

**WORTHINGTON CITY COUNCIL
REGULAR MEETING APRIL 13, 2015**

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: Scott Nelson, Larry Janssen, Mike Harmon, Rod Sankey. Council Members absent: Diane Graber (excused).

Staff present: Steve Robinson, City Administrator; Brad Chapulis, Director of Community/Economic Development; Dwayne Haffield, Director of Engineering; Janice Oberloh, City Clerk; Todd Wietzema, Interim Public Safety Director.

Others present: Kristin Kirtz, Daily Globe; Justine Wettschreck, KWOA; Ken Moser; Chad Cummings; Chris Wibens; Alan Drost; Chris Heinrichs; Darlene Macklin; Jessica Arnt; Alan Oberloh; Arlen Tirevold.

The Pledge of Allegiance was recited.

AGENDA APPROVED / CLOSED WITH ADDITION

Staff requested the addition of item E.4. *Request to Move Fireworks Date and Location for Fund Raising Event* to the agenda, and the addition of an additional bills payable item to the consent agenda. Council Member Nelson also requested a correction to the Planning and Zoning Minutes of April 9th to correct that Diane Graber is the Council Member who attends that meeting and made the motion to adjourn, not himself as stated in that part of the minutes.

The motion was made by Council Member Sankey, seconded by Council Member Harmon and unanimously carried to approve / close the agenda with the requested item.

CONSENT AGENDA APPROVED

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

- City Council Minutes of Regular Meeting, March 23, 2015
- Minutes of Boards and Commissions - Planning Commission/Board of Appeals Minutes of April 7, 2015; Worthington Public Arts Commission Minutes of March 12, 2015; Nobles Economic Opportunity Network (NEON) Minutes of March 12, 2015; Center for Active Living Committee Minutes of March 9, 2015; Worthington Housing and Redevelopment Authority Board Minutes of February 24, 2015
- Financial Statements - General Fund Statement of Revenues and Expenditures - Budget and Actual for the Period January 1, 2014 through December 31, 2014; Municipal Liquor Store Income Statement for the Period January 1, 2015 through December 31, 2015; General Fund Statement of Revenues and Expenditures - Budget and Actual for the Period January 1, 2015 through March 31, 2015; Municipal Liquor Store Income Statement for the Period January 1, 2015 through March 31, 2015

- Approve Amendment No. 1 to the State of Minnesota Department of Public Safety , Driver and Vehicle Services Division Lease No. PS0317, which will extend the term of the contract for and additional five years commencing May 1, 2015 through April 30, 2020 - the lease also provides a 30 day termination clause for both entities
- Approved an On-Sale and Off-Sale Beer License for the Long Branch Saloon, 206 Tenth Street, Raul Godinez - license period April 14, 2015 through December 31, 2015
- Bills payable and totaling \$854,645.51 be ordered paid.

ORDINANCE NO. 1084 ADOPTED - CHANGE OF ZONE - WEST 304 FEET OF GOV'T LOT 4 (SW 1/4 OF SW 1/4) NORTH OF CSAH 35 FROM CURRENT "TZ" TRANSITIONAL ZONE TO "M-1" - LIGHT INDUSTRIAL

Pursuant to published notice, this was the time and date set for the third reading of a proposed ordinance that would rezone the west 304' of Gov't Lot 4 (SW 1/4 of SW 1/4) north of CSAH 35 from current "TZ" - Transitional Zone to "M-1" - Light Industrial. The property is legally described as follows:

Section I.

In order to better protect and enhance public health, safety and general welfare, the Worthington City Council hereby finds that it is necessary to modify the zoning district designation of certain areas of the City of Worthington from "TZ" - Transitional Zone to "M-1" - Light Industrial.

Section II.

The following legally described area, presently included in the "TZ" district, shall henceforth be included in the "M-1" district:

That part of Government Lot 3 of Section 19, Township 102 North, Range 39 West, City of Worthington, Nobles County, Minnesota, described as follows:

Commencing at the West Quarter corner of said Section 19; thence on an assumed bearing of South 0 degrees 04 minutes 08 seconds West, along the west line of said section, a distance of 1142.35 feet to the north line of the South 185 feet of Government Lot 3 of said section and the point of beginning of the tract to be described; thence continuing South 0 degrees 04 minutes 08 seconds West, along said west line, a distance of 176.00 feet; thence North 89 degrees 51 minutes 32 seconds East a distance of 304.00 feet; thence North 0 degrees 04 minutes 08 seconds East a distance of 176.00 feet to the north line of the South 185 feet of said Government Lot 3; thence South 89 degrees 51 minutes 32 seconds West, along said north line, a distance of 304.00 feet to the point of beginning.

Together With

That part of Government Lots 3 and 4 of Section 19, Township 102 North, Range 39 West, City of Worthington, Nobles County, Minnesota, described as follows:

Commencing at the West Quarter corner of said Section 19; thence on an assumed bearing of South 0 degrees 04 minutes 08 seconds West, along the west line of said section, a distance of 1318.35 feet to the point of beginning of the tract to be described; thence North

89 degrees 51 minutes 32 seconds East a distance of 304.00 feet; thence North 0 degrees 04 minutes 08 seconds East a distance of 176.00 feet to the north line of the South 185 feet of Government Lot 3 of said section; thence North 89 degrees 51 minutes 32 seconds East, along said north line, a distance of 478.40 feet; thence South 1 degree 30 minutes West a distance of 185.08 feet to the north line of Government Lot 4 of said section; thence North 89 degrees 51 minutes 32 seconds East, along said north line, a distance of 371.00 feet; thence South 0 degrees 00 minutes West a distance of 530.32 feet the north line of a tract as recorded in Doc. No. A332109; thence North 86 degrees 43 minutes 41 seconds West, along said north line, a distance of 127.40 feet to the Northwest corner of said tract; thence South 2 degrees 45 minutes 04 seconds West, along the west line of said tract, a distance of 104.80 feet to the Southwest corner of said tract, located on the northeasterly right of way line of County State Aid Highway No. 35; thence North 67 degrees 48 minutes 07 seconds West, along said northeasterly right of way line, a distance of 987.58 feet; thence North 33 degrees 51 minutes 59 seconds West, along said northeasterly right of way line, a distance of 124.45 feet; thence North 67 degrees 48 minutes 08 seconds West, along said northeasterly right of way line, a distance of 35.62 feet to the west line of said section; thence North 0 degrees 04 minutes 08 seconds East, along said west line, a distance of 143.99 feet to the point of beginning.

Adoption of the proposed ordinance changes zoning for all 14.266 acres, and will allow Alan Drost, who will acquire 13.20 acres of the subject property, to construct a self-storage development.

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

ORDINANCE NO. 1084

AN ORDINANCE TO AMEND TITLE XV OF THE CITY CODE OF WORTHINGTON, NOBLES COUNTY, MINNESOTA, TO REZONE PROPERTY FROM "TZ" (TRANSITIONAL ZONE) TO "M-1" (LIGHT INDUSTRIAL)

(Refer to Ordinance File for complete copy of Ordinance)

EARTH DAY PROCLAMATION

The motion was made by Council Member Nelson, seconded by Council Member Sankey and unanimously carried to issue the following proclamation supporting Earth Day and green economy initiatives in Worthington:

**Earth Day Proclamation
Earth Day 2015
April 22, 2015**

WHEREAS the global community now faces extraordinary challenges, such as

global health issues, food and water shortages, and economic struggles; and

WHEREAS all people, regardless of race, gender, income, or geography, have a moral right to a healthy, sustainable environment with economic growth; and

WHEREAS it is understood that the citizens of the global community must step forward and take action to create a green economy to combat the aforementioned global challenges; and

WHEREAS a green economy can be achieved on the individual level through educational efforts, public policy, and consumer activism campaigns; and

WHEREAS it is necessary to broaden and diversify this global movement to achieve maximum success; and

WHEREAS Earth Day is the beginning of a new year for environmental stewardship commitments, to implement sustainability efforts and commit to an Earth Day resolution(s); and

FURTHERMORE, let it be known that Worthington, Minnesota hereby encourages its residents, businesses and institutions to use **EARTH DAY** to celebrate the Earth and commit to building a sustainable and green economy;

NOW THEREFORE IT BE RESOLVED, that Worthington, Minnesota, hereby pledges this Earth Day, April 22, 2015, to support green economy initiatives in Worthington, Minnesota and to encourage others to undertake similar actions.

MEMORANDUM OF UNDERSTANDING APPROVED - 2015 SUMMER HOURS FOR PUBLIC WORKS EMPLOYEES

In the past Council had approved a memorandum of understanding between the City of Worthington and the Local 49 Public Works employees that allowed for a work day schedule consisting of nine-hour work days Monday through Thursday, and one four-hour day on Fridays. The Public Works employees were again asking Council approval of a memorandum of understanding for 2015, that would commence on April 22, 2015 and continue until suspended by the City Administrator and Director of Public Works.

The motion was made by Council Member Harmon, seconded by Council Member Janssen and unanimously carried to approve the Memorandum of Understanding for 2015.

CONSIDERATION OF REQUEST TO MOVE DATE AND LOCATION OF FOURTH OF

JULY FIREWORKS FOR FUND RAISING EVENT

Ken Moser and Chad Cummings, KWOA, presented information on a fund raiser they are planning with the proceeds to go the Lake Okabena Improvement Association. They are in the preliminary stages of planning, but said the event would feature a free to the public top 40 National Country music concert in Centennial Park on July 3rd, in addition to kids and family fun activities. As part of their planning, they were requesting that Council consider moving the annual Fourth of July fireworks to July 3rd to coincide with their event. As Centennial Park has been the launching location for the fireworks for several years, the group was also requesting Council approval to move that location to allow them the use Centennial Park for their event. Mr. Moser said they had met with the fireworks contractor at several locations in Worthington, and were looking at moving the launch site to Ehlers Park, which would require installation of a temporary floating dock, and temporary closure of South Shore to traffic. Mr. Cummings pointed out, however, that the City's Park Building would fall within safety zone for launching fireworks, and would require a exclusion of concern form the City to the fireworks company. Most of Council was in favor of the request, however, Council Member Sankey said he would not vote in favor of moving the fireworks from the 4th as it is the most important holiday to our country.

Following discussion, Council Member Nelson moved to approve the request to move the date and location of the Fourth of July fireworks as requested. Mayor Kuhle said he thought Council should just take it under advisement and act on the request at the next meeting. Mr. Cummings was agreeable to Mayor Kuhle's suggestion, however, Mr. Moser said the delay would put them two weeks behind schedule in planning - they need to know if they can move the date and the launch location so they can go to the next step. Following further discussion, Mayor Kuhle said this would be a big change and he wanted Council to consider the request and make a determination at the next meeting.

RESOLUTION NO. 3586 ADOPTED ACCEPTING PARK BENCH DONATION

Martin and Pam Rickers were requesting to donate two park benches to the City of Worthington - one in honor of Martin's parents, Don and Dorothy Rickers, and the other in honor of his aunt and uncle, Russ and Jan Rickers. Per policy, the donation must be accepted by resolution. Staff determined the donation meets all the requirements of the City's Park Donation Policy, and the Park and Recreation Advisory Board was recommending acceptance of the donation.

The motion was made by Council Member Nelson, seconded by Council Member Sankey and unanimously carried to adopt the following resolution accepting the park bench donation:

RESOLUTION NO. 3586

A RESOLUTION ACCEPTING A DONATION OF PERSONAL PROPERTY

(Refer to Resolution File for complete copy of Resolution)

YMCA SUMMER PROGRAM FEES APPROVED

Staff presented the proposed 2015 YMCA Summer Program Fees for Council consideration. Mark Wibbens from the YMCA was also in attendance to answer questions from Council. Council Member Sankey requested an explanation of how the program worked as he did not understand the fees as presented. Mr. Wibbens said the biggest change was that the schedule added and additional 215 hours to the day camp program. In addition, some of the increase was wage-based due to the impact of the new minimum wage standards that will eventually take the current wage of \$7.25 per hour to \$9 per hour. The City is only charged for the administrative part of the programs if no one signs up.

The motion was made by Council Member Sankey, seconded by Council Member Janssen and unanimously carried to approve the YMCA Summer Program Fees as presented, and which are a part of these minutes by reference.

BEACH NOOK CONTRACT APPROVED

Jessica Arnt has agreed to again lease and operate the concession area of the Centennial Beach Restroom/Concession Building. According to the agreement, the lessee agrees to be open for business between Memorial Day and Labor Day, every day during that period that the weather permits. Lessee shall be paid a sum of \$5,000 in exchange for operating the concessions and maintaining the beach and restroom areas during the term of the lease. Staff noted that Council approval should be contingent on Jessica Arnt submitting an application for Concession Permit, permit fee, insurance certificate and damage deposit.

The motion was made by Council Member Sankey, seconded by Council Member Nelson and unanimously carried to approve the Beach Nook Contract with Jessica Arnt subject to the noted contingencies.

2015 PERMITS TO INSTALL PRIVATE DOCKS ON PUBLIC PROPERTY APPROVED

Permit applications to install private docks on public property were received from the following residents:

- Tim Gaul - across the street from 625 Lake Avenue
- Dave Holinka - across the street from 200 Lake Street
- Bruce Pass - across the street from 214 Lake Street
- Clarence Kremer - across the street from 916 West Lake Avenue

All of the applicants had permits in 2014.

The motion was made by Council Member Nelson, seconded by Council Member Sankey and unanimously carried to approve the permits to install private docks on public property as presented.

This brings the total number of permits for 2015 to nine, which was the number set and approved by Council at their January 12, 2015 meeting.

RESOLUTION NO. 3587 ADOPTED APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS - CSAH 35 WATER MAIN EXTENSION PROJECT

Dwayne Haffield, Director of Engineering, said that, pursuant to Council resolution of February 23, 2015, staff completed the plans and specifications for the extension of water main on C.S.A.H. east of C.S.A.H. 5. Bids would be received May 8, 2015 and considered at the May 11, 2015 Council Meeting.

The motion was made by Council Member Sankey, seconded by Council Member Nelson and unanimously carried to adopt the following resolution approving the plans and specifications and ordering advertising for bids for the C.S.A.H. water main extension project:

RESOLUTION NO. 3587

APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS

(Refer to Resolution File for complete copy of Resolution)

Mr. Haffield provided an update to Council on the status of the Crailsheim Road Sewer Extension project, which, he noted, the property owners affected by the project had requested the project be suspended.

STORM WATER UTILITY FUND BUDGET AMENDED WITH AUTHORIZATION TO PURSUE GRANT

Dwayne Haffield, Director of Engineering, stated that staff has been working with the Minnesota Department of Homeland Security and Emergency Management (HSEM) to prepare a grant application for hazard mitigation funding assistance from FEMA for the initial components of the County Ditch 12 Flood Mitigation Project. Components include the construction of storm water retention areas on CD 12 at I-90 and the Oxford Street culvert replacement. Completion of the work

will significantly reduce flood risks downstream of Oslo Street. The most recent cost estimate for the work is just over \$3.1 million, with FEMA funding available in Minnesota of up to 75% (\$2.3 million). Mr. Haffield said the application process for the funding is not like anything they've seen. The consultant has a lot of time in the project and so do we. The accumulated billable costs for the services has gotten to the point where the budget will need to be amended in order to continue on this path. Our consultant said we need to finish this application. Based on a proposal from Bolton and Menk of a not to exceed rate of \$8,500, staff was requesting an increase of \$10,000 to the budget, which could come from reserves. There is no guarantee of getting the funds, and more and more applications for them are being received.

The motion was made by Council Member Sankey, seconded by Council Member Nelson and unanimously carried to amend the storm water utility budget with an increase of \$10,000 from reserves, and to authorize staff to proceed with the application process for FEMA funding.

CLEAN WATER PARTNERSHIP REQUEST FOR FUNDING APPROVED

Dwayne Haffield, Director of Engineering, reported that the Okabena-Ocheda-Bella Clean Water Partnership (CWP) met on April 7, 2015, and considered proposals to complete two studies pertaining to potential projects to protect/improve Lake Okabena water quality. The first study is the Prairie View Golf Course Storm water BMP feasibility study, which would be to provide an authoritative look at the potential for the site to be used for water quality projects or enhancements under different use scenarios. The study is proposed to be completed by Wenck Engineering, the firm that recently completed the Okabena Lake Diagnostic Study to supplement the Total Maximum Daily Load (TMDL) study being completed by the Minnesota Pollution Control Agency on impaired waters in southwest Minnesota. The amount of funding needed for the proposed study is \$13,000.

The second study is of the siltation rate and projected performance of Sunset Bay as a desiltation basin for Lake Okabena. Following construction of the South Shore Drive causeway, the Bay performed similar to a desiltation basin for the remainder of the lake, and the bay was intentionally enhanced to serve as a desiltation basin by work completed in 1969. That project included dredging of the Bay and installation of sheet pile weirs at the causeway culverts. The CWP considered a proposal from Houston Engineering, Inc. to evaluate the elevation information obtained in the winter of 1998/99 and in 2014, and project the siltation rate na decrease in sediment and nutrient removal efficiency over time. The study will provide insight as to when future dredging should be planned for. Mr. Haffield said long range planning is important due to the preparation and financing that such a project would require. The CWP Board also discussed seeing the projection based on natural settling and the settling that would occur if chemicals were added to improve the removal performance of the Bay. The proposed fees for this work are \$5,387, including the evaluation under two settling rates.

Staff noted that should Council approve the request they should authorize a transfer of reserves to

the CWP for funding of up to \$13,000 + in contracting for the studies. Background information provided by staff indicated that, as of the end of last year, there is a reserve balance for future projects of \$516,404.

The motion was made by Council Member Sankey, seconded by Council Member Nelson and unanimously carried to authorize a transfer of reserves for funding to the Clean Water Partnership up to \$13,000 + for the two studies.

SPECIAL USE PERMIT APPROVED - 375 COUNTY ROAD 5

Quality Storage of Worthington, Alan Oberloh, had submitted an application for a special use permit for the placement of 30-8.5' x 20' portable storage units on property it owns at 375 County Road 5. Warehousing is permitted in the "M-1" - Light Industrial district, which is the zoning classification for the subject property, only through the issuance of a special use permit. The legal description of the subject property under consideration is as follows:

That part of the Northeast Quarter of the Southeast Quarter (NE1/4 SE1/4) of Section 24, Township 102, Range 40, City of Worthington, Nobles County, Minnesota, being more particularly described as follows: Commencing at the east quarter corner of said Section, thence South, assumed bearing, along the east line of said Section, a distance of 650.00 feet to the Point of Beginning of this description; thence continue South, along said section line, a distance of 200.00 feet; thence North 88 degrees 53 minutes 01 seconds West, parallel with the east-west quarter line of said Section, a distance of 300.00 feet; thence North, parallel with said section line, a distance of 200.00 feet; thence South 88 degrees 53 minutes 01 seconds East, parallel with said quarter line, a distance of 300.00 feet to the Point of Beginning. Said part contains 1.377 acres of land, more or less, and is subject to existing easements of record.

The Planning Commission considered the request at their April 7, 2015 meeting, and after holding a public hearing, voted unanimously to recommend Council approval of the special use permit, with the condition that the applicant complete the concrete pad improvements as outlined in the site plan as provided. Brad Chapulis, Director of Community/Economic Development, said that the applicant had obtained a special use permit to use two existing buildings for warehousing, while other portions of the property were occupied by a tenant with an automotive repair business. In 2014 the applicant constructed a 24' x 104' storage building in the northwest corner of the subject property, however, due to an error by City staff, a special use permit for the construction was not required. Mr. Chapulis said approval of this special use permit would resolve the matter. Council Member Nelson asked if the container units would be anchored down, and if they would all be the same color. Mr. Oberloh responded no, they would not be anchored as they are built to be portable units, and regarding the color, there are units all around town that are not the same color. Council Member Sankey said, based on no permit for the storage building, that needs to go back to Planning Commission and then come back to Council Mr. Chapulis responded no, as it is part of this case. Council Member Sankey

asked if there would be a penalty assessed for failing to obtain the permit. Mr. Chapulis responded that, as noted in the agenda, it was staff's error so there would not be a penalty.

The motion was made by Council Member Janssen, seconded by Council Member Harmon and unanimously carried to approve the special use permit for 375 County Road 5 - Quality Storage of Worthington, Alan Oberloh.

SPECIAL USE PERMIT APPROVED - 1211 CLARY STREET

Worthington ISD 518 submitted an application for a special use permit for its proposed 19,594 square foot addition to the High School, 1211 Clary Street. Brad Chapulis, Director of Community/Economic Development, said Public Institutional and Cultural land uses, including public schools, are premitted through the issuance of a special use permit in the "R-3" - Low Density Preservation Residential District, which is the zoning of the subject property. The legal description of the subject property under consideration is as follows:

The south 3/4th of the Northeast Quarter of the Northeast Quarter of Section 23, Township 102, Range 40, except that part platted as "Fair Addition" to Worthington, also described as follows:

Beginning at the southwest corner of the Northeast Quarter of the Northeast Quarter of Section 23, Township 102, Range 40, Nobles County, Minnesota; thence north along the 1/16th line a distance of 965.7 feet to the southwest corner of Lot 6, Block 3, of Morfitt's Subdivision; thence east along the south line of Morfitt's Subdivision, a distance of 743.0 feet to the west alley line of Block 2, Fair Addition; thence south along the west alley line of Block 2, Fair Addition, a distance of 965.7 feet, to the north line of the Northeast Quarter of the Northeast Quarter of said Section 23; thence west a distance of 735.0 feet to the place of beginning. The south 35 feet thereof being now part of Clary Street.

Except

Commencing at the southeast corner of Lot 10, Block 2, of Morfitt's Subdivision; thence south 50 feet on the west line of Church Avenue, extended; thence east and parallel with the south line of Morfitt's Subdivision, a distance of 138 feet; thence south and parallel to the west line of the Alley in Block 2 of Fair Addition, to the north line of Clary Street; thence east 49 feet to the west line of said Alley in Block 2, Fair Addition; thence north along said west Alley line, to the south line of Morfitt's Subdivision, extended; thence west along the south line of Morfitt's Subdivision, to the point of beginning; in the City of Worthington.

And Except

Commencing at the southwest corner of Lot 9, Block 2, of Morfitt's Subdivision; thence south on the east line of Marine Avenue, extended, a distance of 50 feet; thence west on a line parallel to the south line of Morfitt's Subdivision, a distance of 146 feet; thence south

and parallel to the west line of Morfitt's Subdivision , extended, to the north line of Clary Street; thence west on the north line of Clary Street, a distance of 74 feet; thence north to the southwest corner of Lot 6, Block 3, of Morfitt's Subdivision; thence east on the south line of Morfitt's Subdivision, to the point of beginning; City of Worthington.

The Planning Commission considered the application at its April 7, 2015 meeting, and after holding a public hearing, voted unanimously to recommend Council approval of the special use permit subject to the following conditions:

1. All site improvements are completed as was illustrated;
2. The applicant establish and maintain an exterior trash enclosure as required by City Code; and
3. The applicant comply with all applicable State, Watershed, and City storm water regulations and permitting requirements.

Mr. Chapulis distributed a handout of a revised site plan that showed a storm water retention pond in the northwest corner had been removed based on a conversation he held with Superintendent Landgaard, where Mr. Landgaard had indicated that his professional design team determined the storm water retention was not necessary. Mr. Chapulis said from staff's standpoint, condition number 3 would be a trump, and if there's a discrepancy between their design team and City staff the applicable regulations would apply - and they were asking Council to accept the revised site plan. Dwayne Haffield, Director of Engineering, said ISD 518 would still need to submit documents as required for coverage under the NPDS storm water permit - they'll have to show all their calculations on how their determination was made.

The motion was made by Council Member Nelson, seconded by Council Member Sankey and unanimously carried to approve the special use permit for 1211 Clary Street subject to the conditions as stated.

SPECIAL USE PERMIT APPROVED - 1730 DIAGONAL ROAD

Solid Rock Assembly of God submitted an application for a special use permit for property they own at 1730 Diagonal Road, that would allow them to construct an 1,869 square foot addition to its existing religious facility. Religious institutions are only permissible through the issuance of a special use permit in the "B-3" - General Business District, which is the zoning classification of the subject property. The legal description of the subject property under consideration is as follows:

A parcel of land located in the Southeast Quarter of Section 15, Township 102 North, Range 40 West, City of Worthington, Worthington Township, Nobles County, Minnesota, being more particularly described as follows:

Commencing at the southeast corner of said section; thence north 44 degrees 48 minutes 02

seconds west, assumed bearing, along the center line of former Minnesota trunk highway 266, a distance of 964.53 feet to the point of beginning of this description; thence continue north 44 degrees 48 minutes 02 seconds west, along said center line, a distance of 637.57 feet; thence north 45 degrees 11 minutes 58 seconds east a distance of 294.66 feet; thence south 84 degrees 27 minutes 24 seconds east a distance of 142.59 feet; thence south 64 degrees 28 minutes 59 seconds east a distance of 160.00 feet; thence north 65 degrees 52 minutes 50 seconds east a distance of 231.05 feet; thence south 16 degrees 42 minutes 51 seconds east a distance of 175.33 feet; thence south 46 degrees 55 minutes 18 seconds east a distance of 141.00 feet; thence south 45 degrees 11 minutes 58 seconds west a distance of 578.40 feet to the point of beginning, except that part thereof lying within the road right-of-way of county state aid highway 25.

TOGETHER WITH

That part of the Southeast Quarter (SE 1/4) of Section 15, Township 102 North, Range 40 West of the 5th p.m., City of Worthington, Nobles County, Minnesota being more particularly described as follows:

Commencing at the southeast corner of said section; thence north 43 degrees 30 minutes 13 seconds west, assumed bearing, along the center line of former Minnesota trunk highway 266, a distance of 1900.60; thence north 46 degrees 29 minutes 47 seconds east a distance of 150.00 feet to a point on the northeasterly right-of-way line of said highway, said point also being the point of beginning of this description; thence south 43 degrees 30 minutes 13 seconds east, along said highway right-of-way line, a distance of 298.50 feet; thence north 46 degrees 29 minutes 47 seconds east, along the northwesterly line, and its northeasterly extension, of that property as described and recorded in deed document number 207971, a distance of 167 feet, more or less, to the center line of whiskey ditch; thence northwesterly, along said center line a distance of 323 feet, more or less, to a line which bears north 46 degrees 29 minutes 47 seconds east from the point of beginning; thence south 46 degrees 29 minutes 47 seconds west a distance of 55 feet, more or less, to the point of beginning.

The Planning Commission considered the application at their April 7, 2015 meeting, and after holding a public hearing, voted unanimously to recommend Council approval of the special use permit subject to the following conditions:

1. The applicant agrees to prohibit simultaneous use of the facility in writing;
2. The applicant hard surface the required parking as outlined in City Code;
3. The applicant establish and maintain an exterior trash enclosure as require by City Code; and
4. The applicant submit a revised site plan illustrating its compliance with all applicable zoning regulations and that all site improvements are completed as outline in the said revised plan.

The motion was made by Council Member Harmon, seconded by Council Member Sankey and unanimously carried to approve the special use permit for 1730 Diagonal Road, subject to the four conditions.

COUNCIL COMMITTEE REPORTS

Mayor Kuhle - attended the BioScience Conference - it opened his eyes to the number of entrepreneurs in the community and punctuated the need for how we can finish up the lab in the BAC. We're lucky to have these people. Regarding Lewis and Clark, he represented the City at the State of the State speech - was a really good honor - thanks to the people who have been doing the leg work on it - Scott Hain, Steve Robinson, Rod Hamilton, Bill Weber - and the stage was set last year by staff, and thanks to former Mayor Oberloh for getting the legs under it.

Council Member Nelson - the Park Board met - the large umbrella at Centennial Beach needs to be replaced. They are in the process at Olson Park of replacing the 50 amp services there - it will take be about \$10,000 and take a number of years to complete. They've installed a new sign there. Looked at wi-fi for the park and decide no based on the costs. Two additional hoops were installed in Pleasant Park. They looked at the Centennial tennis court - it could be a pickle ball court. 250 trees have been ordered and received - they have received a \$25,000 grant to help pay the total cost of \$46,000.

Council Member Janssen - Attended Traffic and Safety Committee - Annette Larson was down for the meeting. They will work on the issues of speeding and seatbelts to educate the public. Attended the Okabena/Ocheda Partnership meeting, and the NEON meeting - Blandin was there also. Tornado Drill day is April 16th. He was very impressed with the BioScience conference.

Council Member Harmon - April 2nd attended the Cable 3 meeting - they are having some problems with the Church uploads. April 6th was Water and Light Commission meeting - Lewis and Clark is included in both the House and Senate bills and hopefully the Governor's plan. Thanks to Pat Baustian and Troy Larson, and to Lincoln Pipestone for their continuing to push to get the project done. The utilities will be doing a reserve study. The bid from Dunnink was approved for the their water and sewer project. The well levels are still declining - down 25 inches over the last three weeks. They will be phasing in the restrictions - Phase one odd/even policy is in effect - they will look at adding time restrictions also. Phase two will eliminate any unattended lawn sprinkling, and phase three will ban any unnecessary water usage. Met at the Center for Active Living this morning - they have 185 paid members - they talked about possible future programs. They have scheduled an ethnic dinner May 28th - India is the theme.

Council Member Sankey - learned about linking land and water quality through the Heron Lake Watershed and Minnesota Extension Office. On May 7th from 5 - 8 p.m. in Windom at the Community Center a shoreline clean water program is scheduled. April 2nd Governor Dayton was in town. Attended the reception at the Dayton House for the BioScience Conference - this conference was the best he's been to - kudos to Abraham. NEON met April 9th at 5:30 - heard an EMS report - it's tough to get volunteers there. At the Blandin Leadership meeting the Nobles Home Initiative was brought up - people can still get in on the program. The Broadband feasibility study

will be presented tomorrow morning.

CITY ADMINISTRATOR REPORT

Steve Robinson, City Administrator, reported he had attended the Cable 3 Board meeting - they're trying to address the difficulties with the church uploads. The Senate Tax Committee met last week - he and Scott Hain, Red Arnt, Troy Larson, Governor Dayton, Representative Hamilton met while there - they are optimistic for funding. Representatives from the CGMC were in Worthington along with Representative Hamilton and Senator Weber - they reviewed their priorities. Mr. Robinson said he attended the Governor's gathering at the fire hall - there were a lot more people in attendance than his staff had requested room for. He will be meeting later this week regarding the lab completion at the BAC. Next week the Airport Advisory Board will meet and consider the FBO contract. The public works operator position was not filled and will be re-advertised. Staff conducted interviews last week for the 3/4 Liquor Store Retail Clerk and will be making a decision this week on that hiring. He also attended the Michael Martin Murphy concert at the Auditorium on Saturday.

ADJOURNMENT

The motion was made by Council Member Janssen, seconded by Council Member Nelson and unanimously carried to adjourn the meeting at 8:47 p.m.

Janice Oberloh, MCMC
City Clerk