

**WORTHINGTON CITY COUNCIL  
REGULAR MEETING, OCTOBER 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.

Staff present: Steve Robinson, City Administrator; Dwayne Haffield, Director of Engineering; Jason Brisson, Director of Community Development, Planning, Zoning and Building Services; Janice Oberloh, City Clerk; MyRa Onnen, Community Services Officer.

Others present: Julie Buntjer, The Globe; Justine Wettschreck, KWOA; Kevin Donovan; Ryan Weber; Kathy Kusz, Nobles County Attorney; Ben Weber; Chris Kielblock.

The Pledge of Allegiance was recited.

**AGENDA CLOSED / APPROVED**

The motion was made by Council Member Janssen, seconded by Council Member Harmon and unanimously carried to close / approve the agenda as presented.

**PUBLIC HEARING AND RESOLUTIONS NO. 2018-10-01 AND 2018-10-02 ADOPTED -  
ADOPTING THE SPECIAL ASSESSMENT FOR 2018 MISCELLANEOUS UNPAID  
CHARGES AND ADOPTING THE ADDITIONAL ASSESSMENT FOR SANITARY  
SEWER IMPROVEMENT NO. 78, SANITARY SEWER IMPROVEMENT NO. 84, AND  
WATER MAIN IMPROVEMENT NO. 80-2**

Pursuant to published notice, this was the time and date set for a public hearing on proposed 2018 Miscellaneous Unpaid Charges and Additional Assessments for Water Main Improvement No. 80-2, and Sanitary Sewer Improvement No. 78 and Sanitary Sewer Improvement No. 84.

The motion was made by Council Member Ernst, seconded by Council Member Janssen and unanimously carried to open the hearing.

Dwayne Haffield, Director of Engineering, presented information on what the payment options would be for both assessments, noting that there is a 30-day "without interest" period that would end on November 7<sup>th</sup>. The assessments would all have a 15 year payback, and property owners would have a right to appeal the assessments. Following the initial 30 day period, those assessed would have through November 14<sup>th</sup> to make a payment or pay off the assessments, with interest. After that date the assessments will be certified to their property taxes. For those wishing to make payments, there is a \$50 minimum.

The recommended terms for the proposed assessments are:

2018 MISCELLANEOUS UNPAID CHARGES

- Removal of Ice and Snow
- Removal of Solid Waste \*
- Removal of Noxious Weeds and Vegetation

\* Solid Waste Charge has been paid since hearing was called. Resolution calls for adoption of assessments as amended to reflect this payment and other payments

4.0%<sup>1</sup>; 1 year

ADDITIONAL ASSESSMENTS FOR WATER MAIN IMPROVEMENT NO. 80-2,  
SANITARY SEWER NO. 78 AND SANITARY SEWER NO. 84

Water Main Improvement No. 80-2: 8%/ 15 years<sup>2</sup>  
Sanitary Sewer Improvement N. 78: 9.4%; 15 years<sup>2</sup>  
Sanitary Sewer Improvement No. 84: 4.8%; 15 years<sup>2</sup>

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

<sup>2</sup> Based on interest rate and payback period established for assessment of original improvement

Mayor Kuhle asked if there was anyone present who wished to present testimony. None was received.

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

The motion was made by Council Member Cummings, seconded by Council Member Oberloh and unanimously carried to adopt the following resolutions adopting the special assessment and additional assessments:

RESOLUTION NO.2018-10-01

ADOPTING THE SPECIAL ASSESSMENT FOR 2018 MISCELLANEOUS UNPAID CHARGES

(Refer to Resolution File for complete copy of Resolution)

RESOLUTION NO. 2018-10-02

ADOPTING THE ADDITIONAL ASSESSMENT FOR SANITARY SEWER NO. 78, SANITARY

SEWER IMPROVEMENT NO. 84, AND WATER MAIN IMPROVEMENT NO. 80-2

**PUBLIC HEARING AND RESOLUTION NO. 2018-10-03 ADOPTED APPROVING NOBLES HOME INITIATIVE APPLICATION FOR TAX ABATEMENT - 1771 DONAVON DRIVE**

Pursuant to published notice this was the time and date for a public hearing on a Nobles Home Initiative application for tax abatement.

The motion was made by Council Member Ernst, seconded by Council Member Oberloh and unanimously carried to open the hearing.

Jason Brisson, Director of Community Development, Planning, Zoning and Building Services, presented background on the request, noting that a Nobles Home Initiative (NHI) application had been received from Nate Grimmus who was seeking tax abatement for the construction of a single-family home at 1771 Donavon Drive. The home will be approximately 1,874 square feet with a 1,040 square foot attached garage. Estimated value of the project is \$450,500, which would generate \$4,831 in annual taxes utilizing the 2018 tax rate. Of that, the City's share would be approximately \$2,360. Mr. Brisson said staff had reviewed the application and determined that it met all the parameters of the of the NHI guidelines. The public hearing was required by State Statutes to allow for public comment on the on the proposed abatement.

Mayor Kuhle asked if there was anyone who wished to present testimony. None was received.

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

The motion was made by Council Member Ernst, seconded by Council Member Harmon and unanimously carried to adopt the following resolution approving the Nobles Home Initiative application submitted by Nate Grimmus:

RESOLUTION NO. 2018-10-03

A RESOLUTION APPROVING TAX ABATEMENT FOR CERTAIN PROPERTY PURSUANT TO MINN. STAT. 469.1813

(Refer to Resolution File for complete copy of Resolution)

**CONSENT AGENDA APPROVED**

The motion was made by Council Member Cummings, seconded by Council Member Ernst and

unanimously carried to approve the consent agenda as follows:

- City Council Minutes of Special Meeting September 24, 2018 and Regular Meeting September 24, 2018
- Minutes of Boards and Commissions - Convention and Visitors Bureau Minutes of August 29, 2018; Worthington Housing and Redevelopment Authority Board Minutes of August 28, 2018; Center for Active Living Committee Minutes of August 13, 2018; Planning Commission / Board of Appeals Minutes of October 2, 2018.
- Bills payable and totaling \$1,926,854.68 be ordered paid

It was determined to take Administrative items G.5. and G.9. out of order to accommodate those present at the meeting for those items.

**RESOLUTION NO. 2018-10-04 ADOPTED APPROVING RENEWAL OF MASTER JOINT POWERS AGREEMENT AND SUBSCRIBER AGREEMENT BETWEEN THE BUREAU OF CRIMINAL APPREHENSION AND THE CITY OF WORTHINGTON**

Kathy Kusz, Nobles County Attorney, said her office had received a request from the Bureau of Criminal Apprehension (BCA) for the City of Worthington to renew the Master Joint Powers Agreement and Subscriber Agreement with their Agency. She stated that her office uses the services governed by the Agreements, and approving them gives the Nobles County Attorney's Office access to BCA information regarding criminal histories and such in order for them to do their jobs. Access is usually done through the Police Department, and much of this is regarding protection of the information. Term of the agreement is five years.

Ms. Kusz also noted that this document talks about a \$50 per month fee, but users had not been getting charged in the past. No bill has been received, however, if one is received it will be dealt with if not in this year's budget it will be included in next year's budget cycle.

The motion was made by Council Member Oberloh, seconded by Council Member Cummings and unanimously carried to adopt the following resolution approving the renewal of the Master Joint Powers Agreement and Subscribers Agreement between the Bureau of Criminal Apprehension and the City of Worthington.

RESOLUTION NO. 2018-10-04

RESOLUTION APPROVING STATE OF MINNESOTA JOINT POWERS AGREEMENTS WITH THE CITY OF WORTHINGTON ON BEHALF OF ITS CITY ATTORNEY AND POLICY DEPARTMENT

(Refer to Resolution File for complete copy of Resolution)

**PROFESSIONAL SERVICES AGREEMENT APPROVED FOR PROPOSED SPEC BUILDING PROJECT**

Steve Robinson, City Administrator, said that, at Council's direction, Staff requested a proposal for architecture services to develop conceptual plans and cost estimates for a spec building project that may accommodate entertainment based businesses. The proposal was requested from SEH based on our experience with them and their ability to meet schedules and design within budgetary limitations.

While the initial intended use of the building is to accommodate a multi-screen movie theater, the building is to be designed so that it can be used for alternative tenants with minor modifications.

Scope of work includes:

- Developing two conceptual building and site designs. One option will be based on use of a pre-engineered steel building and the second option will be based on the use of composite wood structural insulated panels
- Preparing a preliminary building code analysis, and
- Developing an estimate of probable costs for each type of construction alternatives

The fee for the proposed services is a lump sum of \$14,800. The City Attorney has reviewed the proposal and expressed concern over the limitations of liability included in the contract. Mr. Robinson said this contract is for schematics only, and if the project moves forward the issue would be addressed in that contract. Discussion was held on the difference between a conceptual plan and a construction plan.

The motion was made by Council Member Oberloh, seconded by Council Member Harmon and unanimously carried to approve the Professional Services agreement with SEH for the conceptual plans and cost estimate for the proposed spec building project, at a fee of \$14,800.

**THIRD READING AND ORDINANCE NO. 1121 ADOPTED - CHANGE OF ZONE - PARCELS 31-3973-700, 31-3973-000, 31-0685-000 AND 31-0008-000**

Pursuant to published notice, this was the time and date set for the third reading of a proposed ordinance that would rezone certain areas of the City of Worthington from "M-2" - General Industrial to "B-2" - Central Business District. The subject property is legally described as:

That part of the southeast quarter of Section 23, and the northwest quarter of Section 26, all in Township 102 North, Range 40 West, Nobles County Minnesota described as follows:

Beginning at the intersection of the centerline of Lake Street and northwesterly right-of-way line of the Union Pacific Railroad; thence northeasterly along the northwesterly right-of-way line of the Union Pacific Railroad to a southeasterly projection of the centerline of Eighth Street; thence northwesterly along a southeasterly projection of the centerline of Eighth Street to the centerline of Second Avenue; thence southwesterly along the centerline of Second Avenue to the centerline of Lake Street; thence southwesterly, southerly and southeasterly along the centerline of Lake Street to the point of beginning.

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

ORDINANCE NO. 1121

AN ORDINANCE TO AMEND TITLE XV OF THE CITY CODE OF WORTHINGTON, NOBLES COUNTY, MINNESOTA, TO REZONE PROPERTY FROM "M-2" (GENERAL INDUSTRIAL) TO "B-2" (CENTRAL BUSINESS DISTRICT)

(Refer to Ordinance File for complete copy of Ordinance)

**THIRD READING AND ORDINANCE NO. 1122 ADOPTED CHANGE OF ZONE - PARCELS RR-RAIL-006, 31-3974-000, 31-3974-300, 31-3931-000, 31-3932-000 AND 31-3932-500**

Pursuant to published notice, this was the time and date set for the third reading of a proposed ordinance that would rezone certain property from "M-2" - (General Industrial) to "B-3" - (General Business). The subject property is legally described as:

That part of the southwest quarter of Section 24, the southeast quarter of Section 23, and the northwest quarter of Section 26, all in Township 102 North, Range 40 West, Nobles County Minnesota described as follows:

Beginning at the intersection of the centerline of Eighth Street and the centerline of Second Avenue; thence northeasterly along the centerline of Second Avenue to the centerline of Tenth Street; thence southeasterly along the centerline of Tenth Street to the centerline of First Avenue; thence northeasterly along the centerline of First Avenue to the centerline of Twelfth Street; thence southeasterly along the centerline of Twelfth Street and East Twelfth Street to the centerline of Sherwood Street; thence southwesterly along the centerline of Sherwood Street to the centerline of South Lake

Street; thence northwesterly along the centerline of South Lake Street and Lake Street to the northwesterly right-of-way line of the Union Pacific Railroad; thence northeasterly along the northwesterly right-of-way line of the Union Pacific Railroad to a southeasterly projection of the centerline of Eighth Street; thence northwesterly along a southeasterly projection of the centerline of Eighth Street to the point of beginning.

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

ORDINANCE NO. 1122

AN ORDINANCE TO AMEND TITLE XV OF THE CITY CODE OF WORTHINGTON, NOBLES COUNTY, MINNESOTA, TO REZONE PROPERTY FROM "M-2" (GENERAL INDUSTRIAL) TO "B-3" (GENERAL BUSINESS DISTRICT)

(Refer to Ordinance File for complete copy of Ordinance)

**THIRD READING AND ORDINANCE NO. 1123 ADOPTED - CHANGE OF ZONE - PARCEL 31-3974-500**

Pursuant to published notice, this was the time and date set for the third reading of a proposed ordinance that would rezone certain property from "T-Z" - (Transition Zone) to "B-3" - (General Business). The subject property is legally described as:

That part of Government Lot 4, Section 26, Township 102, Range 40, Nobles County, Minnesota, lying southerly of the southerly right-of-way line of Trunk Highways No. 59 and 60, more particularly described as follows:

Beginning at the center of said Section 26; thence South 86 degrees 35 minutes 44 seconds East along the south line of said Government Lot 4 a distance of 1315.90 feet to the southeast corner of said Government Lot 4; thence North 0 degrees 01 minutes 03 seconds East along the east line of said Government Lot 4 a distance of 1053.41 feet to the south line of said Trunk Highway right-of-way; thence South 89 degrees 17 seconds 23 minutes West along said right-of-way a distance of 33.00 feet; thence North 45 degrees 20 minutes 47 seconds West along said right-of-way line a distance of 140.52 feet; thence South 89 degrees 17 minutes 23 seconds West along said right-of-way line a distance of 35.62 feet; thence southwesterly along said right-of-way line on a tangential curve, concave to the southeast having a radius of 1834.86 feet, a central angle of 38 degrees 40 minutes 00 seconds and an arc length of 1238.27 feet; thence South 50 degrees 37 minutes 23 seconds West along said

right-of-way line a distance of 3.06 feet to the intersection point of said right-of-way line with the North-South Quarter line of said Section 26; thence South 0 degrees 08 minutes 33 seconds West along said Quarter line a distance of 654.85 feet to the point of beginning.

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

ORDINANCE NO. 1123

AN ORDINANCE TO AMEND TITLE XV OF THE CITY CODE OF WORTHINGTON, NOBLES COUNTY, MINNESOTA, TO REZONE PROPERTY FROM "TZ" (TRANSITION ZONE) TO "B-3" (GENERAL BUSINESS DISTRICT)

(Refer to Ordinance File for complete copy of Ordinance)

**SECOND READING PROPOSED ORDINANCE AMENDING THE WORTHINGTON CITY CODE TO ADD BREWERY/BREW PUB LICENSING**

Pursuant to published notice, this was the time and date set for the second reading of a proposed ordinance amending Section 111 of the Worthington City Code to add Brewery/Brewpub to the City's requirement for alcohol licensing. The Liquor Committee discussed the proposed ordinance at their September 14, 2018 meeting and determined that the amendment go forward to City Council for approval.

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

**RESOLUTION NO. 2018-10-05 ADOPTED APPOINTING ELECTION JUDGES AND ALTERNATES FOR THE NOVEMBER 6, 2018 GENERAL ELECTION**

Staff noted that State Statute 204B.21 Subd. 2 states that election judges for precincts in a municipality shall be appointed by the governing body of the municipality at least 25 days before the Election at which they will serve, which this year is October 12<sup>th</sup> for the November 6, 2018 state General Election. In addition, the statute provides that municipalities may by resolution authorize the City Clerk to appoint additional or alternate judges for the Election should the need arise within the 25 day period prior to the Election.

The motion was made by Council Member Cummings, seconded by Council Member Ernst and unanimously carried to adopt the following resolution appointing election judges and alternates, and their designated polling places for the November 6, 2018 General Election:



RESOLUTION NO. 2018-10-05

A RESOLUTION APPOINTING ELECTION JUDGES AND ALTERNATES FOR THE  
NOVEMBER 6, 2018 GENERAL ELECTION

(Refer to Resolution File for complete copy of Resolution)

**ARTMOBILE MEMORANDUM OF UNDERSTANDING APPROVED**

In April of 2018 the City entered into a Memorandum of Understanding (MOU) with the Artmobile Artists Team and the Southwest Minnesota Housing Partnership (SWMHP) for the Artmobile project. The MOU stated that the City would be responsible for ownership and insurance of the Artmobile vehicle, but that the City is not responsible for storage, repairs, maintenance and operations of the vehicle. The funding from the SWMHP has now ended and a new MOU was being requested between the City, Worthington Public Arts Commission and Artmobile that stipulates the City will continue to maintain ownership and insurance of the vehicle until the project may be terminated. The term of the agreement is five years, and it was approved by the Worthington Public Arts Commission. Council discussed the necessity for the MOU if the Housing Partnership was no longer involved.

Following discussion the motion was made by Council Member Oberloh, seconded by Council Member Janssen and unanimously carried to table this item until the next Council meeting so the City Attorney can review the MOU.

**RESOLUTION NO. 2018-10-06 ADOPTED AUTHORIZING SALE OF \$1,140,000  
GENERAL OBLIGATION STORM WATER BONDS, SERIES 2018A**

Staff presented a resolution authorizing the sale of \$1,140,000 General Obligation Storm Water Utility Bonds, Series 2018A. Net proceeds of the bonds will be \$1,100,000 and will be used to help finance the County Ditch 12 Flood Mitigation project - debt service will be paid from storm water utility revenues. The total project cost is estimated at \$4,376,925, which will be funded with \$2,498,425 of federal funds, and the local share of \$1,100,000 bond proceeds plus \$738,500 of reserves. Steve Robinson, City Administrator, said the City will negotiate with three local banks that have expressed interest in purchasing the bonds.

The motion was made by Council Member Cummings, seconded by Council Member Harmon and unanimously carried to adopt the following resolution authorizing the sale of the bonds.

RESOLUTION NO. 2018-10-06

RESOLUTION PROVIDING FOR THE SALE OF \$1,140,000 GENERAL OBLIGATION STORM

WATER BONDS, SERIES 2018

(Refer to Resolution File for complete copy of Resolution)

**RESOLUTION NO. 2018-10-07 VACATING PORTION OF UTILITY EASEMENT**

Dwayne Haffield, Director of Engineering, said the owners of the property in the southeast corner of the intersection of Kragness Avenue and Okabena Street, formerly known as Bob's Truck Stop, is proposing to construct a new building on that property. The property was originally platted as several lots and two alleys. The alleys were vacated in 1972, at which time an electric easement was granted over the entire area of the vacated alleys. One of the alleys - now easement- extended north and south near the center of the property, and the proposed building would extend over the north-south portion of the easement. Mr. Haffield said that section of the easement is not being utilized, and the owner has applied for vacation of that portion of the easement lying north of the former east-west alley. Approval of the vacation would be subject to concurrence by the Water and Light Commission.

The motion was made by Council Member Oberloh, seconded by Council Member Janssen and unanimously carried to adopt the following resolution vacating a portion of the utility easement, subject to Water and Light Commission concurrence:

RESOLUTION NO: 2018-10-07

VACATING A PORTION OF AN EASEMENT IN BLOCK 1, BOOTE'S ADDITION

(Refer to Resolution File for complete copy of Resolution)

**FIRST READING PROPOSED ORDINANCE AMENDING WORTHINGTON CITY CODE  
TITLE XV, CHAPTER 151.03 SECTION B, ENTITLED "COMPREHENSIVE GUIDE  
PLAN" - REGARDING VOTING REQUIREMENTS**

Jason Brisson, Director of Community Development, Planning, Zoning and Building Services, said the Planning Commission considered an amendment to City Code Section 151.03 at their October 2, 2018 meeting. Specifically, the concern is the strict interpretation of the voting requirements for adoption or amendment of the Comprehensive Plan, which currently prevent a Planning Commission quorum from acting on City business. The requirement now is for 5/7's of the Commission's total membership. The amendment would keep the same fraction of affirmative votes, but from all members present, which, Mr. Brisson said has been allowed in the past. Based on that requirement, required votes would be: 5 of 7; 5 of 6; 4 of 5; 3 of 4. Council Member Cummings expressed concern that the Comprehensive Plan could be changed by only four votes. Council Member Oberloh noted approval or amendment would still require Council approval, however, he understood Council

Member Cummings' concern - four could include the Council rep and the President of the Commission. Mr. Brisson said this is an effort to shorten what can be a lengthy wait time for some applicants.

Council Member Cummings said he wants Planning Commission members to know how important it is for them to attend their meetings, and this would potentially let them think it is okay to miss meetings - and added that it is quite clear that making changes to the plan is not a quick process. He did not agree with allowing a vote of 3 of 4 members. Mr. Brisson suggested that they could require a minimum of 4 affirmative votes - if only four members showed up at the meeting it would need to be unanimous.

Council Member Oberloh suggested that Staff draft up a revised ordinance and bring it back to Council.

Following discussion, Council determined to postpone this item to a later date.

**FIRST READING PROPOSED ORDINANCE AMENDING TITLE XV, SECTION 155 OF THE WORTHINGTON CITY CODE TO ESTABLISH SPECIFIC DEVELOPMENT STANDARDS FOR ASPHALT MIXING AND MANUFACTURING PLANTS**

Staff presented two proposed ordinances amending Title XV, Section 155 of the City Code to define specific development standards for a conditional use permit for the land use of asphalt mixing and asphalt manufacturing within the City as follows:

Title XV, Chapter 155.186, Section E of the Worthington City Code is hereby amended to add Section E *Specific development standards*. Permitted and conditional uses identified in Appendix J: Specific Development Standards shall be subject to the specific development standards listed in Appendix J.

And:

Title XV, Chapter 155 of the Worthington City Code is hereby amended to add Appendix J - Specific Development Standards

The proposed ordinances were based on a development application and a subsequent interim ordinance on asphalt plants within the city of Worthington. The Planning Commission considered the issue at their October 2, 2018 meeting, and after holding public hearing and receiving a report from staff, voted 4 - 1 to recommend approval of the proposed ordinances. Jason Brisson, Director of Community Development, Planning, Zoning and Building Services, said no testimony was received at that hearing, however, they had a public hearing a week before that on the item, where information was requested, but there was no opposition or favor of the standards.

Mr. Brisson said we currently don't have any specific development standards so we first need to create a section for them in our code, then we want to adopt standards for asphalt mixing plants. Specific development standards are something that we would want every land use of that kind to think about. Currently, land uses of asphalt mixing and asphalt production are only permitted in the "M2"-General Manufacturing district, the heaviest, most obnoxious uses, through the issuance of a conditional use permit. Council reviewed the list of proposed standards which include buffering from a commercial or residential district, screening, regulations, traffic, intensification, and required submittals. Mr. Brisson said we can't rely on our zoning to keep these things away from our residential and commercial, so the recommendation was to keep these only allowable by conditional use in the heaviest industrial district, and develop these specific design standards that would keep them away from districts that abut residential districts.

Council Member Ernst said the dissenting vote from the Planning Commission was due to the "Intensification" requirement which would require a issuance of anew conditional use permit with any intensification of the use.

Following discussion, the motion was made by Council Member Oberloh, seconded by Council Member Ernst and unanimously carried to give a first reading to the proposed ordinances.

### **HOTEL THOMPSON**

On September 14, 2018, during a hearing in the Fifth District Court regarding a motion from Wells Fargo to appoint a general receiver on shortened notice for the Thompson Hotel, Judge Gordon Moore made a request of the City to take action to abate the pest infestation currently affecting the property. City staff had spoken to the pest control company the previous owner had engaged and were told it was their opinion that until the roof was repaired, full abatement of pest infestation at the property would not be feasible, and even significant improvement would be challenging. Based on that recommendation and further Council direction, staff moved ahead with the process of repairs to the roof before pursuing pest abatement. An additional professional recommendation for abatement at the Thompson Hotel was received from Plunkett's Pest Control that the only effective option would be to heat treat each of the residential units, and to continue a regular maintenance program thereafter. The process could be completed in approximately 10 hours at an approximate cost of \$60,000, - the City has already spent \$3,500 on a roof assessment and they want an additional \$60,000 for a roof design. Any existing clutter in the units would need to be removed ahead of the treatment. The treatment would not include any commercial tenant spaces. Jason Brisson, Director of Community Development, Planning, Zoning and Building Services, said Staff was looking for Council direction.

Steve Robinson, City Administrator, said initially Wells Fargo, and their receiver company Lighthouse, were going to sit back and let the City complete the repairs as Lighthouse had no money. Now it appears that perhaps Wells Fargo may advance the funds to Lighthouse to do something with

the roof and for pest control. Mr. Robinson said the Judge was clear that he wanted the pest control addressed, and he didn't think he would wait. Council Member Oberloh said the mold is the mitigating factor on the third floor, it's a health and safety issue. Mr. Robinson said the initial pest infestation treatment would not eradicate the whole problem, but would make a good kill. Council expressed concern regarding the kids living there, and the adults who are going out to other stores, out in the community where this could be spread. Expenses would be eligible to be assessed to the property. Council determined that we need to contact Wells Fargo and we need to act fast. Mr. Robinson he was hoping that Wells Fargo would take the lead on this - but we can work on the pest infestation and with roofers to get bids - we have the legal authorization to do the work.

Council Member Oberloh requested that staff contact Wells Fargo tomorrow and make a statement to them that this is going to happen - are we doing it or are you doing it? The same will be applied to moving ahead with the pest control. Mr. Robinson said the City has the authority to empty those apartments to get ready for the pest control, but the \$60,000 fee does not include that time or labor. Mr. Brisson suggested the best approach would be that tenants be given a short notice of the state their apartment needs to be in for pest eradication by a date, and anything not removed by that time will be removed and disposed of.

The motion was made by Council Member Oberloh, seconded by Council Member Cummings and unanimously carried to approve up to \$60,000 to be expended for pest control at the Hotel Thompson.

### **ORTHODOX CHURCH MEMORANDUM OF UNDERSTANDING APPROVED**

On February 15, 2018 the City received a completed conditional use permit (CUP) application for a church on a parcel located south of Sutherland Drive west of County State Aid Highway 10. The Planning Commission considered the request at their March 6, 2018 meeting and made a recommendation to City Council for consideration at their March 12, 2018 Council meeting. Following consideration of the request, Council suggested an alternative location on City-owned property south of Gateway Drive, west of South Lake Street and east of West Gateway Drive. On March 26<sup>th</sup> the applicant requested an extension of the time line for the City to act on the application to evaluate their options, and subsequently withdrew their application to pursue the location on West Gateway Drive.

On October 3<sup>rd</sup> the City received the executed Memorandum of Understanding (MOU) prepared by the City Attorney, which states the City will agree to sell 5 acres to the Tsadekane Mariam Ethiopian Orthodox Tewahedo Church at a price of \$25,000 per acre if the Church fulfills the obligations of the MOU. The obligations include preparation of development site plans, registration of the Church as a non-profit, obtaining any applicable permits, granting the City easements for sewer and water, and communication with the city through a designated representative. The City's obligations include granting the Church access to the land for the purposes of fulfilling their obligations and sharing any information related to the site with the Church in a timely manner.

In response to a question from Council Member Oberloh, Steve Robinson, City Administrator, noted the proceeds from the sale would go back in to the E.O. Olson fund, however, the sale price does not include assessments which would be paid separately.

The motion was made by Council Member Oberloh, seconded by Council Member Cummings and unanimously carried to approve the MOU and authorize the Mayor and Clerk to execute the document.

### **COUNCIL COMMITTEE REPORTS**

Mayor Kuhle - No report.

Council Member Janssen - No report.

Council Member Oberloh - Noted the Traffic and Safety Committee is looking for large businesses who have employees that drive distances and odd hours for their jobs to serve on a Safety Board for the Towards Zero Deaths program.

Council Member Cummings - Reported on the Memorial Auditorium Advisory Board - have a couple of well received movies, and the Neil Diamond tribute tickets are selling rapidly - less than 100 left. The YMCA Board held their annual retreat - they selected main objectives for next year.

Council Member Ernst - Reported on a Cable 3 meeting last week, they are increasing sporting events and forums in their lineup. She and Steve Robinson started the sales tax informational presentations today.

Council Member Harmon - Held a Center for Active Living Committee meeting this morning - there will be four members going off the Board at the end of the year but they have four recommendations for replacement. They talked about diversity and how to draw those groups in. They are planning coffee with the Lao and Hispanic community leaders in November.

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

Steve Robinson, City Administrator, presented tax comparison information obtained from the City of Marshall of 16 cities with population between 9,000 and 25,000, which there are only 20 or 21 cities in that population range in the state of Minnesota that are not metro cities. The information showed that Worthington was 12<sup>th</sup> lowest out of the 16 in tax rate; the School District was 15<sup>th</sup> out of 16, and the County was 15<sup>th</sup> out of 16 - overall we were lowest - 16<sup>th</sup> out of 16. These were comparable cities in our region, so the idea that Worthington taxes are high are refuted by the facts.

### **ADJOURNMENT**

The motion was made by Council Member Janssen, seconded by Council Member Cummings and unanimously carried to adjourn the meeting at 8:30 p.m.