

**WORTHINGTON CITY COUNCIL
REGULAR MEETING, AUGUST 22, 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.

Staff present: Steve Robinson, City Administrator; Brad Chapulis, Director of Community/Economic Development; Todd Wietzema, Public Works Director; Janice Oberloh, City Clerk; Dwayne Haffield, Director of Engineering (7:41 p.m.)

Others present: Chad Cummings, KWOA; Julie Buntjer, Daily Globe; Marty Seifert, Kathy Kusz; Kevin Donovan; Chris Kielblock; Pat Shorter, Pat Demuth; Mark Thier; Bob Rieckhoff, Chad Nixon.

The Pledge of Allegiance was recited.

AGENDA CLOSED / APPROVED WITH ADDITION

Staff requested the addition of the case information regarding Agenda Item J. *Closed Session Under Minn. Stat. § 13D.05, Subd. 3(C) - Offer to Purchase Real Estate, Parcel No. 31-3786-551*, and the addition of a second closed session, *Closed Session Under Minn. Stat. 13D.05, Subd. 3(C) - Offer to Sell Real Estate, Parcel #31-0628-000*

The motion was made by Council Member Sankey, seconded by Council Member Graber and unanimously approved to close / approve the agenda with the requested additions.

CONSENT AGENDA APPROVED

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

- City Council Minutes of Regular Meeting August 8, 2016
- Minutes of Boards and Commissions - Planning Commission Board of Appeals Minutes of August 2, 2016; Public Arts Commission Minutes of July 21, 2016; Worthington Economic Development Authority Minutes of August 8, 2016
- Municipal Liquor Store Income Statement for the Period January 1, 2016 through July 31, 2016
- 2016 King Turkey Day Street Closures as requested
- Application for Temporary On-Sale Liquor License - King Turkey Day, Inc.
- Bills payable and totaling \$389,113.31 be ordered paid

COALITION OF GREATER MINNESOTA CITIES ANNUAL UPDATE - MARTY SEIFERT

Marty Seifert, Government Relations Employee for the Coalition of Greater Minnesota Cities (CGMC), presented information to Council regarding the following issues related to the Coalition's work:

- 2016 Session and Budget Forecast
- CGMC Goals
- Local Government Aid (LGA) Levels - Past and Future
- Tax Bill
- Water Quality Standards / Clean Water Funding
- Bonding Bill
- Business Development Infrastructure Program / BDPI Funding and Policy Advance
- Broadband
- Transportation

Mr. Seifert also noted the upcoming CGMC Fall Conference scheduled for November 17-18 in Alexandria.

Council thanked Mr. Seifert for his presentation.

RESOLUTION NO. 3681 ADOPTED AUTHORIZING THE COUNTY ATTORNEY TO SIGN MASTER SUBSCRIBER AGREEMENT FOR MINNESOTA COURT DATA SERVICES FOR GOVERNMENTAL AGENCIES

Kathy Kusz, Nobles County Attorney, was present at the meeting to request Council authorization for her to access government information through "Minnesota Government Access" for cases that she prosecutes for the City of Worthington - for access and use of the Court's Records and Documents for which the County Attorney is eligible. Only the people in her office would have access. Ms. Kusz said the timing on the request from the state of Minnesota Office of State Court Administration for her to obtain the authorization is because they are coming out with a new system. Those having access will also receive training. She said the City will at some point need to grant the same authorization to the City's Police Department if they haven't already. The authorization will cover her and her successor without needing to come back to Council. Ms. Kusz said she was requesting three signatures from Council - the Resolution, the Master Subscriber Agreement, and on the Request Form for Minnesota Government Access (MGA) Login Account.

The motion was made by Council Member Graber, seconded by Council Member Sankey and unanimously carried to adopt the following resolution approving the Master Subscriber Agreement and designating Kathy Kusz as the Authorized Representative for the Nobles County Attorney's Office, and to authorize the Mayor to execute the Master Subscriber Agreement and the Request Form for Minnesota Government Access Login Account.

THIRD READING AND ORDINANCE NO. 1099 ADOPTED OPTING OUT OF REQUIREMENTS OF MINNESOTA STATUTE 462.3593 - TEMPORARY FAMILY HEALTH-CARE DWELLINGS

Pursuant to published notice, this was the time and date set for the third reading of a proposed ordinance that would exercise an option for the City to opt out of the requirements of Minn. Stat. § 462.3593 - temporary family health-care dwellings. 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. 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 motion was made by Council Member Sankey, seconded by Council Member Harmon and unanimously carried to give a third reading to, and subsequently adopt the following ordinance:

ORDINANCE NO. 1099

AN ORDINANCE OPTING-OUT OF THE REQUIREMENTS OF MINNESOTA STATUTES, SECTION 462.3593

(Refer to Ordinance File for complete copy of Ordinance)

WORTHINGTON FIREFIGHTERS RELIEF ASSOCIATION PENSION ADJUSTMENT AND POLICY OF ANNUAL INCREASE APPROVED

Steve Robinson, City Administrator, noted that the City's volunteer Fire Fighters currently receive a retirement benefit of \$2,808 per year of active service. The benefit level has been adjusted from time to time, which helps to remain attractive in recruiting new volunteers. The last adjustment of one percent was granted by Council in January of 2015. The Relief Association was requesting a two percent adjustment effective January 1, 2017, representative of an annual adjustment of one percent. The increase would increase the benefit level \$2,864 per year of active service. Mr. Robinson said Council was also asked to consider a policy of an annual increase of one percent implemented every other year on January 1 of odd numbered years.

Pat Shorter, representing the Fire Department, was present at the meeting and said there was \$1.1 million in the special account - the market has been hard on the fund, and they had five people retire last year. There are 12 remaining retirees that receive a monthly benefit, but the only option now is to take the lump sum benefit. The Department is currently two members short of a full force.

The motion was made by Council Member Nelson, seconded by Council Member Graber and unanimously carried to approve the 2% increase as presented.

RESOLUTION NO. 3682 ADOPTED PLACING THE QUESTION OF SUNDAY LIQUOR ON THE NOVEMBER 2016 ELECTION BALLOT

A city may only issue licenses for Sunday liquor sales if authorized by the voters at a special election per Minnesota statute. The question may be ordered directly by City Council, or by receipt of a petition requesting that the question go before the voters. The City Clerk received a petition requesting a special election for putting the question of Sunday Liquor before the voters. State law requires that a petition must contain the signatures of a number of eligible voters equal to 20 percent of the total number of people who voted at the last city general election. City Attorney Mark Shepherd determined that, in this case, the number of signatures needed to move the question forward by petition was 621. The City Clerk reviewed the petition and determined it to be sufficient with 673 verified eligible signatures. The City Charter states that “the City Council may by resolution order special elections, fix the time of holding the same, and provide all means for holding each election.”

Bob Rieckhoff from the Ground Round, and Chad Nixon representing Duffers at Great Life were present at the meeting and told Council how not having Sunday liquor affects their businesses. Mr. Nixon said he could name five casual/fast businesses that will not come to a town that does not have Sunday liquor.

The motion was made by Council Member Sankey, seconded by Council Member Janssen and unanimously carried to adopt the following resolution ordering the question of Sunday Liquor on the ballot for the November 2016 general election.

RESOLUTION NO. 3682

RESOLUTION PLACING THE QUESTION OF SUNDAY LIQUOR ON THE NOVEMBER, 2016
GENERAL ELECTION BALLOT

(Refer to Resolution File for complete copy of Resolution)

BUSS FIELD SOCCER COMPLEX BID AWARDED

Steve Robinson, City Administrator, said the City received the following seven bids for the Buss Field Soccer Complex:

Bidder

Alternate A - Bituminous

Alternate B - Concrete

Henning Construction	\$1,052,516.00	\$1,085,057.00
Mathiowitz Construction	\$1,138,518.00	\$1,224,495.00
Peterson Companies	\$1,164,000.00	\$1,340,000.00
Dirt Merchant, Inc.	\$1,216,909.00	\$1,333,827.00
U.S. Sitework, Inc.	\$1,271,298.00	\$1,285,033.00
Hulstein Excavating	No Bid	\$1,273,550.00
Duininck, Inc.	\$1,740,789.00	\$1,769,714.48

The Engineer's estimate for the project with the bituminous parking lot was \$1,148,670.00. Mr. Robinson said it was staff's recommendation to award the bid to Henning Construction, with the concrete parking lot option for a lump sum contract of \$1,085,057.00. The bids do not include sod placement.

The motion was made by Council Member Graber and seconded by Council Member Sankey to award the bid to Henning Construction, with a bituminous parking lot. Mr. Robinson verified that Council Member Graber's motion included bituminous, and not concrete. Council Member Nelson pointed out we could get concrete for less than the Engineer's estimate. Mr. Robinson said the recommendation to go with concrete was two-fold - concrete is more durable, and you don't have to worry about the mix plants being open.

Council Member Graber amended her motion to include a concrete parking lot. The amended motion was seconded by Council Member Nelson.

Council Member Janssen asked about the sod placement. Mr. Robinson said they had a quote from Blue Valley Sod in Blue Earth to harvest the sod, transport it and place it at the new site. Discussion was held on contractor performance and performance bond. The project will be funded through re-directing existing money that was budgeted for Prairie View - it will not increase the tax levy.

The motion was unanimously carried.

BOAT LIFT STORAGE AGREEMENT WITH TRU SHINE TRUCK WASH APPROVED

The City's current three-year agreement with Mark Thier, Tru Shine Truck Wash, for storing private boat lifts on public property allows for storage of up to 30 lifts on the gravel parking area across from Sunset Park, at a fee of \$500 per year. The lifts are stored during the winter months, and are required to be removed by May 15th of each year, and proof of insurance must also be provided to the City. The agreement expired May 15, 2016 and Mr. Thier was requesting that the City extend the agreement for an additional three years.

The motion was made by Council Member Nelson, seconded by Council Member Janssen and unanimously carried to approve the agreement with Tru Shine Truck Wash for three years to expire

May 15, 2019, at a fee of \$500 per year, along with proof of insurance naming the City of Worthington as additional insured.

RESOLUTION ADOPTED AUTHORIZING EXECUTION OF FEDERAL AVIATION ADMINISTRATION GRANT AGREEMENT FOR AIP 3-27-0116-014-2016

At their June 13, 2016 meeting, Council awarded a contract to Fahrner Asphalt Sealing for crack/joint repair and seal coating of Taxiway C at the Municipal Airport, subject to receipt of a Federal Aviation Administration (FAA) grant. Dwayne Hafffield, Director of Engineering, said the grant offer has now been received, and staff was submitting a proposed grant agreement for Council approval. Following is a summary of the project cost:

	<u>Current Estimate</u>	<u>2016 Budget</u>
Total Project Cost:	\$129,700	\$188,521
Total FAA Share (90%):	\$116,730	\$169,669
Total State Share (5%): ¹	\$6,485	-
Total Local Share (5%):	\$6,485	\$18,852

¹ Supplemental funding anticipated but not assured.

The motion was made by Council Member Sankey, seconded by Council Member Graber and unanimously carried to authorize the Mayor and Clerk to execute the agreement and related certifications.

CONVEYANCE OF TITLE OF VACATED STREET AND ALLEYS TO SANFORD HEALTH NETWORK APPROVED

Dwayne Hafffield, Director of Engineering, said earlier this year the City had vacated the alley between the hospital and the former Avera Clinic, and that part of Sixth Avenue between 10th Street and the alley. Over the years, all the other portions of Sixth Avenue and all the rest of the alleys in the two block area from Fifth to Seventh - 10th to 11th, have been vacated. In clearing title up on some of those alleys and streets, some of the history can get lost. Sanford asked that we convey interest in all of that so there is one document that takes the City out of any claim of ownership of those. Mr. Hafffield said he was recommending execution of a Quit Claim Deed to Sanford, with two conditions; that we obtain a utility easement over the alley and segment of street that were just vacated this year as there are still public utilities located there, and that we retain rights to an easement we already have to the northwest.

Staff recommended that Council resolve the following:

The Mayor and Clerk are authorized to execute such documents as are necessary to convey the

property described below to Sanford Health Network subject to existing easement which is reserved and to an additional public utility easement to be given.

All alleys within Blocks 24 and 27, Plat of Worthington, Nobles County, Minnesota,

AND,

That portion of Sixth Avenue lying between the northeasterly line of Tenth Street and the southwesterly line of Eleventh Street. Said portion of Sixth Avenue also being described as that part of Sixth Avenue lying between Blocks 24 and 27, Plat of Worthington, Nobles County, Minnesota.

The existing easement to be reserved is that dated July 31, 2000, recorded July 31, 2000 as Document No. 289438. The easement to be given is that over the following described property:

All that portion of Sixth Avenue lying between the northeasterly line of Tenth Street and the northeasterly line of the alley lying between Lots 8 and 9, Block 24, and between Lots 4 and 5, Block 27, Plat of Worthington, Nobles County, Minnesota,

together with,

The alley between Fifth Avenue and Sixth Avenue abutting Lots 4, 5, 8 and 9, Block 24, Plat of Worthington, Nobles County, Minnesota.

The motion was made by Council Member Harmon, seconded by Council Member Janssen and unanimously carried to take the action as recommended by staff.

COUNCIL COMMITTEE REPORTS

Mayor Kuhle - Reported on the WREDC meeting on the 18th, and reminded Council of the upcoming budget meetings on Friday and the following Tuesday.

Council Member Nelson - Nothing to report.

Council Member Graber - Noted there will be a Joint Jurisdictional meeting this week; noted that she would be attending a Nobles County Historical Society special meeting regarding their question about the Armory; reported on a Public Arts Commission meeting on the 18th - also attended the comedy show and a Chamber gathering.

Council Member Janssen - Attended the unveiling of the Bridge monument.

Council Member Harmon - Attended the unveiling of the Bridge monument. Also reported on the August 12th Cable 3 meeting, and the Water and Light Commission meeting held earlier today.

Council Member Sankey - Nothing to report other than the Heron Lake Watershed is scheduled for tomorrow.

CITY ADMINISTRATOR'S REPORT

Steve Robinson, City Administrator, reported that he and Tom Johnson from Nobles County are working with the respective attorneys on an amendment to the Prairie Justice Center lease. The lease will come back to both Boards for approval when they have it complete. The Cable 3 by-laws are also being rewritten to reflect the decision by Minnesota West to no longer participate. Mark Shepherd is working on that also. Last week Mr. Robinson met with the YMCA Director, who asked the City to consider having a Council member serve as a permanent voting member on their Board, especially with our interest in the Aquatic Center. Later this week, Wednesday and Thursday, there is the Active Shooter exercise at the Round Lake school - it starts around 10:00 in the morning.

CLOSED SESSION UNDER MINN. STAT. § 13D.05, SUBD 3(C) - OFFER TO PURCHASE REAL ESTATE, PARCEL NO. 31-3786-551 AND OFFER TO SELL REAL ESTATE, PARCEL NO. 31-0628-000

Mayor Kuhle announced that Council would be going into closed session for consideration of the following:

Closed Session under Minn. Stat. § 13D.05, Subd. 3(C) - Offer to Purchase Real Estate, Parcel No. 31-3786-551; and

Closed Session under Minn. Stat. § 13D.05, Subd. 3(C) - Offer to Sell Real Estate, Parcel No. 31-0628-000.

The motion was made by Council Member Graber, seconded by Council Member Nelson and unanimously carried to close the meeting at 8:16 p.m.

The motion was made by Council Member Nelson, seconded by Council Member Janssen and unanimously carried to re-open the meeting at 9:27 p.m.

ADJOURNMENT

The motion was made by Council Member Sankey, seconded by Council Member Nelson and unanimously carried to adjourn the meeting at 9:28 p.m.

Janice Oberloh, MCMC
City Clerk