

**WORTHINGTON CITY COUNCIL
REGULAR MEETING, JULY 25, 2016**

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, Mike Harmon, Rod Sankey. Honorary Council Member: Clyde Hoffman.

Staff present: Steve Robinson, City Administrator; Brad Chapulis, Director of Community/Economic Development; Todd Wietzema, Public Works Director; Dwayne Haffield, Director of Engineering; Janice Oberloh, City Clerk; Captain Kevin Flynn, Sgt. Brett Wilttrout, Officer Colby Palmersheim, Officer Brandon Peil, Officer Tyler Olsen.

Others present: Justine Wettschreck, KWOA; Julie Buntjer, Daily Globe; Jorge and Julie Lopez; Jessica Velasco; members of the Worthington U15 Soccer League.

The Pledge of Allegiance was recited.

INTRODUCTIONS AND OPENING REMARKS

Honorary Council Member - Mayor Kuhle thanked Clyde Hoffman and presented him with a certificate for his service as Honorary Council Member for the months of May, June and July 2016. Mr. Hoffman thanked Council for the opportunity, stating that it was a real educational and learning experience.

Worthington U15 Soccer League - Council recognized the Worthington U15 Soccer League who just won their State Championship over the weekend in Shakopee. Members of the team introduced themselves, giving their number and position on the team. Council congratulated the team on their win.

AGENDA CLOSED/APPROVED WITH CHANGES

Staff was requesting an addition to the consent agenda under D.4.a. *Application for On-Sale Beer License - Nobles County Fair Association*. Mayor Kuhle also noted that item F.1 *Lifesaving Awards* would be take out of order and addressed immediately after the consent agenda.

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

CONSENT AGENDA APPROVED

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

- City Council Minutes of Regular Meeting July 11, 2016 and Special Meeting- Work Session July 13, 2016

- Minutes of Boards and Commissions - Water and Light Commission Minutes of Regular Meeting July 11, 2016; Public Arts Commission Minutes of July 7, 2016; NEON Committee Minutes of June 9, 2016; Center for Active Living Committee Minutes of May 9, 2016
- Financial Statements - General Fund Statement of Revenues and Expenditures - Budget and Actual - for the Period January 1, 2016 through June 30, 2016; Municipal Liquor Store Income Statement for the period January 1, 2016 through June 30, 2016
- Application for Temporary On-Sale Liquor License - King Turkey Day, Inc.
- Temporary On-Sale Beer License - Nobles County Fair Association
- Change Order to Taxiway C Extension Project
- Bills payable and totaling \$676,123.82 be ordered paid

LIFESAVING AWARDS PRESENTED

Troy Appel, Public Safety Director, presented Lifesaving Awards and pins to Detective Brandon Peil and Officer Tyler Olson for their actions in performing CPR on a victim with no pulse until medical staff arrived and administered a defibrillator shock and restarted the victim's heart. Council thanked the officers for their actions. Randall Childers, the resuscitated victim, and his spouse, were present at the meeting and also thanked the officers.

PRAIRIE VIEW COUNCIL COMMITTEE ESTABLISHED

Based on action taken at their November 23, 2015 meeting, the motion was made by Council Member Nelson and seconded by Council Member Harmon to establish a committee made up of Council Members Harmon and Graber, Roger Nelson, Mike Woll, and Marlin Mammen, for the determination of best future land usage for the former Prairie View Golf Course, with the recommendation to be presented for Council consideration by the October 10, 2016 meeting. The following Council Members voted in favor of the motion: Nelson, Graber, Janssen, Harmon; with the following Council Members voting against the same: Sankey. Motion carried.

RESOLUTION ADOPTED VACATING A PORTION OF UTILITY EASEMENT - 811 CLEMENT STREET

Dwayne Haffield, Director of Engineering, stated that the owner of the property at 811 Clement Street is looking to construct a 36 foot by 22 foot addition on the west side of their existing home. The addition would go back on a projection of the existing north line of the house. The City had obtained an easement which extended 3 feet into the house so no permit can be issued until the City vacates a portion of that. Mr. Haffield said the request was presented to the Water and Light Commission after being reviewed by staff, including the Electric Superintendent, to make a recommendation on the need for the full 8 feet of the easement. It was found that 3 feet of it could be vacated just within the reach of the addition. The Commission did concur with the recommendation.

The motion was made by Council Member Nelson, seconded by Council Member Graber and unanimously carried to adopt the following Resolution vacating a portion of the easement:

RESOLUTION

VACATING A PORTION OF AN EASEMENT IN LOT FOUR, CLEMENT'S SUBDIVISION OF BLOCK 55, SECOND ADDITION

WHEREAS, the owner of Lot Four, Clement's Subdivision of Block 55, Second Addition to the City of Worthington desires to construct an addition to a structure currently located over a portion of an easement over a part of said property, and

WHEREAS, that portion of the easement is no longer required by the City.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WORTHINGTON, MINNESOTA:

1. That the following described portion of the easement described in Document No. 161490, recorded in the office of the County Recorder, Nobles County Minnesota, be hereby vacated and released:

The south 3.00 feet of the north 8.00 feet of the east 95.00 feet of Lot 4, Clement's Sub-division of Block 55 of the Second Addition to the Village (now City) of Worthington, Nobles County, Minnesota..

2. That the City Clerk is hereby directed to file a certified copy of this resolution in the office of the Recorder in and for the County of Nobles, State of Minnesota.

CONDITIONAL USE PERMIT APPROVED - 857/911 SHERWOOD STREET

Brad Chapulis, Director of Community/Economic Development, said the City of Worthington was requesting approval of a Conditional Use Permit for property it owns located at 857/911 Sherwood Street, commonly known as "Buss Fields". Approval of the permit would allow the City to place approximately 47,257 cubic yards of fill to elevate the existing soccer fields by 2 to 4 feet. The subject property is located in the flood plain, and as required by the Flood Plain Ordinance, the placement of more than 1,000 cubic yards of dirt/soil requires the issuance of a conditional use permit. The legal description of the property is:

Outlots 1 through 5 and part of Outlot 6, County Auditor's Plat of Buss Outlots, City of Worthington Nobles County Minnesota

Mr. Chapulis said the project has been designed by a licensed engineer with erosion control measures included. Staff was recommending approval of the conditional use permit with the following conditions:

1. The City continues to comply with the conditions of the previously approved Special Use Permits for the existing recreational facilities on the subject property (Document No.'s 283026 and 287257).
2. The City complete the improvements as outlined in the submitted construction plans dated July 19, 2016 completed by SEH.

The Planning Commission considered the request at their special meeting earlier in the evening, and after holding a public hearing on the request, voted unanimously to recommend Council approval of the Conditional Use Permit.

The motion was made by Council Member Graber, seconded by Council Member Janssen and unanimously carried to approve the Conditional Use Permit for 857/911 Sherwood Street.

FIRST READING PROPOSED ORDINANCE OPTING OUT OF THE REQUIREMENTS OF MINNESOTA STATUTE 462.3593 - TEMPORARY FAMILY HEALTH CARE DWELLINGS

As part of the last legislative session, State Legislators adopted a bill (HF 2497/SF 2555) that established a new special land use permit system for mobile health care related temporary housing for all cities and counties to abide by. The law requires local units of government to issue a temporary (6 months) land use permit for placement of temporary family health care dwellings, provided that the said building complies with the standards set by the new Statute, even if the dwelling does not comply with local laws. The Statute does allow for cities to pass an ordinance opting out of the law should the City wish to use their existing laws/policies to regulate these dwellings. Brad Chapulis, Director of Community/Economic Development, said it was staff's opinion that the new law conflicts with the City's Zoning and Sewer User Ordinances, which already regulates dwellings, and would impact the City's ability to enforce its local laws/policies in a fair and equitable manner. The Planning Commission considered the matter at their special meeting earlier in the evening, and after holding a public hearing, voted unanimously to recommend Council adoption of an ordinance opting out of the requirements of the Statute.

Staff presented a proposed ordinance that would exercise the City's ability to opt out of the requirements of the Statute as follows:

“Pursuant to authority granted by Minnesota Statutes, Section 462.3593, subdivision 9, the City of Worthington elects to opt-out of the requirements of Minn. Stat. §462.3593, which defines and regulates Temporary Family Health Care Dwellings.”

Mr. Chapulis noted there are no repercussions for opting out of the requirements.

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

COUNCIL COMMITTEE REPORTS

Mayor Kuhle - Reported on the Joint City/County/School Board meeting held earlier that morning.

Council Member Nelson - Will be attending an HRA meeting tomorrow evening.

Council Member Graber - The Joint Powers Transit Board will be meeting this week.

Council Member Janssen - The Joint Powers Transit Board will be meeting on the 28th; also attended a NEON meeting.

Council Member Harmon - Conducted interviews on July 19th for a new director - they hired Mary Luke. Also reported on the Coalition of Greater Minnesota Cities Conference in Austin July 20-21; and reported on the Joint City/County/School Board meeting.

Council Member Sankey - Reported he had attended a Liquor Committee meeting and a NEON Sub-Committee meeting.

CITY ADMINISTRATOR'S REPORT

Steve Robinson, City Administrator, noted that expenses for the first half of the year are 8% below budget. The City received its first payment of LGA July 20th, in the amount of \$1,594,000. The plans for the soccer fields are completed and are advertised for bids. Mr. Robinson reminded Council that we have an opening for an Honorary Council Member. Wednesday we have a bond rating call with Standard and Poors to make our case to raise our bond rating. Also spoke of a session at the Coalition of Greater Minnesota Cities conference that had to do with wage and compensation projections going forward to 2017 and 2018 - limited but interesting information

CLOSED SESSION UNDER MINN. STAT. §13D.05, SUBD. 3(C) - OFFER TO PURCHASE REAL ESTATE, PARCEL NO. 31-3786-551

Mayor Kuhle stated that Council would be going into closed session as allowed by Minn. Stat. §13D.05, Subd. 3(C) for consideration of an offer to purchase real estate.

Those in attendance but not required for the closed session left the Council Chambers.

The motion was made by Council Member Janssen, seconded by Council Member Harmon and unanimously carried to close the meeting at 7:34 p.m.

The motion was made by Council Member Janssen, seconded by Council Member Nelson and unanimously carried to re-open the meeting at 8:20 p.m.

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ADJOURNMENT

The motion was made by Council Member Sankey, seconded by Council Member Nelson and unanimously carried to adjourn the meeting at 8:24 p.m.

Janice Oberloh, MCMC
City Clerk