

**WORTHINGTON CITY COUNCIL  
REGULAR MEETING, JUNE 24, 2013**

The meeting was called to order at 7:00 p.m. in City Hall Council Chambers by Mayor Pro Tem Ron Wood with the following Council Members present: Mike Kuhle, Diane Graber, Rod Sankey. Council Members absent: Mayor Alan Oberloh and Scott Nelson (excused).

Staff present: Craig Clark, City Administrator; Jim Eulberg, Public Works Director; Brad Chapulis, Director of Community/Economic Development; Dwayne Haffield, Director of Engineering; Mindy Eggers, Assistant City Clerk.

Others present: Kathleen Kusz, Nobles County Attorney, Kari & Darin Veen, Daryl Elcock, Jan Volt, Allen Hurlbut, and Alyson Buschena, Daily Globe.

The Pledge of Allegiance was recited.

**AGENDA ACCEPTED**

Staff requested the addition of item E.4 *Annual Report on Prosecutions* to the agenda.

The motion was made by Council Member Sankey, seconded by Council Member Kuhle and unanimously carried to approve the agenda with the addition of E.4.

**CONSENT AGENDA APPROVED**

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

- City Council Minutes of Regular Meeting June 12, 2013
- Minutes of Boards and Commissions - Water & Light Commission Meeting Minutes of June 17, 2013; Planning Commission/Board of Appeals Meeting Minutes of June 17, 2013; Planning Commission/Board of Appeals Meeting Minutes of June 4, 2013; Economic Development Revolving Loan Fund Committee Meeting Minutes of June 10, 2013
- Approved Site Use Agreement with LSS Senior Nutrition Program
- Approved an application to block street and sidewalks from the Worthington Area Chamber of Commerce Retail Committee for Crazy Days to block Tenth Street from Second Avenue to Fifth Avenue for Crazy Days on Thursday, July 25, 2013 from 5:00 a.m. to 6:30 p.m., also to block sidewalks from Thursday, July 25<sup>th</sup> through Saturday, July 27<sup>th</sup> from 5:00 a.m. to 5:00 p.m.
- Approved an application to block streets from the Worthington Area Chamber of Commerce Retail Committee for Cruisin' Downtown Worthington to block Tenth Street from Second Avenue to Fifth Avenue on Tuesday, August 13, 2013 from 3:00 p.m. - 8:30 p.m., for Cruisin' Downtown Worthington
- Bills payable and totaling \$1,651,463.65 be ordered paid

**APPROVED ATHLETIC FACILITIES MASTER PLAN AND NEEDS ASSESSMENT**

Craig Clark, City Administrator, stated that after meeting with representatives from each of the entities on April 17<sup>th</sup> for a presentation of the Athletic Facilities Master Plan and Need Assessment from HKGI, the working committee met again on June 11<sup>th</sup> to discuss moving forward and the next steps that should be taken to advance consideration of the future of the sports complex. It was agreed that each entity would formally approve the Master Plan and Needs Assessment. The group feels that the formation of a joint powers board should be pursued with members from the community that have direct relationships to the sports and recreation areas. Further discussion can then be held on planning and future financial commitments.

Council member Kuhle noted that this is just an outline at this time. Council member Graber stated that the plan was well done but sees limitations on the plans for hockey and would like more extensive work concerning hockey. Mayor Pro Tem Wood agreed that the plan should move forward with options for additions as this is a positive long term plan for the community.

A motion was made by Council Member Graber, seconded by Council Member Kuhle and unanimously carried to approve the Athletic Facilities Master Plan and Needs Assessment.

**SECOND READING PROPOSED ORDINANCE GRANTING FRANCHISE RENEWAL TO KNOLOGY OF THE PLAINS WITHIN THE CITY OF WORTHINGTON**

Pursuant to published notice, this was the time and date set for the second reading of a proposed ordinance Amending Title XL, Chapter 114 of the Worthington City Code Entitled “An Ordinance Granting a Franchise to Knology of the Plains, Inc. Pursuant to Title XI, Chapter 114 (Of the Worthington City Code) to Construct, Operate, and Maintain a Cable Television System in the City of Worthington; Setting Forth Conditions Accompanying the Grant of Franchise”

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

**SECOND READING PROPOSED ORDINANCE AMENDING PLANNED UNIT DEVELOPMENT (PUD) #5 - LAKE SHORE PARK CONDOS**

Pursuant to published notice, this was the time and date set for the second reading of a proposed ordinance Amending Title XV of the Worthington City Code Entitled “An Ordinance to Amend Title XV of the City Code of Worthington, Nobles County, Minnesota” - PUD #5 size of decks for the dwelling units along Third Avenue.

The motion was made by Council Member Sankey, seconded by Council Member Kuhle and unanimously carried to give a second reading to the proposed ordinance. Mayor Pro Tem Wood abstained from voting.

### **PRESENTATION OF ANNUAL REPORT ON CITY PROSECUTIONS**

Kathy Kusz, Nobles County Attorney gave an overview on the City Prosecutions to date and what is projected to the end of the year. Ms. Kusz explained that the Nobles County Court will go live with e-filing this fall allowing for electronic signing and filing of documents. In time this will be required and paper filings will no longer be accepted.

Council Member Kuhle noted that it looks like cases are down 15-20 percent from last year and questioned if e-filing would also help reduce costs. Ms. Kusz stated that the City pays a percentage of operating costs, so the number of cases does not effect the amount that is paid.

Council thanked Ms. Kusz for attending and sharing the information with Council.

### **APPROVED STUMP GRINDING REQUEST FOR QUOTES**

Jim Eulberg, Public Works Director, stated that at this time the specifications for stump grinding quotes have been prepared and are ready to be advertised. Bid Opening would take place on Monday, July 8, 2013, 1:30 p.m. in City Hall Council Chambers. There are approximately 800 stumps to be ground and work is expected to start mid July with a completion date of September 27, 2013.

Council Member Kuhle asked if there was a way to cut costs on this project. Craig Clark, City Administrator stated that this would qualify for reimbursement from FEMA and the state. Mayor Pro Tem Wood stated that funds could be taken from the utility bill dollars until reimbursement was received.

A motion was made by Council Member Graber, seconded by Council Member Kuhle and unanimously approved to accept the request for quotes for stump grinding.

### **PUBLIC MEETING - REVIEW OF STORM WATER POLLUTION PREVENTION PLAN**

Pursuant to published notice, this was the time and date set for a public meeting for review of the City's Storm Water Pollution Prevention plan.

Dwayne Haffield, Director of Engineering, noted the meeting is a requirement under our NPDES permit to allow public comment on the City's Storm Water Pollution Control Plan which includes

the following six mandatory minimum control measures:

- 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 Operations

Specific activity we did last year included distribution of educational materials, maintained the storm system map, enforced the storm water ordinance, inspected the system - 20% of the outlets, wet basins, dry basins and all the other structural control devices are to be inspected every year, no records of inspection of outfalls can be found for 2012. Mr. Haffield noted that a new MS4 permit will go into effect on August 1, 2013. Thirty-Six of the thirty-eight BMP's will be required by the permit. Council Member Kuhle asked if it would be an increase to developers and if the burden should fall on engineering right up front. Mr. Haffield stated that the preliminary cost may increase depending on the site and will definitely cause more conversation in preliminary talks concerning development.

### **FIRST READING PROPOSED ORDINANCE TO VACATE PORTION OF A PUBLIC UTILITY EASEMENT**

Dwayne Haffield, Director of Engineering stated that the Public Utilities Department is in need of an easement one lot east of an existing platted easement on the property located at 2177 Castlewood Drive. The north-south segment of the existing easement at 2177 Castlewood Drive is not being utilized and is not needed. The same party owns both the lot where the easement is needed and the lot with the existing easement. The party is willing to grant the desired easement on the condition that the north-south segment of the existing easement be vacated. The platted easement segment would be vacated by ordinance to, in effect, amend the plat. The third reading of the ordinance should be subject to the delivery of the desired easement. The Water & Light Commission acted to concur with this recommendation at its June 17, 2013 meeting.

Staff presented the proposed ordinance to Vacate a Portion of the Platted Public Utility Easement in Lot 12, Block 2, Dano Addition.

An ordinance vacating the portion of the platted public utility easement in Lot 12, Block 2, Dano Addition, City of Worthington, Nobles County, Minnesota described as follows:

The east 10.00 feet of Lot 12, Block 2, Dano Addition, City of Worthington, Nobles

county, Minnesota, except the north 10.00 feet thereof.

A motion was made by Council Member Graber, seconded by Council Member Sankey and unanimously carried to give a first reading to the proposed Ordinance to Vacate Portion of a Public Utility Easement.

**RESOLUTION #3521 ADOPTED DECLARING ADEQUACY OF PETITION AND ORDERING PREPARATION OF FEASIBILITY REPORT ON PROPOSED IMPROVEMENT**

The City has received a petition for extension of a water main on Okabena Street from Kragness Avenue to approximately 800 feet west. The petition is signed by owners of more than 35% of the property abutting the improvement and is therefore adequate for the project to be considered. Although an adequate petition has been received, it is anticipated that there will be limited assessments proposed for the improvement due to the benefit provided by the existing water mains and certain abutting properties being wetlands. A report will be prepared which will define the scope project and its relationship to improvements proposed in the master water plan, and provide estimated project costs and assessments. Upon receipt of the report Council may then order a hearing on the proposed improvement.

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

RESOLUTION NO. 3521

**A RESOLUTION DECLARING ADEQUACY OF PETITION AND ORDERING PREPARATION OF FEASIBILITY REPORT ON PROPOSED IMPROVEMENT**

(Refer to Resolution File for complete copy of Resolution)

**APPROVED INTERIM USE PERMIT - 1701 OXFORD STREET**

Brad Chapulis, Director of Community/Economic Development explained that Allen Hurlbut is seeking the issuance of an interim use permit for property owned by Larry Davis at 1701 Oxford Street. The applicant intends to operate a business that will rent a parking space to individuals who will use these spaces to display their motor vehicles, boats, campers, RV's, etc., for sale. All sales are between the seller and buyer of the vehicle. The legal description of the subject property under consideration is as follows:

Lot 3, Block 1, First Survey and Resubdivision of Northland Mall Addition, City of Worthington, Nobles County, Minnesota

Mr. Chapulis stated that the Planning Commission considered the interim use permit at its June 17, 2013, special meeting. After holding a public hearing discussing the application, the Commission unanimously recommended approval of the interim use permit subject to the following conditions:

1. The permit shall expire on December 31, 2014
2. The permit shall be voided if the use is discontinued for 6 consecutive months; and
3. Existing potholes shall be filled and properly maintained with existing surface debris or crushed rock/pea rock or equal.

Mayor Pro Tem Wood inquired who would be overseeing condition #3. Mr. Chapulis stated that staff would be making sure that each condition of the agreement is met.

Council Member Sankey inquired if this would essentially become a convenient storage place for vehicles if they priced the vehicle so it would not sell, allowing for them to keep it there and not have to store it elsewhere. Mr. Chapulis stated that staff recognizes those thoughts and which is why an expiration date was set in place.

A motion was made by Council Member Kuhle, seconded by Council Member Graber to approve the Interim Use Permit for 1701 Oxford Street, with the following Council Members voting in favor of the motion: Kuhle, Graber, and Wood; and the following Council Member voting against the same motion: Sankey. Motion carried.

**REQUEST FOR SITE PREPARATION ASSISTANCE PAYMENT APPROVED - 1216 RYAN'S ROAD**

Brad Chapulis, Director Community/Economic Development explained that in November 2011, Council approved an application for site preparation assistance for a commercial development project located at 1216 Ryan's Road (Avera Medical Group). The application allocated \$119,940 to offset the costs affiliated with soil remediation. In return for the assistance, the company agreed to construct a 3-story, 60,000 square foot medical clinic/surgical center. Mr. Chapulis stated that as of June 5, 2013, Avera has completed all of the obligations necessary to obtain the site preparation funds allocated for this development. Council Member Kuhle inquired if the money comes through the TIF District, Mr. Chapulis stated that it does and is a 13,000% increase in taxes payable.

Since the applicant has fulfilled all of the obligations in the application guidelines, staff recommends Council authorize payment in the amount of \$119,940 to Avera Medical Group.

A motion was made by Council Member Sankey, seconded by Council Member Kuhle and unanimously approved to authorize the site preparation assistance payment to Avera Medical Group.

### **APPROVED LANDSCAPING EASEMENT - EVENT CENTER**

Brad Chapulis, Director of Community/Economic Development explained that Exhibit 2 is a copy of the proposed landscape agreement between the Worthington Hotel Group and the City of Worthington. Mr. Chapulis stated that the easement legally permits the city to plant and maintain the portion of the Event Center's wedding park landscape that is officially on the hotel property and legally described as follows:

the north 73.00 feet of the south 256.00 feet of the east 26.00 feet of Lot 1, Block 2, Prairie Expo First Addition, City of Worthington, Nobles County, Minnesota

Mr. Chapulis stated that staff feels the easement is necessary to preserve the right to utilize and maintain this portion of the park if there was ever a change in management of the Event Center. The easement would remain in effect until such time that the easement for the walkway connection is terminated.

A motion was made by Council Member Sankey, seconded by Council Member Graber and unanimously carried to accept the Landscape Easement Agreement as presented.

### **COUNCIL COMMITTEE REPORTS**

Mayor Pro Tem Wood - Nothing to Report.

Council Member Kuhle - Nothing to report.

Council Member Graber - The new Center for Active Living Director is Kris Hohensee

Council Member Sankey - Attended the LMC Conference, and brought back information on LED lighting and wind generators.

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

Craig Clark, City Administrator, reported that the follow-up Strategic Plan meeting will be held on July 8, 2013. The CGMC Conference will be held July 24-26 in Bemidji. Tree trimming was finished on Saturday, June 23<sup>rd</sup>. Spring Clean-Up has come to an end with a follow-up meeting planned to look at how things went and what can be changed to make it better for next year.

### **ADJOURNMENT**

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