

**WORTHINGTON CITY COUNCIL  
REGULAR MEETING, SEPTEMBER 12, 2005**

The meeting was called to order by Mayor Pro Tem Leland Hain at 7:00 p.m., in the City Hall Council Chambers with the following Aldermen present: Roger E. Nelson, Bob Petrich, Lyle Ten Haken and Mike Woll. Honorary Council Person: Pat Remme. Absent (excused): Mayor Alan E. Oberloh.

City Staff present: Bob Filson, City Administrator; Dwayne Haffield, Director of Engineering; Brad Chapulis, Director of Community/Economic Development; Brian Kolander, Director of Finance; and Karen Buchman, City Clerk.

Others present: Darrell Stitt, KWOA Radio; and Ryan McGaughey, Daily Globe.

**HONORARY COUNCIL PERSON**

Mayor Pro Tem Hain introduced Pat Remme who has agreed to serve as Honorary Council person for the months September and October.

**AGENDA APPROVED**

The motion was made by Alderman Petrich, seconded by Alderman Hain and unanimously carried to accept the agenda as presented.

**MINUTES APPROVED**

The motion was made by Alderman Woll, seconded by Alderman Ten Haken and unanimously carried to approve the Regular City Council minutes of August 22, 2005 as previously distributed.

**MINUTES OF BOARDS AND COMMISSIONS**

The motion was made by Alderman Petrich, seconded by Alderman Woll and unanimously carried to accept for review the Water and Light Commission minutes of September 6, 2005; Housing and Redevelopment Authority minutes of August 11, 2005; and Planning Commission minutes of September 6, 2005.

**FINANCIAL STATEMENTS**

The motion was made by Alderman Nelson, seconded by Alderman Ten Haken and unanimously carried to accept the Prairie View GolfLinks Statement of Revenues and Expenditures for the period January 1, 2005 through August 31, 2005; and Municipal Liquor Store Income Statement for the period January 1, 2005 through August 31, 2005.

**DEVELOPMENT CONTRACT APPROVED**

In February 1996, the City entered into a development contract with Campbell Properties of Worthington. This allowed them to plat Glenwood Heights First Addition in its entirety while installing the public improvements (i.e. street, sewer, water) in two phases. In exchange for permitting infrastructure phasing, Campbell Properties was prohibited from developing the remaining 13 improved lots until such time the necessary infrastructure was installed (also known as Phase II).

With 14 of the 21 lots in Phase I sold and/or developed, Campbell Properties would like to make additional lots available for development. The company is only interested in developing the remaining eight lots on Sterling Avenue at this time. Aware that the proposal differs from the existing Development Contract, the company requests that the City enter into a new development contract that would establish a Phase III to address the public improvements on Buchanan Court. This will allow them to defer the installation of the public infrastructure within Sutherland Drive, including the street, until such time that six of the remaining 15 lots are sold. The remaining lots include those that Campbell owns in Phase I. Campbell intends to use the proceeds from the immediate sale of three of the Phase II lots to finance the Sterling Avenue public infrastructure improvements. The proceeds from three future lot sales would then finance the Sutherland Drive public improvements. Campbell's proposal reduces the up-front financial contribution that would otherwise be necessary.

To assure the completion of said improvements, Campbell Properties will secure a letter of credit in the amount of \$133,000, which is the engineer's estimate for the said improvements. The letter of credit would be designed as to require City authorization in order for the developer to withdraw on, reduce, or close the account. The public infrastructure to be completed is as follows:

1. Street grading, street base including fabric, edge tiles and drainable layer, street curb and gutter of Sutherland Drive and Sterling Avenue;
2. Installation of water main and services;
3. Installation of sanitary sewer main and services;
4. Installation of drainage improvements.

Upon recommendation of the Planning Commission who approved this item at their September 6, 2005 meeting, the motion was made by Alderman Woll, seconded by Alderman Petrich and unanimously carried to approve the development contract as presented and authorize the Mayor to execute the same.

#### **APPROVED PAYMENT FOR SITE PREPARATION WORK - 1225 RYAN'S ROAD**

At the July 26, 2004 meeting, Council approved an application for Site Preparation Assistance for a commercial development located at 1225 Ryan's Road (Benson Funeral Home). Approval of the application allocated a maximum of \$40,000 to offset the costs affiliated with the soil corrections recommended in the applicant's soil boring report. As of September 1, 2005, Benson Brothers Funeral Home, Inc. has completed all of the obligations necessary to obtain the Site Preparation

funds allocated for this development. The obligations include obtaining a Certificate of Occupancy, providing documentation of quantities, competitive bidding and satisfaction of all financial obligations for the above-mentioned work. The total cost of the affiliated work was \$21,110.

As the applicant has fulfilled all of the obligations set forth in the application guidelines, the motion was made by Alderman Nelson, seconded by Alderman Woll and unanimously carried to authorize payment in the amount of \$21,110 to Benson Brothers Funeral Home, Inc.

**APPROVED INFRASTRUCTURE GRANT AGREEMENT FOR DEVELOPMENT OF BIOSCIENCE INDUSTRIAL PARK**

The 2005 State Bonding Bill included \$2.5 million for design and construction of publicly owned infrastructure required to support bioscience development in Worthington (together with additional funds for other locations in the state). A preliminary design of the infrastructure for the development was approved by Council on June 27, 2005, and professional services for design and construction of the initial phase of the improvements was authorized at the August 8, 2005 meeting.

The grant agreement for the project has been developed and reviewed by City staff, including the City Attorney. Key terms in the agreement are:

- \* Funds must be used for the public purpose defined in the authorizing bill. The commitment is therefore to utilize the infrastructure to support the development of the bioscience business industrial park. Use of the proposed industrial park for other purposes would be inconsistent with this commitment.
- \* The City must own the infrastructure and maintain an easement over it for 50 years.
- \* The completion date is defined as October 31, 2008. Funds must be dispersed within 5 years of the date of the grant agreement.
- \* The City asserts that the project/development is in compliance with all applicable laws including local zoning requirements. The infrastructure construction must be completed in accordance with all applicable laws including those pertaining to certain labor provisions (including prevailing wages).
- \* The agreement provides for remedy of default.

Following discussion the motion was made by Alderman Petrich, seconded by Alderman Woll and unanimously carried to do the following:

- \* Accept the grant agreement and authorize the Mayor and Clerk to execute the same.
- \* Pass the following resolution authorizing the project and providing required statements as to the City's eligibility for the funding. There is no required or projected local share.
- \* Authorize the execution of the two easements. The right-of-way easement would lay within streets dedicated in a future plat of the park. The utility and drainage easement covers storm water and other utility facilities that lay outside future street

right-of-ways. These are contingent upon receiving easement over a little piece of the SE portion of Industrial Park.

RESOLUTION

BE IT RESOLVED that the City of Worthington act as the legal authority to enter into a grant agreement with the State of Minnesota through its Department of Employment and Economic Development for the special appropriation authorized by the 2005 Regular Session Law Chapter 20, Section 23, Subd. 12; and

BE IT FURTHER RESOLVED that the City of Worthington is authorized to execute such grant agreements, and is authorized to take receipt of \$2,500,000 in grant proceeds for the development of the construction of public infrastructure to support the development of the bioscience business industrial park, and has authorized the Mayor and City Clerk to enter into an agreement with the State of Minnesota for the above-referenced project; and

BE IT FURTHER RESOLVED that the City of Worthington has the legal authority to receive financial assistance, and the institutional, managerial, and financial capability to ensure adequate project administration; and

BE IT FURTHER RESOLVED that the sources and amounts of the local match identified in the development proposal are committed to the project identified.

BE IT FURTHER RESOLVED that City of Worthington has not violated any Federal, State or local laws pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice; and

BE IT FURTHER RESOLVED that upon approval of its development proposal by the state, the City of Worthington may enter into an agreement with the State of Minnesota for the above-referenced project(s), and that City of Worthington, certifies that it will comply with all applicable laws and regulation as stated in all contract agreements;

THEREFORE BE IT RESOLVED that the Mayor and City Clerk are hereby authorized to execute such agreements as are necessary to implement the project(s) on behalf of the City of Worthington.

**RESOLUTIONS NO. 3059 - 3070 ADOPTED, CALLING FOR THE HEARINGS ON PROPOSED ASSESSMENTS**

The motion was made by Alderman Woll, seconded by Alderman Petrich and unanimously carried to order preparation of assessment rolls and to call the final assessment hearings for 7:00 p.m., Monday, October 10, 2005, in the City Hall Council Chambers, and to adopt the following resolutions on the following projects:

1. Paving Improvement No. 102 - Ash Road - from Nobles Street to Shady Lane, Dugdale Avenue - from Fox Farm Road to West Ridge Road, West Ridge Road - from Dugdale Avenue to West Shore Drive, Johnson Avenue - from Clary Street to south end, Murray Avenue - from Nobles Street, west to Sherwood Street, Orchard Road - from Nobles Street to Shady Lane, West Okabena Street - from Tower Street to Winifred Street, and West Okabena Street - from Winifred Street to Clement Street
2. Downtown Parking Assessment District, Job No. 26 - 07/01/2004 through 06/30/2005
3. 2004 Miscellaneous Improvements and Unpaid Charges - Removal of Ice and Snow, Removal of Noxious Weeds and Vegetation, and Removal of Solid Waste

*Also included in the motion was to adopt*

Resolution Declaring Reassessment and a Resolution Calling for Hearing on the Proposed Reassessment as to the Northland Park Second Addition subdivision for each of the following assessments/improvements that had been canceled due to tax forfeiture:

1. Storm Sewer Improvement No. 4
2. Storm Sewer Improvement No. 7
3. Water Main Improvement No. 74-09

These assessments were originally levied against the larger tract which the subdivision is now a portion of. The amount of assessments proposed to be reassessed at this time are proportional to the area or frontage (as applicable) of the developed site. The remaining canceled assessments would be proposed to be reassessed at the time additional property is developed.

RESOLUTION NO. 3059

DECLARING COST TO BE ASSESSED AND ORDERING PREPARATION OF PROPOSED ASSESSMENT

RESOLUTION NO. 3060

CALLING FOR HEARING ON PROPOSED ASSESSMENT

RESOLUTION NO. 3061

DECLARING COST TO BE ASSESSED AND ORDERING PREPARATION OF PROPOSED ASSESSMENT

RESOLUTION NO. 3062

CALLING FOR HEARING ON PROPOSED ASSESSMENT

RESOLUTION NO. 3063

DECLARING COST TO BE ASSESSED AND ORDERING PREPARATION OF PROPOSED ASSESSMENT

RESOLUTION NO. 3064

CALLING FOR HEARING ON PROPOSED ASSESSMENT

RESOLUTION NO. 3065

DECLARING REASSESSMENT OF STORM SEWER IMPROVEMENT NO. 4

RESOLUTION NO. 3066

CALLING FOR HEARING ON PROPOSED ASSESSMENT FOR REASSESSMENT OF STORM SEWER IMPROVEMENT NO. 4

RESOLUTION NO. 3067

DECLARING REASSESSMENT OF STORM SEWER IMPROVEMENT NO. 7

RESOLUTION NO. 3068

CALLING FOR HEARING ON PROPOSED ASSESSMENT FOR REASSESSMENT OF STROM SEWER IMPROVEMENT NO. 7

RESOLUTION NO. 3069

DECLARING REASSESSMENT OF WATER MAIN IMPROVEMENT NO. 74-09

RESOLUTION NO. 3070

CALLING FOR HEARING ON PROPOSED ASSESSMENT FOR REASSESSMENT OF WATER MAIN IMPROVEMENT NO. 74-09

(Refer to Resolution file for complete copy of Resolutions)

**RESOLUTIONS ADOPTED, REAPPORTIONING ASSESSMENTS AND ADOPTING THE REQUESTED PAYBACK SCHEDULE - STORM SEWER IMPROVEMENT NO. 10**

As a result of the platting of Homewood Hills Eleventh Addition, it is necessary to reapportion the special assessments for Strom Sewer Improvement No. 10 levied against the larger tract of land that

the addition is now a portion of. The assessments should be reapportioned to the individual lots of the addition and the dedicated street right of ways within the addition. The original storm sewer assessment was, and the reapportionment as proposed and petitioned for is, on an area basis. The portion of the assessment attributable to street right of ways (\$1,338.36) will become a City share of the improvement as they would have been if the right of ways existed at the time of the improvement. The original assessment was levied for an area calculated to be greater than is now known to exist. The amount of assessment attributable to this excess area (\$1,162.84) is also proposed to be transferred to the City share of improvement.

The subject storm sewer assessments are currently in a deferred principal payment status (interest only is due annually at this time). This status remains until the property is deemed to be developed or until the original term and any approved extensions of the assessment expire. Public improvements for the addition are now nearing substantial completion and the property can be considered as developed. The storm sewer assessments reapportioned to the lots within the addition are, therefore, subject to loss of the deferred principal payment status. An April 1990 ordinance allows a property owner to request that a principal and interest payback schedule be adopted on a deferred principal payment assessment that loses the deferred principal status as a result of development. Payback is to be at the original assessment interest rate for a period no longer than the original assessment period. Pursuant to the 1990 ordinance, the affected property owner has requested the maximum allowable payback schedule of four years. The allowable payback period is limited by the maximum payback period of 30 years allowed under Minnesota Statute.

The motion was made by Alderman Ten Haken, seconded by Alderman Woll and unanimously carried to pass the following resolutions reapportioning the assessments in the manner petitioned for and the resolution adopting the requested payback schedule:

RESOLUTION

REAPPORTIONING THE SPECIAL ASSESSMENT FOR STORM SEWER IMPROVEMENT NO. 10.

WHEREAS, On August 19, 2005, the unpaid balance of the special assessment for Storm Sewer Improvement No. 10, heretofore levied upon the following described property, as shown on the assessment records of the City of Worthington, is as follows:

*Unplatted Property*

9.41 Acres in north part of SE $\frac{1}{4}$  of SW $\frac{1}{4}$ , and 2.26 Acres in SW $\frac{1}{4}$  of SE $\frac{1}{4}$ ,  
Section 15-T102-R40, except a 4.07 acre tract and except a tract 36.00' by  
130.00'; Acres 7.49

Deferred Principal Payment Status

314,871 SF

\$6,256.47

and

WHEREAS, The owners of said property as noted above have platted portions of said property as portions of *Homewood Hills Eleventh Addition*, in the City of Worthington; and

WHEREAS, By petition filed with the city on September 12, 2005, the owners of said property now petition that said special assessment be reapportioned in accordance with the property subdivision and platting of portions of the aforementioned property as portions of *Homewood Hills Eleventh Addition*, in the City of Worthington, Nobles County, Minnesota; and

WHEREAS, The reapportionment of the special assessment as petitioned for will not materially impair collection of the unpaid balances of the assessment against said property.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WORTHINGTON, MINNESOTA:

1. That the special assessment for Storm Sewer Improvement No. 10, heretofore levied upon said property as noted above, be reapportioned and spread among the following described properties in the following manner and amounts; viz:

*Homewood Hills Eleventh Addition*

Lot 1, Block 1	15,575 SF	\$309.48
Lot 2, Block 1	16,139 SF	\$320.68
Lot 3, Block 1	16,115 SF	\$320.21
Lot 4, Block 1	14,950 SF	\$297.06
Lot 5, Block 1	14,008 SF	\$278.34
Lot 6, Block 1	23,605 SF	\$469.03
Lot 7, Block 1	23,297 SF	\$462.91
Lot 8, Block 1	5,840 SF	\$116.04
Lot 1, Block 2	13,067 SF	\$259.64

*Homewood Hills Eleventh Addition*

Lot 2, Block 2	33,661 SF	\$668.84
Lot 3, Block 2	3,130 SF	\$62.19
Lot 4, Block 2	4,354 SF	\$86.51
Lot 5, Block 2	5,251 SF	\$104.34

Dedicated Right-of-Way within said plat (Donavon Drive)	67,356 SF	\$1,338.36
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2. That the amount of \$1,162.84 attributable to assessed area exceeding actual area be transferred to the city share of improvement
3. That a copy of this resolution be filed in the Office of the City Clerk with the assessment roll pertaining to the assessment.



RESOLUTION

ADOPTING A PRINCIPAL AND INTEREST PAYBACK SCHEDULE.

WHEREAS, On August 19, 2005, the unpaid principal balances of the special assessments for Storm Sewer Improvement No. 10, heretofore levied upon and subsequently reapportioned to certain portions of *Homewood Hills Eleventh Addition*, and established as being in a deferred principal payment status, as shown on the special assessment records of the City of Worthington, were as follows:

<i>Homewood Hills Eleventh Addition</i>	
Lot 1, Block 1	\$309.48
Lot 2, Block 1	\$320.68
Lot 3, Block 1	\$320.21
Lot 4, Block 1	\$297.06
Lot 5, Block 1	\$278.34
Lot 6, Block 1	\$469.03
Lot 7, Block 1	\$462.91
Lot 8, Block 1	\$116.04
Lot 1, Block 2	\$259.64
Lot 2, Block 2	\$668.84
Lot 3, Block 2	\$62.19
Lot 4, Block 2	\$86.51
Lot 5, Block 2	\$104.34

and

WHEREAS, Pursuant to the provisions of City Code, Section 2.21, Subd. 4(B), the owners of said property now request that the City adopt a four (4) year principal and interest payback schedule with interest at the original interest rate of six and five-tenths per cent (6.5%) per annum; and

WHEREAS, The requested payback period of four (4) years is not longer than the original assessment period of ten (10) years and does not result in the total payback period exceeding the overall maximum limitations of Minn. Stat. 429.061, Subd. 2.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WORTHINGTON, MINNESOTA:

1. That the request to adopt a four (4) year principal and interest payback schedule for said assessment is hereby granted.
2. That said assessment shall be payable in equal annual installments extending over a period of

four (4) years, the first of said installments to be payable on or before the first Monday in January 2006, being January 2nd, and shall bear interest at the rate of six and five-tenths percent (6.5%) per annum, commencing January 1, 2006. To each installment when due shall be added interest for one (1) year on all unpaid installments.

3. That the City Clerk of the City of Worthington shall certify annually to the County Auditor of said Nobles County, Minnesota, on or before the 30th day of November of each year, the total amount of installment and interest which are to become due in the following year, which shall be extended on the proper tax lists of said county, and are to be collected and paid over in the same manner as other municipal taxes of said city.

4. That the owner of said property as noted above may, at any time prior November 15, 2005, pay to the City of Worthington Assessment Clerk the whole of said assessment on such property; and that the owner of said property as noted above may thereafter pay to the County Treasurer of said county the installment and interest that is in the process of collection on the current tax lists, and may pay to the City of Worthington Assessment Clerk the remaining balance of the assessment. Such payment must be made before November 15th or interest will be charged through December 31st of the next succeeding year.

5. That a copy of this resolution be filed in the Office of the City Clerk with the assessment roll pertaining to this assessment.

**RESOLUTION ADOPTED REAPPORTIONING SPECIAL ASSESSMENTS FOR  
SANITARY SEWER IMPROVEMENT NO. 88 AND PAVING IMPROVEMENT NO. 86**

As a result of the platting of Northland Park Second Addition, it is necessary to reapportion the special assessments for Sanitary Sewer Improvement No. 88 and Paving Improvement No. 86 levied against the larger tract of land that the addition is now a portion of. The assessments should be reapportioned to the individual lots of the addition and the remaining portion of the unplatted tract.

The original sanitary sewer trunk and lateral assessments were, and the reapportionments as proposed and petitioned for are, on an area (trunk) and front foot (lateral) basis. The street assessment (bituminous surfacing) was, and the reapportionment as proposed and petitioned for is, on a front foot basis. Only one lot in Northland Park Second Addition abuts the previously improved street.

The motion was made by Alderman Woll, seconded by Alderman Ten Haken and unanimously carried to adopt the following resolution reapportioning the assessments in the manner petitioned for:

RESOLUTION

REAPPORTIONING THE SPECIAL ASSESSMENTS FOR PAVING IMPROVEMENT NO. 86  
AND SANITARY SEWER IMPROVEMENT NO. 88.

WHEREAS, On August 11, 2005, the unpaid balances of the special assessments for Paving Improvement No. 86 and Sanitary Sewer Improvement No. 88, heretofore levied upon the following described property, as shown on the assessment records of the City of Worthington, were as follows:

*Unplatted Property*

The Northeast Quarter of the Southwest Quarter of Section 13, Township 102, Range 40, except the following tracts: 8.62 acres for I-90, 8.02 acres and 5.12 acres to Worthington Christian School Society, 1.397 acres for Northland Park First Addition, 2.09 acres to Prairie View Limited Partnership, and the west 50 feet of the Southwest Quarter of the Northeast Quarter of the Southwest Quarter to the City of Worthington for street purposes.

Paving Improvement No. 86 (#31153)		
	17. feet	\$411.51
Sanitary Sewer Improvement No. 88 Trunk (#31358)		
	7.96 acres	\$6,156.01
Sanitary Sewer Improvement No. 88 Lateral (#31359)		
	2,242. feet	\$12,573.16

and

WHEREAS, The owners of said property as noted above have platted portions of said property as *Northland Park Second Addition*, in the City of Worthington; and

WHEREAS, By petition filed with the city on September 12, 2005, the owners of said property now petition that said special assessments be reapportioned in accordance with the property subdivision and platting of portions of the aforementioned property as portions of *Northland Park Second Addition*, in the City of Worthington, Nobles County, Minnesota; and

WHEREAS, The reapportionment of the special assessments as petitioned for will not materially impair collection of the unpaid balances of the assessments against said property.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WORTHINGTON, MINNESOTA:

1. That the special assessments for Paving Improvement No. 86 and Sanitary Sewer Improvement No. 88, heretofore levied upon said property as noted above, be reapportioned and spread among the following described properties in the following manner and amounts; viz:

Paving Improvement No. 86 (#31153)  
*Northland Park Second Addition*

Lot 1, Block 1	17. feet	\$411.51
Lot 2, Block 1	0. feet	\$0.00
Lot 3, Block 1	0. feet	\$0.00
Lot 4, Block 1	0. feet	\$0.00
Lot 5, Block 1	0. feet	\$0.00
Lot 1, Block 2	0. feet	\$0.00
Lot 2, Block 2	0. feet	\$0.00
Lot 3, Block 2	0. feet	\$0.00
Lot 4, Block 2	0. feet	\$0.00
Lot 5, Block 2	0. feet	\$0.00

*Unplatted Property*

The Northeast Quarter of the Southwest Quarter of Section 13, Township 102, Range 40, except the following tracts: 8.62 acres for I-90, 8.02 acres and 5.12 acres to Worthington Christian School Society, 1.397 acres for Northland Park First Addition, 2.63 acres for Northland Park Second Addition, 2.09 acres to Prairie View Limited Partnership, and the west 50 feet of the Southwest Quarter of the Northeast Quarter of the Southwest Quarter to the City of Worthington for street purposes.

0. feet \$0.00

Sanitary Sewer Improvement No. 88 Trunk (#31358)

*Northland Park Second Addition*

Lot 1, Block 1	0.2262 acres	\$174.94
Lot 2, Block 1	0.2262 acres	\$174.94
Lot 3, Block 1	0.2261 acres	\$174.86
Lot 4, Block 1	0.2260 acres	\$174.78
Lot 5, Block 1	0.2259 acres	\$174.70
Lot 1, Block 2	0.1977 acres	\$152.89
Lot 2, Block 2	0.1977 acres	\$152.89
Lot 3, Block 2	0.1977 acres	\$152.89
Lot 4, Block 2	0.1977 acres	\$152.89
Lot 5, Block 2	0.1977 acres	\$152.89

*Unplatted Property*

The Northeast Quarter of the Southwest Quarter of Section 13, Township 102, Range 40, except the following tracts: 8.62 acres for I-90, 8.02 acres and 5.12 acres to Worthington Christian School Society, 1.397 acres for Northland Park First Addition, 2.63 acres for Northland Park Second Addition, 2.09 acres to Prairie View Limited Partnership, and the west 50 feet of the Southwest Quarter of the Northeast Quarter of the Southwest Quarter to the City of Worthington for street purposes.

5.8411 acres \$4,517.34

Sanitary Sewer Improvement No. 88 Lateral (#31359)

*Northland Park Second Addition*

Lot 1, Block 1	67. feet	\$375.74
Lot 2, Block 1	67. feet	\$375.74
Lot 3, Block 1	67. feet	\$375.74
Lot 4, Block 1	67. feet	\$375.74
Lot 5, Block 1	67. feet	\$375.74
Lot 1, Block 2	67. feet	\$375.74
Lot 2, Block 2	67. feet	\$375.74
Lot 3, Block 2	67. feet	\$375.74
Lot 4, Block 2	67. feet	\$375.74
Lot 5, Block 2	67. feet	\$375.74

*Unplatted Property*

The Northeast Quarter of the Southwest Quarter of Section 13, Township 102, Range 40, except the following tracts: 8.62 acres for I-90, 8.02 acres and 5.12 acres to Worthington Christian School Society, 1.397 acres for Northland Park First Addition, 2.63 acres for Northland Park Second Addition, 2.09 acres to Prairie View Limited Partnership, and the west 50 feet of the Southwest Quarter of the Northeast Quarter of the Southwest Quarter to the City of Worthington for street purposes.

1,572. feet	\$8,815.76
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Combined Amounts

*Northland Park Second Addition*

Lot 1, Block 1	\$962.19
Lot 2, Block 1	\$550.68
Lot 3, Block 1	\$550.60
Lot 4, Block 1	\$550.52
Lot 5, Block 1	\$550.44
Lot 1, Block 2	\$528.63
Lot 2, Block 2	\$528.63
Lot 3, Block 2	\$528.63
Lot 4, Block 2	\$528.63
Lot 5, Block 2	\$528.63

*Unplatted Property*

The Northeast Quarter of the Southwest Quarter of Section 13, Township 102, Range 40, except the following tracts: 8.62 acres for I-90, 8.02 acres and 5.12 acres to Worthington Christian School Society, 1.397 acres for Northland Park First Addition, 2.63 acres for Northland Park Second Addition, 2.09 acres

to Prairie View Limited Partnership, and the west 50 feet of the Southwest Quarter of the Northeast Quarter of the Southwest Quarter to the City of Worthington for street purposes.

\$13,333.10

2. That a copy of this resolution be filed in the Office of the City Clerk with the assessment rolls pertaining to the assessment.

**RESOLUTION NO. 3071 ADOPTED, AMENDING RATES ON EXISTING ASSESSMENTS**

At its November 22, 2004 meeting, Council authorized the sale of a PIR bond which provided funding of certain improvements that had been completed in 2003 and assessed in 2004. Such assessments, and terms for their payment, were adopted by Council on October 12, 2004. The actual interest rate of 3.56 of the bond was significantly below that estimated for establishing the interest rate on the assessments. The 2004 bond also provided for refunding four existing bonds. There remain assessment balances to be paid to the City on certain of the improvements financed by these four bonds. The interest rates due on these assessments reflect the interest rates of the original bonds. The interest rates on assessments for certain improvements completed at the same time as those financed by the bonds listed (including the 2004 bond) were based on the corresponding bond although the project was financed by city reserves. Although the occurrence of PIR bond refunding is not frequent, it has been the practice of the City to amend the interest rates on any current assessments to reflect the new financing rate. It would be consistent with this practice to amend the interest rates on the assessments for the improvements that have been refinanced, as well as the rates on the assessments for the improvements related to the refinanced improvements. It would also be consistent to adjust the interest rate on the assessments initially financed by the 2004 bond to reflect the actual interest rate.

The motion was made by Alderman Nelson, seconded by Alderman Petrich and unanimously carried to adopt the following resolution:

RESOLUTION NO. 3071

RE-ESTABLISHING THE INTEREST RATE ON THE PAYBACK TERMS SET FORTH IN RESOLUTIONS ADOPTING THE SPECIAL ASSESSMENTS FOR CERTAIN IMPROVEMENTS

(Refer to Resolution file for complete copy of Resolution)

**LYLE TEN HAKEN DESIGNATED OFFICIAL DELEGATE TO CUERO, TEXAS**

The motion was made by Alderman Petrich, seconded by Alderman Nelson and unanimously carried to designate Lyle and Beth Ten Haken as the official delegates to represent the City of Worthington at Turkeyfest in Cuero, Texas the week-end of October 7-8-9, 2005 and to reimburse Lyle for his

expenses.

**APPROPRIATION OF FUNDS FOR MEMORIAL AUDITORIUM APPROVED**

An additional appropriation of \$2,250 for Memorial Auditorium has been requested to be used for doors and railings. The appropriation will be funded by a \$10,000 reserve. The reserve is a result of a 2004 bequest (donation). Upon recommendation of the Memorial Auditorium Advisory Board, the motion was made by Alderman Woll, seconded by Alderman Ten Haken and unanimously carried to approve the expenditure and use of reserves.

**PREMISE PERMIT RENEWAL APPLICATIONS FOR LAWFUL GAMBLING ACTIVITY APPROVED**

The National Multiple Sclerosis Society, Minnesota Chapter's lawful gambling premise permit for Stephanie's and the Long Branch Saloon will expire on December 31, 2005. They have renewed their lease agreements and intend to continue lawful gaming activities at these two sites. The motion was made by Alderman Woll, seconded by Alderman Petrich and unanimously carried to adopt the following resolutions of approve for each site for the period January 1, 2006 through December 31, 2007:

RESOLUTION

REGARDING GAMBLING PERMIT

RESOLVED, the City of Worthington agrees to approve the gambling permit for the National Multiple Sclerosis Society, Minnesota Chapter to conduct lawful gambling at Stephanie's Restaurant and Lounge, 2015 N. Humiston Avenue, Worthington, Minnesota, for the MS Society's premise permit period January 1, 2006 through December 31, 2007.

RESOLUTION

REGARDING GAMBLING PERMIT

RESOLVED, the City of Worthington agrees to approve the gambling permit for the National Multiple Sclerosis Society, Minnesota Chapter to conduct lawful gambling at Long Branch Saloon, 206 Tenth Street, Worthington, Minnesota, for the MS Society's premise permit period January 1, 2006 through December 31, 2007.

**RESOLUTION ADOPTED, APPROVING PROPOSED 2005 TAX LEVIES COLLECTIBLE IN 2006**

The proposed City of Worthington levy is \$2,361,230. This amount breaks down into an operating levy of \$1,668,992, and Special Tax Levies of \$692,238. The proposed levy represents a 7.95

increase over the current year. The proposed levy can be reduced but not increased when the City certifies its final levy in December 2005. The City will hold its annual Truth in Taxation Hearing at a time and place to be determined on December 13, 2005. The meeting will be a joint City/County/ISD#518 meeting. The motion was made by Alderman Nelson, seconded by Alderman Woll and unanimously carried to adopt the following resolution:

**RESOLUTION  
 APPROVING 2005 TAX LEVIES COLLECTIBLE IN 2006**

Be it resolved, by the City Council of the City of Worthington, County of Nobles, State of Minnesota, that the following sums of money are to be levied for the current year, collectible in 2006 upon the taxable property in said City of Worthington, Minnesota for the following purposes:

LIMITED GENERAL PURPOSE TAX:2005/2006	LEVY	SPECIAL TAX LEVIES:	2005/2006 LEVY
General Fund	715,693	G.O. Debt Service Funds including Improvement Bonds (MS 275.50 Subd. 5e and MS 429.091)	
Community Center Fund	18,972		
Recreation Fund	723,936	PIR Series 1998A \$2,190,000	135,200
Improvement Construction Fund	151,684	PIR Series 2000B \$1,485,000	91,200
Memorial Auditorium Fund	58,707	PIR Series 2002A \$920,000	75,800
		Public Facility Lease Rev 2004A	83,288
		PIR Series 2004A \$3,055,000	290,000
<b>TOTAL GENERAL PURPOSE TAX</b>	<b><u>1,668,992</u></b>	<b>SUBTOTAL DEBT SERVICE FUNDS</b>	<b>675,488</b>
		Economic Development Tax Abatement	16,750
		<b>TOTAL SPECIAL TAX LEVIES</b>	<b><u>692,238</u></b>
<b>SPECIAL TAX LEVIES: (Other than Debt Service)</b>		<b>RECAP OF TAX LEVY TOTALS:</b>	
Housing & Redevelopment Authority (MS 462.545 Subd. 6)	Separate Certified Levy	General Purpose Levy	1,668,992
		Special Tax Levies	<u>692,238</u>
		<b>TOTAL NET LEVY</b>	<b><u>2,361,230</u></b>

The City Clerk is hereby directed to transmit a certified copy of this resolution to the County Auditor of Nobles County, Minnesota.

**RESOLUTION ADOPTED, APPROVING PROPOSED 2005 TAX LEVIES COLLECTIBLE  
 IN 2006**

The proposed Worthington Housing and Redevelopment Authority's proposed levy is \$59,966.40. The proposed levy represents a 15.6% increase over the current year. The motion was made by Alderman Nelson, seconded by Alderman Woll and unanimously carried to adopt the following



resolution:

RESOLUTION APPROVING 2005 TAX LEVIES COLLECTIBLE IN 2006

BE IT RESOLVED, by the City Council of the City of Worthington and the Housing and Redevelopment 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 2006, upon the taxable property in said City of Worthington, Minnesota, for the following purposes:

SPECIAL TAX LEVY	CERTIFIED LEVY 2005-2006
HOUSING AND REDEVELOPMENT AUTHORITY TAX LEVY (Minnesota Statute 469.033, Subdivision 6)	
Special Tax for Operations	\$54,552.77
Informational Service & Relocation Assistance	<u>5,413.63</u>
TOTAL	\$59,966.40
NET CERTIFIED LEVY	<u>\$59,966.40</u>

The City Clerk is hereby directed to transmit a certified copy of this resolution to the County Auditor of Nobles County, Minnesota.

**RESOLUTION NO. 3075 ADOPTED, APPROVED THE PROPOSED 2006 FUND BUDGETS FOR THE CITY OF WORTHINGTON, MINNESOTA**

The motion was made by Alderman Ten Haken, seconded by Alderman Petrich and unanimously carried to adopt the following resolution approving proposed spending levels within the property tax supported funds, Debt Service Funds, Data Processing, and Cable TV funds. The total budget can be lowered but may not be increased at final budget approval in December.

RESOLUTION NO. 3075

A RESOLUTION FOR THE APPROVAL OF THE PROPOSED 2006 FUND BUDGETS FOR THE CITY OF WORTHINGTON, MINNESOTA

(Refer to Resolution file for complete copy of Resolution)

**COUNCIL COMMITTEE REPORTS**

Alderman Hain - none

Alderman Petrich - Memorial Auditorium Chamber Mixer turned out extremely well.

Alderman Nelson - none

Alderman Woll - Whiskey Ditch Rally dance went until 1:00 a.m. and he received complaints about band noise. Alderman Hain also noted he had received complaints

Alderman Ten Haken - City/County/School District meeting - 1<sup>st</sup> Avenue SW project concerns were raised - move the project along as soon as possible. Also, Central School transferred to SW MN Housing Partnership - maintenance is now their responsibility.

### **CITY ADMINISTRATOR REPORT**

Bob Filson reported on the fire at the City / Council buildings on Saturday with an approximate \$125,000 damage. He noted the good thing is that we recently increased replacement values. These are the new buildings we put up about three years ago. The State Fire Marshall is being called in.

### **BILLS PAYABLE**

The motion was made by Alderman Petrich, seconded by Alderman Woll and unanimously carried that bills payable and totaling \$834,570.08 be ordered paid.

### **ADJOURNMENT**

The motion was made by Alderman Nelson, seconded by Alderman Woll and unanimously carried to adjourn the meeting at 7:50 p.m.

Karen Buchman  
City Clerk