which he said would be set up for a short lease then go to a month to month basis.

Following discussion, the motion was made by Council Member Graber, seconded by Council Member Nelson and unanimously carried to approve the lease but with agreement to only on a month to month basis.

NATIONAL SERVICE DAY RECOGNIZED

Mayor Kuhle read a proclamation that proclaimed April 5, 2016 as National Service Recognition Day, recognizing the positive impact of National Service Senior Corps RSVP volunteers in our city. Worthington was served by 235 such volunteers in 2015.

The motion was made by Council Member Nelson, seconded by Council Member Graber and unanimously carried to accept the proclamation and to authorize staff to complete a pledge for the City on the Corporation for National and Community Service website.

2016 PRIVATE DOCK APPLICATIONS APPROVED

The following 2016 applications to install private docks on public property have been received:

1. 200 Lake Street - Dave Holinka
2. 214 Lake Street - Bruce Pass
3. 117 Lake Avenue - Allen Schmidt
4. 625 Lake Avenue - Herman Kramer
5. 610 West Lake Avenue - Evelyn Lambert
6. 702 West Lake Avenue - Alice Hoffman
7. 916 West Lake Avenue - Clarence Kremer
8. 920 West Lake Avenue - Dale Ryen
9. 1977 South Shore Drive - Jenny Anderson/Arturo Martinez
10. 713 May Street - Brian Standafer

Todd Wietzema, Public Works Director, said Council has limited the number of permits to 10 in the past, and all of the applicants this year were permit holders in 2015.

The motion was made by Council Member Graber, seconded by Council Member Sankey, and unanimously carried to approve the 2016 Permits for Private Dock installation on public property as presented.

HIGHWAY 59 AGRICULTURE LEASE

City staff has renegotiated the terms of a current agricultural lease agreement with Pat Haberman for land the City owns on the west side of Highway 59 north by which the rental rate will be reduced from \$397 an acre to \$250 per acre. Todd Wietzema, Public Works Director, said the renegotiation was due to proposed infrastructure improvements to the property that will result in the loss of 10 acres of the agricultural land, and cause the property be split into three different pieces, resulting in additional time required for farming. The new agreement will expire February 28, 2017, and the property will be advertised for rental proposals at that time.

The motion was made by Council Member Sankey, seconded by Council Member Graber and unanimously carried to approve the Highway 59 agriculture lease between the City of Worthington and Pat Haberman as presented.

RESOLUTION NO. 3654 ADOPTED RECEIVING REPORT AND CALLING FOR HEARING ON PROPOSED IMPROVEMENT - KNOLLWOOD DRIVE/FIRST AVENUE SOUTHWEST SANITARY SEWER EXTENSION

Pursuant to Council action at their February 22, 2016 meeting, staff was presenting a feasibility report prepared by Midwest Engineering on the Knollwood Drive and 1st Avenue Southwest Sanitary Sewer Extension project. Staff was requesting that Council receive the report and order a public hearing for the project to be held at 7:00 p.m. on Monday, April 11, 2016 at the regular City Council meeting.

The motion was made by Council Member Nelson, seconded by Council Member Harmon and unanimously carried to adopt the following resolution receiving the report and calling for a hearing on the proposed project at 7:00 p.m. on Monday, April 11, 2016 at the regular City Council Meeting:

RESOLUTION NO. 3654

RECEIVING REPORT AND CALLING FOR HEARING ON PROPOSED IMPROVEMENT

(Refer to Resolution File for complete copy of Resolution)

**RESOLUTION ADOPTED VACATING PART OF UTILITY EASEMENT DARLING'S
FIRST ADDITION AND AUDITOR'S PLAT OF W ½ OF SW 1/4 S13, T102N, R40W**

Staff presented a resolution vacating a portion of an easement in Darling's First Addition and Auditor's Plat of the W ½ of the SW 1/4 S13, T102N, R40W. Dwayne Haffield, Director of Engineering, said the easement, obtained in 1970, was intended to cover the sanitary sewer and water mains that extend from Burlington Avenue to TH59 between Dairy Queen and Tri-State Rental. However, an error in the legal description in the document continued the easement east of Burlington Avenue to within the Grand Avenue right-of-way, lying over a home built in 1968 and continuing into the site of proposed Southwest Minnesota Housing Partnership housing project. The Water and Light Commission concurred with the recommendation to vacate that part of the easement east of Burlington Avenue at their March 21, 2016 meeting.

The motion was made by Council Member Sankey, seconded by Council Member Nelson and unanimously carried to adopt the following resolution vacating part of the utility easement:

RESOLUTION

VACATING PART OF AN EASEMENT
IN
BLOCK 1 OF DARLING'S FIRST ADDITION AND
AUDITOR'S PLAT OF W ½ OF SW 1/4 S13, T102N, R40W

WHEREAS, It has been determined that a certain easement was erroneously described to extend into Lot 7, Block 1 of Darling's First addition and into Lot 11, Auditor's Plat of W ½ of SW 1/4 S13, T102N, R40W, and

WHEREAS, Said portion of the easement is not required by the City.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WORTHINGTON, MINNESOTA:

1. That the portion of the easement described in Document No. 180799, recorded in the office of the County Recorder, Nobles County Minnesota, lying within the following described properties be hereby vacated and released:

Lot 11 of the Auditor's Plat of Part of the West Half of the Southwest Quarter, Section 13, T102 N, R40 W, City of Worthington, Nobles County, Minnesota,

and,

Lot 7, Block 1 in Darling's First Addition, City of Worthington, Nobles County, Minnesota.

2. That the City Clerk is hereby directed to file a certified copy of this resolution in the office of the Recorder in and for the County of Nobles, State of Minnesota.

2016 STORM SEWER IMPROVEMENTS PROJECT APPROVED

Dwayne Haffield, Director of Engineering, said the 2016 storm sewer improvements project is made up of two components - the first being 15th Street between 2nd and 3rd Avenues - the older existing pipes are substandard and will be replaced to match the master plan and is being done in advance of street reconstruction. The second component, which is a defective system, is the outlet on James Blvd. It currently runs between a couple of homes, and we originally budgeted to replace it in its current alignment but the disruption of surface features and the risks to basements makes that route no longer feasible. Mr. Haffield said the trenchless method was also looked at and found to be unsuitable. Plans are now to run it up James Blvd. to Nobles Street and then over to the ditch. The two projects together are estimated to be within budget, one over and one under, so staff was recommending combining the two projects, which would help in making pay estimates.

Should Council approve the plans staff would ask for authorization to advertise for bids to be received on April 22, 2016 and considered at the April 25th Council meeting. Staff was also asking Council to approve amending the budget to combine the two components.

The motion was made by Council Member Graber, seconded by Council Member Sankey and unanimously carried to approve the plans for the 2016 Storm Sewer Improvements Project and authorize advertisement for bids to be received on April 22, 2016 and considered at the April 25th Council meeting, and to combine 606-49774 and 606-49776 into 606-49774.

COUNCIL COMMITTEE REPORTS

Mayor Kuhle - Reported on the CGMC Legislative Action Day at the capitol he attended with the

Administrator last Wednesday.

Council Member Nelson - Reported that the HRA will meet tomorrow night.

Council Member Graber - Reported on the Spomer Car Tour, and the Special City Council meeting on the 21st. March 22nd attended the Noon Kiwanis meeting, and on March 28th attended the Employee Advisory Committee meeting.

Honorary Council Member Gerdes - reported on the Wild Turkey Shootout event.

Council Member Janssen - Attended the Spomer Car Tour and the Noon Kiwanis meeting. Also attended the NEON meeting on March 17th

Council Member Harmon - Nothing to report.

Council Member Sankey - Reported on the Heron Lake Watershed Board meetings held March 15th.

CITY ADMINISTRATOR'S REPORT

Steve Robinson, City Administrator, noted he had gone to St. Paul with the Mayor and met with the House Leadership on the Capital Improvement Committee, which works on the bonding bill. They were supportive of Lewis and Clark. He met last week with Representative Hamilton regarding extending or re-imposing our local option sales tax - based on his advise we will probably let it sit until the 2017 legislative session. Then if Council directs us we will pursue extending it or getting it re-imposed after Lewis and Clark has been completed. The sales tax is projected to meet the debt obligations in approximately August or September of 2017 - or 20 months ahead of the timeline. His initial goal would be to get it extended out to the full ten years that was initially established, which would give us 20 months additional collection. That would generate another \$1.3 to \$1.4 million.

ADJOURNMENT

The motion was made by Council Member Sankey, seconded by Council Member Janssen and unanimously carried to adjourn the meeting at 8:30 p.m.

Janice Oberloh, MCMC
City Clerk