

**WORTHINGTON CITY COUNCIL
FEBRUARY 26, 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 (7:05 p.m.)

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

Others present: Justine Wettschreck, KWOA; Karl Evers-Hillstrom, The Globe; Chris Kielblock; CJ Nelson; Shari Nelson.

The Pledge of Allegiance was recited.

AGENDA CLOSED/APPROVED WITH ADDITION

Staff requested an addition to the agenda under Administration of item E.6. *Closed Session Under Minn. Statute 13D.05, Subd. 3(c)(3) - Real Estate Acquisition - Parcels no. 31-3889-000, 31-3885-500, 31-3887-500.*

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

CONSENT AGENDA APPROVED

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

- City Council Minutes of Regular Meeting February 12, 2018
- Minutes of Boards and Commissions - Planning Commission/Board of Appeals Minutes of February 6, 2018; Heron Lake Watershed Board of Directors Minutes of December 21, 2017; Worthington Public Arts Commission Minutes of January 21, 2018
- Request from District 518 for Overnight Use of the Event Center for their 2018 prom event
- Application for Exemption from Lawful Gambling Permit - St. Mary's Church
- 2018 Beach Nook Contract
- Girls Softball Association Agreement
- Bills payable and totaling \$709,660.12 be ordered paid

INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 49 BARGAINING UNIT AGREEMENT FOR 2018-2019 APPROVED

Staff presented the Local 49 Bargaining Unit agreement for 2018-2019 for Council approval. The agreement includes the following changes:

- Cost of living increase adjustments of 3.0 % for 2018 and 3.0% for 2019,
- All members shall be enrolled in the Operating Engineers Local No. 49 Health and Welfare Fund (medical insurance). The Employer will contribute 80% and the Employees will contribute 20% of the monthly premium,
- Temporary shift pay was increased from an additional \$1.00 per hour to \$2.00 per hour,
- Summer hours for Public Works employees will commence on the first Monday in May and end on the third Friday in October,
- Eliminate the “Floating Holiday” and replace it with the Friday after Thanksgiving,
- Increase the Extended Sick Leave Bank (ESLB) from 800 hours to 900 hours

The City Council/Water and Light Commission Wage and Compensation Committee recommended approval of the agreement, which was approved by the Water and Light Commission at their February 20, 2018 meeting.

The motion was made by Council Member Harmon, seconded by Council Member Ernst and unanimously carried to approve the IUOE Local 49 Bargaining Unit Agreement for 2018-2019.

EXTENDED HOURS AT EVENT CENTER FOR SOUTHWEST MINNESOTA 8-BALL POOL TOURNAMENT

The Worthington Event Center will be hosting the SW MN 8-Ball Pool Tournament March 1-4, 2018. Steve Robinson, City Administrator, told Council that the organizers of the Tournament had requested an alcohol serving time until 1:00 a.m. for the first three evenings of the event. The liquor license held by the Event Center Management Group allows for serving until 1:00 a.m. Although there has been perception that Council approval was needed for events that requested hours beyond midnight, staff has been unable to find any policy limiting the hours of operation for the Event Center. The group was also requesting that the Event Center remain open until 2:00 a.m. on the same dates. Mr. Robinson asked for clarification on whether Council wished to limit the hours of operation for the Event Center. Consensus was no, and to leave it up to the Management Group. Mr. Robinson said in that case, no action was necessary.

WORTHINGTON CEMETERY ASSOCIATION REQUEST FOR FUNDING APPROVED

The Worthington Cemetery Association was requesting annual funding of up to \$10,000 each from Nobles County and the City of Worthington to help them with their shortfall in meeting operating expenses. The Nobles County Commissioners approved an immediate appropriation of \$5,000 at their February 20, 2018 meeting, contingent upon matching funds from the City. The County also approved the same amount of funding for later in 2018, also contingent on the City matching the appropriation. Steve Robinson, City Administrator, said City Attorney Mark Shepherd reviewed statutes regarding the City's legal obligation to accept ownership or responsibility of an abandoned cemetery, and it is his opinion that the City does not have a legal obligation as the language is

permissive rather than mandatory.

Shari Nelson of the Cemetery Association was at the meeting and explained that a certain amount of money from lot sales, burials, and some donations is required to go in to the Cemetery's perpetual care fund, and they are only allowed to spend the interest on that fund. Interest rates have not been favorable over the last few years. She also stated the Association is not looking to turn the cemetery over to the County or the City. In response to a question from Council, Ms. Nelson said the Association does conduct an annual fund raiser.

Council Member Oberloh said he would not be in favor of the funding unless a committee can be established to sit down with County and Cemetery reps, and he would like to serve on that committee.

Following discussion, the motion was made by Council Member Oberloh, seconded by Council Member Ernst and unanimously carried to approve a one-time funding of \$5,000 to the Cemetery Association, and that a committee of the three entities will meet, and the payment of the donation be subject to approval by the City Attorney.

ADDITIONAL NOMINATING COMMITTEE RECOMMENDATION FOR COMMITTEE RE-APPOINTMENT

At their November 17, 2017 meeting, the Nominating Committee approved Marcy LaVelle to be re-appointed to the Center for Active Living Committee for her first full three-year term, along with several other recommendations for committee appointments/re-appointments. It was discovered that her name was omitted from that list of recommendations when it was put before Council for approval. Staff was requesting that Council re-appoint Marcy LaVelle for her first full three-year term to the Center for Active Living Committee, term to expire December 31, 2020.

The motion was made by Council Member Ernst, seconded by Council Member Harmon and unanimously carried to approve the re-appointment.

INFORMATIONAL ITEM - 2018 LOCAL BOARD OF APPEAL/EQUALIZATION

The City received notification from the Nobles County Assessor's Office that the Local Board of Appeal/Equalization for the City of Worthington has been scheduled for 9:00 a.m. on Wednesday, May 2nd, in the Nobles County Commissioners Room. If required, the meeting would continue to a future date in City Hall Council Chambers.

APPROVAL OF THE 2018 YMCA PROGRAM FEES

Staff presented the proposed 2018 YMCA Program fees for Council approval. The Park and

Recreation Advisory Board reviewed and endorsed the fees at their February 15, 2018 meeting. The proposal includes a 3% increase from the 2017 Day Camp fees and no increase to the Summer Program fees.

The motion was made by Council Member Cummings, seconded by Council Member Oberloh and unanimously carried to approve the 2018 YMCA program fees as presented.

2018 PRIVATE DOCKS ON PUBLIC PROPERTY NUMBER AND FEE APPROVED

Per City policy, Council is to annually set the number of private docks allowed on public property and set the annual permit fee. Owners who currently have a valid dock permit will have first option on renewal for the following year unless City Council reduces the number of permits available. Todd Wietzema, Public Works Director, said Council set the number of permits in 2017 as 14, and set the fee as \$150.00, which was an increase over the 2016 fee of \$135.

2017 Dock Permit Holders were:

- | | | |
|-----|------------------------|--------------------------------|
| 1. | 200 Lake Street | Dave Holinka |
| 2. | 214 Lake Street | Bruce Pass |
| 3. | 516 Lake Street | Cecilia Burchill |
| 4. | 512 Lake Street | Scott Kraft |
| 5. | 117 Lake Avenue | Allen Schmidt |
| 6. | 625 Lake Avenue | Herman Kremer |
| 7. | 721 lake Avenue | Steve Prins |
| 8. | 614 West Lake Avenue | Tom Woods |
| 9. | 702 West Lake Avenue | Alice Hoffman |
| 10. | 916 West Lake Avenue | Clarence Kremer |
| 11. | 920 West Lake Avenue | Dale Ryen |
| 12. | 1977 South Shore Drive | Jenny Andersen/Arturo Martinez |
| 13. | 713 May Street | Brian Standafer |
| 14. | 512 West Lake Avenue | Jeff Meinders |

Following discussion, the motion was made by Council Member Oberloh, seconded by Council Member Janssen and unanimously carried to set the number of dock permits for 2018 at 14, and increase the permit fee to \$165.

Mr. Wietzema said any additional permit applications that might be received would come before Council for approval

RESOLUTION NO. 2018-02-05 ADOPTED APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS

Dwayne Haffield, Director of Engineering, said the firm of Design Tree Engineering and Land Surveying has completed the plans and specifications for the West Gateway Drive Area Sewer and the West Gateway Area Water improvements project as ordered by Council at their December 11, 2017 meeting. The project involves extending a water main westerly from South Lake Street to West Gateway Drive and extending sewer and water mains south along West Gateway Drive to near TH 59/60. The specified completion date is August 1st to accommodate the current projected opening date of mid-September.

The motion was made by Council Member Oberloh, seconded by Council Member Janssen and unanimously carried to adopt the following resolution approving the plans and specifications for the project and authorizing advertisement for bids to be received on March 22, 2018 and considered for award at the March 26, 2018 Council meeting:

RESOLUTION NO. 20118-02-05

APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS

(Refer to Resolution File for complete copy of Resolution)

PURCHASE AGREEMENT APPROVED FOR PROPERTY TO BE ACQUIRED FOR PORTION OF CD 12 FLOOD MITIGATION RETENTION BASIN

Dwayne Haffield, Director of Engineering, said an agreement has been developed and returned for the acquisition of one of the three tracts of land still needed to be acquired for the County Ditch 12 Flood Mitigation Retention Basin. Mr. Haffield said Council could discuss the agreement in closed session if they wished as the information was non-public. If the agreement was acceptable, Council could just approve it, as was staff's recommendation. The price in the agreement was an increase from the amount in the appraisal of the property, but is very close to the original amount compared to what their original counter-offer was. Council Member Oberloh said he could not support the increase and asked how it was to be paid for. Mr. Haffield said it was partial grant funding at 75%, however there is a cap amount so we would not receive 75% of the amount because of the amount of federal funds available. Eminent domain is in process now, but the party involved has requested that we do this so they don't have to pay for an attorney to represent themselves for the eminent domain. Mr. Haffield said he felt the attorneys for ProSource Technologies, a subcontractor under AE2S who has been working with affected property owners to obtain options for the acquisitions, would feel this is favorable. Council Member Oberloh said his hardship with this is that we're paying for a dirt pile that we have to remove. Mr. Haffield responded that there is a negative adjustment for that dirt pile, with the counter argument that some of that could be liquidated. The price is up about 15%, or \$50,000 from the original offer. Mr. Haffield reviewed the eminent domain process. Council Member Janssen said it has been his experience that when you go to

eminent domain you will end up paying the asking price. Mr. Haffield added that we are doing the quick-take process so we would obtain title, but the agreement as to the price could go on for a long time.

Following discussion, the motion was made by Council Member Janssen and seconded by Council Member Cummings to approve the purchase agreement for the northerly and easterly portion of Lot 2, Block 1, Walmart's First Addition for a portion of the CD 12 Flood Mitigation Retention Basin, with the following members voting in favor of the project: Janssen, Cummings, Ernst, Harmon; and the following Council Members voting against the motion: Oberloh. Motion carried.

COUNCIL COMMITTEE REPORTS

Mayor Kuhle - Nothing to report.

Council Member Janssen - Reported on a NEON meeting - there were daycare providers in attendance. They did meet at the school and daycare was the second biggest issue.

Council Member Oberloh - Nothing to report.

Council Member Cummings - Attended a YMCA Board meeting today, the Annual Cruise Dinner is scheduled for March 9th.

Council Member Ernst - Nothing to report.

Council Member Harmon - Reported on an Employee Advisory Committee meeting held on the 13th - they will be meeting again tomorrow. Reported on the February 20th Water and Light Commission meeting and mentioned the February 21st Special City Council meeting.

CITY ADMINISTRATOR'S REPORT

Steve Robinson, City Administrator, said he had no report.

CLOSED SESSION UNDER MINN. STATUTE. 13D.05, SUBD. 3(C)(3) - REAL ESTATE ACQUISITION - PARCELS NO 31-3889-000, 31-3885-500, 31-3887-500

Mayor Kuhle announced that Council would be going into closed session under Minn. Statute. 13D.05, subd. 3(c)(3) - Real Estate Acquisition - Parcels No. 31-3889-000, 31-3885-500, 31-3887-500 to consider the purchase of real property; and develop terms and conditions.

The motion was made by Council Member Oberloh, seconded by Council Member Ernst and unanimously carried to close the meeting at 8:06 p.m.

All those not entitled to stay left the meeting.

The meeting was re-opened at 8:23 p.m.

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ADJOURNMENT

The motion was made by Council Member Ernst, seconded by Council Member Harmon and unanimously carried to adjourn the meeting at 8:24 p.m.

Janice Oberloh, MCMC
City Clerk