

**WORTHINGTON CITY COUNCIL  
REGULAR MEETING, JUNE 11, 2018**

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: Larry Janssen, Alan Oberloh, Chad Cummings, Amy Ernst, Mike Harmon. Honorary Council Member: Ryan Weber.

Staff present: Steve Robinson, City Administrator; Dwayne Hafffield, Director of Engineering; Jason Brisson, Director of Community Development, Planning, Zoning and Building Services; Janice Oberloh, City Clerk.

Others present: Karl Evers-Hillstrom, the Globe; Lindsey Schenck and parents.

The Pledge of Allegiance was recited.

**HONORARY COUNCIL MEMBER**

Mayor Kuhle welcomed Ryan Weber as the Honorary Council Member for April, May and June, 2018.

**AGENDA CLOSED / APPROVED WITH ADDITION**

Staff requested the addition of item E.4.2 *Application for Parade Permit / To Block Street - Spirit of Worthington Trojan Marching Band* to the consent agenda, and noted the addition of June 8, 2018 bills payable to replace those of June 26, 2014 which were included in error.

The motion was made by Council Member Ernst, seconded by Council Member Harmon and unanimously carried to close / approve the agenda with the requested additions.

**PUBLIC MEETING - STORM WATER POLLUTION PREVENTION PLAN**

Dwayne Hafffield, Director of Engineering, said the City of Worthington is regulated under Phase II of the federal program to reduce pollution from Municipal Separate Storm Sewer Systems (MS4s). Regulated cities need to be covered under a statewide NPDES permit, which includes implementation of a Storm Water Pollution Prevention Plan (SWPPP). The storm water has three parts to it:

- Industrial permits - we have coverage under the statewide permit for the industrial treatment plant and the airport
- Construction Storm Water permit, for all sites that disturb over one acre
- MS4 Storm Water system, which does have ties back to the Construction Permit

Mr. Hafffield said as a city of enough size we need to treat our storm water system as that it has pollution capability - we have responsibilities and obligations to carry out to satisfy the permit conditions, including enforcing the storm water construction permit requirements.

The six mandatory minimum control measures are:

- Public Education and Outreach
- Public Involvement and Participation
- Illicit Discharge Detection and Elimination
- Construction Site Storm Water Runoff Control
- Post-Construction Storm Water Management
- Pollution Prevention/Good Housekeeping for Municipal Operation

Mr. Haffield said the public meeting tonight is for public participation and involvement to allow public comment on the City's SWPPP following a brief presentation, and he provided information regarding the measures taken to meet the other requirements.

Staff will be actively looking at a case of illicit discharge that we need to crack down on. In addition, the City Attorney is suggesting some tweaks to our ordinance, which is written to satisfy the permit requirements, addressed as our collection system. The system is very broad, anything that is intended to collect water that then runs downstream into public waters. However, things that the ordinance says you can't do because it might end up in our collection system, are not prohibited by the ordinance if you are right down by the lake because they won't go into our collection system. It is not required to have it included in our ordinance, but it means you could pull up to a boat ramp that does not go through our collection system and have an illicit discharge. Mr. Haffield noted a concrete washout situation that had occurred in one of the lakeshore parks that could have gone directly into the lake without going through our collection system.

Following brief discussion, Council directed staff to update our ordinance to address the situation.

### **CONSENT AGENDA APPROVED**

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

- City Council Minutes of Regular Meeting May 29, 2018; Special Meeting June 4, 2018; Special Meeting June 6, 2018
- Minutes of Boards and Commissions - Worthington Economic Development Authority Minutes of May 29, 2018
- Municipal Liquor Store Income Statement for the Period January 1, 2018 through May 31, 2018
- University of Minnesota Extension Lease Renewal October 1, 2018 - September 30, 2020
- Application for Parade Permit / to Block Streets - Spirit of Worthington Trojan Marching Band
- Bills payable and totaling \$1,535,529.45 be ordered paid

**THIRD READING AND ORDINANCE NO. 1114 ADOPTED REPEALING SALES TAX**

Pursuant to published notice, this was the time and date set for the third reading of a proposed ordinance that would repeal Ordinance No. 1021, which was adopted at the December 22, 2008 Council meeting and approved a sales and use tax for the City of Worthington as was authorized by the Minnesota State Legislature and approved by the voters of the city. It is anticipated that the maximum amount of collections allowed by the City from that local option sales tax will occur sometime in the 2nd quarter of 2018.

The proposed ordinance would repeal Ordinance No. 1021 as follows:

Effective October 1, 2018 Ordinance No. 1021, codified as Worthington City Code, Chapter 32, Sections 32.30; 32.31; 32.32; 32.33; 32.34; 32.35; 32.36; 32.37; 32.38; 32.39; and 32.40, is repealed in its entirety.

The motion was made by Council Member Ernst, seconded by Council Member Harmon and unanimously carried to give a third reading to, and subsequently adopt the proposed ordinance.

**SECOND READING PROPOSED ORDINANCE TO AMEND SEWER USER REGULATIONS**

Pursuant to published notice, this was the time and date set for the second reading of a proposed ordinance that would amend Title V, Chapter 51, Section 51.08 of the Worthington City Code as follows:

**51.058 SEPARATE BUILDING SEWERS REQUIRED.**

(A) Except as provided herein, a separate and independent building sewer shall be provided for every building.

(B) Two or more buildings on the same property may be connected at a manhole on a building sewer provided that:

(1) The buildings are grouped together for a common land use and are utilized or occupied in the same manner; and

(2) The manhole is located on the property and at a location that will not be subject to inundation of surface water. The manhole is constructed as a precast concrete structure with integral base in accordance with the latest edition of the

Standard Utilities Specifications for Sanitary Sewer and Storm Sewer Installation published by the City Engineers Association of Minnesota. Manhole castings are as specified by the Administrator and include a self-sealing lid.

(C) A single residential accessory building may be connected to the principal residential structure building sewer provided such building is used only by persons residing on the premises for purposes consistent with a Group U Occupancy, as defined by the current version of the International Building Code.

(D) Nothing herein shall be construed to allow townhouses or any other buildings on unique properties having or intended to have separate ownership to be connected to a single building sewer. A separate and independent building sewer shall be provided to each building having a common building sewer pursuant to this section at the time any such buildings are no longer commonly owned or used for a common purpose.

## SECTION II.

Worthington City Code, Title V, Chapter 51, Section 51.092, is hereby amended and shall read as follows:

### 51.092 REPAIRING SERVICE CONNECTION.

Whenever any service connection becomes clogged, obstructed, broken or out of order, or detrimental to the use of the public sewer, or unfit for the purpose of drainage, the owner shall repair or cause such work to be done as the Administrator may direct. A service having an infiltration rate exceeding 4,000 gallons a day per inch mile of service is deemed to be detrimental to the treatment works and in need of repair as provided for in this section. Each day after 60 days that a person neglects or fails to so act shall constitute a separate violation of this section, and the Administrator may then cause the work to be done, and recover from such owner or agent the expense thereof by an action in the name of the city.

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

### **FIRST READING PROPOSED ORDINANCE - TEXT AMENDMENT (BREW PUBS)**

Jason Brisson, Director of Community Development, Planning, Zoning and Building Services, reminded Council that the City recently defined tap rooms and how they would be classified and where they would be allowed to exist in the community. He has now been informed by a potential

business owner that he is interested in looking at another business model - a brewpub. Mr. Brisson noted the differences between tap rooms and brewpubs. A taproom allows for sales and distribution of your own beer, but you cannot distribute or sell anyone else's products. A brewpub model requires an restaurant, which means you can also sell beer produced by others, but could not wholesale it. He has worked with the City Attorney regarding the definition, and the brewpubs would be allowed in the B2, B3, B4, M1 and M2 General Manufacturing Districts with the issuance of a conditional use permit.

Mr. Brisson introduced a proposed ordinance for a text amendment that would define brewpubs and where they would be allowed to be located.

The motion was made by Council Member Cummings, seconded by Council Member Ernst and unanimously carried to give a first reading to the proposed ordinance.

### **COUNCIL COMMITTEE REPORTS**

Mayor Kuhle - No meetings to report on but thanked the committee and everyone who helped to put on a successful regatta.

Council Member Janssen - Nothing to report.

Council Member Oberloh - No meetings but noted that the HRA is still struggling to get their 3 bedroom units rented. Also recognized that there are a lot of Trojan athletes who are doing very well with their athletics right now.

Council Member Cummings - the Memorial Auditorium Advisory Board met - the seats are out of the bottom level. The tiles had asbestos in them so the carpet over the tiles also needs to be removed.

Council Member Ernst - Noted that Kaylee Wendland, intern with Cable 3 for the summer, is doing a nice job of promoting the city and its businesses.

Council Member Harmon - Attended a Center for Active Living Committee meeting - the seniors want to thank the City for the new pickle ball courts. They are requesting a garbage can be placed at the courts for trash, and a cement walkway be installed to the courts to avoid tracking mud on them.

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

Steve Robinson, City Administrator, reported that the seats were taken out in the lower level in just over an hour. The asbestos people will be here tomorrow and the under-seat flooring installation will begin next week. We are about three weeks ahead of schedule with the project. The chairs are being manufactured but they did contact the company to let them know we were ahead of schedule. Three quotes were obtained for the asbestos removal, which will cost approximately \$11,000. They are looking at the week of August 17<sup>th</sup> for completion, and a tentative date of August 12<sup>th</sup> for a grand re-opening. They made approximately \$1000 from chair sales. Mr. Robinson noted that next week is

the LMC conference, with the Mayor and Council Member Harmon registered to attend. Jason Brisson, Director of Community Development, Planning, Zoning and Building Services, will also be attending that conference. Thief River Falls Administrator Rod Otterness is putting together an informal meeting the Wednesday evening of the conference regarding legislation that is always being proposed that would harm municipal liquor stores. He is putting together a group that will start to strategize for the upcoming legislative session - he also has developed a draft of a resolution in support of municipal liquor stores. Over the past six years we've had over \$1.6 million in profits from our store in addition to the annual \$225,000 transfer to the General Fund.

### **ADJOURNMENT**

The motion was made by Council Member Oberloh, seconded by Council Member Ernst, and unanimously carried to adjourn the meeting at 7:33 p.m.

Janice Oberloh, MCMC  
City Clerk