

**WORTHINGTON CITY COUNCIL
REGULAR MEETING, OCTOBER 25, 2021**

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, Chris Kielblock, Amy Ernst, Larry Janssen, Alaina Kolpin.

Staff present: Steve Robinson, City Administrator; Hyunmyeong Goo, Assistant Engineer; Steve Schneider, City Engineer; Laura Garcia, Community Service Officer; Troy Appel, Public Safety Director; Nate Grimmus, Police Captain; Cory Greenway, Field House Manager; Todd Wietzema, Public Work Director; Mindy Eggers, City Clerk.

Others present: Salvador Adame, Honorary Council Member; Emma McNamee, The Globe; Jeff Flynn, Assistant City Attorney, Flynn Law Office; August Temol, various members of the community.

The Pledge of Allegiance was recited.

HONORARY COUNCIL MEMBER

Mayor Kuhle thanked Salvador Adame for serving as the Honorary Council Member for the months of August, September and October, 2021.

Salvador Adame thanked Council for the opportunity to serve as the Honorary Council Member. Mr. Adame said that he learned many things about the process and procedures of the City.

AGENDA APPROVED WITH ADDITIONS/CHANGES

A motion was made by Council Member Kielblock, seconded by Council Member Kolpin and unanimously carried to approve the agenda as presented.

HELD APPEAL HEARING ON DANGEROUS DOG - PRINCESS - CASE #2021005705

This was the time and date set for an Appeal Hearing concerning a dangerous dog Princess - Case# 2021005705.

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

Jeffrey Flynn, Assistant City, Attorney summarized the time line and process of determining Princess as a dangerous dog, the decision of the Worthington Legislative Hearing Examiner, and the recommendation of the Animal Control Officer for disposition of the dangerous dog below:

1. On 5/31/2021, a black and white pit bull known as "Princess" attacked, without provocation causing injury to an individual in the City of Worthington. It was later determine the owner

of the dog was August Temol.

2. On 8/16/2021, Princess again attacked, without provocation causing injury to a second individual in the City of Worthington. On this date Princess was taken and secured at the City of Worthington dog pound until a dangerous dog hearing could be scheduled.
3. On 8/24/2021, Troy Appel, the Public Safety Director sent a dangerous dog notification to August Temol informing the latter that he had until September 10, 2021 to request a hearing before the Legislative Hearing Officer and had the right to challenge the dangerous dog determination.
4. On 8/24/2021, August Temol requested a hearing and paid the \$50 fee to schedule the hearing.
5. On 8/28/2021, a hearing was conducted in the City of Worthington. At this time, Temol advised he also had been bitten by Princess. Temol advised he obtained the dog from a previous owner and it's his knowledge the dog was previously used in dog fighting. The Legislative Hearing Examiner affirmed the dangerous dog declaration.
6. Because the subject dog, Princess, is a dangerous dog, the provisions of Worthington City Ordinance 90.08(H) are applicable and the Animal Control Officer shall determine the disposition of the dangerous dog, Princess.
7. It should be noted while caring for this dog, the Community Service Officer observed numerous unprovoked aggressive incidents toward any person or animal that gets near the dog pound facility. The City of Worthington Animal Control Officer recommends the dangerous dog should be euthanized due to the continued danger to the public.
8. Pursuant to Worthington City Ordinances the dog owner, August Temol, was notified that in the event that he disagreed with this decision, he had the right to appeal to the Worthington City Council. Accordance to the Worthington City Ordinance 31.02(1) within 21 days from the date he is served with the above orders.

Mr. Flynn stated that August Temol has appealed the decision and thus the City Council needs to determine if they will uphold the City of Worthington's Legislative Hearing Officer's designation of Princess as a dangerous dog and the Animal Control Officer's recommendation that the dog be euthanized.

Mayor Kuhle asked Mr. Temol if he would like to address Council. Mr. Temol acknowledged that Princess was a dangerous dog, which he attributed to her coming from a broken home and raised as a dog fighter prior to being in his care. Temol stated that he had only taken on responsibility for Princess in April, but he had begun to see improvements in her behavior and that the attack in

August came as a shock to him. Mr. Temol said he was just trying to help her become better.

City Council members commended Mr. Temol on his efforts to rehabilitate Princess, however based on the evidence presented the risk of liability to the city is too high to allow her release into the community.

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

A motion was made by Council Member Cummings, seconded by Council Member Janssen and unanimously carried to uphold the decisions of the City of Worthington Legislative Hearing Officer's designation of a dangerous dog and the Animal Control Officer's recommendation to euthanize the animal.

CONSENT AGENDA

A motion was made by Council Member Kielblock, seconded by Council Member Kolpin and unanimously carried to approve the consent agenda as presented.

- City Council Meeting Minutes of October 11, 2021
- Water & Light Commission Meeting Minutes of October 4, 2021
- Application for Parade Permit / Block Street(s) - Downtown Holiday Parade
- Municipal Liquor Store Income Statement for the period January 1, 2021 through September 30, 2021
- General Fund Statement of Revenues and Expenditures - Budget and Actual for the Period January 1, 2021 through September 30, 2021
- Bills payable and totaling \$2,112,575.74 be ordered paid

NOMINATING COMMITTEE RECOMMENDATIONS FOR COMMITTEE APPOINTMENTS/REAPPOINTMENTS APPROVED

Steve Robinson, City Administrator, said the Nominating Committee met on October 13, 2021 and are making the following recommendations for committee appointments:

Airport Advisory Board

Reappoint Chad Jaycox to a second five-year term, term to expire September 30, 2026

Housing & Redevelopment Authority

Appoint Bob Jirele to replace Lori Bristow term to expire October 31, 2021, she has declined to serve a second term

Memorial Auditorium Advisory Board

Reappoint John Stewart to a second three-year

term, term expired July 31, 2021

Reappoint Gretchen O'Donnell to a second three-year term, term to expire July 31, 2024

Reappoint Betty McAllister to a second three-year term, term to expire July 31, 2024

Park & Recreation Advisory Board

Reappoint Dan Krueger to a second three-year term, term to expire March 31, 2024

Reappoint Craig Stock to a second three-year term, term to expire March 31, 2024

A motion was made by Council Member Ernst, seconded by Council Member Janssen and unanimously carried to approve the Nominating Committee recommendations for appointments / reappointments.

APPROVED MEMORANDUM OF UNDERSTANDING - CHAMBER OF COMMERCE OCCUPANCY AT THE JBS FIELD HOUSE

Mr. Robinson said as previously approved by the City Council, the Chamber of Commerce, along with the Convention and Visitors Bureau and Worthington Regional Economic Development Corporation will occupy a suite within the offices of the JBS Field House.

The Chamber will contribute \$200,000.00 toward the construction of the office addition payable in two installments with half due upon moving into the facility and the remainder due upon the sale of their existing facility. In lieu of rent the Chamber will operate the welcome and reception desk during normal business hours. The City will pay utility costs for the facility with each entity responsible for phone and internet services. The initial term is for twenty years with mutual termination options.

Council Member Ernst asked if they would be on the same system as the City, Mr. Robinson said that it would be a possibility but each entity is responsible for their phone and internet services.

A motion was made by Council Member Cummings, seconded by Council Member Ernst and unanimously carried to approve the Memorandum of Understanding for the Chamber of Commerce Occupancy at the JBS field house.

RESOLUTION NO. 2021-10-66 ADOPTED AUTHORIZING EXECUTION OF AGREEMENT - TOWARD ZERO DEATHS

Troy Appel, Public Safety Director, said the Minnesota Department of Public Safety, Office of Traffic Safety, has initiated a Toward Zero Deaths Communities grant process, which runs from October 1, 2021 through September 30, 2022. Mr. Appel explained the grant includes reimbursement funds for officers' overtime during operational waves, with a focus on traffic safety and impaired driving enforcement. The City of Worthington has collaborated with the counties of Jackson, Cottonwood, Nobles and Rock and the City of Mountain Lake as part of this process.

A motion was made by Council Member Kielblock, seconded by Council Member Kolpin and unanimously carried to approve the following resolution:

RESOLUTION NO. 2021-10-66

A RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT - TOWARDS ZERO DEATHS

(Refer to Resolution File for complete copy of Resolution)

INDEPENDENT AUDIT OF WPD BODY-WORN CAMERA SYSTEM APPROVED

Mr. Appel said an independent audit of the Worthington Police Department Body-Worn Camera system occurred on September 21, 2021. The audit, conducted by Captain Wenker of the Marshall Police Department. He has verified that WPD is adhering to Minnesota Statutory requirements.

Mayor Kuhle asked if there was ever any reason to turn the bodycam off. Mr. Appel said that there are some instances it may need to be if some things would need to be redacted. Mr. Appel noted that it would very rarely happen and this is a bi-annual audit.

A motion was made by Council Member Kolpin, seconded by Council Member Cummings and unanimously carried to approve the report and thus continued use of the WPD body-worn camera system.

APPROVED POSITION GUIDELINES AND SALARY GRADE FOR FIELD HOUSE ASSISTANT MANAGER POSITION

Todd Wietzema, Public Works Director, introduced Cory Greenway as the new Field House Manager. Mr. Greenway said that he has been in Worthington for seven years and is excited for the position. He is looking forward to developing and continuing programs throughout the community and is looking forward to being able to offer different programs in the winter that couldn't happen before.

Mr. Wietzema said Public Works staff is requesting the creation of an Assistant Manager position at the JBS Field House and Recreation Center. The position has been scored as an N-6, with a

starting pay of \$22.88/hr. and a midpoint of \$26.92/hr. Mr. Wietzema said the field house will be open seven days a week but at this time no set hours have been made.

Mr. Wietzema explained at the time of interviews for the Field House Manager there was a second candidate that is very qualified for the Assistant Manager position, staff would like to contact them to see if they are interested before posting the job.

A motion was made by Council Member Ernst, seconded by Council Member Kolpin and unanimously carried to approve the creation of the above position within the City's Position Classification Plan.

RESOLUTION NO. 2021-10-67 ACCEPTING A DONATION OF FUNDS - ALL INCLUSIVE PARK

Mr. Wietzema said in November of 2018, city staff was approached by members of the Worthington Early Risers Kiwanis, looking to start a fundraising campaign for a new All-Inclusive Playground in Chautauqua Park

In November of 2020, they presented a check to the City of Worthington for \$253,228.51, to go towards a new All-Inclusive playground in Chautauqua Park. Last week staff was informed that there was an additional \$4,335.00 in donations that they would like to donate towards the playground project.

A motion was made by Council Member Cummings, seconded by Council Member Ernst and unanimously carried to approve the following resolution:

RESOLUTION NO. 2021-10-67

A RESOLUTION ACCEPTING A DONATION OF FUNDS

(Refer to Resolution File for complete copy of Resolution)

FIRST READING PROPOSED ORDINANCE TO AMEND THE STORM UTILITY RATE

Steve Schnieder, City Engineer, said the proposed 2022 Storm Water Utility (606) Fund operating and Capital Improvements budgets, and Equipment Revolving Schedule are in the process of being updated. Mr. Schnieder explained the current operating budget reflects the discussion and direction provided by Council at its November 12, 2019 council meeting. There was no increase in the rates for 2021. The proposed budget requires \$713,293 in utility operating revenue, or \$17,398 more than the 2021 budget. The increase in reserves associated with the goal of providing increased capital improvement financing is cause for the proposed revenue increase.

Mr. Schnieder said the 2022 storm sewer fund budget will require a 2.5% storm water utility rate increase. City Council adopted an ordinance establishing the City's storm water system as a utility in December of 2003. The ordinance set the annual storm water fee or rate for residential use. The annual rate is adjusted by a multiplier based on land use, multiplied by the property area, and billed in 12 monthly payments.

The base rate (annual residential rate per acre) required to meet the 2022 revenue requirements is \$295.00. The current annual residential rate is \$288.00 per acre. The area of a residential lot is defined as 0.24 acres yielding a proposed 2022 monthly residential charge of \$5.90 or \$0.14 more than the current rate of \$5.76. The annual cost will increase \$1.68 per residential lot. The per acre rates for land uses other than residential (1 through 3 units) will be as follows:

<u>Land Use</u>	<u>2021 Rate/Acre</u>	<u>2022 Rate/Acre</u>	<u>Monthly Increase</u>	<u>Annual Increase</u>
Commercial	\$48.24	\$49.41	\$1.17	\$14.07
Industrial	\$40.08	\$41.05	\$0.97	\$11.69
Multi Family	\$35.52	\$36.38	\$0.86	\$10.36
Institutional	\$48.24	\$49.41	\$1.17	\$14.07

A motion was made by Council Member Janssen, seconded by Council Member Ernst and unanimously carried to give a first reading to the proposed ordinance Amending the Storm Water Utility Rate.

COUNCIL COMMITTEE REPORTS

Mayor Kuhle - Congratulated Public Utilities on the remodel of the shop on Diagonal Road, it looks great.

Council Member Janssen - No report.

Council Member Ernst - No report.

Council Member Kielblock - No report.

Council Member Kolpin - Attended HRA meeting, the windows have been delayed so the board is contemplating moving the installation to spring. Attended the Cuero Turkeyfest, had a great time the hospitality was exceptional.

Council Member Cummings - Currently working with Meredith Daley and Steve on the Job Description for the Aquatic Center Manager position. The YMCA will be looking for a new Program Director.

CITY ADMINISTRATOR REPORT

Mr. Robinson said SEH will be starting the evaluation on the Lake Okabena Dam on Thursday. The framework for the screens at the theater are being installed. The seats will be the last thing installed and the opening will most likely be closer to Christmas. LELS negotiations were held last Thursday and the 49er negotiations will take place on Wednesday.

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ADJOURNMENT

The motion was made by Council Member Ernst, seconded by Council Member Kielblock and unanimously carried to adjourn the meeting at 8:07 p.m.

Mindy L. Eggers, MCMC
City Clerk