

WORTHINGTON CITY COUNCIL REGULAR MEETING, DECEMBER 10, 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: McNay Nkashama.

Staff present: Steve Robinson, City Administrator; Brian Kolander, Finance Director; Troy Appel, Public Safety Director, Todd Wietzema, Public Works Director; Dwayne Haffield, Director of Engineering; Jason Brisson, Director of Community Development, Planning, Zoning and Building Services; Janice Oberloh, City Clerk; Scott Hain, General Manager Worthington Public Utilities (7:10 p.m.).

Others present: Justine Wettschreck, KWOA; Alyssa Sobotka, The Globe; Wayne Freese; Linda Sanchez and Lucas Nelson; Donna Tims; Kevin Donovan; Todd Frager; Marc Freese; Simon Koster; Ben Weber; Andy Johnson; Rod Sankey; Jose Ivan Parga; Kenneth Garcia; Darlene Macklin; Nancy Vaske; Cheniqua Johnson (7:18 p.m.).

The Pledge of Allegiance was recited.

HONORARY COUNCIL MEMBER

Mayor Kuhle welcomed McNay Nkashama as the Honorary Council Member for the months of October, November and December, 2018.

AGENDA CLOSED / APPROVED

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

CONSENT AGENDA APPROVED

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

- City Council Minutes of Regular meeting November 26, 2018
- Minutes of Boards and Commissions - Worthington Housing and Redevelopment Authority Board Minutes of October 30, 2018; Water and Light Commission Minutes of December 3, 2018; Center for Active Living Committee Minutes of October 8, 2018; Traffic and Safety Committee Minutes of November 27, 2018; Planning Commission / Board of Appeals Minutes of December 4, 2018
- Application for Exemption from Lawful Gambling Permit - Whitetails Unlimited - SW Minnesota Chapter
- 2019 License Renewals as presented
- Traffic and Safety Committee Recommendation

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- Bills payable and totaling \$940,112.62 be ordered paid

RESOLUTION NO. 2018-12-01 ADOPTED APPROVING THE 2018 TAX LEVIES COLLECTIBLE IN 2019, AND RESOLUTION ADOPTED APPROVING THE WORTHINGTON HOUSING AND REDEVELOPMENT AUTHORITY 2018 TAX LEVY COLLECTIBLE IN 2019

Staff presented the 2018 tax levies collectible in 2019 for Council approval. Steve Robinson, City Administrator, said on September 10, 2018, Council approved a proposed property tax levy of \$4,282,583 for 2019 (a 7.99% increase over 2018), but it was Staff's recommendation to approve the final levy at \$4,198,687 for 2019 (a 5.87% increase over 2018). The levy includes a General Purpose Tax Levy of \$3,602,100 and Special Tax Levies of \$596,587. The Special Tax Levies include Economic development Tax abatements of \$25,000. Mr. Robinson provided additional information noting that major impacts to the 2019 budget were salaries and benefits - increased from \$6,073,292 to \$6,336,547; Debt Service levy - decreased from \$677,720 to \$596,587; General tax paving projects - increased from \$505,000 to \$690,110. Also provided was information on factors affecting property taxes, General Fund revenues and expenditures, 10 year tax levy/tax rate history and number of employees.

Mr. Robinson stated the City Council would take public comment at this time on the proposed levies.

Rod Sankey - Every dollar you increase taxes is a dollar less the taxpayer has to spend - the City needs to cut expenses and offer more services.

No additional comments were received. Council thanked Mr. Sankey for his comments.

The motion was made by Council Member Janssen, seconded by Council Member Ernst and unanimously carried to adopt the following resolutions:

RESOLUTION NO. 2018-12-01

RESOLUTION APPROVING 2018 TAX LEVIES COLLECTIBLE IN 2019

(Refer to Resolution File for complete copy of Resolution)

WORTHINGTON HOUSING AND REDEVELOPMENT AUTHORITY
RESOLUTION APPROVING THE 2018 TAX LEVY COLLECTIBLE IN 2019

BE IT RESOLVED, by the City Council of Worthington and the Housing and Redevelopment

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Authority of the City of Worthington, County of Nobles, State of Minnesota, that the following sum of money be levied for the current year, collectible in 2019, upon the taxable property in said City of Worthington, Minnesota for the following Purposes:

SPECIAL TAX LEVY	CERTIFIED LEVY 2018/2019
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HOUSING AND REDEVELOPMENT
AUTHORITY TAX LEVY
(Minnesota Statute 469-033, subdivision 6)

Special Tax for Operations	\$128,000.00
NET CERTIFIED LEVY	\$128,000.00

RESOLUTION NO. 2018-12-02 APPROVING THE 2019 CITY OF WORTHINGTON FUND BUDGETS

Staff presented the proposed separate City Fund Budgets for Council approval.

The motion was made by Council Member Cummings, seconded by Council Member Harmon and unanimously carried to adopt the following resolution approving the 2019 City of Worthington Fund Budgets:

RESOLUTION NO. 2018-12-02

A RESOLUTION FOR THE APPROVAL OF THE 2019 FUND BUDGETS FOR THE CITY OF WORTHINGTON, MINNESOTA

(Refer to Resolution File for complete copy of Resolution)

MEMORANDUM OF UNDERSTANDING AND PRAIRIE HOLDINGS GROUP LEASE AND BUYOUT OF CITY OF WORTHINGTON'S BIOTECHNOLOGY ADVANCEMENT CENTER BUILDING APPROVED

Steve Robinson, City Administrator, said Prairie Holdings Group (PHG) approached the City earlier this summer regarding the possibility of entering into a long term lease and buyout of the City's Biotechnology Advancement Center, due to business expansion plans for their Cambridge

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Technology subsidiary. Their plan would necessitate extensive remodeling of the facility and the desire to ensure their capital investment is secure over time. PHG was also offering the opportunity to relocate the Chamber of Commerce, and others, into the unfinished office space within the BAC. The Chamber would have ample office, reception and meeting space for the duration of PHG's occupancy.

Under the proposal, the City would receive \$42,000 annually in rent for all space not occupied by the Chamber of Commerce. Rent for the space occupied by the Minnesota Department of Agriculture and the University of Minnesota will be credited to PHG toward their annual commitment of \$42,000. Should one of the tenants leave or have their lease modified, PHG would be responsible for making up the difference. PHG will be responsible for all operational expenses that are attributed to the space they occupy or are financially responsible for. Mr. Robinson said, under this proposal, the City's projected cash flow and income will be substantially more than current over the lease period through a reduction in expenses. The City will have a separate lease with the Chamber of Commerce with a proposed lease rate of \$1,200 per month. The Chamber will enter into separate agreements with other organizations including the Convention and Visitors Bureau, WREDC, and the Worthington Regional Health Care Foundation. The City would enter into the lease with PHG in February as that's when their current lease expires.

The motion was mad by Council Member Oberloh, seconded by Council Member Cummings and unanimously carried to approve the Memorandum of Understanding and Prairie Holdings Group Lease and Buyout of the Biotechnology Advancement Center Building.

Wayne Freese, PHG, spoke to Council regarding their expansion plans and thanked them for this opportunity. Council expressed their appreciation to the group for growing their business here in Worthington.

SPEC BUILDING SCHEMATIC PLANS AND FINANCIAL COMMITMENT TO BUILDING CONSTRUCTION APPROVED

Staff presented conceptual plans prepared by SEH for a City-owned spec building that could accommodate multiple uses including being able to house a multi-screen theater. Two versions were presented of a facility that would be slightly less than 19,000 square feet, and both versions could accommodate future expansion. The cost estimate for a pre-engineered steel building, including a ten percent contingency, is \$2,722,916. That estimate does not include soft costs including architecture, engineering, legal, fiscal and administrative services. It does include site improvements and a plain building suitable for tenant build out. A concept was presented that included improvements to accommodate a five screen movie theater. The potential tenants were requesting that the City commit up to \$3.0 million for building costs, excluding theater specific improvements. Steve Robinson, City Administrator, noted that multi-level flooring is necessary to meet ADA requirements. Council Member Janssen asked why there was not a family restroom included in the

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plans for handicapped people. Mr. Robinson said there are handicap stalls included but a family / handicap restroom is not a requirement for a facility of this size.

Todd Frager and Kevin Donovan were present at the meeting regarding a potential lease of the building for a theater. Mr. Donovan told Council that the City needs to acquire the property for the building before they would sign a lease, as of now the City has nothing to lease. Mr. Frager assured Council that he was still looking to operate a theater in Worthington. Council Member Oberloh said that while a theater can't qualify for the proposed local option sales tax, the residents of the city have indicated recreational facilities as a high priority for them - he would be interested in including some type of a game room with the theater. Mr. Frager said he could help operate or help set up a game room.

The motion was made by Council Member Oberloh and seconded by Council Member Harmon that the City commit up to \$3 million for construction costs of the spec building, with the following Council Members voting in favor of the motion: Oberloh, Cummings, Ernst, Harmon; and the following Council Members voting against the motion: Janssen. Motion carried.

Mr. Donovan said he wanted to be clear that the business terms are as in the original RFP that was up to \$3 million. The response was affirmative.

SPEC BUILDING LAND ACQUISITION DISCUSSION

Steve Robinson, City Administrator, reported that Aaron Marthaler of Yellow Company, has verbally offered the remaining undeveloped 16.67 acres of the former mall property to the City for \$725,000. The outstanding principal balance Yellow Company owes to the City as of November 30th is \$736,514.25. Council Member Oberloh said he had heartburn over buying any land without a tenant lease - we can't be in a hurry to purchase from Marthaler - we have to do what's best for the city. Kevin Donovan said the had renegotiated the price of that land down to \$45,000 per acre, and that the City could use TIF. Mr. Marthaler is looking for at December 15th for the purchase or commitment from the City. Council Member Cummings said he is struggling with the acquiring the whole 16.67 acres when the City already has plenty of acres with nothing on them. Council Member Harmon agreed that the City has better land to build a spec building on. Three acres would be adequate for the building. Mr. Robinson said it would three acres at \$145,000 vs. 16.67 acres at \$45,000 (\$725,000). Mr. Donovan reminded Council again that he had renegotiated with Mr. Marthaler on the property. Council told Mr. Donovan that he had no authority to be negotiating for the City. Mr. Donovan requested that the City consider this offer. Mayor Kuhle stated that Council has approved the commitment for the building and now they need to come to terms on the location. Council Member Oberloh said Mr. Robinson should negotiate for the City, and would like to see him start now that Council committed to the spec building.

Jason Brisson, Director of Community Development, Planning, Zoning and Building Services, noted

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that he believes that when the agreement was made with the developer for this land, there was a clause in the development contract stating that no tax exempt organization would be allowed to purchase the land. He said Council should think hard about why that clause was in there - because all the TIF can come back and pay down that mortgage, and pay down the \$300,000 that the City paid out of hospital funds as a good faith effort to demolish the K-Mart building. Any remaining TIF funds available after that could be spent on any eligible costs throughout the city. If a tax exempt organization purchases the property it would come off the tax rolls.

Mr. Robinson said he had enough direction to proceed.

2019 UTILITY DEPARTMENT STRATEGIC FINANCIAL PLANS APPROVED

Scott Hain, General Manager Worthington Public Utilities, presented the 2019 Utility Department Strategic Financial Plans for Council review and approval, as required by section 6.04 of the Worthington City Charter. The Water and Light Commission reviewed and approved the 2019 Water Department Strategic Financial Plan at their November 19, 2018 regular meeting, and were recommending no change in water rates. They are also anticipating that purchased water charges will decrease with the Lewis and Clark connection.

The Water and Light Commission approved the 2019 Wastewater Strategic Financial Plan at their regular meeting November 5, 2018, where they also took action to recommend Council adoption of the 2019 sewer rates as established by the Sewer Service Charge System. Council approved that schedule at their November 26, 2018 regular meeting. Mr. Hain said the average residential sewer user will see an increase of about \$1.36 per month.

The 2019 Electric Department Strategic Financial Plan was approved by the Water and Light Commission at their December 3, 2018 regular meeting. There will be no change in the retail rates for 2019, which would be the fourth consecutive year of no increases. \$214,000 will be transferred in to the City's General Fund, with an additional \$214,000 payment for auditing and accounting services by the City.

The motion was made by Council Member Oberloh, seconded by Council Member Cummings and unanimously carried to adopt the 2019 Utility Department Strategic Financial Plans.

RESOLUTION NO. 2018-12-03 ADOPTED ACCEPTING DONATION OF FUNDS

Troy Appel, Public Safety Director, said Quality Refrigerated Services donated \$1,500 to the Worthington Police Department to benefit police programs. The funds will be used to enhance WPD's Blue in the School program with purchases of books, pencils and other items to be shared with students and teachers. Per Minn. Statute § 465.03, all donations shall be accepted by resolution of the governing body by two-thirds majority of its members.

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The motion was made by Council Member Ernst, seconded by Council Member Janssen and unanimously carried to adopt the following resolution accepting the funds:

RESOLUTION NO. 2018-12-03

A RESOLUTION ACCEPTING A DONATION OF FUNDS

(Refer to Resolution File for complete copy of Resolution)

YMCA 2019 SUMMER YOUTH RECREATION PROGRAMS AGREEMENT APPROVED

The City of Worthington contracts with the YMCA to promote, manage and operate the City's summer youth recreation programs for its residents. The proposed agreement for 2019 is based on a management fee of \$52,400, a 3.4% increase over the 2018 agreement, and is payable in twelve monthly installments. The Park and Recreation Advisory Board reviewed the proposed agreement and voted unanimously to approve the agreement with the YMCA for 2019.

Andy Johnson, Executive Director of the YMCA, was present at the meeting and provided information to Council regarding the Day Camp program and its growth.

The motion was made by Council Member Oberloh, seconded by Council Member Harmon and unanimously carried to approve the YMCA 2019 Summer Youth Recreation Program Agreement.

CONSULTANT PROCUREMENT FOR 2021 FEDERAL AID PROJECTS APPROVED

The 2021 Capital Improvements includes two proposed federal aid projects, with the larger project being the reconstruction of Oxford Street from McMillan Street to Humiston Avenue. The City and County pursued federal funds, which are about \$3 million, for the project, which has an estimated cost of \$5 million. Dwayne Haffield, Director of Engineering, said the project will be a joint City/County project requiring a lot of project development, and they are recommending that it be handed over to a consultant. Land acquisition for temporary easements will be a big issue. RFP's will be sent out to a few firms, and the City Engineer and the County Engineer would go through the selection process and a proposed contract would be brought back to Council. Mr. Haffield said at this time he is checking in with Council to see if they are still on board with the project.

The second 2021 federal aid project is the smaller Transportation Alternative Program trails project, which is to extend a trail from Knollwood Drive to the Prairie Elementary School and a trail from Cecilee Street to the TH 60 trail. The only consultant services anticipated on this project are those pertaining to the services required to complete the Social, Economic and Environmental Impacts Sections of the Project Memorandum. The financing will be through use of federal funds, which does not pay for engineering fees. We will have the federal aid, and will need to determine how

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much state aid we want to put into it and how much county aid we're willing to put towards it. Construction fund reserves would temporarily be used.

Oxford Street is a County/State Aid Highway that was turned back, and the County was willing to hold it, which helps with availability of County / State Aid funding, which they sought. However, this is still thought of as a City project and it is proposed that the City take the lead on this. A preliminary financing plan was provided to Council.

The motion was made by Council Member Oberloh, seconded by Council Member Ernst and unanimously carried to approve the consultant procurement for the 2021 Federal Aid projects.

PEDESTRIAN BRIDGE OVER WHISKEY DITCH APPROVED TO MOVE FORWARD

Dwayne Haffield, Director of Engineering, said at the time this project was initially proposed to Council the estimate was \$120,000, but staff had made it clear that number was not final. The estimate is now \$180,000, and Mr. Haffield said he is checking Council's interest in moving ahead with the project. Council Member Cummings asked if both pedestrian bridges there were needed. Mr. Haffield said it is a value thing, it's always been there, but we would not get funding for it because the other bridge is so close. If it were determined to not have this bridge, the trail project near the 10th Avenue pedestrian bridge could be moved up. Council Member Oberloh asked if we were in danger of needing to remove the bridge. Mr. Haffield responded that it was getting spongy and it should go, you would not want to load it up with people.

Approximately \$30,000 of the \$180,000 has been spent on engineering and Corps permitting. Following discussion on the proposed schedule for replacement of the bridges and the increased costs, Council Member Oberloh said he would like to not have to make a decision tonight to allow for more homework to be done on it. Mr. Haffield said Council did not need to make a decision tonight, but if the Corps of Engineers comes back with comments, the sooner we move, the cheaper it will be. We do not have the final word from the Corps yet on the 10th Avenue bridge. Steve Robinson, City Administrator, asked if Council made their decision at the next regular Council meeting could the "pre-July 4th" schedule be maintained. Mr. Haffield said he thought that was about the right time frame, or they could just put it off another year or just keep going and spending the money.

Ben Weber asked to be recognized and allowed to comment on the bridge, noting he uses it frequently for fishing, as do others, and encouraged Council to not delay the project.

The motion was made by Council Member Ernst and seconded by Council Member Janssen to approve moving forward with the Pedestrian Bridge over Whiskey Ditch, with the following Council Members voting in favor of the motion: Janssen, Cummings, Ernst, Harmon; and the following Council Members voting against the motion: Oberloh. Motion carried.

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FIRST READING CHANGE OF ZONE (CERTAIN PROPERTIES IN THE AREA BOUNDED BY THE RAILROAD, LAKE STREET, SECOND AVENUE AND EIGHTH STREET EXTENDED SOUTHEAST)

Jason Brisson, Director of Community Development, Planning, Zoning and Building Services, reviewed the process of how a change of zone moves forward through the process where the Planning Commission will make a recommendation to City Council, and staff will prepare the paperwork for City Council to receive the recommendation. Recently, Council adopted an ordinance that rezoned certain property from 'M-2' (General Industrial) to 'B-2' (Central Business District), however, due to a corner section that was listed incorrectly, the City Attorney thought it was better to bring back a corrected ordinance to rezone as follows:

Those properties currently zoned "M-2" within the following described property shall henceforth be included in the "B-2" district:

That part of the northeast 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 Planning Commission considered the application to rezone at their December 4, 2018 meeting, and after holding a public hearing, voted unanimously to recommend Council approval of the change of zone.

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

FIRST READING PROPOSED ORDINANCE - CHANGE OF ZONE (CERTAIN PROPERTIES IN THE AREA BOUNDED BY THE RAILROAD, EIGHTH STREET EXTENDED SOUTHEAST, SECOND AVENUE AND TENTH STREET)

Jason Brisson, Director of Community Development, Planning, Zoning and Building Services, noted this was a similar situation to the previous case item but a bit different. A triangular piece that was zoned "B-2" had some ambiguity in the legal description in the ordinance that had previously been

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adopted to rezone this area, which was questioned by the County Recorder. The intent of the ordinance was to keep the area rezoned to "B-2" (Central Business), so in accordance with the recommendation from the City Attorney, staff now presented a new ordinance to rezone the property from "B-3" (General Business) to "B-2" (Central Business) as follows:

The following legally described area, presently included in the "B-3" district, shall henceforth be included in the "B-2" district:

That part of the southeast quarter of Section 23, 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 southeasterly right-of-way line of First Avenue; thence southwesterly along the southeasterly right-of-way line of First Avenue to its intersection with the southwesterly right-of-way line of Tenth Street, thence southeasterly along a southeasterly extension of the southwesterly right-of-way line of Tenth Street to the northwesterly right-of-way line of the Union Pacific Railroad; thence southwesterly 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 Planning Commission considered the application for change of zone at their December 4, 2018 meeting, and after holding public hearing, voted unanimously to recommend Council approval of the proposed change of zone.

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

FIRST READING PROPOSED ORDINANCE - CHANGE OF ZONE (CERTAIN PROPERTIES IN SECTION 26 LYING EAST OF SOUTH LAKE STREET, NORTH OF SHERWOOD STREET AND SOUTHEAST OF THE RAILROAD)

In response to a question from Council Member Oberloh, Jason Brisson, Director of Community Development, Planning, Zoning and Building Services, noted that when staff previously brought forward an ordinance for this change of zone, they had used a lengthy legal description that they felt they could get accurate, but in Section II of that ordinance there was some language that was unclear and it was thought that it would be better to again bring a new ordinance forward for the rezoning.

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Staff a proposed ordinance that would rezone property from "M-2" (General Industrial) to "B-3" (General Commercial District) as follows:

The following legally described area, presently included in the "M-2" district, shall henceforth be included in the "B-3" district:

That part of the northeast quarter of Section 26, Township 102 North, Range 40 West, Nobles County, Minnesota lying northwest of the centerline of Sherwood Street, northeast of the centerline of South Lake Street, east of the center line of Lake Street, and southeast of the northwesterly right-of-way line of the Union Pacific Railroad.

The Planning Commission considered the application for change of zone at their December 4, 2018 meeting, and after holding a public hearing voted unanimously to recommend Council approval of the proposed change of zone.

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

FIRST READING PROPOSED ORDINANCE - CHANGE OF ZONE (LOTS 2-6 IN BLOCK 6, EAST ADDITION)

Jason Brisson, Director of Community Development, Planning, Zoning and Building Services, said this previous zoning request also contained an ambiguous legal description resulting in the need to bring another ordinance forward that clearly states we are leaving the subject property zoned as "R-4" (Medium Density Residential) as follows:

The following legally described area, presently included in the "B-3" district, shall henceforth be included in the "R-4" district:

Lots 2, 3, 4, 5, and 6, Block 6, East Addition to Worthington, Nobles County, Minnesota.

The Planning Commission considered the application for change of zone at their December 4, 2018 meeting, and after holding a public hearing voted unanimously to recommend Council approval of the proposed change of zone.

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

COUNCIL COMMITTEE REPORTS

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Mayor Kuhle - No report.

Council Member Janssen - No report.

Council Member Oberloh - No report.

Honorary Council Member Nkashima - No report.

Council Member Cummings - Attended some interesting meetings in the Minnesota Trade Office to with the Ambassador from the Congo.

Council Member Ernst - No report.

Council Member Harmon - Attended a Water and Light Commission meeting a week ago - he noted the invitations to Council for the Lewis and Clark connection ceremony scheduled for Friday, December 14th.

CITY ADMINISTRATOR'S REPORT

Steve Robinson, City Administrator, said he has finalized a draft of the bill for a new half cent sales tax, and sent it Senator Bill Weber. He also noted he will be meeting with the Census people tomorrow for the kick-off of the 2020 Census.

ADJOURNMENT

The motion was made by Council Member Janssen, seconded by Council Member Oberloh and unanimously carried to adjourn the meeting at 8:50 p.m.

Janice Oberloh, MCMC
City Clerk