

**WORTHINGTON CITY COUNCIL  
REGULAR MEETING, OCTOBER 12, 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, Mike Harmon, Rod Sankey. Honorary Council Member: Amy Ernst.

Staff present: Steve Robinson, City Administrator; Troy Appel, Public Safety Director, Dwayne Haffield, Director of Engineering; Todd Wietzema, Public Works Director; Janice Oberloh, City Clerk; MyRa Onnen, Community Services Officer; Sgt. Brett Wiltrout, Public Safety Department.

Others present: Justine Wettschreck, KWOA; Robin Baumgarn, Daily Globe; Jerry and Judy Eykyn; Roger and Linda Nelson, Grace and Rebecca McGaughey; Nick Poulus; Daniel Kurtz, League of Minnesota Cities (7:43 p.m.)

**INTRODUCTIONS AND OPENING REMARKS**

Mayor Kuhle thanked Amy Ernst for attending as Honorary Council Member.

Mayor Kuhle introduce Grace McGaughey, a local fifth-grade student who has entered the League of Minnesota Cities' Mayor for a Day essay contest. Ms. McGaughey provided some information on herself. Mayor Kuhle and Council wished her good luck with the essay contest.

Mayor Kuhle presented an Outstanding Citizen award to Roger Nelson for his past involvement in the community, and who, for the past eight years, has continually picked up trash in Centennial Park while out for his daily walks. Mr. Nelson said it's a beautiful park and he refuses to let it look like a dump, and added that you might be surprised what you find there! Council thanked him for his efforts.

**PUBLIC HEARING ON PROPOSED ASSESSMENTS AND RESOLUTIONS 3614 AND 3615  
ADOPTED - ADOPTING THE SPECIAL ASSESSMENT FOR WATER MAIN  
IMPROVEMENT NO. 105 AND ADOPTING THE SPECIAL ASSESSMENT FOR 2015  
MISCELLANEOUS UNPAID CHARGES**

Pursuant to published notice, this was the time and date set for a public hearing on proposed assessments for Water Main Improvement No. 105 and for the 2015 Miscellaneous Unpaid Charges.

The motion was made by Council Member Graber, seconded by Council Member Sankey and unanimously carried to open the hearing.

Dwayne Haffield, Director of Engineering, provided information on the proposed assessments noting this was the final assessment hearing - the Water Main Improvement had been ordered ahead, then constructed, and Council declared the cost to be assessed. Staff was asking that Council adopt the assessments as proposed and to set the terms for the pay back of the assessment:

Water Main Improvement 105

Okabena Street from Kragness Avenue to approximately 800 feet west

Terms - 3.4%<sup>1</sup> ; 15 years

<sup>1</sup> Based on estimated current interest rate on PIR Bonds

Mr. Haffield said the property owners have a right to appeal the assessments by filing a written objection to the City Clerk prior to this final assessment hearing. Now, they will still have thirty days to pay the assessments, without interest, by November 10th. Following that date, payment could be made, or even a minimum payment of \$50, with interest back through today. Any assessments unpaid before November 15<sup>th</sup> would be certified to the County for collection.

The assessments for the Okabena water project are for four tracts at this time. The project came out a little above the amount that had been presented to Council for approval, at \$247,774.81. Approximately 10% of the project costs are coming in as assessments, with roughly 90% being either Trunk bond or City share lateral.

The assessments for the unpaid charges and recommended terms for pay back are as follows:

2015 Miscellaneous Unpaid Charges

- Removal of Ice and Snow
- Removal of Solid Waste
- Removal of Noxious Weeds and Vegetation
- Abatement of Nuisance Affecting Public Health or Safety

Terms - 4%<sup>2</sup> ; 1 year

<sup>2</sup> Based on recommended policy for a minimum rate of 4% or current rate for improvement assessments, whichever is greater

Mr. Haffield noted that since the September 14, 2015 meeting when the proposed assessment rolls were presented, some assessment payments have been received. Mr. Haffield distributed an amended assessment roll that reflected those payments and said Council would be adopting these assessments as amended. The assessments are for charges that were invoiced from June 30<sup>th</sup> to July 1<sup>st</sup>, which provides for a little over 90 days for payment, and additional 30 days for payment of the assessment from today's date without interest.

Mayor Kuhle asked if there was anyone present who wished to present testimony on either the

miscellaneous unpaid charges or the assessments. None was received.

The motion was made by Council Member Nelson, seconded by Council Member Sankey and unanimously carried to close the hearing.

The motion was made by Council Member Nelson, seconded by Council Member Graber and unanimously carried to adopt the following resolutions adopting the special assessment for Water Main Improvement No. 105 and adopting the special assessment for 2015 Miscellaneous Unpaid Charges:

RESOLUTION NO. 3614

ADOPTING THE SPECIAL ASSESSMENT FOR WATER MAIN IMPROVEMENT NO. 105

(Refer to Resolution File for complete copy of Resolution)

RESOLUTION NO. 3615

ADOPTING THE SPECIAL ASSESSMENT FOR 2015 MISCELLANEOUS UNPAID CHARGES

(Refer to Resolution File for complete copy of Resolution)

**AGENDA CLOSED/APPROVED**

Staff noted that Exhibits 2 and 3 had inadvertently been omitted from the Public Safety portion of the agenda although they were listed in the case item. Copies of the exhibits were distributed.

The motion was made by Council Member Nelson, seconded by Council Member Janssen and unanimously carried to close/approve the agenda with the inclusion of the two Public Safety exhibits.

**CONSENT AGENDA APPROVED**

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

- City Council Minutes of Regular Meeting September 28, 2015 and Special Meeting October 7, 2015
- Minutes of Boards and Commissions - Water and Light Commission Minutes of October 5, 2015; NEON Committee Minutes of September 10, 2015; Public Arts Commission Minutes of September 10, 2015
- Renewal of Lutheran Social Service Senior Nutrition Program Site Use Agreement for 2016

- Bills payable and totaling \$685,571.69 be ordered paid

Council Member Nelson requested that Steve Robinson, City Administrator, look into the necessity of the requirement for Lutheran Social Service to provide their own liability insurance when the City already has such insurance on the Center for Active Living.

**RESOLUTION NO. 3616 ADOPTED AUTHORIZING EXECUTION OF AGREEMENT BETWEEN THE CITY OF WORTHINGTON AND THE MINNESOTA BUREAU OF CRIMINAL APPREHENSION**

Troy Appel, Public Safety Director, presented a Joint Powers Agreement between the City of Worthington on behalf of its Public Safety Department, and the State of Minnesota Department of Public Safety, Bureau of Criminal Apprehension (BCA) for Council consideration. The agreement allows our agency continued access to the Criminal Justice Data Network by computer interface, and must be renewed every five years. Also included was a Court Data Services Joint Powers Agreement amendment that identifies and implements user obligations associated with the court system. In response to a question regarding who would have access to the system, Chief Appel said the Police Officers in their squads, and Records Clerks also have some access - the inquiry must be related Police activity. Officers must be certified to use the system.

The motion was made by Council Member Graber, seconded by Council Member Nelson and unanimously carried to adopt the following resolution authorizing Troy Appel, Public Safety Director, to execute the State of Minnesota Joint Powers Agreement between the State of Minnesota Department of Public Safety Bureau of Criminal Apprehension and the City of Worthington Public Safety Department:

RESOLUTION NO. 3616

RESOLUTION APPROVING STATE OF MINNESOTA JOINT POWERS AGREEMENTS WITH THE CITY OF WORTHINGTON ON BEHALF OF ITS CITY ATTORNEY AND POLICE DEPARTMENT

(Refer to Resolution File for complete copy of Resolution)

**PROPOSAL DENIED FOR LAND ACQUISITION FOR NEW NEIGHBORHOOD PARK**

Council considered a proposal from the American Reformed Church for the City to purchase a portion of their property that abuts Grand Avenue for the purpose of establishing a new neighborhood park. The parcel would be approximately 200' x 368' and, although smaller than ideal, would be adequate for a park. The Church acquired the property through tax forfeiture for approximately \$2,900 and subsequently constructed a storage shed on the west edge of the property.

The property would need to be subdivided or have a permanent easement established to allow them to retain the storage facility. Staff was suggesting that if the City desire to purchase the parcel, the City should offer a prorated portion of the original purchase price, or \$2,000, and pay for the surveying fees, estimated to be \$1,200. The property would be acquired with a caveat by the Church that it be used for park purposes, and is subject to approximately \$86,000 of assessments from the proposed Grand Avenue extension project, which would then become the responsibility of the City.

Council Member Sankey said the City should not be in the process of purchasing property just because people don't want to pay an assessment. Mayor Kuhle pointed out that the Oxford Street plan calls for a park in this area, however, several Council Members expressed concern over the City having to purchase the property, with the restriction for park use only.

Following discussion, the motion was made by Council Member Sankey and seconded by Council Member Janssen to deny the proposal for the City to purchase the property from the American Reformed Church with the following Council Members voting in favor of the motion: Nelson, Graber, Janssen, Sankey; and the following Council Members voting against the motion: Harmon. Motion carried.

**RESOLUTIONS 3617 THROUGH 3621 ADOPTED ACCEPTING DONATION OF PERSONAL PROPERTY - PARK BENCHES**

The City received the following requests for acceptance of donations of five park benches in City parks and along the bike trail:

- Johnson Builders and Realty, Inc., to place two benches near the playground within Kelly Park. The benches are in memory of Miles "Kelly" Johnson and Donavon Miles Johnson
- Donna Day Beck to place a bench within Olson Park, near the bike trail, in memory of her husband, Robert W. Beck
- Bousema Farms, Inc. to place a bench within Centennial Park, near the bike trail, in memory of Darryl Jansma
- Brad and Sandy Spartz to place a bench within Olson Park, near the East side bike trail, in memory of Olav and Armella Anderson

Per policy, the acceptance must be by resolution.

The motion was made by Council Member Graber, seconded by Council Member Sankey and unanimously carried to adopt the following resolutions accepting the donation of personal property:

RESOLUTION NO. 3617

A RESOLUTION ACCEPTING DONATION OF PERSONAL PROPERTY (In memory of Miles

“Kelly” Johnson)

(Refer to Resolution File for complete copy of Resolution)

RESOLUTION NO. 3618

A RESOLUTION ACCEPTING DONATION OF PERSONAL PROPERTY (In memory of Donavon Miles Johnson)

(Refer to Resolution File for complete copy of Resolution)

RESOLUTION NO. 3619

A RESOLUTION ACCEPTING DONATION OF PERSONAL PROPERTY (In memory of Robert W. Beck)

(Refer to Resolution File for complete copy of Resolution)

RESOLUTION NO. 3620

A RESOLUTION ACCEPTING DONATION OF PERSONAL PROPERTY (In memory of Darryl Jansma)

(Refer to Resolution File for complete copy of Resolution)

RESOLUTION NO. 3621

A RESOLUTION ACCEPTING DONATION OF PERSONAL PROPERTY (In memory of Olav and Armella Anderson)

(Refer to Resolution File for complete copy of Resolution)

**RESOLUTION NO. 3622 ADOPTED RECEIVING REPORT AND CALLING FOR HEARING ON PROPOSED IMPROVEMENT - GRAND AVENUE STREET AND SIDEWALK EXTENSION PROJECT**

Staff presented the feasibility report (excluding storm water modeling results) prepared by I + S Group for the extension of Grand Avenue from the north line of the South Half of the Southwest Quarter of Section 13, Township 102 North, Range 40 West to Darling Drive. Estimated cost of the project is \$467,700.00, which includes \$257,510.34 of assessable charges and \$210,189.66 City share.

Discussion was held on whether the sidewalks/path would qualify for grant funding, which Mr. Haffield said that was doubtful as this is a local street extension project. In addition, it would need to be taken off of this project, and then added back on if it did not qualify for funding. Council asked whether they would still have the option to take the sidewalk extension out of the project until development took place there, which Mr. Haffield said they could be bid that way, but the first segment has been ordered already. The schedule could, however, be rejected. Regarding the second segment north, they may elect not to proceed with sidewalks at this time, they could remove them from the bid or dump them at the time of the bid. Mr. Haffield reminded Council that the ordering of the improvement is good for one year.

The motion was made by Council Member Harmon, seconded by Council Member Graber, and unanimously carried to adopt the following resolution receiving the report and calling for a hearing on the proposed improvement:

RESOLUTION NO. 3622

RECEIVING REPORT AND CALLING FOR HEARING ON PROPOSED IMPROVEMENT

(Refer to Resolution File for complete copy of Resolution)

### **COUNCIL COMMITTEE REPORTS**

Mayor Kuhle - Attended the Police forum on Sunday afternoon at the West Learning Center - for Monos Unidas - he commends the Police Department. Has the SRDC 2015 Strategic Plan here- he'll leave it for Council review if they wish. He attended the announcement for the ArtPlace award - it was one of six given nationally for community based programs. The Committee toured our community in the spring and awarded in August. The award provides for \$3 million over three years for housing projects. The Committee was here again this past Friday and they were very impressed with the community and how we've handled our diversity.

Council Member Nelson - Attended a Joint Jurisdictional Zoning Meeting regarding a property use change on County Road 5. Saw Louie Anderson Saturday at the Auditorium - he was awesome. HRA will be meeting tomorrow evening - the new housing project is 3/4's rented.

Council Member Graber - Attended the Armory public meeting - there were many suggestions for the building, and a lot of concern about the gymnastics program and what will happen to that. It was an excellent forum. September 30 attended a CVB meeting- everyone needs to review what flags they have and what is the current political structure of their country. They also elected Board members at the meeting. The October 8<sup>th</sup> Public Arts meeting was cancelled. October 9<sup>th</sup> attended the SWMHP art grant award with Mike and Steve - impressed with all the work by Auditorium staff for that event. The CEO of the Housing Partnership Rick Goodeman explained pretty well what their role was in what they were doing. This will be a 10-year collaboration for social and economic development - with the point to make housing a home, for art to demonstrate cultures and

incorporate it into that planning - place making. The first nine months will be strategic planning and cultural analysis by the group. Projects will start in the summer of 2016. The Commissioner of the Minnesota Housing was a very impressive speaker, she had a strong message about the importance of art in the housing development and southwest Minnesota, 30 counties.

Council Member Janssen - No meetings to report but did represent the City at Cuero, Texas for Turkey Fest - had a wonderful time, wonderful hospitality - they had a last minute change in flight schedule as one of their flights was cancelled, but we did win!

Council Member Harmon - Attended a Joint Powers Cable 3 meeting - Minnesota West will be withdrawing from the Board and giving up their membership. Executive Committee of himself, Steve Robinson and John Landgaard asked Amanda Walljasper to join the Board to replace the college member. They discussed adding a full time employee, and discussed the makeup of the Board. The Worthington Public Utilities Board met last Monday, we pumped 37,000,000 million gallons less this year than last year, but we've bought 38,000,000 more from Lincoln Pipestone-residents are continuing with their water conservation efforts - the residents have used 4,000,000 gallons less than 2014. The Americana Public Power Association rally is scheduled in Washington, D.C. March 7 through 10, 2016. The Center for Active Living Committee was to meet this morning but there was no quorum, so they met with Kris Hohensee regarding a couple of projects.

Council Member Sankey - nothing to report.

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

Steve Robinson, City Administrator, reported that regarding the Cable 3 meeting, they will meet Wednesday, with the Ministerial Association regarding tape playback problems. Several months back Council directed staff to explore a new liquor store - an internal group has been looking at it and they've received four proposals for preliminary planning and budgeting and will be looking at them this Wednesday. We retained SEH to do some preliminary planning in November to replace the storage building on Rowe Avenue, and, with the County Sheriff's office, we're looking at the Prairie Justice garage expansion. The lighting for the new city entrance signs was to have been here last week but a part was broken and the replacement should be here Wednesday. Some of the old signs have been removed but they are looking to save the ones on 266 and Gateway Drive by County Road 57. The Chamber and the Community Improvement Group will be working to remove the others.

### **CLOSED SESSION UNDER MN STAT § 13D.05,K SUBD. 3(B) - ATTORNEY-CLIENT PRIVILEGE - SINGH LODGING, INC. D/B/A SUPER 8 MOTEL, WORTHINGTON, MN AND KABAL VIRK VS. CITY OF WORTHINGTON**

Mayor Kuhle announced that Council would be going into closed session under MN Stat. § 13D.05 Subd. 3(B) - Attorney/Client Privilege to discuss Singh Lodging, Inc. D/B.A. Super 8 Motel Worthington, Minnesota and Kabal Virk vs, City of Worthington case. Those present for the closed session were: Mayor Kuhle, Council Members Nelson, Graber, Janssen, Harmon, Sankey; Steve

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Robinson, City Administrator; Dwayne Haffield, Director of Engineering; Janice Oberloh, City Clerk, Daniel Kurtz, Attorney with the League of Minnesota Cities.

The motion was made by Council Member Harmon, seconded by Council Member Graber and unanimously carried to close the meeting at 8:20 p.m.

The motion was made by Council Member Janssen, seconded by Council Member Harmon and unanimously carried to re-open the meeting at 8:44 p.m.

**ADJOURNMENT**

The motion was made by Council Member Janssen, seconded by Council Member Graber and unanimously carried to adjourn the meeting at 8:46 p.m.

Janice Oberloh, MCMC  
City Clerk