

**WORTHINGTON CITY COUNCIL
REGULAR MEETING, OCTOBER 12, 2020**

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, Alan Oberloh, Mike Harmon, Larry Janssen.

Staff present: Steve Robinson, City Administrator; Jason Brisson, Assistant City Administrator/Director of Economic Development; Jeremiah Cromie, City Planner; Mindy Eggers, City Clerk.

Others present: Justine Wettschrek, Radio Works; Leah Ward, The Globe; Duane Gruis, Jesus Lerma, Lizbeth Lerma, Chris Kielblock, Jodi Landgaard, MN West Community & Technical College; Cory Bomgaars, Jodi Hansen, Cheniqua Johnson, Honorary Council Member; Randy Thompson, Housing & Redevelopment Authority; Mike Cumiskey, MN West Community & Technical College.

The Pledge of Allegiance was recited.

HONORARY COUNCIL MEMBER

Mayor Kuhle welcomed Cheniqua Johnson as the Honorary Council Member for the months of October, November, December, 2020. Ms. Johnson thanked Council for the opportunity to serve.

AGENDA APPROVED WITH ADDITIONS/CHANGES

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

**HELD PUBLIC HEARING AND APPROVED FIRST READING PROPOSED ORDINANCE
VACATE PART OF AN ALLEY IN BLOCK 18, PLAT OF WORTHINGTON, NOBLES
COUNTY, MINNESOTA**

Pursuant to published notice, this was the time and date set for a public hearing on a proposed vacation of part of an alley in Block 18, Plat of Worthington.

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

Jeff Faragher, Acting Engineer, stated the City has received a petition to vacate part of a certain alley in Block 18, Plat of Worthington. The portion of the alley to be vacated is described as follows:

That part of the alley lying between Lot 11 and Lot 12, Block 18, Plat of
Worthington, Nobles County, Minnesota,
Together with,

That portion of the alley abutting the southeast line of Lot 7, Block 18, Plat of Worthington, Nobles County Minnesota, that lies northeast of “Line A” and southwest of “Line B”. Said “Line A” and “Line B” are described as follows: “Line A” is described as the northeasterly line of Lot 11 of said Block 18 extended northwesterly. “Line B” is described as the northeasterly line of Lot 7 of said Block 18 extended southeasterly.

Mr. Faragher explained the petition has representation of over 50% of properties abutting the segment petitioned to be vacated and over 50% of the property within 300 feet of the ends of the segment. The petition does satisfy the requirements of Section 4.14 of the City Charter for vacation of a street or alley.

Mayor Kuhle asked if there was anyone that would like to provide testimony, there was none.

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

The motion was made by Council Member Oberloh, seconded by Council Member Cummings and unanimously carried to give a first reading to a proposed ordinance vacating part of the alley in Block 18, Plat of Worthington, Nobles County, Minnesota and authorize the sale of the vacated segment to the abutting property owners.

HELD PUBLIC HEARING ON PROPOSED ASSESSMENTS AND ADOPTED RESOLUTION NOS 2020-10-89, 2020-10-90, 2020-10-91, 2020-10-92, 2020-10-93

Pursuant to published notice, this was the time and date set for a public hearing on proposed assessments.

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

Jeff Faragher, Acting Engineer presented information on the proposed assessments and what the payment options would be for each of them.

The recommended terms for the proposed assessments are listed below.

SANITARY SEWER IMPROVEMENT NO. 113
> East Avenue from Spring Avenue to 950 feet southeast.
3.1%; 15 years

PAVING IMPROVEMENT NO. 115

- > East Avenue from C.S.A.H. 5 to 565 feet east of the east right-of-way line of C.S.A.H. 5.
3.1%; 15 years

2020 MISCELLANEOUS UNPAID CHARGES

- > Removal of Ice and Snow
- > Removal of Solid Waste
- > Removal of Noxious Weeds and Vegetation
- > Street Lighting Special Service Charge
4.0%; 1 year

REASSESSMENT OF CANCELLED ASSESSMENT FOR WATER MAIN IMPROVEMENT NO. 74-09

- > A tract of land located in the Northeast Quarter of the Southwest Quarter south of I-90, Section 13-102-40, City of Worthington, Nobles County, Minnesota.
6.5%; 15 years

ADDITIONAL ASSESSMENT FOR SANITARY SEWER IMPROVEMENT NO. 88

- > A tract of land located in the Northeast Quarter of the Southwest Quarter south of I-90, Section 13-102-40, City of Worthington, Nobles County, Minnesota.
4.5%; 15 years
- Based on interest rate on PIR bonds
- Based on recommended policy for a minimum rate of 4% or current rate for improvement assessments, whichever is greater
- Based on interest rate and payback period established for assessment of original improvement

Mayor Kuhle asked if there was any testimony. Randy Thomson, HRA Director, thanked Council and said East Avenue is now a quality street with the improvements and the assessment amount came in lower than expected and they do not have any vacancies at this time.

Dwayne Gruis stated that his property is no more valuable than it was five years ago but the upgrades are nice and there is better lighting.

Mr. Faragher said in regard to Paving Improvement No. 115, staff recommends that the assessable frontage for the 100' strip of former railroad right-of-way currently owned by Duane Gruis be reduced to zero due to the limited depth of the property and resulting uncertainty as to how the

property may benefit from the nature of the interim improvement. The reduction of assessable frontage will result in no assessments being levied against the property at this time. He noted, the City reserves the right to levy additional assessments should the property be developed in the future and/or assess for other street improvements. A hearing or hearings would be required before the City may levy such assessments in the future.

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

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

RESOLUTION NO. 2020-10-89

A RESOLUTION ADOPTING THE SPECIAL ASSESSMENT FOR SANITARY SEWER IMPROVEMENT NO. 113

(Refer to Resolution File for complete copy of Resolution)

RESOLUTION NO. 2020-10-90

A RESOLUTION ADOPTING THE SPECIAL ASSESSMENT FOR PAVING IMPROVEMENT NO. 115

(Refer to Resolution File for complete copy of Resolution)

RESOLUTION NO. 2020-10-91

A RESOLUTION ADOPTING THE SPECIAL ASSESSMENT FOR 2020 MISCELLANEOUS UNPAID CHARGES

(Refer to Resolution File for complete copy of Resolution)

RESOLUTION NO. 2020-10-92

A RESOLUTION ADOPTING THE ASSESSMENTS FOR THE REASSESSMENT OF WATER MAIN IMPROVEMENT NO. 74-09

(Refer to Resolution File for complete copy of Resolution)

RESOLUTION NO. 2020-10-93

A RESOLUTION ADOPTING THE ADDITIONAL ASSESSMENT FOR SANITARY SEWER IMPROVEMENT NO. 88

(Refer to Resolution File for complete copy of Resolution)

CONSENT AGENDA APPROVED

Council Member Ernst stated she does not think Council should approve a dock permit application in October, considering the time of year she doesn't think the payment should be accepted.

A motion was made by Council Member Oberloh, seconded by Council Member Jansen and unanimously carried to approve the consent agenda with the exception of the dock permit application.

- City Council Minutes of Regular Meeting of September 28, 2020
- Special City Council Minutes of October 7, 2020
- Special Joint Economic Development Authority/County Commissioners Meeting Minutes of September 30, 2020
- Water & Light Commission Minutes of September 21, 2020
- Planning Commission Minutes of September 1, 2020
- Convention & Visitors Bureau Minutes of August 26, 2020
- Bills payable and totaling \$1,251,267.31 be ordered paid

SET DATE AND TIME FOR CITY OF WORTHINGTON BOARD OF CANVASS APPROVED

Steve Robinson stated, in Section 2.05 of the Worthington City Charter states that "The City Council shall meet within three days after any city election and canvass the returns and declare the result thereof." Minnesota Statute sets the time period for the canvass of ballots as between the third and 10th day following the general election. The general election is on Tuesday, November 3rd, which means the Charter requires the canvass to be held on or between Wednesday, November 4th through Friday, November 6th. State Statute would require the canvass to be between Friday, November 6th and Thursday, November 19th. Mr. Robinson said the Nobles County Auditor/Treasurer's office will be counting mail in ballots until November 10th so formal results will not be available until November 11th. Staff is suggesting the City's Board of Canvass be scheduled for Friday, November 13, 2020, 9:00 a.m., in City Hall Council Chambers.

A motion was made by Council Member Ernst, seconded by Council Member Jansen and unanimously carried to set the Board of Canvass for Friday, November 13th, 9:00 a.m., in City Hall Council Chambers.

APPROVED FIELD HOUSE ENVIRONMENTAL OVERSIGHT PROFESSIONAL SERVICES AGREEMENT

Mr. Robinson stated Braun Intertec has been retained as the environmental consultant to assist in planning for the collaborative City/County/School District WELL project for redevelopment of the former Campbell Soup site. Their work included preparing a Response Action Plan (RAP) which outlines the necessary steps to manage potentially contaminated soils, groundwater, subsurface vapors, and other environmental issues affecting development of the site. The fees for their work were to be shared between the three entities based on the projected spaces each would occupy.

Mr. Robinson explained since the WELL project is no longer moving forward, the City is advancing with the sales tax funded Field House and Braun is continuing to work on behalf of the City in providing guidance to address potential contamination that may be encountered during construction. Braun has provided support to the project's architectural and engineering team and assisted in plan review and preparing construction specifications in accordance with Minnesota Pollution Control Agency (MPCA) stipulations.

The scope of work includes providing assistance to the design team, on site monitoring during demolition and construction phases, preparing a final documentation report to the MPCA, and assisting in securing final assurance letters from the MPCA.

Braun's work will be performed on a time and material basis for an estimated fee of \$34,480.

A motion was made by Council Member Harmon, seconded by Council Member Ernst and unanimously carried to approve the professional services agreement with Brau Intertec.

FITNESS COURT APPROVED

Mr. Robinson explained the expansion of the City's outdoor aquatic center will result in the removal of Minnesota West's outdoor physical training court. Minnesota West sought opportunities to replace the facility that could be used by students and the public alike. MN West received a \$30,000 grant from the National Fitness Campaign (NFC) for an outdoor body weight circuit training system

The total project cost is \$171,346 which is over the early estimated amount of \$160,000. Council approved a resolution at the January 27, 2020 meeting to act as the fiscal agent for the grant and project but since then The Chamber of Commerce has subsequently agreed to these roles. At that time, the City did not commit funding toward the project although it was noted that a request for assistance would be forthcoming.

Minnesota West submitted the following request to the City:

MN West is seeking partnership with the city of Worthington in replacing the current MN West Law

Enforcement Program’s Challenge Course with a Fitness Court © located between the Administration Building and Health and Wellness Center. Fitness courts are built through a partnership with the National Fitness Campaign <https://nationalfitnesscampaign.com/about-us>. The National Fitness Campaign partners with schools and cities to offer no cost (to the users) facilities open to the public. The National Fitness Campaign also trains volunteers to run fitness programs open to the public. The National Fitness Campaign has \$30,000 grants available to their selected partners. Beginning last fall, MN West has been in contact with City Administrator, Steve Robinson, about the potential partnership between the City and the College in replacing the loss of the Challenge Course with a Fitness Court©. During this process, the National Fitness Campaign selected MN West as a partner site for a Fitness Court and awarded a \$30,000 grant towards the project. MN West has committed property for the location of the Fitness Court, \$50,000 towards construction and purchase and in-kind labor costs installation of the Fitness Court. Worthington Regional Health Care Foundation awarded a \$10,000 grant towards the project. MN West is seeking partnership with the city of Worthington in funding the remaining costs of the project.

Budget:

Fitness Court ©:	\$130,000
Concrete Pad:	\$11,046
Installation of Fitness Court:	\$19,500
Custom Wrap and Graphics:	\$10,000
Install Wrap:	<u>\$800</u>
Total:	\$171,346

Payments:

MN West

Concrete Pad:	(\$11,046)
Committed:	(\$38,954)

Grants:

NFC:	(\$40,000)
WRHCF	(\$10,000)

In-Kind:

MN West	(\$19,500)
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Remaining Balance: \$51,846

Mike Cumiskey, MN West Law Enforcement Program Coordinator, presented a video outlining the different workouts that will be available to do at the Fitness Court. He said the location of the Fitness Court would be directly west of the Administration building. The Court will also be open

to the public.

A motion was made by Council Member Oberloh, seconded by Council Member Harmon and unanimously carried to approve the donation to the Fitness court in the amount of \$51,846.00.

APPROVED TO AWARD BID FOR PHASE 1 CONSTRUCTION OF THE FIELD HOUSE PROJECT

Bids were received for Phase I of the Field House project on October 7, 2020. Six bids were received. Tri-State General Contracting of Jackson, MN was the low bidder with a bid of \$1,709,999.00, this is \$163,000 below the Architect's estimate of \$1.8734 million. The stipulated completion date is April 15, 2021.

A motion was made by Council Member Harmon, seconded by Council Member Ernst and unanimously carried to award the bid for Phase 1 of the Field House project to Tri-State General Contracting of Jackson, MN.

REFERRED DOWNTOWN PARKING REGULATIONS TO THE TRAFFIC & SAFETY COMMITTEE

Mr. Robinson explained Council has requested a discussion regarding parking regulations in the downtown area. Street parking in the downtown area is generally restricted to a 2-hour or 4-hour limit. No parking is allowed between 1:00 a.m. and 6:00 a.m. Enforcement is done by the Community Service Officers. A parking violation is a \$25 administrative fine.

Council Member Ernst stated that she asked for this to be added to the agenda because she received a complaint by someone that lives out of town, was having lunch at Phileo's and received a ticket. They did not know about the restricted parking so Ms. Ernst asked if this is what we wanted to send as a message to people visiting our community. Council Member Oberloh stated that this should be referred to the Traffic & Safety Committee for review as that is the process.

Council agreed and referred it to the Traffic and Safety Committee for their consideration and their recommendation will be forwarded to the Council for action.

INFORMATIONAL ITEM - NOBLES COUNTY BOARD OF CANVASS

Mayor Kuhle noted there was an informational item for Council on the agenda regarding the Nobles County Board of Canvass for the 2020 General Election.

CONDITIONAL USE PERMIT - STORAGE BUILDING AT 1791 DIAGONAL ROAD (CONNIE SCHMIDT) APPROVED

Jeremiah Cromie, City Planner, stated Connie Schmidt applied for a conditional use permit for a storage building located near 1791 Diagonal Road that Baxter Properties currently owns. Storage buildings that are not accessory to a business already located on the property are only permitted in a "B-3" District, the zoning of the subject property through the issuance of a conditional use permit. The legal description of the subject property under consideration is as follows:

That Part of the West Half of the Southeast Quarter of Section 15, Township 102 North, Range 40 West, City of Worthington, Nobles County, Minnesota described as follows:

Commencing at the Northeast corner of Lot 2, Block 2, Harchanko Development First Addition, according to the plat thereof; thence on an assumed bearing of South 0 degrees 58 minutes 56 seconds West, along the east line of said Lot 2, a distance of 205.31 feet to the point of beginning of the tract to be described; thence South 88 degrees 49 minutes 52 seconds East a distance of 220.59 feet to the centerline of C.S.A.H. No. 25 (formerly M.T.H. No. 266); thence southeasterly, along said centerline, an arc distance of 121.42 feet, along a nontangential curve, concave to the southwest, having a radius of 11459.16 feet, a central angle of 0 degrees 36 minutes 26 seconds and the chord of said curve is 121.42 feet and bears South 45 degrees 21 minutes 52 seconds East to the northerly extension of the west line of Lot 11 of Homewood Hills Subdivision of Lots 8 and 9, Block 3, Homewood Hills Third Addition and Block 3, Homewood Hills Fourth Addition, City of Worthington, according to the recorded plat thereof; thence South 2 degrees 04 minutes 52 seconds West, along the northerly extension of the west line of said Lot 11, a distance of 101.66 feet to the Northwest corner of Lot 11; thence South 43 degrees 34 minutes 44 seconds East, along the northeasterly line of said Lot 11, a distance of 10.00 feet to an iron monument; thence South 4 degrees 25 minutes 55 seconds West a distance of 174.36 feet to the Southwest corner of said Lot 11; thence North 88 degrees 49 minutes, 52 seconds West, along the north line of said Homewood Hills Subdivision, a distance of 424.90 feet to the southerly extension of the east line of Lot 2, Block 2, of said Harchanko Development First Addition; thence North 0 degrees 58 minutes 56 seconds East, along the southerly extension of said Lot 2, Block 2, a distance of 4.26 feet to the Southeast corner of said Lot 2, Block 2; thence continuing North 0 degrees 58 minutes 56 seconds East, along the east line of said Lot 2, Block 2, a distance of 190.74 feet to the point of beginning, containing 2.459 acres, subject to easements now of record in said county and state.

The Commission voted unanimously to approve the requested conditional use permit subject to the following conditions:

1. The applicant installs a gravel driveway to the storage building within one (1) year of receiving a building permit for the storage building;

2. The applicant and owner follow all applicable local, state and federal regulations; and
3. The site plan be in accordance with Exhibit 1D with the gravel driveway coming south and east on the property from where the current hard surface abuts the Public Right of Way.

A motion was made by Council Member Ernst, seconded by Council Member Janssen to approve the conditional use permit for the storage building at 1791 Diagonal Road - Connie Schmidt. Council Members voting in favor of the motion: Cummings, Ernst, Harmon, Janssen. Council Member Oberloh abstained from voting. Motion carried.

CONDITIONAL USE PERMIT - DANCE HALL/BALLROOM, 703 OXFORD STREET - LISBETH LERMA APPROVED

Mr. Cromie, stated Lizbeth Lerma has applied for a conditional use permit for a dance hall/ballroom on property she owns at 703 Oxford Street while using the existing buildings at 717 Oxford Street for storage. Dance Halls are only permitted in a “B-3” District, the zoning of the subject property, through the issuance of a conditional use permit. The legal description of the subject property under consideration is as follows:

Lot 3, Block 1, Prins Addition, City of Worthington, Nobles County, Minnesota

AND

Outlot 5 & the West 44 feet of Outlot 6, Auditors Outlots 1 to 12, City of Worthington, Nobles County, Minnesota.

The Commission voted unanimously to recommend the City Council approve the proposed conditional use permit subject to the following conditions:

1. The parking plan for the site be as shown in Exhibit 2D except for providing 1 loading space. Any change of the parking plan must be approved by the zoning administrator. All parking stalls and access drives shall be hard surfaced and maintain visible striping delineating the parking. All parking spaces and access drives must be installed within 1 year of receiving a building permit for renovations to the building;
2. The storage buildings on the 717 Oxford Street property (PIN 31-0639-000) must remain storage unless adequate off-street parking be made on site for a different use;
3. There shall be no parking on any public right of way, including Oxford Street;
4. The owner shall terminate the ingress/egress easement seen in Recorded Document #247645 in Nobles County;
5. The applicant/owner shall obtain a liquor license and public dance license from the City in addition to all applicable required state and federal permitting requirements;

- and
6. The applicant and owner shall follow all applicable local, state and federal regulations.

A motion was made by Council Member Cummings, seconded by Council Member Ernst and unanimously carried to approve the Conditional Use Permit for the Dance Hall/Ballroom, 703 Oxford Street - Lisbeth Lerma.

FIRST READING PROPOSED ORDINANCE TO AMEND TITLE XV OF THE CITY CODE OF THE CITY OF WORTHINGTON, NOBLES COUNTY, MINNESOTA - PLANNED UNIT DEVELOPMENT (PUD AMENDMENT - TEXT AMENDMENT TO PUD 7 (CITY OF WORTHINGTON)

Mr. Cromie, stated the City of Worthington is considering a text amendment to Planned Unit Development #7. At the August 4, 2020 meeting, staff brought up a proposal to include more land uses that could be put in PUD #7, better known as the bioscience park.

The Commission voted 5-1 to recommend approval of the proposed plan unit development text amendment. The only change from the original proposed text amendment was to make the land use of hospitals allowed with a conditional use permit. Their decision was based on the discussion of the proposed land uses at the meeting and the following:

The land uses to be included in the PUD were mostly related to commercial uses allowed in a "B-3" district minus storage units and auto repair facilities. There was general consensus from the planning commission to move forward with this and get input from the surrounding businesses. Staff has got a hold of a few of the businesses in the bioscience park and they have indicated they do not have any problems with it. There is also a business who is interested in splitting up property but currently can't do so because the zoning says parking must be at least 5 feet away from all property lines. Staff does not see an issue of allowing parking to the property lines if part of a shared parking agreement.

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

FIRST READING PROPOSED ORDINANCE TO AMEND WORTHINGTON CITY CODE TITLE XI, CHAPTER 113: PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS TO INCLUDE MOBILE FOOD UNITS WITH VARIOUS RESTRICTIONS

Mr. Cromie, stated the City of Worthington is considering amending Chapter 113 to include mobile food units (food trucks). The Commission held a public hearing and discussed the matter of the proposed text amendment at their October 6, 2020 meeting. The Commission voted unanimously

to approve the proposed text amendment ordinance. Mr. Cromie explained the only change from the original was to make the prohibited noise attention in section 113 be subject to the City's Performance Standards.

Mr. Cromie said at the August 24, 2020 City Council meeting, Council passed ordinance number 1161 that temporarily banned semi-permanent restaurants and new user transient merchant permits. He said staff has reviewed the Cities of Delano, Hopkins, and Alexandria Minnesota along with a few others for their codes regarding codes related to mobile food units. Mr. Cromie stated that currently food trucks need to get Transient Merchant License which is good for 21 days, they have to be on hard surface and have permission from the property owner. Including Mobile Food Units would allow for a Seasonal permit from March 1st - October 31st with a proposed rate of \$500.00. This would also allow them to remain in one location for the season.

Council Member Cummings said he does not see the relevance of including Pioneer Village as they are privately owned. Mr. Cromie said it could be changed to exclude Pioneer Village. He noted that food trucks will be allowed in the public right of way for City events. The City attorney has reviewed the proposed language and his comments have already been addressed in the proposed ordinance.

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

TABLED PROPOSED ORDINANCE TO AMEND WORTHINGTON CITY CODE TITLE IX AND XV, CHAPTERS 92, 97, 99 AND 155 REGARDING INOPERABLE VEHICLES AND NUISANCES CREATED AUTO REPAIR SHOPS

Mr. Cromie stated the City of Worthington is considering a text amendment to chapters 92, 97, 99 and 155 of the code to address inoperable vehicles and in particular inoperable vehicles at auto repair shops that are creating a nuisance. A public hearing was held by the Planning Commission on October 6, 2020. The Commission voted unanimously to approve the proposed text amendment ordinance. The only difference from the original proposed suggestions was to change one of the inoperable vehicle definitions to include a license that is 90 days past the required renewal date rather than the original 30 days. Mr. Cromie stated staff drafted an ordinance that would change sections of City Code Chapters 92: Health and Safety; Nuisances, Chapter 97: Abandoned and Inoperable Vehicles, Chapter 99: Outside Parking of Vehicles and Chapter 155: Zoning to address auto repair shops and inoperable vehicles to make it more easily enforceable to clean up problem properties. Mr. Cromie explained a 6 foot fence would have to be constructed and not more than four inoperable vehicles with a 90 day past due license could be stored behind the fence. Mr. Cromie also said that any new auto repair shop would have to get a Conditional Use Permit which would help in where they will be able to be located. He noted the City attorney has reviewed the proposed changes.

Council Member Oberloh stated there is a State ordinance regarding inoperable vehicles and asked if that should be used within the new ordinance. Mr. Cromie said he had contacted the MNDOT and was told that program enforcement at the state level is not being funded but they would stand behind cities local city ordinances. Council Member Oberloh said he thinks it would be beneficial to have the wording from the State ordinance included in our ordinance and asked if Jeff Flynn, Assistant City Attorney, agreed. Mr. Flynn, stated he was not familiar with the State ordinance and would have to research it before he could comment. After continued discussion Council Member Oberloh stated that he thinks that 6 inoperable cars would be more of an accurate number instead of the proposed 4.

A motion was made by Council Member Cummings, seconded by Council Member Ernst to change the number of allowed inoperable cars from 4 to 6 and add the state statute. Mr. Flynn stated he would suggest that he look at the state statute before it is added into the ordinance. Council Member Cummings rescinded his motion. A motion was made by Council Member Jansen, seconded by Council Member Ernst and unanimously carried to table the first reading.

FINAL PLAT - DK ADDITION (DK BUILDINGS) APPROVED

Jeremiah Cromie, City Planner stated DK Buildings is seeking final plat approval for the DK Addition on East Avenue. The plat consists of 6 lots that will likely be single family homes with an option for a twin home on 3 of the lots. All required improvements have now been installed for the development. Mr. Cromie said since there are no changes from the preliminary plat, it does not require Planning Commission review and staff would recommend approving the final plat subject to the following conditions:

1. The developer records and returns a copy of the recorded plat to the City within 30 days of having the plat recorded.
2. Watershed permits or a Stormwater Pollution Prevention Plan (SWPPP) will be required before the construction of any buildings on the lots; and
3. The applicant and owner follow all applicable local, state and federal regulations.

The motion was made by Council Member Cummings, seconded by Council Member Jansen and unanimously carried to approve the final plat for the DK Addition.

ORDINANCE NO. 1162 INTERIM ORDINANCE ESTABLISHING A MORATORIUM TEMPORARILY PROHIBITING NON-PROFIT LAND USES IN COMMERCIAL ZONING DISTRICTS

Jason Brisson, Assistant City Administrator/Director of Economic Development, stated the City Council passed an interim ordinance temporarily prohibiting nonprofit land uses in commercial

zoning districts at the September 28, 2020 meeting.

Mr. Brisson explained the effect of the proposed ordinance would temporarily prevent nonprofit land uses in commercial zoning districts in the City for a period of up to one year to allow City staff time to study the issue and propose any necessary changes to the City Zoning Ordinance to protect the health, safety, and welfare of the City of Worthington. The ordinance could be rescinded at any time. Council Member Ernst asked how long the study would take, Mr. Brisson stated staff would come to a determination as soon as possible. Mr. Robinson stated that since it prohibits all commercial zoning it has a shutdown effect on all development so staff will move quickly.

Mr. Brisson said when a conditional use permit application is received, the city has 60 days to complete the process according to state law, which only gives staff a short time to do any research. By passing the interim ordinance it gives staff the time that is needed to do the research and possibly change the zoning ordinance in which non-profits could operate within commercial districts. Mr. Brisson said there are some concerns that council is blurring their legislative actions versus administrative actions. His suggestion is to do the study and it may be in the city's best interest to label non-profits more specifically in the zoning ordinance.

A motion was made by Council Member Jansen, seconded by Council Member Harmon to approve the Interim Ordinance Establishing a Moratorium Temporarily Prohibiting Non-Profit Land Uses in Commercial Zoning Districts. Those voting in favor of the motion: Cummings, Harmon, Jansen. Those voting against the same motion: Oberloh and Ernst. Motion passed.

COUNCIL COMMITTEE REPORTS

Mayor Kuhle - The Tenth Avenue bridge turned out really nice.

Council Member Jansen - No report.

Council Member Oberloh - No report.

Council Member Cummings - No report.

Council Member Ernst - No report.

Council Member Harmon - Attended a Water & Light Commission meeting, also attended a Center for Active Living Committee meeting, the committee will also have 2 openings for new members.

Cheniqua Johnson - Thanked everyone involved in the Serology testing, they had approximately 1700 people participate.

CITY ADMINISTRATOR'S REPORT

Mr. Robinson stated the bond rating call went well, the rating will be received on October 23rd and the bond sale will start on October 26th. The City has spent \$255,000.00 of the CARES ACT money that was received and still has a balance of \$62,000. The second round of the grant program will end on October 16th, so far the response has not been as great as the first round.

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ADJOURNMENT

The motion was made by Council Member Oberloh, seconded by Council Member Cummings and unanimously carried to adjourn the meeting at 9:07 p.m.

Mindy L. Eggers, MCMC
City Clerk