

**WORTHINGTON CITY COUNCIL
REGULAR MEETING, NOVEMBER 12, 2019**

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, Chad Cummings, Amy Ernst, Alan Oberloh. Mike Harmon (excused).

Staff present: Jason Brisson, Assistant City Administrator/Director of Economic Development; Todd Wietzema, Public Works Director, Troy Appel, Public Safety Director, Brian Kolander, Director of Finance, Jeremiah Cromie, City Planner; Mindy Eggers, City Clerk.

Others present: Leah Ward, The Globe.

The Pledge of Allegiance was recited.

AGENDA CLOSED / APPROVED

Staff was requesting the addition of Item E. 3. *Outdoor Aquatic Center Expansion Project Architect-Engineering Services RFP/RFQ.*

The motion was made by Council Member Ernst, seconded by Council Member Cummings and unanimously carried to close / approve the agenda with the additions of Items E.3 *Outdoor Aquatic Center Expansion Project Architect Engineering Services RFP/RFQ* as presented.

CONSENT AGENDA APPROVED

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

- City Council Minutes of Special City Council Meeting Minutes of October 29, 2019
- City Council Minutes of Regular Meeting Minutes of October 28, 2019
- Housing & Redevelopment Authority Minutes of September 18, 2019
- Traffic & Safety Committee Minutes of October 29, 2019
- Airport Advisory Board Minutes of October 29, 2019
- Bills payable and totaling \$1,089,893.11 be ordered paid

THIRD READING AND ORDINANCE NO. 1153 ADOPTED AMENDING TITLE XV OF THE CITY CODE OF WORTHINGTON, NOBLES COUNTY, MINNESOTA

Pursuant to published notice, this was the time and date set for the third reading of a proposed ordinance that would amend Title XV of the City Code, Title XV, Section 155 Table 5 (Schedule of Use of Regulations) as follows:

The City Council of the City of Worthington, Do Ordain:

Section I

The Worthington City Code, Title XV, Section 155 Table 5 (Schedule of Use Regulations), shall be amended to read as follows:

Table 5: Schedule of Use Regulations
Subtitle: Residential Use Group

Letter S - Recreational be amended to allow the land use as a conditional use permit in the "B-2" – Central Business District.

Section II

The City Clerk is hereby directed to file a certified copy of this ordinance in the office of the Recorder in and for the County of Nobles, State of Minnesota.

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

ORDINANCE NO. 1153

AN ORDINANCE AMENDING TITLE XV OF THE CITY CODE OF WORTHINGTON,
NOBLES COUNTY, MINNESOTA

2020 BUDGET/FINAL CERTIFICATION DISCUSSION AND RECOMMENDATION

Jason Brisson, Assistant City Administrator/Director of Economic Development, stated staff is looking for direction from Council regarding the 2020 Budget/Final Certification.

Brian Kolander, Finance Director, explained that the current budget amount is at 14.52%, the total debt service is 12.0%, Mr. Kolander noted that a big part is due to the Homewood Hills reconstruction project with a cost of a little over 4 million dollars. The bonds will start to retire in 3 years.

Council Member Cummings asked if the budget for street maintenance was retained at the original amount because cuts in the past have kept us from maintaining the streets the way they should be. Mr. Kolander said that the 2020 budget has \$642,000 in the CIP for street repairs.

When asked if this was sufficient, Mr. Haffield said the project costs are into the millions but it is a start at rebuilding the fund. There a group of streets that need resurfacing and when allowed some cost sharing with the county can be done.

Mr. Kolander explained that when the LGA funding was reduced cuts needed to be made but now with the LGA funding back up to the 2002 level we can start catching up again.

Council Member Oberloh agreed that streets need to be a priority and asked if there was a chance that the money would be in the budget but may not be used. Mr. Haffield said there are no specified budget items at this time.

Council Member Cummings stated that while we always like to add amenities we have a duty to provide street maintenance and utilities to the taxpayers.

Council agreed to add \$50,000 back into the street maintenance budget which would increase the pre-certification level to 15.7%.

OUTDOOR AQUATIC CENTER EXPANSION PROJECT ARCHITECT-ENGINEER SERVICES RFP/RFQ APPROVED

Jason Brisson, Assistant City Administrator/Director of Economic Development, said on October 21, 2019, the City Aquatic Center Committee met to discuss a request for qualifications and proposal for architect and engineer services for the design of the proposed outdoor aquatic center expansion project. The committee directed staff to move forward with preparing an RFP for Council approval. He explained it will be posted on the City's website and sent to four firms in the region that specialize in aquatic design. The proposal indicates that a robust public engagement strategy must be part of the proposal and gives the consultant considerable latitude on how they will conduct their efforts. Mr. Brisson noted this will allow for public input but will come through the consultant. The RFPs will be due by 4:00pm Central Time on December 3, 2019.

A motion was made by Council Member Oberloh, seconded by Council Member Cummings and unanimously carried to approve the RFP for the Aquatic Center expansion.

RESOLUTION NO. 2019-11-80 ADOPTED AUTHORIZING GRANT AGREEMENT WITH MN DEPARTMENT OF LABOR AND INDUSTRY

Troy Appel, Public Safety Director, stated The Minnesota Department of Labor and Industry has awarded Safety Grant funds to the City of Worthington Police Department to supplement Equipment Revolving Schedule (ERS) funds related to the purchase of Emergency Response Unit (ERU) vests, protective plates, and other accessories. This is a matching grant with a dollar for dollar matching requirement which will be implemented and documented in accordance with the agreement.

A motion was made by Council Member Ernst, seconded by Council Member Janssen and unanimously carried to adopt the following resolution authorizing the grant agreement with the MN Department of Labor and Industry.

RESOLUTION NO. 2019-11-80

RESOLUTION RELATING TO MINNESOTA DEPARTMENT OF LABOR AND INDUSTRY

GRANT AGREEMENT

(Refer to Resolution File for complete copy of Resolution)

RESOLUTION NO. 2019-11-81 ACCEPTING DONATION OF FUNDS

Troy Appel, Public Safety Director, noted that as part of the Kern Schwartz estate, \$800 was donated to the Worthington Police Department to be distributed to members of the public through a Secret Santa Program. Worthington patrol officers will give out \$100 dollar bills tucked inside Christmas cards during traffic stops before Christmas. The late Dr. Schwartz was the original donor to the WPD Secret Santa program. Mr. Appel said each year he donated hundreds of dollars and made a special request to remain anonymous until after his death. His great generosity and support of community policing aided our department in making positive civilian contacts and strengthened our Blue in the Community Program. For the 2019 Christmas season, the WPD Secret Santa program cards will make reference to the gifts as "Kern's Christmas Cash."

A motion was made by Council Member Oberloh, seconded by Council Member Cummings and unanimously carried to adopt the following resolution accepting the donation:

RESOLUTION NO. 2019-11-81

A RESOLUTION ACCEPTING A DONATION OF FUNDS

(Refer to Resolution File for complete copy of Resolution)

FIRST READING PROPOSED ORDINANCE TO AMEND THE STORM WATER UTILITY RATE

Dwayne Haffield, Director of Engineering, stated that the operating budget reflects the discussion and direction provided by Council at their October 29, 2019 special meeting. The budget requires \$695,895 in utility operating revenue, or \$36,282 more than the 2019 budget. The increase in reserves associated with the goal of providing increased capital improvement financing is cause for the proposed revenue increase.

As proposed, the 2020 storm sewer fund budget will require a 4.35% storm water utility rate increase. Mr. Haffield explained the base rate (annual residential rate per acre) required to meet the 2020 revenue requirements is \$288.00. The current annual residential rate is \$276.00 per acre. The annual cost will increase \$2.88 per residential lot.

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

RESOLUTION NO. 2019-11-82 ADOPTED APPROVING THE 2019 SEWER SERVICE CHARGES

Staff presented the proposed 2020 Sewer Service Charge System, which was approved by the Water and Light Commission at its November 4, 2019 meeting. Under the proposed rates, the average residential user will see about a \$.31/month or 1.0% increase. The usage charge is billed to non-industrial customers based on water consumption and assumed pollutant levels. The usage charge per 1,000 gallons will increase only 0.3% for non-industrial users. Dwayne Haffield, Director of Engineering, noted the increase is primarily attributable to the amount of the increase in the budget for collection system capital improvements.

The motion was made by Council Member Oberloh, seconded by Council Member Janssen and unanimously carried to adopt the following resolution approving the 2020 Sewer Service Charges:

RESOLUTION NO. 2019-11-82

APPROVING CHANGES IN THE SEWER RATE SCHEDULE

(Refer to Resolution File for complete copy of Resolution)

APPOINTMENT OF SPECIAL COUNSEL FOR SPECIAL ASSESSMENT APPEAL APPROVED

Dwayne Haffield, Director of Engineering, noted as Council is aware, a written objection to the assessments against the property owned by LaVonne Lutterman for the West Gateway Drive sanitary sewer (\$16,543.65) and water (\$0.00) improvements was submitted to the City prior to the assessment hearing for those improvements. Subsequent to adoption of the assessments, the City Clerk was served with documents that are assumed, but not known, to be the required notice of appeal. Although no documentation has been served to date that verifies the appeal has been filed with District Court, it is anticipated the City will be served with such documents and will need to respond. Mr. Haffield explained the City has limited experience with special assessment appeals and the last appeal was over 15 years ago. Given the lack of recent exposure to the appeal process, staff inquired with the League of Minnesota Cities regarding firms representing cities in this portion of the state in assessment appeals. The firm of Quarnstrom & Doering, P.A. from Marshall was one of the firms noted as having experience with assessment appeals. The \$200.00/hour rate is the same as billed by Flynn & Riordan. He said staff recommends that Council appoint the firm of Quarnstrom & Doering, P.A. as special counsel for the City for the LaVonne Lutterman special assessment appeal and no communications between the proposed special counsel for the City and the attorney representing Mrs. Lutterman will be made until the appointment has been made.

A motion was made by Council Member Cummings, seconded by Council Member Janssen and unanimously carried to appoint Quarnstrom & Doering, P.A. from Marshall as special counsel for

the City in the special assessment appeal.

COUNCIL COMMITTEE REPORTS

Mayor Kuhle - Wanted to address the article on the Globe website concerning the drinking water safety concerns, he stated he was disappointed that city leaders were not invited to the listening session that was held. He said the City of Worthington has spent millions of dollars so that the City has a safe water supply, while Worthington has hard water the water is safe for consumption. There is not sewage being expelled into the lake as reported, money from the half cent sales tax has been allocated to continue efforts in lake water quality.

Council Member Janssen - No report.

Council Member Oberloh - He stated he would like to reiterate what the Mayor said about the safe water supply that Worthington has for their citizens and it is very unfortunate that the right people were not involved in the listening session. The HRA Board met and discussed the administration services that are done for the Section 8 Housing for the eight surrounding counties, funding has run into a shortfall so contact was made with each county about reimbursement for the administrative services that are provided concerning the vouchers that each county has. Notices have been sent to the counties asking for reimbursement, one county has agreed and four counties have declined. Three counties have still not replied but our HRA office will no longer be providing these administrative services for Section 8 Housing.

Council Member Cummings - No report.

Council Member Ernst - she attended a NEON Committee meeting and had a speaker on vaping present. There will also be seminars on vaping held at the high school for all grade levels this week.

Council Member Harmon - No report.

CITY ADMINISTRATOR'S REPORT

There was no report.

ADJOURNMENT

The motion was made by Council Member Oberloh, seconded by Council Member Janssen and unanimously carried to adjourn the meeting at 7:48 p.m.

Mindy L. Eggers, MCMC
City Clerk