

**WORTHINGTON CITY COUNCIL
REGULAR MEETING, OCTOBER 13, 2014**

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

Staff present: Craig Clark, City Administrator; Steve Robinson, Public Works Director; Dwayne Haffield, Director of Engineering; Brad Chapulis, Director of Community/Econ Development; Myra Onnen, Community Services Officer; Scott Hain, General Manager Worthington Public Utilities; Janice Oberloh, City Clerk.

Others present: Justine Wettschreck, KWOA; Erin Trester, Daily Globe; Chris Dybevick (7:04 p.m.); Mike Harmon (7:09 p.m.)

PUBLIC HEARING AND RESOLUTION NO. 3568 ADOPTED - ADOPTING THE SPECIAL ASSESSMENT FOR 2014 MISCELLANEOUS UNPAID CHARGES

Pursuant to published notice, this was the time and date set for a public hearing on proposed assessments for 2014 miscellaneous unpaid charges.

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, provided information to Council asking for their concurrence on the following proposed assessments:

2014 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%¹; 1 year

¹ Based on recommended policy for a minimum rate of 4% or current rate for improvement assessments, whichever is greater.

An updated list of unpaid charges was distributed, which had been amended to reflect payments made since the proposed assessment roll was presented at the September 8, 2014 Council meeting. Mr. Haffield noted that in addition to approving the assessments, Council would also need to set the payback terms. There was no one in attendance who wished to object to the assessments. Payees have the right to appeal the proposed assessments, which required a written objection prior to this meeting. Full payment without interest charges can be made by November 12, 2014, payments with

interest can be made November 13th and 14th, but after that date the assessments would be certified to the property tax roll. Partial payments would be accepted but the optimal time would be prior to November 15th.

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

The motion was made Council Member Wood, seconded by Council Member Graber and unanimously carried to adopt the following resolution adopting the special assessment for 2014 miscellaneous unpaid charges:

RESOLUTION NO. 3568

ADOPTING THE SPECIAL ASSESSMENT FOR 2014 MISCELLANEOUS UNPAID CHARGES

(Refer to Resolution File for complete copy of Resolution)

AGENDA CLOSED/APPROVED

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

CONSENT AGENDA APPROVED

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

- City Council Minutes of Regular meeting September 22, 2014 and Special meeting September 23, 2014
- Minutes of Boards and Commissions - Water and Light Commission Minutes of Regular meeting October 6, 2014; Worthington Housing and Redevelopment Authority Minutes of Regular Meeting August 27, 2014
- City Hall Closure the Friday after Thanksgiving - as this is not a legal holiday, employees are required to use PTO, their floating holiday, or unpaid time off - they also have the option of working, however, no public business shall be conducted
- Bills payable and totaling \$847,600.54 be ordered paid

RESOLUTION NO. 3569 ADOPTED WITH CERTIFICATE OF APPROVAL OF SPECIAL LAW BY A GOVERNING BODY TO PRESERVE FUNDING OPTIONS FOR LEWIS AND CLARK RURAL WATER SYSTEM AND TO AUTHORIZE THE MAYOR TO SIGN THE CERTIFICATE OF APPROVAL OF SPECIAL LAW BY A GOVERNING BODY

Craig Clark, City Administrator, stated that MN Stat. 645.021 requires local approval under provisions that were adopted last session for the \$45 million tax law elements for the Lewis and Clark project that had two special sales tax law changes contained in Session Laws 2014, Chapter 308, Article 7, Sections 3 and 4. Local approval is required and must be filed with the Secretary of State before the 2015 legislature convenes on January 6, 2015. Approval of the special law does not obligate the City to extending the local option sales tax to finance the Lewis and Clark debt service expenses, but does preserve that opportunity.

The motion was made by Council Member Kuhle, seconded by Council Member Graber and unanimously carried to adopt the following resolution for certification of a special law and to authorize the Mayor to sign the Certification of Approval of Special Law by a Governing Body:

RESOLUTION NO. 3569

A RESOLUTION APPROVING THE ENACTMENT OF LAWS 2005 FIRST SPECIAL SESSION, CHAPTER 3, ARTICLE 5, SECTION 44 AND LAWS 2006 CHAPTER 259, ARTICLE 3, SECTION 8 AS AMENDED BY LAWS 2014 REGULAR SESSION CHAPTER 308, ARTICLE 7, SECTIONS 3 AND 4

(Refer to Resolution File for complete copy of Resolution)

NOBLES COUNTY BOARD OF CANVASS

Staff reported that the time and date for the Nobles County Board of Canvass has been set as 10:00 a.m. on Friday, November 7th to canvass the ballots from the 2014 General Election. As the Mayor of the most populous city in the County, Mayor Oberloh or his designee serves on that Board. As Mayor Oberloh is a candidate in the election, Council Member Nelson has been designated to sit in his place.

CONVEYANCE OF PROPERTY FROM NOBLES COUNTY PHEASANTS FOREVER TO THE CITY OF WORTHINGTON ACCEPTED

Pheasants Forever recently acquired a 148 acre parcel of land located within the Lake Bella Wellhead Protection area. As part of their wellhead protection activities, Worthington Public Utilities made a significant contribution to the acquisition, and also requested that ownership of approximately 2.66 acres of the property be transferred to the City of Worthington to potentially be used for future water well development.

The motion was made by Council Member Wood, seconded by Council Member Kuhle and unanimously carried to accept the conveyance of 2.66 acres from Nobles County Pheasants Forever.

APPROVAL OF THE REMOVAL OF TREES, SAPLINGS AND BRUSH AT NORTHWEST AIRPORT PROPERTY ABUTTING HIGHWAY 59 AND AWARD OF CONTRACT

Steve Robinson, Public Works Director, said that the airport runway property abutting Highway 59 is within the restricted flight path and requires that trees must be trimmed to a maximum height of 12 feet. The trees there have been periodically trimmed by City staff, and the brush and trimmings have accumulated in random piles over the years. Quotes were solicited to clear trees, saplings and brush and their root balls from the area, collect and pile all newly removed brush, and to collect and pile all previously removed brush. Two quotes were received, from Worthington Excavating, Inc. And Kelly Schmidt Excavating, LLC, with Worthington Excavating offering the low quote of a lump sum in the amount of \$2,235.00. Mr. Robinson said the project qualifies for MnDOT Airport Maintenance and Operations cost sharing in which the City's share is one-third (\$745,000) with the remainder paid by the State of Minnesota.

Mayor Oberloh said he would like to see the piles removed completely from the site as he has received complaints about them. Council Member Wood concurred. Craig Clark, City Administrator, said Council could authorize a change order to include the additional costs for removal.

The motion was made by Council Member Wood, seconded by Council Member Graber and unanimously carried to approve the removal of trees, saplings and brush at the northwest airport property abutting Highway 59, and to award the contract for the work to Worthington Excavating, Inc. as the low qualified quoter, to include removal of the piles and the additional cost, at a total amount not to exceed \$4,000.

Costs do not include prepping the ground for future haying use.

CONTRACT FOR PROFESSIONAL SERVICES FOR EVALUATION OF TRAFFIC IMPACTS APPROVED

At their September 23, 2014 special meeting, Council determined that traffic flow/count information should be obtained to prepare for the potential Grand Avenue extension through to Darling Drive, to look at the impact on the North Humiston Frontage road and its connection to Highway 59.

In order to provide the evaluation and propose any necessary improvements, staff recommended procuring the services of a firm that provided traffic engineering - specifically SEH based on their involvement in the analysis completed of TH 59 between Oxford Street and I-90 for MnDOT. The proposal from SEH was at a fee of up to \$20,700 and reflected the hours needed to complete a thorough evaluation. Council discussed the proposal and whether or not staff could complete some of the work.

Following discussion, the motion was made by Council Member Graber, seconded by Council Member Wood and unanimously carried to approve the proposal from SEH and authorize execution of an agreement found acceptable by the City Attorney, and to amend the 2014 Construction Fund budget (401) to include \$20,700 for the study with revenues being from use of fund reserves.

AUTHORIZATION PROVIDED TO NEGOTIATE AND EXECUTE CONTRACT WITH CUNINGHAM GROUP FOR DEVELOPMENT OF OXFORD STREET REDEVELOPMENT PLAN

With the redevelopment opportunities being explored with the Mall, Council has determined that a development/revitalization plan for this corridor needs to be developed. The 2014 budget includes \$80,000 for the hiring of a qualified consulting firm to lead the City through the planning process and complete a redevelopment plan for the City's adoption.

In August, City staff sent out RFQ's to several firms that were experienced in the creation of such redevelopment plans, and advertised in various trade publications. Seven firms responded to the RFQ's. A selection committee consisting of the City Administrator, City Engineer, City Planner, and WREDC Executive Director reviewed the responses and determined that Hoisington Koegler Group and Cuningham Group were the firms that best fit the services being sought by the City. Both firms were asked to submit proposals for the City's consideration, which needed to include how it would incorporate the following elements into the plan:

1. Public Participation/Involvement
2. Assessment of Existing Conditions
3. Market Potential
4. Redevelopment Opportunities
5. Land Use Plan
6. Concept Plan
7. Public Realm Improvements
8. Implementation Strategy

The Committee reviewed the proposals on October 6th, and concluded that Cuningham Group's scope of work and end product were best suited for the project and community.

Council discussed the issue at length, and asked for justification for the expense. Brad Chapulis, Director of Community/Econ Development, said we need to be sure that any redevelopment of the area fits with the City's previously developed comprehensive plan. In addition, the majority of the south side of Oxford Street was originally platted for majority residential use but now has been converted to commercial development on very minimal land that wouldn't provide enough space to facilitate redevelopment of those corridors, which gets into a planning or zoning decision. The market potential included in the proposal would be the same as we did for the Event Center / hotel

project and will tell us what the market capabilities are for our community along that corridor. Also, regarding private developers, there are expectations of a private developer regarding public infrastructure. This plan will lay out what the public role is in the redevelopment as well as the private sector role. Mr. Chapulis said the Council rep has already been appointed to what would be a steering committee but Cuningham would be looking to select 15 members from the community.

Following discussion, the motion was made by Council Member Graber, seconded by Council Member Sankey and unanimously carried to approve the consultant selection of Cuningham Group for the Oxford Street Redevelopment Plan.

COUNCIL COMMITTEE REPORTS

Mayor Oberloh - Attended the transportation forum - it was interesting to hear from our City Engineer, Dwayne, who presented there. The Engineer from Jackson said with funding levels the way they are now you'd have to build a road that would last for 90 years without having to touch it. Their county has actually turned black top road back to gravel. The Governor's Pheasant Opener was this weekend and it was really pleasing to see 430 people being served at the Event Center. Thanks to everyone who has participated in the local option sales tax because without that Event Center the opener would not have been held here. The assurance the Governor gave him on the Lewis and Clark issue is huge.

Council Member Kuhle - Nothing to report.

Council Member Graber - The Heron Lake Watershed Board met - they reported on all the projects they've done for the last year. The Planning Commission met on October 7th - it was a pleasure going to the question and answer session because it helped the community to understand roads and planning, and the comprehensive plan of the City. The trip to Cuero was great - the relationship is absolutely amazing, as is their generosity. They passed a \$74 million dollar school bond.

Council Member Sankey - Had a meeting of NEON subcommittee - been meeting weekly for the past 4 or 5 weeks - in the final stages for writing a grant for the feasibility study for highspeed fiber -needs to be submitted by the end of the week.

Council Member Wood - Water and Light Commission had a discussion on broad band. They're operating on a 1990's DOS system that needs to be converted. They're also looking at taking broad band to the well field. The Joint Jurisdictional Board met - Nobles Co-op Electric is putting in a solar system of 20 panels on Highway 59 outside of the airport zone just past the gun club. MnDOT Aeronautics will look at it for airport safety.

Council Member Nelson - The housing project site work is progressing - water pipes are in and the sewer is partially in. They will be touring Highland tomorrow. The first building will be set November 1st without the siding.

CITY ADMINISTRATOR'S REPORT

Craig Clark, City Administrator, said he had received a letter today indicating that the Chamber will

raise \$25,000 over a two year period towards the entrance signs project. He also wanted to thank everyone who participated in the Pheasant Opener - it really let the community shine.

ADJOURNMENT

The motion was made by Council Member Wood, seconded by Council Member Graber and unanimously carried to adjourn the meeting at 8:13 p.m.

Janice Oberloh, MCMC
City Clerk