

**WORTHINGTON CITY COUNCIL  
REGULAR MEETING, JUNE 8, 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, Rod Sankey. Honorary Council Member: Jessica Velasco. Council Members absent: Mike Harmon (excused).

Staff present: Steve Robinson, City Administrator; Brad Chapulis, Director of Community/Economic Development; Dwayne Haffield, Director of Engineering; Janice Oberloh, City Clerk; Sgt. Brett Wiltrout, Worthington Public Safety Department; Rick Von Holdt, Fire Chief; Todd Wietzema, Street Supervisor.

Others present: Justine Wettschreck, KWOA; Kristin Kirtz, Daily Globe; Ken Moser.

The Pledge of Allegiance was recited.

**AGENDA APPROVED/CLOSED WITH ADDITION**

Staff requested the addition of item E. 7 to the agenda - *Recommendation for Council for Approval of Proposed Art Mural - Prairie Decorating - 1033 Second Avenue.*

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

**CONSENT AGENDA APPROVED**

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

- City Council Minutes of Regular Meeting Tuesday, May 26, 2015
- Minutes of Boards and Commissions - Worthington Housing and Redevelopment Authority Board Minutes of April 29, 2015; Public Arts Commission Minutes of May 21, 2015; NEON Committee Minutes of May 14, 2015; 2015 Board of Review Minutes of Continued Meeting May 26, 2015
- Application for Renewal of On-Sale Liquor License - The Venetian Steakhouse, LLC for the license period July 1, 2015 through June 30, 2016
- Application for Temporary On-Sale Beer License - Lake Okabena Improvement Association for a one-day license for their fund raising event in Centennial Park on July 3, 2015 from 3:00 p.m. to 11:30 p.m.
- Application to block the following streets from the Lake Okabena Improvement Association for the launching of a fireworks display at Ehlers Park on Friday, July 3, 2015 in conjunction with their fund raising event: South Shore Drive from the intersection with Lake Street to the intersection with First Avenue Southwest from approximately 8:00 p.m. to 11:00 p.m., with

- the intersections to remain open
- Bills payable and totaling \$522,178.12 be ordered paid

**THIRD READING AND ORDINANCE NO. 1085 ADOPTED AMENDING CHAPTER 53, SECTION 53.04 OF THE WORTHINGTON CITY CODE PERTAINING TO THE USE OF THE WATER FROM THE MUNICIPAL WATER SYSTEM**

Pursuant to published notice, this was the time and date set for the third reading of a proposed ordinance that would amend Chapter 53, Section 53.04 of the Worthington City Code pertaining to the use of water from the municipal water system, which provides for the sprinkling of lawns and gardens on an odd/even basis. The amendment would also incorporate the time of use restrictions to prior to 10:00 a.m. and after 5:00 p.m., and make some other clarifying revisions.

The motion was made by Council Member Sankey, seconded by Council Member Janssen and unanimously carried to give a third reading to, and subsequently adopt, the following ordinance:

ORDINANCE NO. 1085

AN ORDINANCE TO AMEND CHAPTER 53, SECTION 53.04 PERTAINING TO THE USE OF WATER FROM THE MUNICIPAL WATER SYSTEM

(Refer to Ordinance File for complete copy of Ordinance)

**THIRD READING AND ORDINANCE NO. 1086 ADOPTED AMENDING TITLE XV, SECTION 155 TABLE 5 OF THE WORTHINGTON CITY CODE (SCHEDULE OF USE REGULATIONS) - CONVALESCENT HOMES**

Pursuant to published notice, this was the time and date set for the third reading of a proposed ordinance that would amend Title XV, Section 155, Table 5 of the City Code of Worthington, Nobles County, Minnesota, Schedule of Use Regulations, to allow the Convalescent, Nursing, and Rest Home land use group to be permitted by special use as follows:

Section I

That Worthington City Code, Title XV, Section 155, Table 5 (Schedule of Use Regulations), shall be amended to read as follows:

Table 5: Schedule of Use Regulations  
Subtitle: Residential Use Group

Letter K - Convalescent, Nursing and Rest Homes be amended to allow the land use as a special use permit in the "R-1" - One-Family Detached and "R-2" -

One Family Low Density Residential Districts.

The motion was made by Council Member Graber, seconded by Council Member Nelson and unanimously carried to give a third reading to, and subsequently adopt, the following ordinance:

ORDINANCE NO. 1086

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

(Refer to Ordinance File for complete copy of Ordinance)

**THIRD READING AND ORDINANCE NO. 1087 ADOPTED AMENDING TITLE XV, SECTION 155 TABLE 5 OF THE WORTHINGTON CITY CODE (SCHEDULE OF USE REGULATIONS) - WAREHOUSE**

Pursuant to published notice, this was the time and date set for the third reading of a proposed ordinance amending Title XV, Section 155, Table 5 of the Worthington City Code by revising the Schedule of Uses with a text change amendment which provides that the Warehouse land use group is permitted and permitted by special use in the "M-1" and "B-3" districts respectively, as follows:

Section I.

That Worthington City Code, Title XV, Section 155, Table 5 (Schedule of Use Regulations) shall be amended to read as follows:

Table 5: Schedule of Use Regulations  
Subtitle: Non-Residential Use Group

Letter GG - Warehouse to be amended to allow Warehouse as a special use permit in a "B-3" - General Business District and permitted in the "M-1" - Light Manufacturing District.

The motion was made by Council Member Graber, seconded by Council Member Janssen and unanimously carried to give a third reading to, and subsequently adopt, the following ordinance:

ORDINANCE NO. 1087

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

(Refer to Ordinance File for complete copy of Ordinance)

**REQUEST APPROVED FOR AUTHORIZATION TO TRANSFER FUNDS FOR FIRE VEHICLE EQUIPMENT MAINTENANCE AND LADDER TRUCK ENGINE REPLACEMENT**

Fire Department Officers and Fire Fighters were initially requesting the transfer of \$26,265 from the Insurance Risk Management Fund (Fund 703) for needed repairs on aging pumpers and recently added aerial unit that has specialized maintenance needs. However, during the repair process, additional repairs were found to be necessary, and the total cost of the repairs was now at \$42,555.60. The pumpers were fully serviced three years ago and all passed the maintenance inspections, but the most recent service has shown deficiencies which must be repaired to allow the pumps to meet the National Fire Protection Agency (NFPA) guidelines and certifications. The aerial unit also needed maintenance/repairs regarding the primer valve and the ladder extension control. The 703 Fund is currently at \$664,434, and staff indicated we need to keep \$300,000 as the recommended reserve, and \$200,000 for anticipated 2016 budget transfers, leaving a balance of \$164,434 for the requested transfer and other potential claims.

In addition to the maintenance issues, the motor in the aerial truck blew up while the truck was being driven to the repair location in Lino Lakes, MN. The truck was towed back to Worthington and a local mechanic scheduled for repairs. Estimated cost for the engine replacement is \$33,000, which staff was proposing could come from the Fire Department Equipment Revolving Schedule #705 (705 is the 100 foot ladder truck), with a reserve goal of \$400,000 and replacement date of 2039. Current reserve balance is \$210,939.

The motion was made by Council Member Janssen, seconded by Council Member Sankey and unanimously carried to approve the request for the transfer of funds in the amount of \$42,550 from the Insurance Risk Management Fund for the needed repairs on the pumpers and aerial truck, and for the \$33,000 for the engine replacement in the aerial truck from the Equipment Revolving Schedule #705.

**AMENDMENT TO APPLICATION TO BLOCK STREETS APPROVED - YMCA UV COLOR RUN**

As part of the street closures approved by Council at their May 26, 2015 meeting for the YMCA UV Color Run on Friday, June 12, 2015, the portion of 2<sup>nd</sup> Avenue from 9<sup>th</sup> Street to 10<sup>th</sup> Street was approved for closure from 7:00 p.m. to 10:30 p.m. YMCA Representatives were now requesting an adjustment for that portion of the closure to 11:00 p.m.

The motion was made by Council Member Graber, seconded by Council Member Nelson and unanimously carried to approve the closure of 2<sup>nd</sup> Avenue from 9<sup>th</sup> Street to 10<sup>th</sup> Street from 7:00

p.m. to 11:00 p.m. on Friday, June 12, 2015, with the remainder of the street closures for the UV Color Run as previously approved.

**AUTHORIZATION FOR FIREWORKS DISPLAY - LAKE OKABENA IMPROVEMENT ASSOCIATION**

As part of their fund raising event scheduled for July 3rd, the Lake Okabena Improvement Association has planned for a fireworks display. The Association has contracted with Lew's Fireworks of Watertown, South Dakota for the display that will be launched from Ehlers Park. Part C of Section 130.09, Title XIII of the City Code provides that fireworks displays are permissible by an organization or group of organizations only with written authorization by the City Council. The group has indicated that a certificate of insurance naming the City as additional insured would be provided upon Council approval.

The motion was made by Council Member Nelson, seconded by Council Member Graber and unanimously carried to authorize the Lake Okabena Improvement Association to provide a fireworks display in conjunction with their July 3<sup>rd</sup> fund raising event.

**APPROVAL OF ART MURAL PROJECT - PRAIRIE DECORATING, 1033 SECOND AVENUE**

Council considered a request from the City's Public Arts Commission for approval of an art mural project submitted by the Center for Active Living (CAL) Committee, for a mural to be painted on the back of the Prairie Decorating Building, 1033 Second Avenue. The mural would face the courtyard of the CAL.

The motion was made by Council Member Graber, seconded by Council Member Nelson and unanimously carried to approve the art mural project on the back of Prairie Decorating, 1033 Second Avenue.

**RESOLUTION NO. 3596 ADOPTED RECEIVING REPORT AND CALLING FOR HEARING ON PROPOSED IMPROVEMENT - GRAND AVENUE STREET AND SIDEWALK IMPROVEMENTS**

At their April 27, 2015 Regular Meeting, Council adopted Resolution No. 3588 Declaring Adequacy of Petition and Ordering Preparation of Feasibility Report and Resolution No. 3589 Ordering Preparation of Feasibility Report on the following proposed improvements:

- Improvement of Grand Avenue from the south line of Lot 16 of Auditor's Plat of Part of the West Half of the Southwest Quarter of Section 13, Township 102 North, Range 40 West, to the north line of the South Half of the Southwest Quarter of

- Section 13, Township 102 North, Range 40 West by grading, base construction, curb and gutter construction, and surfacing
- Improvement of Grand Avenue from Oxford Street to the north line of the South Half of the Southwest Quarter of Section 13, Township 102 North, Range 40 West by construction of sidewalks

Staff was now requesting that Council adopt a resolution receiving the feasibility reports for the projects and order a hearing to be held at 7:00 p.m. on June 22, 2015 at the regular City Council meeting. Preliminary assessment roles for the improvements were also presented.

The motion was made by Council Member Sankey and seconded by Council Member Nelson to adopt the resolution Receiving Reports and Ordering Hearing on the Grand Avenue Street and Sidewalk Improvements project. Council Member Janssen requested that the motion be amended to extend the project to Darling Drive as the redevelopment of the mall was now in the picture. Dwayne Haffield, Director of Engineering, stated that option was presented to Council when the report was ordered, and Council did not pass it. Council would need to bring that back if they were to extend the project. That portion of the project, however, could still be brought forward at a some time in the future. The downside of rejecting the report at this time would be a four week delay and no construction this season.

Following discussion, the following members voted in favor of the motion: Nelson, Graber, Sankey; with the following members voting against the same: Janssen. Motion carried to adopt the following resolution receiving reports and ordering a hearing on the Grand Avenue Street and Sidewalk Improvements project:

RESOLUTION NO. 3596

RECEIVING REPORT AND CALLING FOR HEARING ON PROPOSED IMPROVEMENT

(Refer to Resolution File for complete copy of Resolution)

**RESOLUTION NO. 3597 ADOPTED APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS**

Staff was requesting Council approval of the plans and specifications for the 2015 Bituminous Pavement Improvements project, which includes the following schedules of work, and to authorize the advertisement for bids to be received on July 8, 2015 and considered for award at the July 13, 2015 Council meeting:

Schedule 1 - Bituminous Overlays

- Alleys in Block 8 (block between 10<sup>th</sup> Street & 9<sup>th</sup> Street and 2<sup>nd</sup> Avenue and

- 3<sup>rd</sup> Avenue)
- Fourth Avenue - 12<sup>th</sup> Street to 14<sup>th</sup> Street
- Ninth Avenue - Winifred Street to Tower Street
- Nobles Street - West of James Boulevard to C.S.A.H. 5
- Winifred Street - 9<sup>th</sup> Street to Lake Street

Schedules 2 through 4 - Reconstruction of Streets (Assessable projects)

- Darling Drive - 186 feet east of the center line of North Burlington Avenue to Grand Avenue extended
- Hagge Street - Tower Street to Diagonal Road
- Schaap Drive - 1<sup>st</sup> Avenue Southwest to 1<sup>st</sup> Avenue Southwest

The motion was made by Council Member Sankey, seconded by Council Member Nelson and unanimously carried to adopt the following resolution approving the plans and specifications for the 2015 Bituminous Pavement Improvements Project:

RESOLUTION NO. 3597

APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS

(Refer to Resolution File for complete copy of Resolution)

**RESOLUTION ADOPTED APPROVING MEMBERSHIP IN THE MINNESOTA ENVIRONMENTAL SCIENCE AND ECONOMIC REVIEW BOARD**

Staff presented a resolution authorizing City membership in the Minnesota Environmental Science and Economic Review Board (MESERB). Dwayne Haffield, Director of Engineering, provided background on the Board, noting it was formed to focus on the scientific and economic foundations of regulations affecting wastewater treatment. A key benefit is the review of draft national Pollutant Discharge Elimination System (NPDES) permits by MESERB's technical consultant. Mr. Haffield also covered several other benefits of membership in the organization, adding that staff has been considering the benefits of membership in recent years and accounted for the membership assessment) dues (currently \$3,417 annually) in the current operating budgets for the municipal and industrial waste water treatment facilities. The need for re-issuance of NPDES discharge permits for both facilities in 2016 makes membership more critical. The assessment amount is based on number of users. One half of the assessment is proposed to be financed from each of the municipal and industrial facilities' budget. The joint powers agreement has been reviewed by the City Attorney and he has reported no concerns.

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

adopt a resolution approving membership in MESERB and authorizing execution of the joint powers agreement.

Council Member Janssen asked if the decision to join could wait or did it have to be made tonight? Mr. Haffield said it didn't as they pro-rate their fees, but it would be timely as their fiscal year is July 1<sup>st</sup> through June 30<sup>th</sup>, and the group will provide legal and some technical evaluations of required permits.

The following Council Members voted in favor of the motion: Nelson, Graber, Sankey; and the following Council Members voted against the motion: Janssen. Motion carried.

### **COUNCIL COMMITTEE REPORTS**

Mayor Kuhle - an invitation has been sent to Crailsheim Germany offering to host a delegation from there the week of August 7<sup>th</sup> through the 4<sup>th</sup>, 2016. Crailsheim has already extended an invitation to us for 2017. Lewis and Clark will benefit from the special session if the legislature calls it.

Council Member Nelson - Rising Sun Estates will be having an open house - invitations have gone to Council members.

Council Member Graber - attended the welcome for Brian Peloski on May 27<sup>th</sup>. The Public Arts Commission met and heard a report on a mural project, they are still working on the Crailsheim sculpture. Attended the Chamber's CVB meeting on May 27<sup>th</sup> - they appointed officers and are looking for sponsors for the International Festival. They are also going to be co-sponsoring an Outstanding Senior Citizen Award in connection with the CAL - the winner of that award would go on to represent Worthington at the state level. Attended the welcome for the new college president on June 1<sup>st</sup> - he begins July 1<sup>st</sup>. On June 1<sup>st</sup> also attended a retail research conference through the Chamber and it was excellent - about the history of our retail business, retail trade, basis for comparison, and where our potential is for growth. Encourage anyone to read the report.

Honorary Council Member Velasco - introduced herself, works at the Collaborative with high school students, recently completed a trip to Chicago with close to 40 students - they performed service work.

Council Member Janssen - no committee meetings to report on but did attend the retail research meeting.

Council Member Sankey - May 27-28 attended the Blandin Conference in St. Cloud - more broadband. We're one of the members selected in the state - two people are required to be there and he got elected. June 1<sup>st</sup> they had an interview with another wireless internet provider for their broadband throughout Nobles County. June 3<sup>rd</sup> attended a Heron Lake Watershed District Board meeting - Reviewed on-going projects. Held a lengthy discussion on the Heron Lake Water District Directors - a great improvement is coming around because of a new CEO. They are doing continuous monitoring of soil tests from pre-grant applications from the Houston Engineering Group, and I & S Engineering on the east side of Lakefield study has been worked on.



### **CITY ADMINISTRATOR'S REPORT**

Steve Robinson, City Administrator, said for the first part of his report he would let Brad Chapulis and Dwayne Haffield provide updates on County Road 57 annexation and Highway 59 respectively.

Mr. Chapulis reported they did receive the master infrastructure report from Bolton and Menk at the end of March that included some cost estimates. They are currently working with Public Utilities regarding their boundaries and looking at what their costs might be into the new territories. He noted the goal regarding annexation is to have a report at the end of the month and present jointly to the Planning Commission and City Council. They will go through the orderly annexation agreement, however, the area being looked at for annexation is not currently in the orderly annexation agreement.

Mr. Haffield said the platting process for the Highway 59 North project has hit a few snags with legal descriptions and property boundaries - the City once owned a lot of the property they are dealing with for the airport and are now having to buy it back. They did receive a preliminary layout plan but sent it back for a few changes after review. The cost is about the same as the \$3 million estimate. Financing will be an issue - the first thought was to assess it, but the EDA has no ability to pay as their levy is used for other purposes. They want to get the deep infrastructure in so financing is critical.

Mr. Robinson notified Council that we are looking to schedule a joint meeting with the Nobles County Commissioners and will be contacting Council for dates and possible agenda items. He spent much of his time last week monitoring the revisions to the bonding bills being worked on by the House and Senate Capital Investment Committees. It was announced late Thursday that \$19 million in state funding for Lewis and Clark would be requested, in addition to the \$9 million in non-state matching funds that are already available makes it \$28 million available for the coming year - enough to get pipe in the ground to Adrian, and the other goal is to complete design and land acquisition for the project to Worthington to make us shovel ready for the next legislative session. The Committee will present their funding proposal at the special legislation which has been announced for later this week. He will be meeting with Brad Hellinga of JBS regarding water restrictions and its impact on their future plans. He also met with Nobles County Administrator Tom Johnson last Friday - they get together twice a month to talk about projects and issues and ways to collaborate. Some of the things they're working on will probably become agenda items for the joint meeting.

### **ADJOURNMENT**

The motion was made by Council Member Sankey, seconded by Council Member Graber and unanimously carried to adjourn the meeting at 8:40 p.m.

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City Clerk