

**WORTHINGTON CITY COUNCIL  
ANNUAL MEETING, JANUARY 14, 2013**

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. Honorary Council Member: Julia Berger.

Staff present: Craig Clark, City Administrator; Dwayne Haffield, Director of Engineering; Brad Chapulis, Director of Community/Economic Development; Chris Dybevick, Police Captain; Scott Hain, General Manager Worthington Public Utilities; Janice Oberloh, City Clerk.

Others present: Aaron Hagen, Daily Globe; Lyle Ten Haken; Mike Woll.

The Pledge of Allegiance was recited.

**RECOGNITION OF OUT-GOING COUNCIL MEMBERS**

Mayor Oberloh requested that out-going Council Members Lyle Ten Haken and Mike Woll come forward and presented each with a plaque for the their service to the city and citizens of Worthington.

**HONORARY COUNCIL MEMBER**

Mayor Oberloh recognized Julia Berger as the Honorary Council Member for the months of December 2012 and January and February 2013.

**AGENDA APPROVED WITH ADDITION**

Staff requested the addition of item E.3. to the agenda *Summary of Conclusions - Performance Evaluation of City Administrator Craig Clark*.

The motion was made by Council Member Sankey, seconded by Council Member Wood and unanimously carried to close the agenda with the addition of item E.3.

**CONSENT AGENDA APPROVED WITH CORRECTION**

The City Clerk noted a change to the City Council Minutes of the Special City Council Meeting of December 14, 2012 to include Aaron Hagen, Daily Globe, as present at the meeting.

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 December 10, 2012; City Council Minutes of Special Meeting December 14, 2012; City Council Minutes of Special Meeting December 21, 2012

- Minutes of Boards and Commissions - Water and Light Commission Minutes of Regular Meeting December 17, 2012; Planning Commission/Board of Appeals Minutes of January 2, 2013; Worthington Housing & Redevelopment Authority Board of Commissioners Minutes of November 8, 2012; Focus Group Minutes of December 10, 2012; Worthington Housing and Redevelopment Authority Board of Commissioners Minutes of December 13, 2012; Worthington Public Arts Commission Minutes of December 17, 2012; Worthington Housing and Redevelopment Authority Minutes of Special Meeting December 27, 2012
- Municipal Liquor Store Income Statement for the Period January 1, 2012 through November 30, 2012
- On-Sale Wine License for Tsehaytu Agre Café and Restaurant for the license period January 1, 2013 through June 30, 2013
- Approved the Annual Appointments as presented:
  - ▶ Designate the official time and place of meetings as 7:00 p.m. on the second and fourth Mondays of each month in City Hall Council Chambers, except where those Mondays fall on a legal holiday then the meeting will be held on that Tuesday at 7 p.m., and with special meetings called as needed
  - ▶ Appointed Janice Oberloh as City Clerk for a one-year term and Mindy Eggers as the Assistant City Clerk to act in the absence of the Clerk
  - ▶ Designated the Daily Globe as the official newspaper for publications
  - ▶ Designated the Official Depositories: Bank of the West, First State Bank Southwest, Fulda Area Credit Union, Rolling Hills Bank, Wells Fargo Bank - and investments: Worthington federal Savings Bank, and 4M Fund (League of MN Cities sponsored money market)
  - ▶ Assigned the City Council Annual Committee Appointments as presented
- Appointed Mark W. Shepherd as the City Attorney and James E. Malters as the Assistant City Attorney for 2013 at the proposed hourly rate of \$155.50
- Approved Operating Guidelines for the Center for Active Living Committee
- Bills payable and totaling \$2,906,596.00 be ordered paid

### **ELECTION OF MAYOR PRO-TEM**

Section 2.02 of the Worthington City Charter says that Council shall elect by ballot a Mayor Pro Tem to 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 paper ballots by the City Clerk, the following votes were cast by Council:

Ron Wood - three (3)  
Mike Kuhle - two (2)

The motion was made by Council Member Graber, seconded by Council Member Nelson and unanimously carried that Ron Wood shall serve as Mayor Pro Tem for 2013 and until a successor is appointed at the annual City Council meeting in January of 2014.

**LEASE AGREEMENT WITH C & B OPERATIONS, LLC APPROVED**

Since September of 2011 the City has had a lease agreement with Worthington Power and Equipment that allowed them to use the City-owned water tower property immediately to their east for storage/staging of machinery and equipment. With the recent sale of the business to C&B Operations, LLC, who will continue to operate the dealership as Nobles County Implement, the new owner is looking to continue the lease arrangement for the water tower property.

Mayor Oberloh asked if we could assume the lease would terminate when the Highway 60 project was complete as that is why he remembered the lease with Worthington Power and Equipment was granted. Scott Hain, General Manager Worthington Public Utilities, responded that the arrangement with the previous owner did agree to that, and he assumes it will be the same with the new owner. The Water and Light Commission took formal action at their January 7, 2013 meeting to recommend that City Council approve the lease.

The motion was made by Council Member Wood, seconded by Council Member Nelson and unanimously carried to approve the lease agreement with C & B Operations.

**SUMMARY OF CONCLUSIONS - PERFORMANCE EVALUATION OF CITY ADMINISTRATOR CRAIG CLARK**

Minnesota Statute § 13D.05, Subd. 3(A) requires that, following a performance evaluation in a closed session, City Council must provide a summary of its conclusions at their next open meeting. Council met in closed session on December 21, 2012 for the purpose of performance evaluation of City Administrator, Craig Clark.

Mayor Oberloh noted that Council had determined that Mr. Clark received a satisfactory evaluation and should receive an increase as provided by the City's wage and compensation plan.

**RENEWAL CONTRACT APPROVED FOR WELFARE FRAUD INVESTIGATIVE SERVICES BETWEEN THE WORTHINGTON POLICE DEPARTMENT AND NOBLES COUNTY COMMUNITY SERVICES**

The motion was made by Council Member Wood, seconded by Council Member Nelson and unanimously carried to approve the contract renewal between the Worthington Police Department and the Nobles County Community Services for Welfare Fraud Investigative Services for 2013-2014, at the contract rate of \$43.33/hour for 2013, \$43.97/hour for 2014, and \$44.19 starting December 2014.

The Nobles County Board of Commissioners authorized the agreement at their December 18, 2012 meeting.

**NAMING OF STREET SEGMENTS IN CONJUNCTION WITH THE TH 59/60 PROJECT**

Dwayne Haffield, Director of Engineering, stated that following the TH 59/60 project, certain segments of streets are proposed to be turned back to the City and County, and as such, the segments need to be named/renamed. Staff was proposing the following:

<u>Name</u>	<u>Street Segments(s)</u>
East Gateway Drive:	Old TH 59/60 from South Lake Street to its easterly connection to new TH 59/60
West Gateway Drive:	County Road 57 from the south city limits (north of new TH 59/60) to old TH 59/60 and old TH 59/60 from County Road 57 to South Lake Street
Flower Lane:	Old TH 59/60 from Flower Lane to County Road 57

Following discussion, the motion was made by Council Member Wood, seconded by Council Member Kuhle and unanimously carried to rename the street segments as suggested by staff.

**SPECIAL USE PERMIT APPROVED - MINNESOTA WEST COMMUNITY AND TECHNICAL COLLEGE (1215 THIRD AVENUE)**

Brad Chapulis, Director of Community/Economic Development, stated that Minnesota West Community and Technical College was seeking the issuance of a special use permit for property owned by the City of Worthington and located at 1215 Third Avenue. Major educational land uses are permissible through the issuance of a special use permit in the "R-4" zoning district, which applies to the subject property. The special use permit would allow the applicant to use the property for educational purposes, including automotive mechanic courses/programming. The legal description of the property is as follows:

Lots 3 and 4, except the northwesterly 50 feet thereof, and the southeasterly 150 feet of the vacated alley lying between Lots 4 and 5; all in Block 36, Plat of Worthington, Nobles County, Minnesota

The Planning Commission considered the application at their January 2, 2013 meeting, and after holding a public hearing, voted unanimously to recommend Council approval of the special use permit with the condition that there be no exterior storage allowed.

The motion was made by Council Member Kuhle and seconded by Council Member Wood to approve the Special Use Permit. Council Member Wood rescinded his second and stated that he would need to abstain from the vote as he was an employee of MnSCU. Council Member Nelson seconded the motion to approve and the motion was unanimously carried.

**FIRST READING PROPOSED ORDINANCE AMENDING TITLE XV OF THE CITY CODE OF WORTHINGTON, NOBLES COUNTY, MINNESOTA - ILLUMINATED SIGNS**

Brad Chapulis, Director of Community/Economic Development, stated that the City's current sign ordinance pertaining to electronic message board signs was adopted in 2007, and allows for the erection of electronic message boards/signs in residential districts through the issuance of a conditional use permit. The ordinance includes eight mandatory restrictions, including that the sign is not greater than 8.5 feet in height and that anything other than a freestanding/monument sign is prohibited.

The Worthington School District submitted a conditional use permit for an electronic message board that would be mounted on the north outside wall of the Senior High School, which would not be permitted under the current language of the ordinance. Staff discovered the omission during review of the application and prepared a text amendment to the ordinance for consideration that would remove the two of the eight restrictions that pertain to height and freestanding/monument requirements.

The Planning Commission considered the application at its January 2, 2013 meeting, and after holding a public hearing, voted unanimously to recommend that City Council approve the proposed text amendment.

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

#### **2013 MINNESOTA CITY PARTICIPATION PROGRAM APPLICATION APPROVED**

The motion was made by Council Member Kuhle, seconded by Council Member Wood and unanimously carried to authorize City staff to submit an application for Minnesota City Participation Program funds for 2013.

The program is offered through the Minnesota Housing Finance Agency and is an annually funded program that provides below market interest rate home mortgage loans for low to moderate income first-time home buyers purchasing homes within awarded communities.

#### **WORKFORCE HOUSING PROGRAM APPLICATION APPROVED - 2163 CASTLEWOOD DRIVE**

The City received an application for a forgivable loan through the City's Workforce Housing program for infrastructure assessments levied against the newly constructed house the applicants are purchasing at 2163 Castlewood Drive. According to the City's records, there is \$12,913.38 in infrastructure assessments levied against the property. Based on the program policy, the forgivable loan would be structured for five years at an interest rate of 5%, and would be fully forgiven after five years.

Council inquired if all applications had to be dealt with by Council on an individual basis or if staff

could approve them. Mr. Chapulis responded that the program document as adopted called for Council approval but he would discuss it with the City Attorney.

The motion was made by Council Member Nelson, seconded by Council Member Wood and unanimously carried to approve the application for the five year forgivable loan in the amount of \$12,913.38 with an interest rate of 5% and to authorize the Mayor to execute all related documents.

### **COUNCIL COMMITTEE REPORTS**

Mayor Oberloh - reported there is a Tax Reform meeting on the 17<sup>th</sup> in the Cities and inquired if anyone was going to be in the Cities that could attend. He reminded Council of the upcoming League of Minnesota Cities training in Mankato January 25<sup>th</sup> and 26<sup>th</sup>, and also that Council should work with the Administrator for a date for a special meeting with the DNR.

Council Member Kuhle - attended a Cable 3 meeting - they set their 2013 budget which includes a CIP of \$70,000. They are working on the renewal of their contract with Knology which raises a concern about the legal fees spent on these franchise renewals. Mr. Clark said they are looking into that.

Council Member Graber - Attended a Center for Active Living Committee meeting - they presented tentative nominations for the Committee, talked about Senior Dining (ready to go March 1<sup>st</sup>), and the need for additional funding for furnishings, carpet and decorations. Future meetings will be on Mondays-the date will be firmed up.

Council Member Sankey - nothing to report.

Council Member Wood - nothing to report.

Council Member Nelson - Attended a CVB meeting this afternoon, they are working on their 2013 budget and are looking at increasing their advertising a bit and working on their website. They will be meeting about the City signs this week.

### **CITY ADMINISTRATORS REPORT**

Craig Clark, City Administrator, reported the Center for Active Living (CAL) is moving forward and on target for the March 1<sup>st</sup> deadline and the Event Center is showing some good progress so they can close it up and heat it to start working on the interior. A brief discussion was held on the scheduling of the gym use at the CAL.

### **ADJOURNMENT**

The motion was made by Council Member Nelson, seconded by Council Member Wood and unanimously carried to adjourn the meeting at 7:59 p.m.