

**WORTHINGTON CITY COUNCIL
REGULAR MEETING, JANUARY 13, 2020**

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: Chad Cummings, Amy Ernst, Alan Oberloh, Mike Harmon, Larry Janssen.

Staff present: Steve Robinson, City Administrator; Jason Brisson, Assistant City Administrator/Economic Development Director; Jeremiah Cromie, City Planner; Troy Appel, Public Safety Director; Dwayne Haffield, Director of Engineering; Scott Hain, General Manager, Worthington Public Utilities; Mindy Eggers, City Clerk.

Others present: Leah Ward, The Globe, Tom Johnson, Ben Weber.

The Pledge of Allegiance was recited.

AGENDA CLOSED / APPROVED

Staff noted there was a revision of Case Item H.1., *Award of Tenth Avenue Bridge Replacement*. The motion was made by Council Member Janssen, seconded by Council Member Ernst and unanimously carried to approve the agenda with the revised Case Item H.1. *Award of Tenth Avenue Bridge Replacement* as presented.

CONSENT AGENDA APPROVED

The motion was made by Council Member Oberloh, seconded by Council Member Cummings and unanimously carried to approve the consent agenda with the following changes under the 2020 Committee Assignments remove Nominating Committee under Council Member Cummings and remove City/County /School under Council Member Ernst. The Assistant City Clerk appointment be tabled until the next Council meeting.

- City Council Minutes of Regular Meeting Minutes of December 23, 2019
- Annual Appointments
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 Melinda Eggers as the City Clerk for the period January 1, 2020 through December 31, 2020
 - ▶ 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 with noted changes
- Appointment of City Attorney Appointed Jesse Flynn as the City Attorney and Jeff Flynn and Candace Riordan as Assistant City Attorneys, for a one-year period from January 1, 2020 until December 31, 2020
- 2020 Industrial Wastewater Treatment Fund Budget
- Bills payable and totaling \$1,274,720.16 be ordered paid

THIRD READING AND ORDINANCE NO. 1155 ADOPTED VACATING PART OF AN ALLEY IN CLIFTON ADDITION, CITY OF WORTHINGTON, NOBLES COUNTY, MINNESOTA

Pursuant to published notice, this was the time and date set for the third reading of a proposed ordinance to Vacate Part of an Alley in Clifton Addition, City of Worthington, Nobles County, Minnesota. The legal description of the property is:

That part of the alley lying between Lot 2 and Lots 3, 4 and 5, Block 4, Clifton Addition to the Village (now City) of Worthington, Nobles County Minnesota lying north of the northeasterly right-of-way of Trunk Highway 59 and 60 is hereby vacated.

A motion was made by Council Member Cummings, seconded by Council Member Ernst and unanimously carried to give a third reading and subsequently adopt the following ordinance.

ORDINANCE NO. 1155

AN ORDINANCE VACATING PART OF AN ALLEY IN CLIFTON ADDITION, CITY OF WORTHINGTON, NOBLES COUNTY, MINNESOTA

(Refer to Ordinance File for complete copy of Ordinance)

THIRD READING AND ORDINANCE NO. 1156 ADOPTED AMENDING TITLE XV OF THE CITY CODE OF WORTHINGTON, NOBLES COUNTY, MINNESOTA TO REZONE PROPERTY FROM "TZ" (TRANSITION ZONE) AND "B-3" (GENERAL BUSINESS DISTRICT) TO "R-1" (ONE FAMILY DETACHED)

Pursuant to published notice, this was the time and date set for the third reading of a proposed ordinance to amend Title XV of the City Code of Worthington, Nobles County, Minnesota, to Rezone Property from "TZ" (Transitional Zone) and "B-3" (General Business District) to "R-1" (One Family Detached) The legal description of the property is:

Lots 1 through 9, and Lots 11 and 12; all in the County Auditor's Plat of the Southwest Quarter of the Southwest Quarter of Section 12, Township 102 North, Range 40 West, Worthington Township, Nobles County, Minnesota,

Together with,

That part of the County Auditor's Plat of the Southwest Quarter of the Southwest Quarter of Section 12, Township 102 North, Range 40 West, Worthington Township, Nobles County, Minnesota described as follows:

Beginning at the southeast corner of Lot 6 of said Auditor's Plat; thence north along the west line of Rose Avenue to the northeast corner of Lot 3 of said Auditor's Plat; thence west to the northwest corner of said Lot 3, thence north to the southwest corner of Lot 2 of said Auditor's Plat; thence east along the north line of Twenty Ninth Street and its easterly extension to the southeast corner of Lot 7 of said Auditor's Plat; thence south to the northeast corner of Lot 8 of said Auditor's Plat; thence west to the northwest corner of said Lot 8; thence south along the east line of Rose Avenue to the southwest corner of Lot 11 of said Auditor's Plat; thence west to the point of beginning.

A motion was made by Council Member Ernst, seconded by Council Member Harmon and unanimously carried to give a third reading and subsequently adopt the following ordinance.

ORDINANCE NO. 1156

AN ORDINANCE AMENDING TITLE XV OF THE CITY CODE OF WORTHINGTON, NOBLES COUNTY, MINNESOTA TO REZONE PROPERTY FROM "TZ" (TRANSITION ZONE) AND "B-3" (GENERAL BUSINESS DISTRICT) TO "R-1" (ONE FAMILY DETACHED)"

(Refer to Ordinance File for complete copy of Ordinance)

ELECTION OF MAYOR 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 Oberloh 1

Following the tie vote, ballots were distributed and a re-vote was taken, the following votes were cast:

Council Member Cummings 2
Council Member Harmon 3

Following vote tabulation by the Clerk, Council declared Council Member Harmon as Mayor Pro Tem for 2020.

AMENDED CITY PURCHASING POLICY APPROVED

Steve Robinson, City Administrator, explained staff is recommending amending the City's Purchase Policy to reflect Minnesota's current Uniform Municipal Contracting Law. The City's present Purchase Policy, among other things, requires:

- Public notice and receipt of sealed bids if the amount of the contract is estimated to exceed \$100,000,
- Receipt of either sealed bids or by direct negotiations upon receipt of two or more quotations if the amount of the contract is estimated to exceed \$25,000 but not exceed \$100,000, and
- Contracts of \$25,000 or less made be made either upon direct quotation or in the open market.

He said the City's Purchase Policy was last amended in May 2014 when bid advertising statutes concerning contracts in excess of \$100,000 changed from referencing a "trade paper" to "recognized industry trade journals and building and construction websites".

Statutory changes took place in 2018 with adjustments in the estimated amounts that necessitate public notice and sealed bids (contracts exceeding \$175,000), and, estimated amounts that allow receipt of quotations or direct negotiations (contracts exceeding \$25,000 but not \$175,000). No changes were made in contracts that are \$25,000 or less.

He stated staff also recommends inclusion of "Best Value Alternative" procurement methods in which a contract may be awarded to the lowest responsible bidder offering the best value taking into account the specifications, price and performance criteria as described in the solicitation documents.

A motion was made by Council Member Oberloh, seconded by Council Member Janssen, and unanimously carried to amend the City Purchasing Policy.

NOMINATING COMMITTEE RECOMMENDATION FOR COMMITTEE APPOINTMENT

The Nominating Committee met on January 8, 2020 and are making the following recommendations for Council approval:

Airport Advisory Board

Re-appoint Bill Wetering to a first five-year term, term to expire September 30, 2024

Center for Active Living Committee

Appoint Diana Elsing to a first three-year term, term to expire December 31, 2022

Appoint Janet Slater to a first three-year term, term to expire December 31, 2022. Julie Buntjer declined to serve a second term.

Appoint Dick Schlichte to a first three-year term, term to expire December 31, 2022. Nancy Hoftsee declined to serve a second term.

Economic Development Revolving Loan Fund

Re-appoint Jason Schutz to a second two-year term, term to expire December 31, 2021

Nominating Committee

Re-appoint Beth Namanny to a second five-year term, term to expire November 30, 2024

Public Art Commission

Than Than Kyaw to a first three-year term, term to expire November 30, 2022. Antonio Madrigal declined to serve a second term.

Student Rep needs to be appointed, have reached out to the college art program for possible member

Traffic & Safety Committee

Re-appoint Chris Heinrichs to a first three-year term, term to expire October 31, 2022

The motion was made by Council Member Cummings, seconded by Council Member Ernst and unanimously carried to approve the appointment as recommended by the Nominating Committee.

RESOLUTION NO. 2020-01- 01 ACCEPTING DONATION OF FUNDS

Troy Appel, Public Safety Director, stated a person who wished to remain anonymous donated \$500 to the Worthington Police Department. The donor requested the funds be gifted to members of the public through the WPD Secret Santa Program. The donation will be added to the WPD Police Programs Account and made available for future Secret Santa projects.

A 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. 2020-01-01

A RESOLUTION ACCEPTING A DONATION OF FUNDS

(Refer to Resolution File for complete copy of Resolution)

RESOLUTION NO. 2020-01-02 ADOPTED CONTRACTING ADMINISTRATIVE SERVICES WITH MISSOURI RIVER ENERGY SERVICES AND WESTERN AREA POWER ADMINISTRATION

Scott Hain, General Manager, Public Utilities, stated at their January 6, 2020, regular meeting, the Water and Light Commission reviewed the proposed Contract for Administrative Services between Western Area Power Administration (WAPA), Missouri River Energy Services (MRES) and the City of Worthington.

Mr. Hain explained the current Contract for Administrative Services expires on December 31, 2020, which corresponds with the expiration date of the current Firm Electric Service Contract between WAPA and the City. On January 9, 2013, the City and WAPA executed a new Firm Electric Service Contract which becomes effective on January 1, 2021, and extends through December 31, 2050. The proposed Contract for Administrative Services would also become effective on January 1, 2021, and run for the term of the new Firm Electric Service Contract.

The current contract for Administrative Services, as well as the new Contract for Administrative Services being considered, allows Missouri River Energy Services to perform certain scheduling and payment services on behalf of the City relating to the Firm Electric Service Contract with WAPA.

A motion was made by Council Member Oberloh, seconded by Council Member Harmon and unanimously carried to adopt the following resolution approving the Contract for Administrative Services with Missouri Basin Municipal Power Agency dba Missouri River Energy Services and the City of Worthington, Minnesota.

RESOLUTION NO. 2020-01-02

A RESOLUTION APPROVING THE CONTRACT FOR ADMINISTRATIVE SERVICES WITH MISSOURI BASIN MUNICIPAL POWER AGENCY dba MISSOURI RIVER ENERGY SERVICES AND THE CITY OF WORTHINGTON, MINNESOTA

(Refer to Resolution File for complete copy of Resolution)

AWARDED CONTRACT FOR TENTH AVENUE BRIDGE REPLACEMENT AND RESOLUTION NO. 2020-01-03 ADOPTED AUTHORIZING EXECUTION OF THE FUNDING AGREEMENT

Dwayne Haffield, Engineering Director, stated three bids for the Tenth Avenue Bridge Replacement project were received on Wednesday, January 8, 2020. He said all three bids were over the engineer's estimate ranging from 10% (\$116,666.23) to 30% (\$356,548.45). The recommendation is to award to the low qualified bidder, Henning Construction of Adrian, Minnesota.

Mr. Haffield explained in order to utilize the bridge bonding funds available for the project, the City does need to enter into an agreement with the Minnesota Department of Transportation (MnDOT). Given the amount of the bid and particularly in consideration of the change in project cost since the funding application was initially submitted and approved, MnDOT has made an additional \$93,688.55 in local bridge replacement program funding (bridge bonding) available, increasing that funding from \$312,417.50 to \$406,106.05. The agreement references only construction costs since engineering is not an eligible expense in the local bridge replacement program. Total estimated project cost (including engineering and contingency) and funding is as follows:

Municipal Sate Aid Street funding:	\$1,178,894
LBRP Grant Funds:	<u>\$406,106</u>
TOTAL PROJECT	\$1,585,000

A motion was made by Council Member Harmon, seconded by Council Member Ernst, and unanimously carried to award the contract to Henning Construction for the Tenth Avenue Bridge Replacement and adopt the following resolution.

RESOLUTION NO. 2020-01-03

A RESOLUTION AUTHORIZING EXECUTION OF THE FUNDING AGREEMENT

(Please Refer to Resolution file for

DISPOSAL OF PROPERTY EAST OF DOUGLAS AVENUE, NORTH OF NOBLES

STREET AND SOUTH OF SPRUCE AVENUE APPROVED

Jason Brisson, Assistant City Administrator/Economic Development Director, explained that a representative from Grace Church has contacted City staff to inquire about obtaining property east of Douglas Avenue, north of Nobles Street, and south of Spruce Avenue. The subject property is a portion of a former railroad the City acquired in a land swap. The expectation was that this property would be sold to abutting owners at some future time.

Mr. Brisson explained the City's adopted property disposal policy governs the ways in which the City may dispose of real property. According to the policy, property which does not conform to zoning requirements regarding size, area, or street frontage may be sold to owners of abutting properties without a public sale. It also states that Council shall establish the manner the property is to be distributed to abutting owners, sale price, and any other terms or conditions found appropriate. The subject property does not conform to Section §154.05 of the Worthington City Code governing the regulation of scattered development. The Ordinance requires that no land shall be subdivided, platted, nor replatted unless city sewer and water shall be available to such property. The property under consideration does not meet this requirement and is a legally nonconforming parcel as defined by the Worthington City Code. Mr. Brisson said in speaking with the Public Works Director it is costing the City to maintain the parcel and is a landlocked piece of property.

A motion was made by Council Member Oberloh, seconded by Council Member Harmon and unanimously carried directing staff to establish an agreeable price with the Grace Community Church and sell it to them.

COMPREHENSIVE PLAN UPDATE DISCUSSION

Jason Brisson, Assistant City Administrator/Economic Development Director, said City Council held a two-day strategic planning work session to discuss the City's priorities and projects based on the City's staffing levels. One project that was discussed was an update of the City's Comprehensive Plan. While Council determined that it wanted to update the 2004 Comprehensive Plan, the City did not have adequate staffing to undertake the project at that time. In June 2019, the City hired its first full time planner so as staff gets more comfortable and efficient in their daily responsibilities, it will enable them to take on some long-term projects that are not part of the normal daily responsibilities. The Commission expressed its desire to update the Comprehensive Plan, especially components that are outdated and undermine the Commission's ability to adhere to the State Statute-defined planning process. The Commission would like to use the planning process to work with Council to develop a shared vision that may resolve some of the recent differences between the Commission's recommendations and Council's decisions.

Mr. Brisson said based on Council and the City Planning Commission's desire for a Comprehensive Plan update, this project has been discussed as a potential option. He said the Commission did

express a concern regarding the workload of City staff, the Commission, and Council, even with the addition of the City Planner position. Despite their concerns, the City Planning Commission made a unanimous recommendation to the City Council that the City initiate the steps to begin a Comprehensive Plan update. Mr. Brisson stated that nothing was budgeted in 2020 and we may have to look at a budget amendment but the project could be broken into several pieces. Steve Robinson, City Administrator, stated that the majority of the project would be done in 2021 and may even go into 2022.

Council directed staff to move forward with the project and start inquiries for Request for Qualifications.

COUNCIL COMMITTEE REPORTS

Mayor Kuhle - No report.

Council Member Janssen - No report.

Council Member Oberloh - Wanted Council to know about The Wild Angels Show at Memorial Auditorium and Winterfest.

Council Member Cummings - Reminded Council of the Winterfest activities this weekend. The Worthington Foundation will be doing a \$60,000 matching grant for the Jami Cummings Safety Around Water Program. Wanted to say that the Housing Committee of the Dugdale project were not surprised about the mitigation issues associated with the project, they were aware of it last spring/summer.

Council Member Ernst - The Housing Committee has decided that the new street names used will be tree names.

Council Member Harmon - No report.

CITY ADMINISTRATOR'S REPORT

Steve Robinson, City Administrator, said the YMCA Director interviews were held and the process was vigorous and professional. The new director is slated to start in mid February. A reminder that Andy Johnson's retirement party is on January 15th.

ADJOURNMENT

The motion was made by Council Member Janssen, seconded by Council Member Oberloh and unanimously carried to adjourn the meeting at 7:57 p.m.

Mindy L. Eggers, MCMC
City Clerk