

**WORTHINGTON CITY COUNCIL  
REGULAR MEETING, SEPTEMBER 9, 2019**

The meeting was called to order at 7:00 p.m. in City Hall Council Chambers by Mayor Mike Kuhle with the following Council Members present: Larry Janssen, Alan Oberloh, Chad Cummings, Amy Ernst, Mike Harmon.

Staff present: Steve Robinson, City Administrator; Jason Brisson, Assistant City Administrator/Director of Economic Development; Jeremiah Cromie, City Planner; Todd Wietzema, Public Works Director; Dwayne Haffield, Director of Engineering; Mindy Eggers, City Clerk.

Others present: Leah Ward, The Globe; Justine Wettschrek, Radio Works; Chris Kielblock; Ben Weber; Jayme Baker.

The Pledge of Allegiance was recited.

**AGENDA CLOSED / APPROVED**

The Mayor stated that Addendum item Administration item F. 9 Request for Alternate King Turkey Day Parade Route be added to the agenda.

The motion was made by Council Member Janssen, seconded by Council Member Ernst and unanimously carried to close / approve the agenda with the additions as presented.

**PUBLIC HEARING AND RESOLUTION NO. 2019-09-58 ADOPTED ADOPTING THE ASSESSMENTS FOR UNPAID COSTS FOR THE REPAIR OR REMOVAL OF HAZARDS CITED IN THE ORDER OF THE CITY COUNCIL DATED APRIL 23, 2018**

Pursuant to published notice, this was the time and date set for a public hearing on proposed assessments on the unpaid costs for the repair or removal of hazards cited in the order of the City Council dated April 23, 2018.

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

Dwayne Haffield, Director of Engineering, presented information on the unpaid costs on the proposed assessment roll for repair or removal of hazards at the Hotel Thompson. The total proposed amount is \$183,035.70. The assessment is payable in one installment on or before the first Monday January 6, 2020, and shall incur interest at the rate of 4.0% per annum from the date of adoption of this resolution, however no interest will be charged if the entire assessment is paid within thirty days from the adoption of this assessment.

Mayor Kuhle asked if there was anyone present who wished to present testimony. None was received.

The motion was made by Council Member Cummings, seconded by Council Member Ernst and

unanimously carried to close the hearing.

The motion was made by Council Member Harmon, seconded by Council Member Janssen and unanimously carried to adopt the following resolution approving the proposed special assessments of the unpaid costs for the repair or removal of hazards cited in the order of the City Council dated April 23, 2018.

RESOLUTION NO. 2019-09-58

ADOPTING THE SPECIAL ASSESSMENT OF THE UNPAID COSTS FOR THE REPAIR OR REMOVAL OF HAZARDS CITED IN THE ORDER OF THE CITY COUNCIL DATED APRIL 23, 2018

(Refer to Resolution File for complete copy of Resolution)

**CONSENT AGENDA APPROVED**

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

- Special City Council Meeting Minutes of August 27, 2019
- City Council Minutes of Regular Meeting Minutes of August 26, 2019
- Planning Commission Minutes of September 3, 2019
- Water & Light Commission Minutes of August 12, 2019
- Water & Light Commission Minutes of September 3, 2019
- NEON Committee Minutes of August 1, 2019
- Public Arts Commission Minutes of July 18, 2019
- Convention & Visitors Bureau Minutes of July 17, 2019
- 2019 Private Dock Applications
- Traffic & Safety Committee Recommendation
- Bills payable and totaling \$1,402,920.18 be ordered paid

**THIRD READING AND ORDINANCE NO. 1144 AND SUMMARY ORDINANCE NO. 1144  
ADOPTED ENACTING CHAPTER 32.30 OF THE WORTHINGTON CITY CODE, LOCAL  
SALES AND USE TAX**

Pursuant to published notice, this was the time and date set for the third reading of a proposed ordinance that would enact Chapter 32.30 of the Worthington City Code, Local Sales and Use Tax.

Adoption of this ordinance allows the City to collect a sales tax of 0.5 percent on all taxable purchases for a period of 15 years or when the Council has determined that \$25 million plus an amount sufficient to pay the costs related to issuing bonds and interest have been received.

Steve Robinson, City Administrator, stated in an effort to save publication costs for the three-page ordinance, staff is requesting Council approval of publication of a summary ordinance as allowed by MN Statute 331A.01, Subd. 10, which grants Councils the ability to publish a summary.

A motion was made by Council Member Cummings, seconded by Council Member Ernst and unanimously carried to adopt the summary ordinance for publication.

A motion was made by Council Member Oberloh, seconded by Council Member Cummings and unanimously carried to give a third reading to, and subsequently adopt the following ordinance in it's full entirety and also the summary ordinance for publication:

ORDINANCE NO. 1144

AN ORDINANCE ENACTING CHAPTER 32.30 OF THE CITY CODE, LOCAL SALES AND USE TAX

(Refer to Ordinance File for complete copy of Ordinance)

**RESOLUTION NO. 2019-09-48 ADOPTED REPEALING CURRENT ORDINANCE CHAPTER 32.30 AND REPLACING IT WITH NEW CHAPTER 32.30 OF THE CITY CODE LOCAL SALES AND USE TAX**

Steve Robinson, City Administrator stated that a resolution repealing the current Sales and Use Tax ordinance was approved by Council on December 22, 2008, and replaced it with a new ordinance authorized by the Minnesota Legislature; Session Laws 2019, First Special Session, Chapter 6, Article 6, Section 33.

City Council has determined that the authorized amount plus costs related to issuing bonds and interest on the bonds has been received thereby terminating the current local sales and use tax. Any funds remaining after the retirement or redemption of the bond shall be placed in the general fund of the City.

Mr. Robinson explained under the replacement Chapter 32.30 of the City code, the new local sales and use tax shall initiate on or after January 1, 2020 and shall terminate the earlier of (1) 15 years or (2) when the City Council determines that \$25,000,000, plus an amount sufficient to pay the cost related to issuing bonds and interest on the bonds has been received.

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

RESOLUTION NO. 2019-09-48

A RESOLUTION REPEALING CURRENT ORDINANCE CHAPTER 32.30 AND REPLACING IT WITH NEW CHAPTER 32.30 OF THE CITY CODE LOCAL SALES AND USE TAX

(Refer to Resolution File for Complete copy of Resolution)

**THIRD READING AND ORDINANCE NO. 1155 ADOPTED - CHANGE OF ZONE - TO REZONE PROPERTY FROM "T-Z" (TRANSITION ZONE) to "R-1" (ONE FAMILY DETACHED RESIDENTIAL) - 2716 NORTH ROSE AVENUE**

Pursuant to published notice, this was the time and date set for the third reading of a proposed ordinance - change of zone of 0.5 acres the applicant owns at 2716 North Rose Avenue, north of Twenty Seventh Street. The applicant is requesting to rezone the property from their current "TZ" Transition Zone designation to "R-1" - One Family Detached designation. The legal description of the property under consideration is as follows:

Lot 10, County Auditor's Plat of the Southwest Quarter of the Southwest Quarter of Section 12, Township 102 North, Range 40 West, Worthington Township, Nobles County, Minnesota;

TOGETHER WITH

The easement lot lying between Lots 9 and 10 of said County Auditor's Plat also described as follows:

Commencing at the southwest corner of the Southwest Quarter of Section 12, Township 102 North, Range 40, West of the 5th P.M.; thence easterly along the southerly line of said Section 12, a distance of 331 feet; thence northerly and parallel with the west line of said Section 12, a distance of 270 feet, which is the point of beginning; thence easterly and parallel with the south line of said Section 12, a distance of 120 feet; thence northerly and parallel with the west line of said Section 12, a distance of 60 feet; thence westerly and parallel with the south line of said Section 12, a distance of 120 feet; and thence southerly and parallel with the west line of said Section 12, a distance of 60 feet to the place of beginning.

Rezoning the property would allow for the properties owned to become one parcel for rezoning purposes and to meet all requirements.

A motion was made by Council Member Cummings, seconded by Council Member Harmon and unanimously approved to give a third reading and subsequently adopt the following ordinance:

ORDINANCE NO. 1145

AN ORDINANCE TO REZONE PROPERTY FROM “T-Z” (TRANSITION ZONE) to “R-1” (ONE FAMILY DETACHED RESIDENTIAL) - 2716 NORTH ROSE AVENUE

(Refer to Ordinance File for complete copy of ordinance)

**SECOND READING PROPOSED ORDINANCE TO AMEND THE WORTHINGTON CITY CODE, TITLE V, CHAPTER 54, SECTION 54.10 (E) (a) 4.H. - RELATING TO STORM WATER PROTECTION APPROVED**

Pursuant to published notice, this was the time and date set for the second reading of a proposed ordinance - amending the Worthington City Code, Title V, Chapter 54, Section 54.0, (E) (4) (a) 4.H. relating to storm water protection.

Adoption of the proposed ordinance will update the existing ordinance to include all of the necessary provisions associated with mitigation. For clarity the ordinance rewrites all of the mitigation provisions.

A motion was made by Council Member Harmon, seconded by Council Member Janssen and unanimously approved to give a second reading to the proposed ordinance.

**RESOLUTION NO. 2019-09-49 AND WORTHINGTON HOUSING AND REDEVELOPMENT AUTHORITY RESOLUTION NO. 2019-09-50 ADOPTED APPROVING THE PROPOSED 2019 TAX LEVIES COLLECTIBLE IN 2020**

A Resolution approving the Proposed City of Worthington Tax Levy of \$4,935,191, which breaks down in to an operating levy of \$3,733,348 and Special Tax Levies of \$1,176,843, and represents a 17.54% levy increase over 2019. The proposed levy is an amount not to exceed and may be lowered but not raised for the final levy certification in December. Also presented was a Resolution approving the Housing and Redevelopment Authority's 2020 proposed levy of \$137,000, an increase of \$9,000 over 2019.

The motion was made by Council Member Janssen, seconded by Council Member Cummings to adopt the following Resolutions Approving the Proposed 2019 Tax Levies collectible in 2020. Council Members voting in favor of the motion: Janssen, Cummings, Harmon, Oberloh. Council Member voting against the same motion: Ernst. Motion carried.

**RESOLUTION NO. 2019-09-51 ADOPTED DESIGNATING KING TURKEY DAY AS A COMMUNITY FESTIVAL**

Steve Robinson City Administrator stated Minnesota Statutes, Section 340A authorizes the City Council to approve temporary liquor licenses for parties and restricts those licenses to one per 30 day period, unless the temporary license is held as part of a community festival designated by the City.

The Minnesota Alcohol & Gambling Enforcement Division is now requiring cities to provide a resolution adopted by the City Council that designates their Community Festival along with the dates of the events.

King Turkey Day has events that will be held on September 12, 13 and 14, 2019 and in order for King Turkey Day, Inc. to receive their temporary license from the State, they need King Turkey Day to be designated as a community festival.

A motion was made by Council Member Ernst, seconded by Council Member Cummings and unanimously carried to adopt the following resolution designating King Turkey Day as a Community Festival.

RESOLUTION NO. 2019-09-51

A RESOLUTION DESIGNATING KING TURKEY DAY AS A COMMUNITY FESTIVAL

(Refer to Resolution File for complete copy of the Resolution)

**ENTERTAINMENT SPEC BUILDING PROFESSIONAL SERVICES CONTRACT  
AMENDMENT APPROVED**

Steve Robinson, City Administrator, stated SEH is the City's engineering and architecture consultant for the design and construction of the Entertainment Spec Building. Our current agreement includes construction administration services with limited observation and inspection. The project includes construction of both private and public utilities (water, sanitary sewer, storm sewer and storm water management) along with a public roadway. He said staff solicited a proposal for additional construction observation and administration services for the Civil and Site improvements to ensure compliance with City standards and the project specifications.

The proposed scope of work includes:

- Part-time, on-site construction observation of the civil/site work,
- Record keeping during construction activities,
- Preparing record drawings,
- Pre- and post-construction photography, and
- Assisting the City with coordination of disruptions in City provided services including water and sewer.

The work will be performed on an hourly basis plus reimbursable expenses. The estimated fee is \$49,400.

A motion was made by Council Member Oberloh, seconded by Council Member Janssen and

unanimously carried to approve the Entertainment Spec Building Professional Services Contract Amendment.

**REQUEST FOR APPROVAL OF TRAVEL AND RELATED EXPENSES TO CRAILSHEIM'S 2019 VOLKFEST APPROVED**

Steve Robinson, City Administrator, stated Oberburgermeister Christoph Grimmer invited Mayor Kuhle and a delegation from Worthington to attend this year's Volkfest in Crailsheim. Volkfest will be celebrated from September 20 - 23. Mayor Kuhle is requesting reimbursement of \$913.20 for his airline ticket.

Section 4.17 of the City Charter grants the Council authority to approve expenditures for one or more designated City officials to serve as a representative to destinations that have a historical partnership. Crailsheim Germany and Cuero, TX are currently designated as historical partners.

Council Member Oberloh stated that he will also be traveling to Crailsheim and asked to have pre-approval for his expenses. Mayor Kuhle stated that in the past when he traveled as a Council Member his expenses were not reimbursed as he was not the City representative.

A motion was made by Council Member Harmon, seconded by Council Member Ernst and unanimously carried to approve Mayor Kuhle's request for travel and related expenses to Crailsheim's 2019 Volkfest.

**REQUEST FOR APPROVAL OF ALTERNATIVE KING TURKEY DAY PARADE ROUTE APPROVED**

Steve Robinson, City Administrator, stated in the event the construction on McMillan Street is not completed King Turkey Day, Inc. is requesting an alternative parade route be considered for the King Turkey Day Parade on Saturday, September 14, 2019.

The alternative route that would run from: Clary Street to First Avenue, First Avenue to 10th Street, 10th Street to 10th Avenue, 10th Avenue to Diagonal Road, Diagonal Road to Roos Avenue.

Council Member Oberloh, seconded by Council Member Cummings and unanimously carried to approve the alternative King Turkey Day parade route.

**CHANGE ORDER FOR THE BEACH NOOK APPROVED**

Todd Wietzema, Public Works Director, stated Tri-State Contracting, the general contractor on the Beach Nook bathroom project, is requesting approval of a second change order. This change order is for removing existing sinks from the current Beach Nook, clean and reinstall those sinks,

additional underground plumbing and a wood framed wall in the concession area to locate this new plumbing. This change order is being requested because health codes call for wash sinks to be located in the concession area. These requested sinks were not on our original Beach Nook plans. The amount of the requested change order is \$11,247.50. Our original contract amount of \$449,212.00 will be increased to \$460,459.50. Mr. Wietzema noted it was an oversight made by both parties.

A motion was made by Council Member Cummings, seconded by Council Member Janssen and unanimously carried to approve the change order for the Beach Nook.

**RESOLUTION NO.'S 2019-09-52, 2019-09-53, 2019-09-54, 2019-09-55, 2019-09-56, 2019-09-57**  
**ADOPTED ACCEPTING DONATIONS OF PERSONAL PROPERTY**

Based on recommendation of the Park and Recreation Advisory Board, Staff presented six resolutions accepting park bench donations as follows:

- Friends of Craig Nienkirk to place a bench, along the County trail near the hole 15 tee box at Great life, in honor of Craig Nienkirk.
- Scott Buschwitz to place a bench, along the trail in Centennial Park, in honor of Lisa Buschwitz.
- Rebecca Hudson to place a bench, in Olson park, in honor of Lew and Irma Hudson.
- Lisa Schutte to place a bench, at the Slater Park boat landing, in memory of Bobbie Korthals.
- Lance DeGroot, Seth DeGroot, Terry Eggers, Kelly Eggers, and Ben DeVries to place a bench, near the playground in Olson Park, in honor of Connie DeGroot.
- Lance DeGroot, Seth Degroot to place a bench, near the playground in Olson Park, in honor of Greg and Cindy DeGroot.

Todd Wietzema, Public Works Director, said the donations meet all the requirements as set forth in the Park Donation policy adopted by City Council.

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

RESOLUTION NO. 2019-07-52



A RESOLUTION ACCEPTING A DONATION OF PERSONAL PROPERTY

(Refer to Resolution File for complete copy of Resolution)

RESOLUTION NO. 2019-07-53

A RESOLUTION ACCEPTING A DONATION OF PERSONAL PROPERTY

(Refer to Resolution File for complete copy of Resolution)

RESOLUTION NO. 2019-07-54

A RESOLUTION ACCEPTING A DONATION OF PERSONAL PROPERTY

(Refer to Resolution File for complete copy of Resolution)

RESOLUTION NO. 2019-07-55

A RESOLUTION ACCEPTING A DONATION OF PERSONAL PROPERTY

(Refer to Resolution File for complete copy of Resolution)

RESOLUTION NO. 2019-07-56

A RESOLUTION ACCEPTING A DONATION OF PERSONAL PROPERTY

(Refer to Resolution File for complete copy of Resolution)

RESOLUTION NO. 2019-07-57

A RESOLUTION ACCEPTING A DONATION OF PERSONAL PROPERTY

(Refer to Resolution File for complete copy of Resolution)

**RESOLUTION NO.'S 2019-09-59 THROUGH 2019-09-68 ADOPTED DECLARING COST TO BE ASSESSED AND ORDERING PREPARATION OF PROPOSED ASSESSMENT AND CALLING FOR HEARING ON PROPOSED ASSESSMENTS; AND DECLARING BENEFIT TO BE ASSESSED AND CALLING FOR HEARING ON PROPOSED ADDITIONAL ASSESSMENTS**

Staff presented a Resolution Declaring Costs to be Assessed and Ordering Preparation of Proposed Assessment and a Resolution Calling for Hearing on Proposed Assessment for the following:

2019 Miscellaneous Unpaid Charges

- Removal of Ice and Snow
- Removal of Solid Waste
- Removal of Noxious Weeds and Vegetation

Also presented was a Resolution Declaring Benefit to be Assessed and Calling for Hearing on Proposed Additional Assessment regarding the tract of land on the north side of C.S.A.H. 35 immediately west of Homewood Hills Seventh Addition. Dwayne Haffield, Director of Engineering, said per the City's Assessment Policy the property had not been assessed lateral or trunk benefit for Water Main Improvement No. 80-2. The water main improvement was the installation of the water main along C.S.A.H. 35 from Oakwood Drive to N. Crailsheim Road, and continuing south along N. Crailsheim Road to and along a portion of Collegeway.

The motion was made by Council Member Janssen, seconded by Council Member Oberloh and unanimously carried to adopt the following resolutions for the special services/charges and for the additional assessment, and calling for the time and date of the hearings to be set as 7:00 p.m. on Monday, October 14, 2019 at the regular City Council meeting:

RESOLUTION NO. 2019-09-59

DECLARING COST TO BE ASSESSED AND ORDERING PREPARATION OF PROPOSED ASSESSMENT

(Refer to Resolution File for complete copy of Resolution)

RESOLUTION NO. 2019-09-60

DECLARING COST TO BE ASSESSED AND ORDERING PREPARATION OF PROPOSED ASSESSMENT

(Refer to Resolution File for complete copy of Resolution)

RESOLUTION NO. 2019-09-61

CALLING FOR HEARING ON PROPOSED ASSESSMENT

(Refer to Resolution File for complete copy of Resolution)

RESOLUTION NO. 2019-09-62

DECLARING COST TO BE ASSESSED AND ORDERING PREPARATION OF PROPOSED

ASSESSMENT

(Refer to Resolution File for complete copy of Resolution)

RESOLUTION NO. 2019-09-63

DECLARING COST TO BE ASSESSED AND ORDERING PREPARATION OF PROPOSED ASSESSMENT

(Refer to Resolution File for complete copy of Resolution)

RESOLUTION NO. 2019-09-64

CALLING FOR HEARING ON PROPOSED ASSESSMENT

(Refer to Resolution File for complete copy of Resolution)

RESOLUTION NO. 2019-09-65

DECLARING COST TO BE ASSESSED AND ORDERING PREPARATION OF PROPOSED ASSESSMENT

(Refer to Resolution File for complete copy of Resolution)

RESOLUTION NO. 2019-09-66

CALLING FOR HEARING ON PROPOSED ASSESSMENT

(Refer to Resolution File for complete copy of Resolution)

RESOLUTION NO. 2019-09-67

DECLARING BENEFIT TO BE ASSESSED AND CALLING FOR HEARING ON PROPOSED ADDITIONAL ASSESSMENT

(Refer to Resolution File for complete copy of Resolution)

RESOLUTION NO. 2019-09-68

DECLARING BENEFIT TO BE ASSESSED AND CALLING FOR HEARING ON PROPOSED ADDITIONAL ASSESSMENT

(Refer to Resolution File for complete copy of Resolution)

**ENVIRONMENTAL AND GEOTECHNICAL SERVICES PERTAINING TO DEVELOPMENT OF THE FORMER CAMPBELL SOUP SITE APPROVED**

Dwayne Haffield, City Engineer, stated as Council is aware, the former Campbell Soup Company site has areas of soil contamination as well as of soils that are, without corrections, unsuitable for building. The location and levels of contamination vary from that associated with a coal gasification plant located northeast of the “blue building” to lesser contamination such as that associated with petroleum leak sites. Poor soil conditions include the location of the former East Okabena lake bed and may include areas of other fill.

Reuse of a contaminated site such as the Campbell Soup site is feasible; however, certain precautions are required to minimize the risk to occupants, ground water, and adjacent properties; and to minimize redevelopment costs. Steps should also be taken to sever the City’s association with existing conditions so as to limit the City’s exposure to the costs others may incur due to the contamination.

Mitigation of contamination is to be completed to the extent needed for the use of the land. This may include removal and disposal of certain soils, covering of contaminated areas with clean soil and/or pavement, providing vapor barriers in buildings, and/or preventing the movement of contamination or vapors into buildings along services to the building. The exact measures to be taken would depend on use, level of contamination, costs, and other factors.

Council Member Oberloh asked if Phase I was previously done and why since nothing has been done with the land it would need to be done again. Mr. Haffield stated that it was and this would be an update. Council Member Oberloh stated he would only be in favor of it if all of the entities involved would be willing to pay their share of the cost. Steve Robinson, City Administrator, stated that since the city owns the land and building it would be our responsibility to have the testing done since the land will now be disturbed with the sewer work, the other entities would not have any responsibility until the space requirements would be determined.

Mr. Haffield explained regarding the geotechnical as noted, there is a known area of the former lake bed that has been filled by various means prior to the Campbell Soup facility demolition. The demolition project did include “mucking” in soil fill as part of that project. The fill as well as the underlying soils would not be suitable for building construction without soil correction or a design approach such as pile foundations. Other areas may have areas of soil and/or debris fill. Multiple soil borings should be conducted to limit the amount of unknown conditions for development of a site plan.

Mr. Haffield explained the proposal from Braun is to provide the type of services identified and to provide technical assistance in the design of the “blue building” reuse and preliminary and final design of the W.E.L.L. project. . Braun acquired Peer Engineering, which is the firm that provided

the services associated with the site clearing previously completed as well as the environmental services associated with the fire station construction. The individual previously working on the site issues is now with Braun.

The proposal addresses the following:

Updating the Phase 1 site assessment

Assist in enrollment in the Voluntary Investigation and Cleanup (VIC) and Petroleum Brownfields (PB) programs. Assist in application for a no association letter. Assist in preparation of a DEED Contamination Cleanup Grant Application. A grant may be a potential for the W.E.L.L. project but would not be applied for in regard to the building reuse project.

Performing additional Phase 2 investigation. This includes the initial vapor testing in the building to be reused. Additional fees will be required to conduct the required second test should the first test not indicate the need for vapor capture. No testing is proposed for vapor management for new buildings because it is assumed vapor barriers will be included in new construction.

Conduct a pre-demolition/renovation hazardous building materials inspection.

Provide 18 soil borings and analysis.

Provide recommendations based on the environmental and geotechnical findings.

Develop a Response Action Plan/Construction Contingency Plan (RAP/CCP) for proposed developments. The RAP outlines the mitigation to be conducted for the proposed improvements while a CCP establishes procedures to be implemented in the event unplanned conditions are encountered. Plans would address the need for vapor barriers or capture, soil removal and disposal, soil or pavement buffers, etc.

The proposed fees of \$77,750 are estimated and include \$28,950 for the geotechnical work. The fees do not include a second vapor test for the "blue building" nor construction phase services. Construction phase services will include on site services for inspection and approval of RAP elements and soil and water screening. On site geotechnical services may also be required during construction. Discovery of significant site issues will likely result in the need for additional services to define the contamination and/or respond to required MPCA actions.

A motion was made by Council Member Oberloh, seconded by Council Member Cummings and unanimously carried to do all of the testing but the geotechnical phase II of the project.

A motion was made by Council Member Oberloh, seconded by Council Member Janssen and unanimously carried to authorize staff to work with the other two entities on the geotechnical phase

of the project.

**CONDITIONAL USE PERMIT - CERTAIN PROPERTY WEST OF HIGHWAY 59 AND SOUTH OF TWENTY-SEVENTH STREET APPROVED**

Jeremiah Cromie, City Planner, stated JB Brooke Properties has submitted a request for a conditional use permit for property currently owned by City of Worthington Economic Development Authority located south of Twenty Seventh Street and near Highway 59 to the west to develop and operate an approximately 3,600 square foot warehouse. The subject property is zoned “B-3”-General Commercial. The land use of warehouse is permitted within the “B-3” district with issuance of a conditional use permit only. The legal description of the property under consideration is as follows:

A tract of land in the Northeast Quarter of Section 14, Township 102 North, Range 40 West, Nobles County, Minnesota, described as follows: Commencing at the northeast corner of said Northeast Quarter; thence westerly on the north line of said Section a distance of 776 feet to the point of beginning; thence at right angles southerly a distance of 288 feet; thence at right angles easterly and parallel to the north line of said Section a distance of 170 feet; thence at right angles northerly a distance of 288 feet; thence at right angles westerly along the north line of said Section a distance of 170 feet to the point of beginning; EXCEPTING therefrom the north 35.00 feet thereof. The Planning Commission considered the conditional use permit request at its September 3<sup>rd</sup>, 2019 meeting.

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

1. The applicant maintain compliance with City Code Section §155.042 governing parking and loading;
2. The property is developed in accordance with the submitted site plans in Exhibit 1F; and
3. The subject property maintain compliance with all applicable local, State and Federal requirements.

A motion was made by Council Member Ernst, seconded by Council Member Janssen and unanimously carried to approve the Conditional Use Permit for Certain Property West of Highway 59 and South of Twenty-Seventh Street.

**FIRST READING PROPOSED ORDINANCE TO AMEND TITLE XV OF THE CITY OF WORTHINGTON, NOBLES COUNTY, MINNESOTA - PLANNED UNIT DEVELOPMENT AMENDMENT (PUD 5) - LAKE SHORE PARK CONDOMINIUM ASSOCIATION**

Jeremiah Cromie, City Planner, explained the Lake Shore Condominium Association has submitted

an application for an amendment to the Lake Shore Park Planned Unit Development (PUD #5) to permit an increase in deck and landing size for the 4 units along Lake Street and the 2 units along 4th Avenue. In accordance to Ordinance 810, which is the Original PUD Ordinance for PUD #5, any changes to the buildings and other improvements may only be accomplished through an amendment to the PUD Ordinance.

Staff presented a proposed ordinance that would amend and make the maximum deck size 216 square feet and the maximum landing size 16 square feet. The legal description of the property is:

Lots 1, 2, 3 and the Northeasterly 50 feet of Lot 4, Block 1, Okabena Addition to the City of Worthington, and Lot 3, the alley between Lots 3 and 4, the southwesterly 109 feet of Lot 4, and the southwesterly 109 feet of Lot 5, all in Block 12, Original Plat, City of Worthington

TOGETHER WITH

That part of Government Lot 4 of Section 23, Township 102 North, Range 40 West, City of Worthington, Nobles County, Minnesota, described as follows:

Beginning at the most westerly corner of Lot 1 of Block 19 of the Original Plat of the Village (now City) of Worthington, according to the recorded plat thereof; thence on an assumed bearing of South 45 degrees 00 minutes 00 seconds East, along the southwesterly line of said Block 19 and its southeasterly extension, a distance of 122.00 feet to the most westerly corner of Block 12 of said Original plat; thence continuing South 45 degrees 00 minutes 00 seconds East, along the southwesterly line of said Block 12, a distance of 176.21 feet to the most southerly corner of Lot 3 of said Block 12; thence South 2 degrees 28 minutes 11 seconds West a distance of 94.99 feet to the southwesterly line of Eight Street as platted; thence South 45 degrees 00 minutes 00 seconds East a distance of 130.000 feet to the most northerly corner of Block 1 of Okabena Addition to the Village (now City) of Worthington, according to the recorded plat thereof; thence South 44 degrees 56 minutes 30 seconds West, along the northwesterly line of said Block 1, a distance of 209.00 feet to the northwest corner of said Block 1; thence continuing South 44 degrees 56 minutes 30 seconds West a distance of 134 feet more or less, to the shoreline of Okabena Lake, thence northerly, along said shoreline, a distance of 620 feet, more or less, to a line that bears South 44 degrees 56 minutes 30 seconds East a distance of 113 feet, more or less, to the point of beginning, containing 2.72 acres, more or less, subject to easements now of record in said county and state. Total Acres with Plat 3.70 acres, more or less.

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.

**FIRST READING PROPOSED ORDINANCE - CHANGE OF ZONE - DK BUILDERS**

Staff presented a proposed ordinance that would rezone certain property from its current "T-Z" Transitional Zone and "R-3" Low Density Preservation Residential District to "R-2" One Family, Low Density District. The legal description of the property is:

That part of the 3.08 acre tract located in the South Half of the Southeast Quarter (S1/2 SE1/4) of Section Twenty-four (24), Township One Hundred Two (102), Range Forty (40), formerly Railroad Right of Way between Sunny View Addition and Circle Addition (a/k/a Parcel #2 Map #V-10-M-1) lying east of a line which passes through the east corner of Block Ten (10), Sunny View Addition, which line is parallel to the East line of Section Twenty-four (24), Township One Hundred Two (102), Range Forty (40), all in the City of Worthington, Nobles County, Minnesota;

**TOGETHER WITH**

That part of the tract located in the South Half of the Southeast Quarter (S1/2 SE1/4), Section Twenty-four (24), Township One Hundred Two (102), Range Forty (40), formerly Railroad Right of Way south of Sunny View Addition (a/k/a Parcel #3 Map #V- 9-M-4) lying east of a line which passes through the east corner of Block Ten (10), Sunny View Addition, which line is parallel to the east line of Section Twenty-four (24), Township One Hundred Two (102), Range Forty (40), all in the City of Worthington, Nobles County, Minnesota.

Jeremiah Cromie, City Planner, stated the Planning Commission considered the application at its September 3, 2019 meeting. After holding a public hearing and discussion, the Planning Commission voted unanimously to recommend Council approval of the proposed change of zone.

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

**FIRST READING PROPOSED ORDINANCE - CHANGE OF ZONE - YELLOW COMPANY LLC**

Staff presented a proposed ordinance that would rezone certain property from its current "R-1" One Family Detached to "R-2" One Family Low Density District. The legal description of the property is:

That part of Outlot A, WORTHINGTON COMMUNITY ADDITION, according to the plat thereof on file at the County Recorder's office, Nobles County, Minnesota, lying easterly of the following described line:

Commencing at the northwest corner of said Outlot A; thence on an assumed bearing of South 89 degrees 07 minutes 22 seconds East, along the north line of said Outlot A, a distance of 536.48 feet to the point of the beginning of the line to be described; thence South 00 degrees 50 minutes 36 seconds West, a distance of 312.12 feet to the southerly line of said Outlot A, and said line there terminating.



Jeremiah Cromie, City Planner, stated the Planning Commission considered the application at its September 3, 2019 meeting. After holding a public hearing and discussion, voted unanimously to recommend Council approval of the proposed change of zone.

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

**FIRST READING PROPOSED ORDINANCE - CHANGE OF ZONE - YELLOW COMPANY LLC**

Staff presented a proposed ordinance that would rezone certain property from its current "R-1" - One Family Detached designation to "R-4" - Medium Density Residential District. The legal description of the property is:

That part of Outlot A, WORTHINGTON COMMUNITY ADDITION, according to the plat thereof on file at the County Recorder's office, Nobles County, Minnesota, described as follows:

Beginning at the northwest corner of said Outlot A; thence on an assumed bearing of South 89 degrees 07 minutes 22 seconds East, along the north line of said Outlot A, a distance of 536.48 feet; thence South 00 degrees 50 minutes 36 seconds West, a distance of 312.12 feet to the southerly line, a distance of 108.10 feet; thence North 00 degrees 01 minute 21 seconds West, a distance of 93.58 feet; thence South 89 degrees 58 minutes 57 seconds West, a distance of 423.92 feet to the west line of said Outlot A; thence North 00 degrees 03 minutes 25 seconds East, along said west line, a distance of 225.05 feet to the point of the beginning.

Jeremiah Cromie, City Planner stated the Planning Commission considered the application at its September 3, 2019 meeting. After holding a public hearing and discussion, voted unanimously to recommend Council approval of the proposed change of zone.

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

**FIRST READING PROPOSED ORDINANCE - CHANGE OF ZONE - YELLOW COMPANY LLC**

Staff presented a proposed ordinance that would rezone certain property from its current "R-1" - One Family Detached designation to "B-3" - General Business District. The legal description of the property is:

That part of Outlot A, WORTHINGTON COMMUNITY ADDITION, according to the plat

thereof on file at the County Recorder's office, Nobles County, Minnesota, described as follows:

Commencing at the northwest corner of said Outlot A; thence on an assumed bearing of South 89 degrees 07 minutes 22 seconds East, along the north line of said Outlot A, a distance of 536.48 feet; thence South 00 degrees 50 minutes 36 seconds West, a distance of 312.12 feet to the southerly line of said Outlot A; thence North 89 degrees 02 minutes 51 seconds West, along said southerly line, a distance of 108.10 feet to the point of beginning; thence North 00 degrees 01 minute 21 seconds West, a distance of 93.58 feet; thence South 89 degrees 58 minutes 57 seconds West, a distance of 423.92 feet to the west line of said Outlot A; thence South 00 degrees 03 minutes 25 seconds West, along said west line, a distance of 354.13 feet to said southerly line, a distance of 289.35 feet; thence North 00 degrees 01 minute 22 seconds East, along said southerly line, a distance of 102.94 feet; thence South 89 degrees 02 minutes 51 seconds East, along said southerly line, a distance of 135.00 feet; thence North 00 degrees 01 minute 21 seconds West, along said southerly line, a distance of 160.00 feet to the point of beginning.

Jeremiah Cromie, City Planner, stated the Planning Commission considered the application at its September 3, 2019 meeting. After holding a public hearing and discussion, voted 3-2 to recommend the City Council deny the requested change of zone. The Commission's recommendation was based on the following:

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

**FIRST READING PROPOSED ORDINANCE - TEXT AMENDMENT - CITY OF WORTHINGTON APPROVED**

Jeremiah Cromie, City Planner, explained at the August 6, 2019 Planning Commission meeting, ADA ramps were discussed and how they could be handled by the Zoning Administrator. There were concerns over how long a temporary ramp may be and what was a temporary ramp. It was also discussed the appropriate size of the structure. The proposed text amendment puts parameters around those questions.

Staff presented a proposed ordinance that would create a new subsection in the Worthington City Code under General Regulations §155.040 Lots and Yards that would include the following provision:

*Setback exceptions for handicap/wheelchair ramps in all R districts. The Zoning Administrator may authorize installation of a handicap/wheelchair ramp within a required setback in accordance with the following criteria:*

- (1) The applicant has submitted a letter from a licensed physician specifying that the handicap/wheelchair ramp is necessary to accommodate a resident of the property.*
- (2) The handicap/wheelchair ramp shall be designed so as to encroach into the required setback the minimum distance feasible. In no case shall the ramp be closer than three feet from a property line unless in the opinion of the Zoning Administrator there is no other feasible alternative to the location of the ramp.*
- (3) The handicap/wheelchair ramp shall not encroach into any recorded easement or into the public right-of-way.*
- (4) The encroachment into the required setback shall be removed when the individual requiring the handicap/wheelchair ramp no longer resides on the property or the ramp is no longer required.*
- (5) The handicap/wheelchair ramp shall be designed and constructed in accordance with the applicable provisions of the Americans with Disabilities Act (ADA).*

Jeremiah Cromie, City Planner stated the Planning Commission considered the application at its September 3, 2019 meeting. After holding a public hearing and discussion, voted unanimously to recommend the City Council approve the text amendment.

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.

#### **COUNCIL COMMITTEE REPORTS**

Mayor Kuhle - no report.  
Council Member Janssen - no report.  
Council Member Oberloh - no report.  
Council Member Cummings - no report.  
Council Member Ernst - no report.  
Council Member Harmon - no report.

#### **CITY ADMINISTRATOR'S REPORT**

Steve Robinson, City Administrator, stated that he sat in on the Bond rating call and currently the City is at a AA-, staff is hoping to jump up or stay at that rating. Met with a representative from DEED. Started union negotiation talks with the Local 49 Union, would like to get them on the same schedule as the other unions.

#### **ADJOURNMENT**

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The motion was made by Council Member Oberloh, seconded by Council Member Cummings and unanimously carried to adjourn the meeting at 8:33 p.m.

Mindy L. Eggers, MCMC  
City Clerk