

**WORTHINGTON CITY COUNCIL
REGULAR MEETING, MAY 13, 2013**

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 - Carl Nagel.

Staff members present: Craig Clark, City Administrator; Jim Eulberg, Public Works Director; Scott Rosenberg, Park Supervisor; Dwayne Haffield, Director of Engineering; Brad Chapulis, Director of Community/Economic Development; Scott Hain, General Manager Worthington Public Utilities.

Others present: Aaron Hagen, Daily Globe; Gail Hanscom, CERES Environmental; Derrick Tucker and Marquis White, True North EM; Pat Lombardo.

The Pledge of Allegiance was recited.

AGENDA APPROVED

Staff noted that Item F.2. *Highway 59 Ag Lease* was included in the agenda packet but was not listed on the agenda page. Also, Scott Hain, General Manager Worthington Public Utilities, was requesting to make a presentation/update to Council regarding the watering ban.

The motion was made by Council Member Wood, seconded by Council Member Graber and unanimously carried to approve the agenda with the notation of item F.2, and the addition of Watering Ban Update as the first item under *Administration*.

CONSENT AGENDA APPROVED

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

- City Council Minutes - Emergency Meeting of April 19, 2013 and continued meeting April 24, 2013; Special Joint City Council/HRA meeting of April 22, 2013; Regular Meeting April 22, 2013; Special Meeting April 29, 2013; Emergency Meeting April 30, 2013
- Minutes of Boards and Commissions - Water and Light Commission Minutes of May 6, 2013; HRA Regular Meeting Minutes of April 23, 2013; HRA Special Meeting Minutes of April 16, 2013; HRA Regular Meeting Minutes of March 19, 2013
- Municipal Liquor Store Income Statement for the Period January 1, 2013 through April 20, 2013
- Shared Use Agreement between Prairie View Golf Links and Worthington Country Club
- Memorandum of Understanding for Summer Hours for Local Union 49
- Application to Block Streets - St. Mary's Church from 9:45 a.m. to 10:45 a.m. on Sunday, June 2, 2013
 - 12th Street from 7th Avenue to 8th Avenue
 - 13th Street from 7th Avenue to 8th Avenue

Seventh Avenue from 12th Street to 13th Street
Eighth Avenue from 12th Street to 13th Street

- Set Public Meeting Date for Review of Storm Water Pollution Prevention Plan as June 24, 2013 at the regular City Council meeting
- Established the following parking restrictions:
 - Prohibit parking at all times on the northeast side of the alley between 10th Street and 9th Street from 2nd Avenue to 3rd Avenue
 - Prohibit parking at all times on the southwest side and prohibit parking between 1:00 a.m. and 6:00 a.m. on the northeast side of the alley lying between Lot 1 and Lots 2 through 7, Block 8, Plat of Worthington
- Bills payable and totaling \$1,891,327.82 be ordered paid

WATERING BAN UPDATE

Scott Hain, General Manager Worthington Public Utilities, provided an update to Council on the current watering ban and current and past water levels. Mr. Hain noted there seems to be a lack of awareness of seriousness of the water situation in Worthington. The Mayor and several staff members met with the DNR recently about the issue where the DNR suggested that, as Lake Okabena is entirely within the corporate boundaries of the city, authority could be passed to the Council to enact an ordinance limiting the use of surface water from the lake for watering. . There is currently a total ban on non-essential water usage from the municipal water supply, which would include watering of flowers and grass; washing siding, patios, decks, sidewalks, cars (in a driveway), and dog kennels. Water usage at commercial car washes has not yet been banned but that would be next. The DNR does not see truck washes as essential. Seeding and sodding is discouraged as property owners will not be able to water them once installed. In response to a question from Council Member Kuhle, Mr. Hain said his interpretation was that watering from Lake Okabena and Whiskey Ditch was not banned at this time as the DNR wants to make sure they don't put anything in place that could not be defended in court. The Watershed district is, however, discouraging people from using water from Whiskey Ditch and Lake Okabena. The Worthington Country Club has a permit from the DNR to appropriate water from the lake for their fairways and greens, while Prairie View Golf Links utilizes water out of their pond and pumps from a well. It was unclear if any action by Council would affect that permit. The DNR will be getting back to us with their recommendations after working with their legal department.

ORDINANCE NO. 1067 ADOPTED AMENDING TITLE XV, SECTION 155.043 (C)(1) OF THE WORTHINGTON CITY CODE - WALLS AND FENCES

Pursuant to public notice, this was the time and date set for the third reading of a proposed ordinance amending Title XV, Section 155.043 (C)(1) of the Worthington City Code regarding walls and fences.

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

unanimously carried to give a third reading to, and subsequently adopt, the following ordinance.

ORDINANCE NO. 1067

AN ORDINANCE TO AMEND TITLE XV OF THE CITY CODE OF WORTHINGTON,
NOBLES COUNTY, MINNESOTA

(Refer to Ordinance File for complete copy of Ordinance)

**SECOND READING PROPOSED ORDINANCE PROVIDING CRIMINAL HISTORY
BACKGROUND CHECKS FOR APPLICANTS FOR CITY EMPLOYMENT**

Pursuant to published notice, this was the time and date set for the second reading of a proposed ordinance that creates Sub-chapter 30.09 *Criminal History Background Checks*, which provides authorization for the Police Department to access data maintained in the Minnesota Bureau of Criminal Apprehensions Computerized Criminal History information system, and is in accordance with the BCA's policy.

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

**MODIFICATIONS TO POSITION DESCRIPTION FOR BUILDING MAINTENANCE/
CUSTODIAL/ANIMAL CONTROL OFFICER POSITION APPROVED**

To accommodate the need for custodial services at the newly opened Center for Active Living, City staff investigated the cost of outside services as opposed to increasing the current 3/5's internal position to full time. The determination was that moving the internal position to a full time position would result in a cost savings to the City over contracting with an outside firm.

The motion was made by Council Member Wood, seconded by Council Member Kuhle and unanimously carried to approve the full-time position description for the Building Maintenance/Custodial/Animal Control Officer position.

DISCUSSION OF TREE DEBRIS AND TREE REMOVAL

Council and staff discussed the continuing tree debris and tree removal resulting from the April 9-11 ice storm with Gail Hanscom, CERES and Derrick Tucker, True North Emergency Management. Discussion focused on FEMA requirements and citizen/staff concerns regarding trimming vs. removing, and potential future issues with damaged trees. Staff will be meeting with FEMA representatives tomorrow and will be asking for some reasonable common sense in the gray areas regarding their requirements. Congressional representatives will also be attending that meeting. Gail Hanscom, CERES Environmental, said they are confident they will have the debris removal

completed by the end of May to FEMA specs. Ms. Hanscom reported that through last night they had hauled 43,507 cubic yards of debris from the right-of-ways, trimmed hazardous hangers from 4,599 trees, and have removed 55 trees so far. While tree removal has been less than anticipated, the hazardous hangers have more than initially estimated. Jim Eulberg, Public Works Director, said that if we could require residents to have their debris to the curb by May 28th, it could be picked up by the 31st. Mayor Oberloh requested that the representatives from CERES and True North be present at the meeting with FEMA tomorrow.

APPOINTMENT TO HOUSING AND REDEVELOPMENT AUTHORITY BOARD TO FILL VACANCY

Council considered a recommendation from the Housing and Redevelopment Authority Board to appoint Heidi Ricard to fill the unexpired term of Marge Larson, who resigned her seat. Under HRA By-Laws, that particular seat must be filled by a resident of the Atrium Public Housing, which Ms. Ricard is. The Mayor, with the support of City Council, has the authority to fill that vacancy.

The motion was made by Council Member Kuhle, seconded by Council Member Nelson and unanimously carried to appoint Heidi Ricard to fill the unexpired term of Marge Larson on the Worthington Housing and Redevelopment Authority Board, which term expires November 30, 2015.

DECLARATION OF END OF EMERGENCY STATUS REGARDING APRIL 9-10, 2013 ICE STORM

At their April 10, 2013 Emergency Meeting, Council acted to extend the three day emergency status declared earlier on that day by Mayor Oberloh. Per information received from Joyce Jacobs, Nobles County Emergency Management Director, the extension had a limit of 30 days, which would be today, May 13th.

The motion was made by Council Member Kuhle, seconded by Council Member Wood and unanimously carried to terminate the emergency status declared as a result of the April 9-10, 2013 ice storm.

POLICY FOR PRIVATE DOCKS ON PUBLIC PROPERTY AND CITY CODE REVISIONS FOR PRIVATE DOCKS ON PUBLIC PROPERTY APPROVED

At their March 8, 2013 Special Meeting, Council discussed the issue of private dock installation on public property. Following their discussion, Council directed staff to formalize the previously “unwritten” policy and present it for approval, along with any recommended changes.

Jim Eulberg, Public Works Director, was now presenting the policy and recommended changes to Council for approval.

The policy states:

1. The City Council will annually set the maximum number of private docks allowed on public property. (Currently 9 permits)
2. Property owners who currently have valid dock permit will have first option on renewals of a dock permit for the following year unless the City Council reduces the number of permits available. Then all permit applications from existing permit holders will be reviewed by the Council and they will make the decision on renewals.

Mr. Eulberg also presented the following suggested changes to the City Code regarding private dock installation on public property:

- Change the dock installation date from April 15th to April 1st, with the stipulation “or before all the ice is out of the lake each spring, whichever is later”.
- Replace “required permit fee which shall be set from time to time by the City Council” to read “...required fee which shall be reviewed annually and set by the City Council.”
- Include that the posted sign shall indicate “NO SWIMMING OR DIVING”, and a sign reading OPEN TO THE PUBLIC

In addition, Mr. Eulberg was recommending that the fee for the dock permit be increased to \$135.

The motion was made by Council Member Nelson and seconded by Council Member Kuhle to approve the changes but to allow 10 dock permits.

Council Member Wood said he is opposed to allowing private docks on public property at all and they should not be renewed when the current permit holders decide to not renew, however, he will accept this as Council will have the ability to review it each year.

Following discussion, Council Member Nelson amended his motion to eliminate the set number of docks, and to approve the changes as presented. Council Member Kuhle accepted the amendment on his second, and the motion was unanimously carried.

Council Member Graber requested that she be allowed to go on record as concerned about the criteria used in determining who would receive permits in the future.

HIGHWAY 59 NORTH AG LEASE BID AWARDED

The following opening bids were received for the Highway 59 Ag Lease Land on Friday, May 10, 2013:

<u>Bidder</u>	<u>Performance Guarantee</u>	<u>Bid 2013</u>	<u>Yearly Bid 2014-2017</u>	<u>Total</u>
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Matt Widboom	X	\$15,235.00	\$17,174.00	\$ 83,931.00
Justin Freking	X	\$20,000.00	\$23,000.00	\$112,000.00
A & T Acres (Adam Blume)	X	\$17,050.00	\$19,220.00	\$ 93,930.00
William Gordon	X	\$13,750.00	\$15,500.00	\$ 75,750.00
Pat Haberman	X	\$17,001.00	\$19,001.00	\$ 93,005.00

Following a subsequent competitive bidding process, the high total bid was received from Pat Haberman in the amount of \$122,400.00.

The motion was made by Council Member Kuhle, seconded by Council Member Wood and unanimously carried to award the bid for the Highway 59 North Ag Land Lease to Pat Haberman in the total lease amount of \$122,400.00.

RESOLUTION ADOPTED APPROVING NOBLES COUNTY PLANS FOR MULTI-USE TRAIL IMPROVEMENTS ALONG C.S.A.H. 10 AND C.S.A.H. 35

Nobles County prepared plans for concrete paving of a multi use trail from Olson Park to the northerly edge of Centennial Park along C.S.A.H. 10 (Crailsheim Road) and C.S.A.H. 35 (Oxford Street). Minnesota Statute requires that the County obtain approval of any improvement of a County State Aid Highway within a city from the governing board of that city, and outlines a potential process for dispute resolution should a City not approve of such plans.

The motion was made by Council Member Wood, seconded by Council Member Nelson and unanimously carried to adopt the following resolution approving the Nobles County CSAH 10 and 35 Trail Project plans:

RESOLUTION

WHEREAS, plans for Project No. SAP 53-610-08 and SAP 53-635-26 showing proposed alignment profiles grades and cross-sections for the construction of a trail along County State-Aid Highway Nos. 10 and 35 within the limits of the City as a State Aid Project have been prepared and presented to the City.

NOW THEREFORE, BE IT RESOLVED: That said plans are in all things approved.

The project includes grading for the bikeway from the Country Club Entrance east to near Diagonal Road and south along the east of Whiskey Ditch to the existing trail at Cynthia Avenue. Dwayne Haffield, Director of Engineering, noted that the entire path will be paved this year, but reminded Council that the maintenance of the bikeway is unresolved.

PLANS FOR TENTH STREET AND FIRST AVENUE SW IMPROVEMENTS APPROVED

Staff completed plans for the improvements of tenth Street and First Avenue SW, which have also

been approved by the Minnesota Department of Transportation. Plans include:

Tenth Street - remove and replace the upper layer of bituminous surfacing, which was placed in 1999, by removal of 2" of the surface by milling and placement of an overlay of equal depth. The project will also include replacement of all pedestrian ramps to meet current Public Right of Way Accessibility Guidelines which are ADA standards, to the extent possible.

First Avenue SW (Knollwood Drive to 150 feet southwest of the southwest leg of Schaap Drive) milling and placing an overlay on this segment of a nominal depth of 1.75 inches

First Avenue SW (150 feet southwest of the southwest leg of Schaap Drive to 155 feet northeast of the northeast leg of Schaap Drive) - Full reconstruction to replace the existing full depth bituminous pavement completed in 1993 and 1996.

The Tenth Street project is to be completed prior to Turkey Day while the First Avenue SW project is to be completed prior to the start of school. Total estimated project cost, including engineering and contingencies, is \$920,000. All costs are eligible for and proposed to be financed from Municipal State Aid Street (MSAS) and County State Aid Highway (CSAH) funds. The estimated CSAH share is \$146,400 with the remaining total of \$773,600 being the MSAS share.

The motion was made by Council Member Wood, seconded by Council Member Graber and unanimously carried to approve the plans for the Tenth Street and First Avenue SW Improvements, and to authorize staff to advertise for bids to be received on June 10, 2013 and considered at the Council meeting that evening.

MINOR SUBDIVISION APPROVED - LOT 1, BLOCK 2, FAREWAY FIRST ADDITION

Fareway Stores, Inc. was requesting the approval of a minor subdivision of property legally described as Lot 1, Block 2, Fareway First Addition. The subject property is 2.51 acres - approval of the subdivision will result in two parcels - 1.003 and 1.508 acres. The Planning Commission reviewed the request at its May 7, 2013 meeting and voted to unanimously recommend approval of the minor subdivision with the following:

1. The establishment of a 10 foot easement along the west property line of Parcel B.
2. The minor subdivision shall be as per the land survey from G-Cubed Engineering, dated May 2, 2013, File No. 08-056.
3. The applicant shall, within 60 days of final approval, record in the office of the Nobles County Recorder a copy of the approved registered land survey bearing the signature of the City Clerk as evidence of the Council's approval. This action must be taken before a development permit may be issued for the minor subdivision.
4. Within 10 days of recording of the registered land survey, the applicant shall provide the City with a reproducible copy of the registered land survey showing evidence of recording, or the

City's approval of the minor subdivision shall be null and void, and the City Clerk shall so notify the Recorder.

The motion was made by Council Member Sankey, seconded by Council Member Wood and unanimously carried to approve the Minor Subdivision - Lot 1, Block2, Fareway Addition.

COUNCIL COMMITTEE REPORTS

Mayor Oberloh - Legislature still working, Craig is following up on a couple of alerts.

Council Member Kuhle - Requested a discussion on the Hwy 59 N. and the Hwy 60 project and inaccessibility of the roads into town.

Council Member Graber - Center for Active Living - met today and continued their discussion of signs, also talked about racquetball membership costs and fees, and the decision to work with RSVP on getting them back in the facility. Program work is on-going, and they also talked about the edible garden. Memorial Auditorium Advisory Board met - they continued with prior discussions. Ceiling issue continues, but a grant has been received for the rigging - will require a match of \$6,200. Two bids were received for signage for the Auditorium. The Steinway piano needs maintenance as soon as possible.

Council Member Sankey - Airport meeting last Tuesday-big discussion on the nodems, with a follow-up meeting on the 9th.

Council Member Wood - nothing to report.

Council Member Nelson - CVB meeting - reviewed the new city CD- turned out very well and will be on the Chamber's website.

CITY ADMINISTRATOR'S REPORT

Craig Clark, City Administrator, reported that Schumacher and Weber introduced legislation on Friday the 10th that would provide the 25% to the FEMA federal match. He's been told it doesn't appear there will be a bonding bill this year, which could have included the BioScience build out funds. Met with the college and they were initially receptive to the possibility of an expanded outdoor pool - the YMCA will be meeting on the 20th for their discussion - the college is advancing it with MnSCU representatives. Mr. Clark encouraged people to attend the Event Center Gala on Saturday the 18th. There will be a public open house there on the 25th from 11 to 2.

ADJOURNMENT

The motion was made by Council Member Wood, seconded by Council Member Kuhle and unanimously carried to adjourn the meeting at 8:58 p.m.

Janice Oberloh, MCMC
City Clerk

As recorded by Brad Chapulis, Director of Community/Economic Development