

**WORTHINGTON CITY COUNCIL
REGULAR MEETING, OCTOBER 14, 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. Honorary Council Member: Jerry Eykyn. Alderman absent: Scott Nelson (excused) and Mayor Alan Oberloh (excused).

Staff present: Craig Clark, City Administrator; Dwayne Haffield, Director of Engineering; Mike Cumiskey, Public Safety; Myra Onnen, Community Service Office; and Mindy Eggers, Assistant City Clerk.

Others present: Carl Nagel, William Douglass, Bolton & Menk, and Aaron Hagen, Daily Globe.

The Pledge of Allegiance was recited.

INTRODUCTIONS AND OPENING REMARKS

Mayor Pro Tem Wood introduced Jerry Eykyn as the Honorary Council Person for October, November and December, 2013.

RESOLUTION NOS. 3530 THROUGH 3533 ADOPTED REGARDING SPECIAL ASSESSMENT FOR 2013 MISCELLANEOUS UNPAID CHARGES

Pursuant to published notice, this was the time and date set for a public hearing on the proposed Assessment of 2013 Miscellaneous Unpaid Charges as follows:

PAVING IMPROVEMENT NO. 112

- *Northeast Alley in Block 28 (Alley Southwest of 10th Street - 6th to 7th Avenue)*
 - *Southwest Alley in Block 30 (Alley Northeast of 9th Street - 6th to 7th Avenue)*
 - *Franklin Street and Sherwood Street - Nobles Street to East Avenue*
 - *Trevor Street - East Avenue to Murray Avenue*
- 2.3%¹ ; 15 years

SANITARY SEWER IMPROVEMENT NO. 107

- *Morning View Second Addition Trunk Assessment*
- 2.3%¹ ; 10 years

2013 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

► 4%² ; 1 years

ADDITIONAL ASSESSMENT FOR SANITARY SEWER NO. 67

- Connection made to sewer Stower Drive

► 6.5%³ ; 15 years

¹ Based on rate of bond financing 2012 improvements

² Based on recommended policy for a minimum rate of 4% or current rate for improvement assessments, which ever is less

³ Based on rate established for the original improvement

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

Dwayne Haffield, Director of Engineering, presented background information on the improvements and assessment process. Tonight would be the final hearing on the proposed assessments and once adopted they become a lien on the property.

Mr. Haffield asked if there was anyone in attendance who wanted to comment on the proposed assessments. There was no one present but staff took a verbal statement from Virginia Reeves asking that the proposed amount of \$10,000.00 be reevaluated and brought back down to the original proposed assessment amount of \$7,637.51.

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

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

RESOLUTION NO. 3530

ADOPTING THE SPECIAL ASSESSMENT FOR PAVING IMPROVEMENT NO. 112

RESOLUTION NO. 3531

ADOPTING THE SPECIAL ASSESSMENT FOR SANITARY SEWER IMPROVEMENT NO. 107

RESOLUTION NO. 3532

ADOPTING THE SPECIAL ASSESSMENT FOR 2013 MISCELLANEOUS UNPAID CHARGES

RESOLUTION NO. 3533

ADOPTING THE ADDITIONAL ASSESSMENT FOR SANITARY SEWER IMPROVEMENT NO. 67

(Refer to Resolution File for complete copies of Resolutions)

AGENDA APPROVED

The motion was made by Council Member Sankey, seconded by Council Member Graber and unanimously carried to approve the agenda as presented.

CONSENT AGENDA APPROVED

The motion was made by Council Member Graber, seconded by Council Member Sankey and unanimously carried to approve the consent agenda as presented.

- City Council Minutes - Regular meeting September 23, 2013
- Minutes of Boards and Commissions - Water and Light Commission Special Meeting Minutes of September 23, 2013; Water & Light Commission Meeting Minutes of October 7, 2013; Planning Commission/Board of Appeal Meeting Minutes of October 1, 2013
- Municipal Liquor Store Income Statement for the Period January 1, 2013 through September 30, 2013; General Fund Statement of Revenues and Expenditures - Budget and Actual for the period of January 1, 2013 through September 30, 2013
- Application for Exemption for Lawful Gambling Permit
- Application to Block Streets for Parade
- Professional Services Agreement for Assistance in Meeting TMDL Requirements

- Bills payable and totaling \$1,915,661.20 be ordered paid

SECOND READING PROPOSED ORDINANCE PROVIDING CRIMINAL HISTORY BACKGROUND CHECKS FOR APPLICANTS FOR CITY LICENSES APPROVED

Pursuant to published notice, this was the time and date set for the second reading of a proposed ordinance providing criminal history background checks for applicants for city licenses. A complete copy of the ordinance was in the September 23, 2013 City Council packet.

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

2014 AGREEMENT WITH DAKOTA GOLF MANAGEMENT FOR PRAIRIE VIEW CLUBHOUSE OPERATIONS AND 2014 RATE STRUCTURE AT PRAIRIE VIEW GOLF LINKS

Council considered the proposed 2014 agreement with Dakota Golf Management for Prairie View Clubhouse operations and the proposed 2014 rate structure. Craig Clark, City Administrator, noted that the new agreement would commence on January 1, 2014 and shall end on December 31, 2015. The agreement would automatically renew successive one year terms thereafter unless terminated by either party, with or without cause, upon written notice no later than October 1st of any year. Approving the agreement allows Dakota Golf to put a marketing plan together for 2014.

Following discussion, the motion was made by Council Member Graber and seconded by Council Member Sankey to approve the 2014 Management Contract and the 2014 Prairie View rate structure as presented. Council Member Kuhle stated he would like to see the end of year financials before a decision is made. The following Council Members voted in favor of the motion: Graber, Wood, Sankey, with the following Council Member voting against the same: Kuhle. Motion carried

RESOLUTION NO. 3534 ADOPTED APPROVING MODIFICATIONS TO THE JOINT POWERS AGREEMENT FORMING THE SOUTHWEST MINNESOTA REGIONAL RADIO BOARD

Mike Cumiskey, Director of Public Safety stated that in 2008 Council approved a Resolution entering into a Joint Powers agreement (JPA) creating the Southwest Minnesota Regional Radio Board. The 2013 Minnesota Legislature modified the statutes governing the creation, duties, and powers of regional radio boards. These changes would require the board to develop and maintain a regional plan for the implementation of Next Generation 911 (NG911) service within the region (or subregions of the region) and establish regional technical and operational standards for the implementation of NG911 service within the region (or within subregions of the region) that are

consistent with technical and operational standards for 911 service adopted on a statewide basis.

The Southwest Minnesota Regional Radio Board has reviewed the issue and has determined that the changes are in the best interests of the parties to the Joint Powers Agreement.

The motion was made by Council Member Kuhle, seconded by Council Member Graber and unanimously approved to adopt the resolution authorizing approval of proposed modifications to Southwest Minnesota RRB Joint Powers Agreement.

HEARD PRESENTATION OF PROPOSED FLOOD MITIGATION MASTER PLAN

William Douglass, Bolten & Menk presented Council with a Proposed Flood Mitigation Plan and recommended improvements. Mr. Douglass provided information on the flood mitigation evaluation channel improvements needed upstream of Oslo Street. The study is a proposed master plan for flood mitigation to pursue improvements to reduce potential flooding of County Ditch 12. Mr. Douglass stated that although each improvement will require additional study and design, the proposed master plan provides the framework to work towards the flood reduction and reestablishing County Ditch 12 as a viable outlet for localized storm sewer improvements.

Council thanked Mr. Douglass for his presentation.

CLEAN WATER PARTNERSHIP REQUEST FOR FUNDING APPROVED

Dwayne Haffield, Director of Engineering stated that the Federal Clean Water Act requires states to adopt water quality standards to protect lakes, streams, and other waters from pollution. A body of water is impaired if it fails to meet one or more water quality standards. The Clean Water Act requires that states conduct Total Maximum Daily Load (TMDL) studies in order to set pollutant reduction goals needed to restore waters. TMDL studies involve determining the sources of pollutants and establishing the allowable level of those sources. The MPCA is addressing the TMDL requirements for Lake Okabena and 18 other water bodies in its watershed approach for the Missouri River Basin. The MPCA has agreed to contract with Wenk Associates outlining eight recommended tasks. The remaining tasks are proposed to come from local funding. At its September 13, 2013 meeting, the Clean Water Partnership (CWP) Joint Powers Board considered the plan to supplement the Lake Okabena TMDL work plan. The board is requesting that City Council authorize the use of reserves in the amount of \$27,500.00 for Clean Water Partnership projects to fund the local costs for services proposed by Wenk Associates.

After discussion by the Council, the motion was made by Council Member Mike Kuhle, seconded by Council Member Graber, and unanimously approved to authorize funding up to \$27,500 for the Lake Okabena Study.

BRIDGE REPLACEMENT AND MAINTENANCE AGREEMENT APPROVED

Dwayne Haffield, Director of Engineering, explained that the bridge located on Read Avenue over County Ditch 12 is located within Lorain Township, Worthington Township, and the City of Worthington. Although the bridge extends over the boundaries of three jurisdictions no formal agreement has ever been identified for the installation and maintenance of the bridge. Lorain Township has gained the lead responsibility role for the bridge, however the origin of the assignment of the role is not clear. Due to the age and condition the bridge has been replaced. Lorain and Worthington Townships have entered into an agreement for the bridge replacement and maintenance and now is seeking the approval of the agreement between Lorain Township and the City. The costs for the bridge replacement excludes the financing from the bridge bonding funds.

The agreement provides for a distribution of replacement and maintenance costs generally proportional to the share of the bridge located in each jurisdiction. The distribution is ½ to Lorain Township, 1/4 to Worthington Township and 1/4 to the City of Worthington. The agreement establishes that Lorain Township will be responsible for providing the maintenance of the bridge. This agreement is perpetual until terminated by both the parties.

The City's share for the bridge replacement is \$5,601.92. The 2013 construction fund budget includes \$6,000.00 for the City's share of the bridge replacement.

The motion was made by Council Member Kuhle, seconded by Council Member Graber, and unanimously carried to approve the bridge replacement and maintenance agreement.

COUNCIL COMMITTEE REPORTS

Mayor Oberloh - not present.

Council Member Kuhle - The Cable 3 Joint Powers Board is in the process of updating the camera and sound system equipment in the council chambers. The budget is \$61,000 but the equipment cost came in at \$83,000, looking for further options.

Council Member Graber- No quorum at the Memorial Auditorium Advisory Board, will meet again on October 16, 2013. Attended Center for Active Living Committee Meeting today, committee approved fees for group use at the CAL - quarterly reports on budget activity will be distributed to keep members better informed

Council Member Sankey - nothing to report

Council Member Wood - nothing to report

Council Member Nelson - not present.

CITY ADMINISTRATOR'S REPORT

Craig Clark, City Administrator, stated that there is a housing tour in Aberdeen, SD on the 15th hoping for good ideas and options that can be used in Worthington - The Joint Transit Authority Board will be meeting on Thursday to approve an agreement and appoint two members to the Buffalo Ridge Transit Authority.

ADJOURNMENT

The motion was made by Council Member Kuhle, seconded by Council Member Graber and unanimously carried to adjourn the meeting at 9:08 p.m.

Mindy Eggers, MCMC
Assistant City Clerk