

**WORTHINGTON CITY COUNCIL  
ANNUAL MEETING, JANUARY 8, 2018**

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: Larry Janssen, Alan Oberloh, Chad Cummings, Amy Ernst, Mike Harmon. Honorary Council Member: Jason Turner.

Staff present: Steve Robinson, City Administrator; Troy Appel, Public Safety Director, Jason Brisson, Director of Community Development, Planning, Zoning and Building Services; Dwayne Haffield, Director of Engineering; Janice Oberloh, City Clerk.

Others present: Justine Wettschreck, KWOA; Karl Evers-Hillstrom, The Globe.

The Pledge of Allegiance was recited.

**AGENDA CLOSED / APPROVED WITH ADDITION**

Council Member Oberloh requested an addition to the agenda of Item E.5 *City Owned Property* regarding the expired purchase agreement with PBK.

The motion was made by Council Member Harmon, seconded by Council Member Ernst and unanimously carried to close / approve the agenda with the requested addition.

**CONSENT AGENDA APPROVED**

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

- City Council Minutes of Regular Meeting December 26, 2017
- Minutes of Boards and Commissions - Center for Active Living Committee Minutes of December 12, 2017; Law Enforcement Center Joint Powers Committee Minutes of October 19, 2017; Planning Commission / Board of Appeals Minutes of January 2, 2018
- Annual Appointments as follows:
  - ▶ Designated the time and place of meetings as 7:00 p.m. on the second and fourth Mondays of each month in City Hall Council Chambers excepting that if the second or fourth Monday should fall on a recognized holiday the meeting will be held at the same time on the Tuesday immediately following, and special meetings shall be called as needed
  - ▶ Appointed Janice Oberloh as the City Clerk for the period January 1, 2018 through December 31, 2018 and Melinda Eggers as Assistant City Clerk for that time period to act in the absence of the Clerk
  - ▶ Designated The Globe as the official newspaper for the publication of all matters required by law to be published
  - ▶ Designated official depositories for the City of Worthington as: Bank of the West, First State Bank Southwest, Fulda Area Credit Union, Rolling Hills

Bank, United Prairie Bank, Wells Fargo Bank - and for investments: Worthington Federal Savings Bank, SWS Financial Services, Ameriprise Financial, Edward Jones Investments, and 4M Fund (League of Minnesota Cities sponsored money market)

- ▶ Annual Council Committee Appointments as presented
- Appointed Mark Shepherd as the City Attorney and James E. Malter as the Assistant City Attorney for a one-year period from and after January 1, 2018 until December 31, 2018 and approved the new agreement as proposed - also noted that Mr. Shepherd had provided notice to the City that 2018 would be their last contract with the City
- Approved the 2018 Industrial Wastewater Treatment Fund Budget
- Bills payable and totaling \$741,277.20 be ordered paid

**THIRD READING AND ORDINANCE NO. 1112 ADOPTED - TEXT AMENDMENT - TAPROOMS**

Pursuant to published notice this was the time and date set for the third reading of a proposed ordinance amending Title XV of the Worthington City Code to include Taprooms.

The motion was made by Council Member Cummings, seconded by Council Member Janssen and unanimously carried to give a third reading to, and subsequently adopt the following ordinance:

ORDINANCE NO. 1112

AN ORDINANCE TO AMEND TITLE XV OF THE CITY CODE OF WORTHINGTON, NOBLES COUNTY, MINNESOTA

(Refer to Ordinance File for complete copy of Ordinance)

**SECOND READING PROPOSED ORDINANCE - ASPHALT PLANTS INTERIM ORDINANCE (MORATORIUM)**

Pursuant to published notice, this was the time and date set for the second reading of a proposed interim ordinance (moratorium) that would temporarily prohibit asphalt plants within the city limits. The moratorium would be in effect for one year for the purpose of protecting the planning process and the health, safety, and welfare of the citizens of the City until a study addressing the potential effects on public health and other concerns of an asphalt plant located within city limits can be completed.

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

**ELECTION OF MAYOR 2018 PRO TEM**

Section 2.02 of the Worthington City Charter states that at the Annual Meeting the City Council shall, from its number and by ballot, elect a Mayor Pro Tem who shall preside over the meetings of the City Council during the absence of the Mayor from the City, or upon the inability of the Mayor, from any cause, to discharge the duties of the office.

Following distribution of ballots and voting, the following votes were cast:

Council Member Cummings	2
Council Member Harmon	2
Council Member Janssen	1

Following vote tabulation by the Clerk, a tie was declared. Following drawing of a name by Mayor Kuhle, Council declared Chad Cummings as Mayor Pro Tem for 2018.

**LELS 4, LELS 274 BARGAINING UNIT AGREEMENTS FOR 2018-2020 AND ADJUSTMENTS FOR NON-ALIGNED EMPLOYEES APPROVED**

Staff presented the proposed Law Enforcement Labor Services 4 (non-supervisory) and 274 (supervisors) contracts for Council consideration, noting the contracts were for three years. The following changes from the previous contracts were noted:

- Cost of living increase adjustments of the following:
  - ▶ 2018 - 3.5%
  - ▶ 2019 - 3.0%
  - ▶ 2020 - 3.0%
- Increase the Extended Sick Leave Bank (ESLB) from 800 to 900 hours
- Officers will receive two hours of court pay if they are not notified of court cancellation by 4:30 p.m. on the prior business day
- Increase fitness membership reimbursement from \$300.00 to \$350.00 per year
- Language, grammar and housekeeping clean-up of the agreements

Steve Robinson, City Administrator, said the City Council/Water and Light Commission Wage and Compensation Committee recommended approval of the agreements. The cost of living adjustments and the increase to the ESLB were also requested for the non-aligned employees.

The motion was made by Council Member Oberloh, seconded by Council Member Ernst and unanimously carried to approve the LELS 4 and LELS 274 contracts for 2018 through 2020, and to also approve the cost of living adjustments and increase to the ESLB for the non-aligned employees.

**CITY-OWNED PROPERTY**

Steve Robinson, City Administrator, said this was for consideration of return of earnest money to PBK Investments for the City-owned parcel in the north BioScience Industrial Park. PBK submitted \$5,000 of earnest money in January of 2017 in relation to the purchase agreement that was approved in December of 2016.

The motion was made by Council Member Oberloh to refund \$4,500 of the \$5,000 as the purchase agreement signed by the City of Worthington and PBK stated that the buyer agreed that \$500 of the earnest money would be deducted and retained by the seller towards the cost incurred for the preparation of the documents and recording of the quit claim deed. The motion was seconded by Council Member Janssen and unanimously carried.

**WORK STUDY AGREEMENT BETWEEN WORTHINGTON POLICE DEPARTMENT AND MN WEST COMMUNITY AND TECHNICAL COLLEGE APPROVED**

Troy Appel, Public Safety Director, presented an agreement for a work study program between the City and Minnesota West Community and Technical College that would provide an opportunity for work study eligible MN West law enforcement students to work as Community Service Officers for the City during the course of their studies at MN. West. The City would be responsible for 25% of the wages and MN West would be responsible for the remaining 75%.

The motion was made by Council Member Oberloh, seconded by Council Member Cummings and unanimously carried to approve the work study agreement and to authorize Troy Appel, Public Safety Director, to execute the document.

**RESOLUTION NO. 2018-01-01 ADOPTED ACCEPTING A DONATION OF FUNDS**

Troy Appel, Public Safety Director, noted that Quality Refrigerated Services donated \$1,500 to the Worthington Police Department to benefit police programs associated with the local school district. The funds will be used to purchase items such as books, pencils and other items for students and teachers under the Department's Blue in the School program.

The motion was made by Council Member Cummings, seconded by Council Member Harmon and unanimously carried to adopt the following resolution accepting the donation:

RESOLUTION NO. 2018-01-01

A RESOLUTION ACCEPTING A DONATION OF FUNDS

(Refer to Resolution File for complete copy of Resolution)

**RESOLUTION NO. 2018-01-02 ADOPTED RECEIVING REPORT AND ORDERING HEARING FOR NORTH CRAILSHEIM ROAD UTILITY EXTENSIONS**

Dwayne Haffield, Director of Engineering, presented the feasibility report for the North Crailsheim Road Utility Extension prepared by Bolton and Menk pursuant to Council action on July 10, 2017. The sewer and water extensions were petitioned for by the School District serve the high school/ALC site.

Staff was requesting that Council adopt a resolution receiving the report and calling for a public hearing on the improvements to be set at 7:00 p.m. on January 22, 2018 at the regular City Council meeting.

The motion was made by Council Member Oberloh, seconded by Council Member Cummings and unanimously carried to adopt the following resolution:

RESOLUTION NO. 2018-01-02

RECEIVING REPORT AND CALLING FOR HEARING ON PROPOSED IMPROVEMENT

(Refer to Resolution File for complete copy of Resolution)

**RESOLUTION NO. 2018-01-03 ADOPTED AUTHORIZING EXECUTION OF AGENCY AGREEMENT**

Dwayne Haffield, Director of Engineering, said the Minnesota Department of Transportation (MnDOT) serves as an agent for the City in receiving and disbursing Federal Highway Administration and Federal Aviation administration funding. In 2003, continuing agency agreements were developed intending to cover all airport or all street projects instead of individual agreements on a project by project basis. Council approved the latest agency agreement for street projects in November of 2011. Mn DOT has now updated the agreement and was seeking City approval of the new agreement. Mr. Haffield said the significant change is the addition of Section 5.5 which provides formal notification that the City is responsible for all costs not funded by federal funds due to failure to comply with federal requirements, and noted that this responsibility has always been assumed.

The motion was made by Council Member Cummings, seconded by Council Member Ernst and unanimously carried to adopt the following resolution authorizing the Mayor and Clerk to execute the agreement:

RESOLUTION NO. 2018-01-03

AUTHORIZING EXECUTION OF AGENCY AGREEMENT

(Refer to Resolution File for complete copy of Resolution)

**PROPOSAL FOR PROFESSIONAL SERVICES FOR INDUSTRIAL WASTEWATER TREATMENT FACILITY APPROVED**

Dwayne Haffield, Director of Engineering, reminded Council that the discharge permits for both the Municipal and Industrial Waste Water Treatment Facilities expired March 31, 2016. The City made application for new permits adequately in advance of the expiration of the permits, therefore, the City is able to lawfully continue operation of the treatment facilities under the conditions of the expired permits. The time line for issuance of the new permits is unknown, but we do know what the proposed limits are - those were handed down to the permit writers, which is where the progress of the permit is held right now. Mr. Haffield said we need to get a handle on what that means - particularly at the Industrial WWTF - it is already being looked at at the municipal plant. The big concern at both facilities is the "Salty Water Discharge". The source has been identified at the municipal plant as household water softeners, but the source at the Industrial facility is more diverse and has not yet been identified. The proposed study will look at sources and will try to define what it would take to meet the limits, which may be preparation for a technical case for a variance.

Mr. Haffield said he originally looked at the firm of HDR for the study as they had past experience working on the facility, but they couldn't get the terms of the contract worked out so he moved on to Bolton and Menk, who is the wastewater consultant for the municipal plant. They have a lot of industrial experience and corporate JBS has worked with at least one of the individuals. Staff was recommending Council authorization to execute the proposed contract. The funds are budgeted in the 2018 Industrial Wastewater Treatment Fund Budget that was approved by Council earlier in the meeting.

Based on a comment from Council Member Cummings, Mr. Haffield said phosphorous limits were not the big issue as it is a much more understood technology, that limit will be a cumulative season load - which gives quite a bit more flexibility than the previous .4 limit, but the .4 limit has been met much lower than that in many facilities.

The motion was made by Council Member Janssen, seconded by Council Member Harmon and unanimously carried to approve the agreement for professional services with Bolton and Menk for the Industrial Wastewater Treatment Facility.

**RESOLUTION NO. 2018-01-04 ADOPTED AUTHORIZING EMINENT DOMAIN PROCEEDINGS FOR FLOOD MITIGATION PROJECT**

Dwayne Haffield, Director of Engineering, said the City has received notification from FEMA of

award of the Phase 2 grant for construction of the County Ditch 12 Flood Mitigation project. The City has been negotiating for some time now for acquisition of the parcels required for the project. All but three of them have been settled or at least have had an option agreement signed. Mr. Haffield said we are getting to where we need to have possession of those properties in the next few months and the only way we can be assured of doing that is by initiating eminent domain proceedings. We will continue to work other avenues through the process. We will be looking for the Quick Take process where once public purpose is demonstrated to the courts and deposits are made, you are able to take possession with a certain amount of notification time. As there was an error in a bearing distance in the last line of the last legal description in the resolution included in the agenda packet, Staff provided a corrected resolution for Council consideration.

The motion was made by Council Member Oberloh, seconded by Council Member Janssen and unanimously carried to adopt the following resolution authorizing eminent domain proceedings:

RESOLUTION NO. 2018-01-04

AUTHORIZING PREPARATIONS FOR AND COMMENCEMENT OF EMINENT DOMAIN PROCEEDINGS OR OTHER METHODS TO ACQUIRE TITLE TO CERTAIN REAL PROPERTY IN THE CITY FOR FLOOD MITIGATION PROJECT

(Refer to Resolution File for complete copy of Resolution)

**FINAL PLAT SIX FAIRWAY VIEW APPROVED**

Thomas P. Walsh, Jr. And GL Development MN LLC were seeking approval of the final plat of Six Fairway View. Council approved the preliminary plat at their September 11, 2017 regular meeting. Jason Brisson, Director of Community Development, Planning, Zoning and Building Services, noted the following changes to the final plat from the preliminary plat:

1. The original lot 12 will not be developed at this time and has been changed to an outlot;
2. The lot line between lots 10 and 11 has been removed creating one larger lot; and
3. Other minor shifts have been made with lot lines.

Mr. Brisson said the changes met the requirement for minimal changes so the approval did not need to go back to the Planning Commission. Staff was recommending Council approval of the final plat subject to the following conditions:

1. A declaration or other instrument will be used to address maintenance and conservation of the common drive and storm water treatment facility in the final plat as outlined in the approval of the preliminary plat;

2. The site must comply with NPDES storm water permitting requirements as outlined in the approval of the preliminary plat; and
3. The applicant's submission of a financial guarantee in the amount of \$56,400, the amount of the awarded bid for installation of sewer and water services.

The motion was made by Council Member Cummings, seconded by Council Member Ernst and unanimously carried to approve the final plat of Six Fairway View, subject to the conditions as stated.

### **COUNCIL COMMITTEE REPORTS**

Mayor Kuhle - No meetings to report on.

Council Member Janssen - No meetings to report on.

Council Member Oberloh - No meeting to report on - reminder of the Legislative Breakfast on the 13<sup>th</sup> at 8:00 a.m.

Council Member Cummings - No meetings to report on - provided information on the Autism Fund Raiser and 2018 Winterfest.

Council Member Harmon - No meetings to report on.

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

Steve Robinson, City Administrator, provided an update on the Workforce Housing grant - the developer on the project has withdrawn - staff has met with a couple of other developers and hope to have an agreement in the coming weeks. The SRDC will be hosting a Career Pathways Seminar this Thursday in manufacturing, health care and education - he will report back on the seminar. Regarding the Liquor Store project, they have started framing the front addition - once they get the front addition and the back addition completed they can open up the store and get working on that. As he had reported, sales for Christmas Eve weekend were \$101,000, and now sales for New Year's weekend was not quite as good at \$66,000, but it was 20 below for much of that weekend. They'll continue to monitor the weekend sales.

### **ADJOURNMENT**

The motion was made by Council Member Oberloh, seconded by Council Member Janssen and unanimously carried to adjourn the meeting at 7:41 p.m.

Janice Oberloh, MCMC  
City Clerk