

**WORTHINGTON CITY COUNCIL  
REGULAR MEETING, MAY 27, 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.

Staff present: Craig Clark, City Administrator; Dwayne Haffield, Director of Engineering; Kevin Flynn, Interim Public Safety Director; Brad Chapulis, Director of Community/Economic Development; Jim Eulberg, Public Works Director; Troy Appel, Commander of Buffalo Ridge Drug Task Force, Nate Grimmus; Shawn Elsing; Officers Josh McCuen and Colby Palmersheim.

Others present: Petra Grimmus; Kathleen Kusz, Nobles County Attorney; Gail Holinka; Pat Demuth; Jan Voit; Ken Moser; Marc Freese; Erin Trester, Daily Globe; Jerry Fiola.

The Pledge of Allegiance was recited.

**RECOGNITION OF AWARD TO BUFFALO RIDGE DRUG TASK FORCE ADMINISTRATION**

The Buffalo Ridge Drug Task Force (BRDTF) was recently presented with the 2014 Narcotics Task Force of the Year Outstanding Achievement Award by the Minnesota State Association of Narcotics Investigators in Niswa, Minnesota. BRDTF Commander Troy Appel was present at the meeting and provided information on their achievements in the nomination for the award. An investigation started by the team in March of 2009 has led to 248 search warrants, confiscation of drugs and money, and wide scale arrests and convictions across the country, and continues into Mexico. Commander Appel noted the BRDTF also won the award in 2009 - and he thanked Council for the City's support of what they do. Council congratulated the BRDTF team for their achievements and thanked them for their work.

**AGENDA APPROVED/CLOSED WITH CHANGES**

Staff noted the addition of Public Works Case Items to the agenda as Item G.a. - *(1) Consider Approval of the Worthington Girls Softball Users Agreement (2) Consider Approval of the 2014 Worthington Soccer League Users Agreement (3) Nobles County Historical Society Request to Proceed with Trying to Get the Band Shell at Chautauqua Park on the National Register of Historical Places.* Mayor Oberloh stated the Public Safety Cases would be moved up to be considered immediately after the consent agenda to accommodate those in attendance for those items.

The motion was made by Council Member Wood, seconded by Council Member Kuhle and unanimously carried to approve/close the agenda with the noted additions/changes.

**CONSENT AGENDA APPROVED**

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

- City Council Minutes of Regular Meeting May 12, 2014
- Minutes of Boards and Commissions - Water and Light Commission Minutes of Regular Meeting May 19, 2014; Heron Lake Watershed District Minutes of Regular Meeting March 25, 2014; WGTN-TV3 Minutes of Regular Meeting April 3, 2014; Worthington Public Arts Commission Minutes of Rescheduled Meeting April 17, 2014
- Municipal Liquor Store Income Statement for the Period January 1, 2014 through April 30, 2014
- Application from Independent School District 518 to Block the following streets from 6:30 p.m. to 7:15 p.m. on Thursday, June 12, 2014 for their "Spirit of Worthington Trojan Marching Band":
  - Clary Street between Marine Avenue and Church Avenue
  - Bernie Brandt is designated as the Safety Officer for the event
- On-Sale Beer License for the Nobles County Fair Association for the license period June 1-December 31, 2014
- 2014 On-Sale Liquor, On-Sale Liquor Convention Center, On-Sale Liquor Club, and On-Sale Wine License Renewals as follows:

On-Sale Liquor

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Ground Round Grill & Bar, 1290 Ryan's Road  
Hickory Lodge Bar & Grill, 2015 N. Humiston Avenue  
Oxford Bowl, 325 Oxford Street  
Long Branch Saloon, 206 Tenth Street  
La Azteca Tiendo Mexicana, 223 Tenth Street  
A & T Tap, 107 12<sup>th</sup> Street

On-Sale Liquor - Convention Center

Worthington Event Center, 1477 Prairie Drive

On-Sale Liquor Club

Worthington Country Club, 851 W. Oxford Street  
VFW 3958, 1117 Second Avenue  
Worthington Eagles Club FOE Aerie 3282, 205 Oxford Street  
The Historic Dayton House, 1311 Fourth Avenue  
Elk's Lodge BPOE Lodge 2287, 1105 Second Avenue

On-Sale Wine

BenLee's Café, 212 Tenth Street  
Hickory Lodge Bar Grill, 2015 N. Humiston Avenue

Long Branch Saloon, 206 Tenth Street  
Ground Round Grill & Bar, 1290 Ryan's Road

- Amend the City's Purchase Policy for contracts in excess of \$100,000 to align with changes in State Statute requirements for publication and to modify the requirement that plans be available "in the City Clerk's Office" to "an office of the City"
- Bills payable and totaling \$653,983.01 be ordered paid

### **LIFE SAVING AWARD HONORING RAHEL BAZA FOR HEROISM**

Worthington Police Officers Colby Palmersheim and Tyler Olson presented Rahel Baza a Life Saving Award for Heroism for an incident that occurred on January 18, 2014 at the Queen Sheba Restaurant. Baza was at the restaurant when another guest began choking and was unable to breathe. She quickly contacted 911 for help then proceeded to perform the Heimlich Maneuver, successfully dislodging the food in the victim's throat. Ms. Baza said she had learned the Heimlich Maneuver as a scout in Africa, and knew that she needed to do something to help the victim. Council expressed their appreciation to Ms. Baza for her willingness and quick response to help in such a situation.

### **TOWARDS ZERO DEATHS OUTSTANDING AGENCY AWARD/PRESENTATION OF EQUIPMENT**

Scott McConkey, Southern Minnesota Law Enforcement Liaison for the Department of Public Safety, presented Police Officer Josh McCuen and the Worthington Public Safety Department with four preliminary breath testing instruments for being selected as an Outstanding Agency that strives "Towards Zero Deaths" by focusing traffic enforcement efforts. Interim Director of Public Safety Kevin Flynn told Council the Worthington Police Department, under the direction of Officer Josh McCuen, leads a coalition of eleven law enforcement agencies, in seven counties throughout southwest Minnesota, through a grant provided by the office of Traffic Safety, dedicated to enforce traffic laws that keep people safe. Mr. McConkey said he wanted to award Officer McCuen and the Department with serviceable equipment rather than a plaque, and decided on the preliminary breath testers. Council thanked Mr. McConkey for the equipment award and recognition.

### **HERON LAKE WATERSHED DISTRICT UPDATE/ISSUES**

Jan Voit, District Administrator for the Heron Lake Watershed, distributed a copy of their annual report to Council, and presented an overview on what the Watershed worked on in 2013. They had 11 grants and one low-interest program, which were funded by several different organizations throughout the state. Projects included the Heron Lake Sediment Reduction project, the Fulda Phosphoreus Reduction Initiative, Cover Crop Champions Grant, the West Fork Des Moines River TMDL Implementation Grant, the Minnesota Coordinated Agricultural Project, the Heron Lake

Phosphoreus Reduction Project, the Jack Creek & Okabena Creek Sediment Reduction Project, Aquatic Upland Prairie Restoration Project, and a grant that will allow them to do two stream bank restoration projects and three terrace projects, two bio-detention basins and one bio-retention basin. In addition, the MPCA has instituted a major watershed project and are going through all the major basins in the state over ten years performing intensive monitoring. The Des Moines Watershed project will start in July of this year. They also received a grant to do up to eight shoreline restoration projects on any lake located within the Heron Lake Watershed. The Third Crop Phosphoreus Reduction Effort was also new in 2013 but starts this year.

Craig Clark, City Administrator noted the recently established Nobles Economic Opportunity Network (NEON) and wondered if the watershed would be interested or able to participate in the organization, potentially along with the Okabena-Ocheda Watershed. Ms. Voit said she could research that ability.

#### **UPDATE FROM NOBLES COUNTY ATTORNEY ON YEAR-TO-DATE PROSECUTIONS**

Kathy Kusz, Nobles County Attorney, was present to provide information to Council regarding year-to-date prosecutions / case load handled by the Nobles County Attorney's Office. Ms. Kusz said it appeared last year that Council had questions about what a normal case load was and how does what they do for the City fit in with what they do for the rest of the County. Council reviewed a graph that indicated numbers of appeals, county commitments, county juvenile delinquencies, county CHIPS/truancies, County non-felony (misdemeanor/gross misdemeanor), county felony, and city misdemeanor cases, and the recommended maximum case load of each considered for one person. Also included was a chart of just the City misdemeanor cases that indicated they were well over the maximum recommended case load. In addition, Ms. Kusz said there also recommended case loads for judges, and their load has demonstrated the need for more than one judge, and the stats show the need for four prosecutors. While the courts can't be forced to move quicker on their caseload, they can make sure that the cases that have people in jail are moved to the front of the line so they can be dealt with in a timely manner.

Council thanked Ms. Kusz for the information.

#### **APPROVAL GIVEN TO WORTHINGTON PUBLIC ARTS COMMISSION FOR PROJECT / LOCATION**

At their May 12, 2014 meeting, Council heard a request from Gail Holinka on behalf of the Worthington Public Arts Commission for approval of a design concept and location for a mural. While several locations were discussed, Ms. Holinka said she had not yet received confirmation from any of the property owners for acceptance of the mural on their buildings. No action was taken on the request.

Ms. Holinka told Council the options she shared at the previous meeting did not work out but that the VFW Post, 1117 Second Avenue, is interested, and the high school kids have been working with the artist for a project there. The design will be changed to incorporate the American flag and the veterans. She is also continuing to work with staff at Memorial Auditorium on the mobile that will be placed there.

The motion was made by Council Member Kuhle and seconded by Council Member Nelson to approve the project and location at the VFW Post, 1117 Second Avenue, and the mobile project at Memorial Auditorium, with the following Council Members voting in favor of the motion: Kuhle, Graber, Wood, Nelson; and the following Council Members voting against the same: Sankey. Motion carried.

**DIRECTED SALE OF CITY-OWNED PROPERTY TO PRAIRIE HOLDINGS GROUP AT ESTABLISHED PRICE PER SQUARE FOOT**

Prairie Holdings Group (PHG) was requesting that the City sell to them a 145' X 1,500' (approximately 5 acres) parcel of property located north of the existing lots 1-8 in the Bioscience Park, which would allow them to adjust their retention pond into that area. Marc Freese, of PHG, told Council the request came as a result of them having to move their new facility to Lot 2 as the soil used to fill an existing ditch in Lot 1 was not conducive to building on. In addition, a change in state requirements meant PHG would need to also build a second retention pond. The boundaries and shape of the of the tract tend to limit the practical use of the property for purposes other than attaching to Lots 1-8 within Block 3. The City property would remain accessible from the north or east. The City's Property Disposal Policy states that prior to the disposal of any City-owned real property, Council shall determine if the property is to be disposed of by public sale, disposed of by directed sale, or transferred to the Economic Development Authority for economic development purposes.

Dwayne Haffield, Director of Engineering, said because of the primary sanitary sewer interceptor for the City which bounds the north side of the property, an easement would be necessary for access. Council expressed concern that even with an easement the sale could encumber the remaining City owned land - an easement would allow the City access but it would not allow a renter to bring his farm equipment across it. Mr. Freese said they could put that language in contract. Discussion followed on location of an easement, and it was determined that the City would still have access to the property via along the retention pond to the west of the property requested to be sold.

PHG had offered \$.15 per square foot for the property, while the City was at \$.35 per square foot. Council Member Wood suggested \$.20 per square foot as the City would recoup property tax on the property in the future. Craig Clark, City Administrator, noted that if PHG extends the pond into that area the current renter would need to be compensated for loss of crop.

Following discussion, the motion was made by Council Member Wood, seconded by Council Member Kuhle and unanimously carried to approve the directed sale to Prairie Holdings Group of Land adjacent to Lots 1-8, Block 3, in the BioScience Park at the rate of \$.20 per square foot, and compensation from PHG to the current renter for loss of crop.

**RESOLUTION NO. 3545 ADOPTED APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS - OKABENA STREET WATER MAIN EXTENSION**

At their March 24, 2014 meeting, Council held a public hearing on the improvement of Okabena Street by water main extension. Following the public hearing, Council adopted Resolution No. 3541 ordering the improvement and preparation of plans and specifications for the project that will result in extension of the water main on Okabena Street from Kragness Avenue to approximately 800 feet west.

Plans have now been completed and staff was requesting Council approval and authorization to call for bids to be received on the project June 23, 2014 and considered at the Council meeting that evening.

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

RESOLUTION NO. 3545

APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS

(Refer to Resolution File for complete copy of Resolution)

**PLANS APPROVED FOR TAXIWAY B JOINT AND CRACK REPAIRS**

At its April 14, 2014 meeting, Council approved an agreement with Bolton & Menk to provide professional services for airport projects anticipated to happen over the next five years, and also approved a work order authorizing the professional services required for repair/or sealing of cracks and joints on Taxiway B.

Plans have been completed and were now before Council for consideration. Total estimated project cost including engineering but excluding a contingency, is \$141,050. Funding is proposed to be 90% Federal Aviation Administration grant and use of airport reserves for the remaining 10%.

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

unanimously carried to approve the plans for the Taxiway B Joint and Crack Repair project and authorize staff to advertise for bids to be received on June 20, 2014 and considered by Council at its June 23, 2014 Council meeting.

**BUDGET AMENDMENT FOR MAY STREET PEDESTRIAN CROSSING APPROVED**

The 2014 Street Capital Improvements Budget included \$18,500 in general revenue for the May Street pedestrian crossing project to bring the crosswalk on May Street into compliance with the Americans with Disabilities Act requirements. The crosswalk is currently the only known crosswalk that does not include pedestrian ramps and was apparently overlooked in past efforts. The crosswalk needs to be improved to comply with ADA standards, and the project includes street pavement replacement as needed to achieve compliance. Quotes were solicited from local contractors, with only a single quote being received in the amount of \$22,090.80, which is more than \$7,600 over the engineer's estimate. Staff noted that a significant decrease was not anticipated by quoting at a later date.

The motion was made by Council Member Graber, seconded by Council Member Sankey and unanimously carried to approve the increase to the 2014 Street Capital Improvements Budget to \$28,000 for the May Street pedestrian crossing project.

The additional project cost of up to \$9,500 will be funded from the Construction Fund reserves.

**USER AGREEMENT BETWEEN CITY OF WORTHINGTON AND WORTHINGTON GIRLS SOFTBALL AND USER AGREEMENT BETWEEN CITY OF WORTHINGTON AND WORTHINGTON AND WORTHINGTON SOCCER ASSOCIATION APPROVED**

Mayor Oberloh asked if the Girls Softball and Worthington Soccer League agreements were items that could have been added to the consent agenda - staff replied yes. The Mayor noted the items would be considered as one.

Jim Eulberg, Public Works Director, noted the only thing new to the Girls Softball agreement was the requirement to include the City as an additional insured on the insurance certificate. Also noted was that the Soccer League failed to complete the requirements for their agreement last year, and had not yet been in to complete the paperwork or payment and insurance this year. The contract renews April 1<sup>st</sup>. Also new in the soccer contract was the requirement to name the City as an additional insured, along with additional provisions as suggested by the League of Minnesota Cities. Council determined that if the Soccer Association did not complete the contract and its requirements, play would not be allowed.

The motion was made by Council Member Wood, seconded by Council Member Graber and unanimously carried to approve the user agreement for the Girls Softball League and for the

Worthington Soccer Association.

Staff will make contact with a Soccer Association representative to ensure that they follow through with their requirements.

**NOBLES COUNTY HISTORICAL SOCIETY REQUEST APPROVED TO PROCEED WITH TRYING TO ADD BAND SHELL AT CHAUTAUQUA PARK ADDED TO THE NATIONAL REGISTER OF HISTORICAL PLACES**

Pat Demuth and Jerry Fiola were present at the meeting to present the request for Council approval to move ahead with a grant application to pursue adding the Band Shell at Chautauqua Park to the National Register of Historical Places. Mr. Demuth said the recommendation is to add the Band Shell only, not the park. Inclusion on the registry does not preclude the owner from maintaining, altering or selling the property unless they accept federal funds for it.

The motion was made by Council Member Wood, seconded by Council Member Graber and unanimously carried to approve the request to proceed with pursuing inclusion of the Band Shell on the National Historic Registry.

**BIOSCIENCE TECHNOLOGY CENTER (BAC) LEASE TO GRAZIX ANIMAL HEALTH, INC. APPROVED**

Brad Chapulis, Director of Community/Economic Development, stated that Grazix Animal Health, Inc., a subsidiary of LiveLeaf, Inc., a biotech company based in San Carlos, CA., was seeking a one-year lease for 480 square feet of office space at the BAC to move its sales and distribution operations to Worthington. While job creation is not part of the lease, the company anticipates to employ three full-time equivalents (FTE) immediately and ultimately 20 FTE when it reaches its sales goals. The lease rate will be \$300 per month with an initial term of one year, thereafter to continue on a month-to-month basis. Mr. Chapulis added that the company hopes to be in their own space eventually. Some of the pertinent terms of the lease are:

1. The City will be responsible for the utilities (gas, water, sewer, and electricity) and common area maintenance. Cleaning within the leased space will be the responsibility of Grazix.
2. Grazix will be responsible for all leasehold improvements.
3. Grazix will be responsible for the real estate taxes that are attributable to the space they occupy, if applicable.

The motion was made by Council Member Wood, seconded by Council Member Graber and unanimously carried to approve execution of the BAC lease to Grazix Animal Health for one year, subject to US EDA concurrence as required per the grant agreement with the agency, at a lease rate



of \$300 per month.

### **COUNCIL COMMITTEE REPORTS**

Mayor Oberloh - Attended the Lewis and Clark Annual meeting on Thursday and got an update from the three states in the project. An article that ran in the Luverne paper on Friday provided “heartburn” on the project - the damage has been done, now it’s important to work on that and keep the feet to the fire.

Council Member Kuhle - Nothing to report.

Council Member Graber - Noted Jan did a nice job earlier tonight with her report. The Heron Lake Watershed will have a consultant for mediation. The Park Advisory Board met - that was already covered by Jim Eulberg. Craig, Dwayne and she attended the Safe Routes workshop today - lots of others there- toured Oxford Street for safety issues.

Council Member Sankey - Nothing to report.

Council Member Wood - Nothing to report.

Council Member Nelson - Will report next time.

### **CITY ADMINISTRATOR’S REPORT**

Craig Clark, City Administrator, noted that work continues on Lewis and Clark - trying to get a meeting set up with the state after the session closed - it’s difficult with everyone’s schedules. We received notice from the State Department of Health that we were successful in our grant application for the Center for Active Living for up to \$71,000 - terms have to be negotiated. The Safe Route to School meeting did yield a lot of interesting information, ideas and options on how to make our community more walkable, bikable and essentially a healthy community by encouraging that in our designs.

### **ADJOURNMENT**

The motion was made by Council Member Kuhle, seconded by Council Member Wood and unanimously carried to adjourn the meeting at 9:05 p.m.

Janice Oberloh, MCMC  
City Clerk