

**WORTHINGTON CITY COUNCIL
REGULAR MEETING, NOVEMBER 22, 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, Amy Ernst, Chris Kielblock, Alaina Kolpin. Excused Absence: Larry Janssen.

Staff present: Steve Robinson, City Administrator; Scott Hain, Public Utility Director; Troy Appel, Public Safety Director; Hyunmyeong Goo, Assistant City Engineer; Mindy Eggers, City Clerk.

Others present: Julie Buntjer, The Globe (7:09 p.m.); Ryan McGaughey, Radio Works; Ken Bickner, Robyn Bickner, Jerry Vogt.

The Pledge of Allegiance was recited.

AGENDA APPROVED WITH ADDITIONS/CHANGES

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

CONSENT AGENDA

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

- City Council Meeting Minutes of November 8, 2021
- Center for Active Living Committee Minutes of November 8, 2021
- Center for Active Living Committee Minutes of September 7, 2021
- LEC Joint Powers Board Minutes of November 10, 2021
- Application for Parade Permit / Block Street(s) - Downtown Holiday Parade - Reschedule Date
- Bills payable and totaling \$1,377,048.02 be ordered paid

RESOLUTION NO. 2021-11-70 ADOPTED APPROVING CHANGES IN THE SEWER RATE SCHEDULE

Scott Hain, Public Utilities Manager, explained the proposed 2022 Sewer Service Charge System Sewer Rates. He said the "average" residential user (4,000 gallons per month) will see about a \$1.99/month or 5.8% increase.

Mr. Hain explained the monthly sewer charge consists of two components, a usage charge and a connection charge. The usage charge is to recover the cost of conveying and treating wastewater. This charge is comprised of debt service and user charges for flow and the pollutant loading parameters of Biological Oxygen Demand (BOD), Total Suspended Solids (TSS), and Total

Phosphorus (TP). The usage charge is billed to non-industrial customers based on water consumption and assumed pollutant levels. The usage charge per 1,000 gallons is proposed to increase \$0.004/1,000 gallons, or 0.1%, for non-industrial users. The "connection charge" or minimum monthly charge is to recover costs such as those for billing, collection system improvements, treating inflow and infiltration (I&I), and debt service on reserve capacity. The monthly connection charge is proposed to increase \$1.97 or 10.8%.

Mr. Hain said the total revenue of \$2,578,757 to be generated by the 2022 rates is \$151,500 (6.2%) more than the \$2,427,257 budgeted to be generated from the 2021 rates. The large increase this year would allow to mitigate rates going forward.

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

RESOLUTION NO. 2020-11-70

A RESOLUTION APPROVING CHANGES IN THE SEWER RATE SCHEDULE

(Refer to Resolution File for complete copy of Resolution)

RESOLUTION NO. 2021-11-71 FOR PROGRAM AUTHORIZATION WITH MN DEPARTMENT OF PUBLIC SAFETY

Troy Appel, Public Safety Director, said the Worthington Police Department has participated in a small arms agreement with the Minnesota Department of Public safety for over 25 years. He said as part of the agreement, WPD must maintain authorization from City Council, abide by federal protocols, and supervise the appropriate use of the property which consists of ten 223 squad rifles.

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

RESOLUTION NO. 2021-11-71

A RESOLUTION FOR PROGRAM AUTHORIZATION WITH MN DEPARTMENT OF PUBLIC SAFETY

(Refer to Resolution File for complete copy of Resolution)

RESOLUTION NO. 2021-11-72 ADOPTED ACCEPTING A DONATION OF FUNDS

Mr. Appel said a person who wished to remain anonymous donated \$100 to the Worthington Police Department to be distributed to members of the public through a Secret Santa Program. Worthington

patrol officers will give out cash tucked inside Christmas cards during traffic stops before Christmas. A motion was made by Council Member Cummings, seconded by Council Member Kielblock and unanimously carried to adopt the following resolution:

RESOLUTION NO. 2021-11-72

A RESOLUTION ACCEPTING A DONATION OF FUNDS

(Refer to Resolution File for complete copy of Resolution)

THIRD READING AND ORDINANCE NO. 1176 RELATING TO STORM UTILITY RATES

Steve Robinson, City Administrator, said pursuant to published notice, this was the time and date set for the third reading of a proposed ordinance Relating to Storm Utility

A complete copy of the ordinance was provided in the November 8, 2021 council agenda.

The motion was made by Council Member Cummings, seconded by Council Member Kolpin and unanimously carried to give a third reading and subsequently adopt the proposed ordinance.

ORDINANCE NO. 1176

AN ORDINANCE RELATING TO STORM UTILITY RATES

(Refer to Ordinance File for the complete copy of ordinance)

SECOND READING PROPOSED ORDINANCE TO AMEND TITLE XV OF THE CITY CODE OF WORTHINGTON, NOBLES COUNTY, MINNESOTA, TO REZONE PROPERTY FROM "T-Z" (TRANSITION ZONE) TO "PUD 7" (PLANNED UNIT DEVELOPMENT 7)

Mr. Robinson said pursuant to published notice this is the time and date set for the second reading of a proposed ordinance to Amend Title XV of the City Code of Worthington, Nobles County, Minnesota, to Rezone Property from "T-Z" (Transition Zone) to "PUD 7" (Planned Unit Development 7)

A complete copy of the ordinance was included in your November 8, 2021 Council Agenda.

A motion was made by Council Member Ernst, seconded by Council Member Kielblock and unanimously carried to give a second reading to the proposed ordinance to Amend Title XV of the City Code of Worthington, Nobles County, Minnesota, to Rezone Property from "T-Z" (Transition

Zone) to "PUD 7" (Planned Unit Development 7)

**RESOLUTION NO. 2021-11-73 ADOPTED TO CONDUCT OFF-SITE GAMBLING -
CURRIE TOWN & COUNTRY BOOSTERS**

Steve Robinson, City Administrator, said the Currie Town & Country Boosters, Inc. is requesting Council approval of an application to Conduct Off-Site Gambling for bingo events they will be conducting on the following dates:

January 12, 2022	January 26, 2022
February 9, 2022	February 23, 2022
March 9, 2022	March 23, 2022
April 6, 2022	April 20, 2022

The bingo events will take place at the Worthington Event Center, 1447 Prairie Drive. The application is required to be acknowledged by resolution by the local unit of government prior to submission to the state for approval.

A motion was made by Council Member Ernst, seconded by Council Member Cummings and unanimously carried to approve the application for the off-site gambling and adopt the following resolution:

RESOLUTION NO. 2021-11-73

AUTHORIZATION TO CONDUCT OFF-SITE GAMBLING - CURRIE TOWN & COUNTRY BOOSTERS, INC.

(Refer to Ordinance File for the complete copy of resolution)

**APPROVED CONTRACT SERVICES AGREEMENT - RENTAL HOUSING ORDINANCE
REVISION**

Mr. Robinson said the City Council suspended the Rental Housing Registration and Inspection Program at the February 22, 2021 meeting based on its ineffectiveness and the public health crisis that had hindered operations for nearly a year. Council directed staff to begin work on a policy analysis for a redesigned program to protect the health, safety and welfare of the City's residents.

The City of Worthington adopted Ordinance § 150.10 on December 11, 2006 for the purpose of regulating privately and publicly owned rental units to:

- Protect, preserve, and promote the physical and mental health and social well-being of the people;

- Prevent and control the incidence of communicable diseases;
- Reduce environmental hazards to health;
- Maintain adequate sanitation; and
- To protect the safety of the people and to promote their general welfare.

Mr. Robinson explained since its inception, the program struggled to achieve its stated purpose. It lacked sufficient enforcement mechanisms to gain entry to rental units which could take months and required significant legal costs. The Ordinance also has failed to provide sufficient penalties for property owners who routinely failed to pass inspections and refused to bring their properties into compliance with its minimum standards. The program also treated all properties equally regardless of history of compliance.

Mr. Robinson said staff is recommending retaining Ken Bickner on an hourly contract basis to assist in:

- Developing a Rental Housing Ordinance, or adapt the existing Ordinance, so that it is:
 - Effective in maintaining the safety and general quality of housing in the community,
 - Easily and effectively enforced,
 - Integrated with other programs or departments, including Building Inspection and Public Safety. Integration with Building Inspection will allow pooling of resources during shifting workloads,
- Developing a robust and reliable recordkeeping/database and reporting methods,
- Developing a realistic and workable plan for regularly scheduled and complaint-based inspection of all rental housing in Worthington. The plan will be developed in collaboration with City staff, with input from stakeholder groups within Worthington, and
- Working with legal counsel to develop an administrative fine policy that is enforceable and encourages compliance or provides sufficient penalties for non-compliance.

Mr. Bickner introduced himself and said he has a Civil/Environmental Engineering degree from the University of Iowa. His experience includes several years with Linn County, Iowa as a Specialist in their Healthy Homes program. He said that is where he assisted in developing a rental home inspection program, inspected rental housing and pursued enforcement as necessary.

Mr. Robinson said Mr. Bickner will perform his work at City Hall and has requested a fee of \$40.00 per hour. It is anticipated that this endeavor will take several months to complete. A revised ordinance and program will be presented to the City Council for their consideration.

A motion was made by Council Member Kielblock, seconded by Council Member Kolpin and unanimously carried to approve the Contract Services Agreement with Ken Bickner.

PROFESSIONAL SERVICES AGREEMENT - OPERATIONS AND MANAGEMENT OF THE INDUSTRIAL WASTE WATER TREATMENT FACILITY APPROVED

Mr. Robinson said the City of Worthington owns and is responsible for operation of the Industrial Waste Water Treatment Facility (IWWTF) located along Hwy 60, near the Worthington Rendering Co. facility. The treatment facility treats discharges from the JBS facility.

He explained that the City has contracted services for operation and management of the treatment facility since the mid-1990's. The agreement with the current operator, Veolia North America, terminates at the end of 2021. The City has solicited proposals from three organizations that are experienced in operating industrial facilities. The City received proposals from two respondents with Veolia deciding not to pursue the opportunity. Mr. Robinson said staff reviewed the proposals and forwarded the recommendation to JBS. The City is proposing they enter into a three-year agreement with the firm of Woodard and Curran. JBS was in agreement with the recommendation.

A motion was made by Council Member Kolpin, seconded by Council Member Ernst and unanimously carried to approve the professional services agreement with the firm Woodard & Curran.

CITY ADMINISTRATOR EMPLOYMENT AGREEMENT APPROVED

Mayor Kuhle said the City Administrator's current three-year employment agreement will expire at the end of 2021. Council and the Administrator met earlier this year and agreed to terms for another three-year agreement setting salary and benefits for the years 2022, 2023 and 2024.

A motion was made by Council Member Ernst, seconded by Council Member Cummings and unanimously carried to approve the City Administrator Employment agreement as presented.

APPROVED APPOINTMENT OF DESIGNATED BUILDING OFFICIAL

Mr. Robinson said Minnesota Statute 326B.133 mandates that municipalities have a designated Building Official to administer the code. With the upcoming retirement of the City's Building Official, Armand Eshleman, we are required to name a designated interim replacement. Mr. Robinson said staff recommends naming Gene Abbott as the designated Building Official effective November 30, 2021. Mr. Abbot has been a building official for 30 years and has been our plan reviewer for the last two years.

A motion was made by Council Member Cummings, seconded by Council Member Kielblock and unanimously carried to appoint Gene Abbot as the designated building official.

AUDIT ENGAGEMENT LETTER APPROVED

Mr. Robinson said staff has received a proposal for the 2021 year-end audit services from Drealan, Kvilhaug, Hoefker & Co., P.A. Mr. Robinson said the maximum would not exceed \$22,800 for the Financial Statement Audit and \$460 for out-of-pocket expenses.

A motion was made by Council Member Cummings, seconded by Council Member Kolpin and unanimously carried to approve the proposal from Drealan, Kvilhaug, Hoefker & Co., P.A. for the 2021 year-end audit expenses.

COUNCIL COMMITTEE REPORTS

Mayor Kuhle - Attended the CGMC Conference, it was a good conference with sessions on the Opioid crisis, child care and the President of the MN Retailers Association gave a presentation.

Council Member Janssen - No report.

Council Member Ernst - said there is a lot of progress being made on the Fieldhouse project and the planned opening is in early 2022.

Council Member Kielblock - Also attended the CGMC Conference, thought the daycare information that was given was good.

Council Member Kolpin - Attended an LEC meeting, they will be pursuing the lot next to the LEC for the cold storage building.

Council Member Cummings - Also attended the LEC meeting, attended the YMCA Board meeting, elected new board members and held the annual award ceremony.

CITY ADMINISTRATOR REPORT

Mr. Robinson said that he also attended the CGMC Conference. The State Demographer talked about the workforce shortage and how when older people retire we don't have the younger population to replace them with.

There is an EDA meeting tomorrow at 4:00 p.m., in City Hall Council Chambers. Staff will be scheduling a budget meeting next week. Council will have to finalize the budget at the December 13th Council meeting.

ADJOURNMENT

A motion was made by Council Member Cummings, seconded by Council Member Kielblock and unanimously carried to adjourn the meeting at 7:37 p.m.

Mindy L. Eggers. MCMC
City Clerk