

**WORTHINGTON CITY COUNCIL
REGULAR MEETING, SEPTEMBER 11, 2017**

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

Staff present: Steve Robinson, City Administrator; Dwayne Haffield, Director of Engineering; Janice Oberloh, City Clerk; Dan Wycoff, Liquor Store Manager (7:05 p.m.).

Others present: Justine Wettschreck, KWOA; Karl Evers-Hillstrom, The Globe; Chris Kielblock; Marv Spomer; Wes Eiden; Dave Nerem; John Landgard; Sal Bagley; Courtney Korzeniowski; Amy Carlberg; Marie Johnson.

AGENDA CLOSED / APPROVED AS PRESENTED

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

CONSENT AGENDA APPROVED

Council Member Oberloh requested a correction to the Traffic and Safety Committee Minutes of August 29, 2017 as they had him listed as calling the meeting to order, as present at the meeting, and as absent at the meeting.

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

- City Council Minutes of Special Meeting August 28, 2017, Regular Meeting August 28, 2017, and Special Meeting September 1, 2017
- Minutes of Boards and Commissions - Planning Commission / Board of Appeals Minutes of September 5, 2017; Traffic and Safety Committee Minutes of August 29, 2017 (with the requested correction); Worthington Area Convention and Visitors Bureau Minutes of July 26, 2017; Center for Active Living Committee Minutes of August 14, 2017
- Application for Temporary On-Sale Liquor License - St. Mary's Catholic School
- Application for Parade Permit/to Block Street(s) - UFCW Local 1161
- Bills payable and totaling \$546,519.20 be ordered paid

THIRD READING AND ORDINANCE NO. 1105 ADOPTED VACATING A PORTION OF AN ALLEY IN THE CITY OF WORTHINGTON (CHERMAK'S SUB-DIVISION)

Pursuant to published notice this was the time and date set for the third reading of a proposed ordinance to vacate a portion of an alley in the City of Worthington as follows:

That part of Alley Lot A, Block 2, Auditor's Plat of Chermak's Sub-Division,

City of Worthington, Nobles County, Minnesota described as follows is hereby vacated:

Commencing at the southeast corner of Lot 9 in said Block 2; thence west along the north line of said Alley Lot A a distance of 148.9 feet to the point of beginning; thence continuing west along the north line of said Alley Lot A to the southwest corner of Lot 1 in said Block 2; thence south along a projection of the east line of Oslo Street to a point on a line that is 7.5 feet south of said southwest corner, as measured perpendicular the north line of said Alley Lot A, and is parallel to the north line of said Alley Lot A; thence east on said parallel line to a point which is 7.5 feet south of the point of beginning as measured perpendicular to the north line of said Alley Lot A; thence north to the point of beginning.

Staff noted adoption of the ordinance should be subject to the City obtaining replacement of 7.5 feet from the School District on the south side. Subsequent to that Council will be asked to sell at no cost/convey the piece that has been vacated to the abutting owners, however, we will retain an easement over that property as that is where the utilities are located.

The motion was made by Council Member Ernst, seconded by Council Member Harmon and unanimously carried to give a third reading to, and subsequently adopt the following Ordinance:

ORDINANCE NO. 1105

AN ORDINANCE TO VACATE AN ALLEY IN THE CITY OF WORTHINGTON, NOBLES COUNTY, MINNESOTA

(Refer to Ordinance File for complete copy of Ordinance)

SECOND READING PROPOSED ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF WORTHINGTON TO INCLUDE 29 ACRES OF UNPLATTED LAND ABUTTING THE CITY OF WORTHINGTON, NOBLES COUNTY, MINNESOTA AND OWNED BY SOUTH SHORE ACRES, LLC.

Pursuant to published notice was the time and date set for the second reading of a proposed ordinance that would annex 29 acres of unplatted land abutting the city of Worthington owned by South Shore Acres, LLC, legally described as:

That part of Government Lot 5 and the Northeast Quarter of the Southwest Quarter of Section 26, Township 102, Range 40, Worthington Township, Nobles County, Minnesota, lying southeasterly of the southeasterly right of way line of the Chicago and North Western

Railroad and being more particularly described as follows:

Commencing at the south quarter corner of said Section, thence North 00 degrees 08 minutes 35 seconds East, assumed bearing, along the North South Quarter line of said Section, a distance of 1,153.40 feet to the point of beginning of this description, said point also being the southeast corner of said Quarter-Quarter Section; thence continue North 00 degrees 08 minutes 35 seconds East, along said North South Quarter line, a distance of 1,088.45 feet; thence North 89 degrees 51 minutes 25 seconds West a distance of 387.90 feet; thence North 00 degrees 08 minutes 35 seconds East, parallel with said North South Quarter line, a distance of 713.34 feet to said railroad right of way line; thence southwesterly, along said railroad right of way line, said line also being a non tangential 11,509.16 foot radius curve concave to the northwest, a distance of 117.12 feet, central angle 00 degrees 34 minutes 59 seconds; thence South 50 degrees 38 minutes 36 seconds West, along said railroad right of way line, a distance of 1,107.14 feet to the west line of said Quarter-Quarter Section; thence South 00 degrees 04 minutes 13 seconds West, along said West Quarter-Quarter Section line, a distance of 921.29 feet to the southwest corner of said Quarter-Quarter Section; thence South 85 degrees 30 minutes 15 seconds East, along the south line of said Quarter-Quarter Section, a distance of 1,334.87 feet to the point of beginning.

EXCEPT

That part of the Northeast Quarter of the Southwest Quarter of Section 26, Township 102, Range 40, Nobles County, Minnesota, shown as Parcel 4 on Minnesota Department of Transportation Right of Way Plat Numbered 53 31 as the same is on file and of record in the office of the County Recorder in and for Nobles County, Minnesota.

AND EXCEPT

That land presently situated within the boundaries of the City of Worthington.

Pursuant to Title XV, Section 155.026(G) of the City Code of the City of Worthington, the property would be zoned TZ (Transitional Zone) with the exception of the following described portion of said land, which will be zoned B3 (General Business District):

That part of the Northeast Quarter of the Southwest Quarter of Section 26, Township 102 North, Range 40 West, Nobles County, Minnesota, described as follows:

Beginning at Right of Way Boundary Corner B3103, MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 53-31, according to the recorded plat thereof, said Nobles County; thence South 88 degrees 41 minutes 48 seconds West, assumed bearing, along the north line of said MINNESOTA DEPARTMENT OF

TRANSPORTATION RIGHT OF WAY PLAT NO. 53-31, a distance of 50.01 feet to Right of Way Boundary Corner B3102; thence South 00 degrees 21 minutes 04 seconds East along the west line of said MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 53-31, a distance of 120.02 feet to Right of Way Boundary Corner B3101; thence South 88 degrees 41 minutes 48 seconds West, along the north Line of said MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 53-31, a distance of 497.31 feet; thence North 00 degrees 22 minutes 44 seconds West, a distance of 424.31 feet; thence North 89 degrees 37 minutes 16 seconds East, a distance of 547.45 feet to the east line of said Northeast Quarter of the Southwest Quarter; thence South 00 degrees 21 minutes 02 seconds East, a distance of 295.46 feet to said Right of Way Boundary Corner B3103.

The annexation and extension of public infrastructure was petitioned for by South Shore Acres LLC to facilitate plans for construction of an automotive service use facility

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

RESOLUTION PRESENTED APPROVING PROPOSED 2017 TAX LEVIES COLLECTIBLE IN 2018

Based on Council action at their September 1, 2017 Special Meeting, staff presented a Resolution Approving the Proposed City of Worthington Tax Levy of \$4,024,888, which breaks down in to an operating levy of \$3,347,168 and Special Tax Levies of \$677,720, and represents a 9.5% levy increase over 2017. The proposed levy is an amount not 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 2018 proposed levy of \$125,000, an increase of \$19,000 over 2017.

The motion was made by Council Member Cummings and seconded by Council Member Ernst to adopt the Resolutions Approving the Proposed 2017 Tax Levies, with the following Council Members voting in favor of the motion: Cummings, Ernst; and the following Council Members voting against the motion: Oberloh, Harmon. Mayor Pro Tem Janssen declared a tie, and cast his vote against the motion - motion failed.

Council Member Oberloh said he did not agree with setting the levy at a higher rate than the 8.78% that represented everything staff had in their final budgets.

Following discussion, the motion was made by Council Member Oberloh to pre-certify the levy at 8.78% over 2017. Council Member Harmon said he concurred with Council Member Oberloh's reasoning, but would vote no because there is no funding for the 10th Avenue bridge included in the

budget. The motion died for lack of a second.

The motion was made by Council Member Ernst, seconded by Council Member Oberloh and unanimously carried to table this item to later in the meeting to allow staff to obtain additional information regarding the 10th Avenue bridge repair costs.

CONTRACT AWARDED FOR MUNICIPAL LIQUOR STORE REMODEL PROJECT

Steve Robinson, City Administrator, said staff was recommending the following:

- Award the bid for Walk-In Cooler Work to Carlson & Stewart Refrigeration, Inc. of Marshall, MN to furnish all material, labor, equipment and services necessary to complete construction of Walk-In Cooler Work for the stipulated sum of \$138,300.00.
- Award the bid for General Building Construction Work to Salonek Construction of Springfield, MN to furnish all material, labor, equipment and services necessary to complete construction of General Building Construction Work including all trades for site work, plumbing, HVAC and electrical for the stipulated sum of \$1,351,444.00.
- Reject Alternate No. 1: Replace Existing Exterior Metal Wall Panels and Install New Exterior Metal Wall Panels. Alternate No. 1 has an added cost of \$115,000.00. The base bid includes painting of the existing metal wall panels.
- Accept Alternate No. 2: Refinish (level) Existing Concrete Floor. Alternate No. 2 has an added cost of \$41,000.00.

The total cost of the base bids is \$1,489,744.00. The total cost of the base bids plus Alternate No. 2 is \$1,530,744.00. This is a reduction in cost of \$86,936.00 from the original bids received on May 18. This will have no impact on the levy. Mr. Robinson said the Liquor Store fund has \$1.7 million in cash reserves. Of that, \$354,045 was designated for equipment replacement in the current facility. Staff's recommendation was to use \$1,050,000 of existing cash reserves to fund construction, with the balance of \$680,000 added to the internal General Fund loan currently in place, and to maintain a balance of \$650,000 in the reserve fund.

Following discussion, the motion was made by Council Member Ernst, seconded by Council Member Oberloh and unanimously carried to award the bid for the Municipal Liquor Store remodel project as recommended by staff.

CONTINUATION OF DISCUSSION ON RESOLUTION REGARDING PRE-CERTIFICATION OF TAX LEVY AND RESOLUTION NO. 2017-09-01 ADOPTED APPROVING THE 2017 PROPOSED TAX LEVIES COLLECTIBLE IN 2018

Dwayne Haffield, Director of Engineering, noted the estimated cost of the bridge project is \$960,000 plus the cost of the realignment, for a total estimate of \$1.1 million. Discussion continued on the use of state aid funding for the project, taking it from the 2021 and 2025 Oxford Street projects, or potentially bonding for the project.

Following discussion, the motion was made by Council Member Oberloh and seconded by Council Member Cummings to adopt a resolution to precertify the 2017 tax levies collectible in 2018 at 8.78% over the current year, with the following members voting in favor of the resolution: Oberloh, Cummings, Ernst; and the following Council Members voting against the motion: Harmon, Janssen - motion carried.

The City Council will hold a meeting on December 11, 2017 at 7:00 p.m. in the City Hall Council Chambers to discuss the final 2018 budget and levy. A Truth-in-Taxation Hearing will be held at that time, where public input will be taken prior to adoption.

RESOLUTION NO'S. 2017-09-02 THROUGH 2017-09-14 ADOPTED CALLING FOR HEARINGS ON PROPOSED ASSESSMENTS

Staff presented Resolutions declaring costs to be assessed and ordering preparation of Proposed Assessment and Resolutions Calling for Hearing on Proposed Assessment for each of the following:

Paving Improvement No. 113

Grand Avenue - Oxford Street to Darling Drive (Street and walk)

Paving Improvement No. 114

Darling Drive - 186 feet east of the center line of North Burlington Avenue to Grand Avenue

Hagge Street - Tower Street to Diagonal Road

Schaap Drive - 1st Avenue Southwest to 1st Avenue Southwest

Sanitary Sewer Improvement No. 109

Knollwood Drive - Woodland Court to 1st Avenue Southwest & 1st Avenue Southwest from Knollwood Drive to 266 feet east of Knollwood Drive

Sanitary Sewer Improvement No. 110

Bioscience Drive - in the Northeast Quarter of Section 14, T102N, R40 W from approximately 855 feet west of the west right-of-way of TH 59 to a point

approximately 1,170 feet west and 340 feet south

Water Main Improvement No. 107

Bioscience Drive - in the Northeast Quarter of Section 14, T102N, R40 W from approximately 855 feet west of the west right-of-way of TH 59 to a point approximately 1,170 feet west and 340 feet south

2017 Miscellaneous Unpaid Charges

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

Staff also presented Resolution Declaring Benefit to be Assessed and Calling for Hearing on Proposed Additional Assessment regarding the tract of land on the south side of 1st Avenue SW immediately east of Knollwood Drive, platted as South Lake Subdivision.

Also considered was a Resolution Declaring Reassessment and a Resolution Calling for Hearing on Proposed Reassessment as to 1615 Okabena Street. The reassessment is the balance on assessments for each of the following assessments/improvements that had been cancelled due to tax forfeiture:

- Paving Improvement No. 107
- 2008 Miscellaneous Charges
- 2009 Miscellaneous Charges

The property was sold and returned to private ownership, and met the definition of developed at the time of forfeiture.

The motion was made by Council Member Cummings, seconded by Council Member Harmon and unanimously carried to adopt the following resolutions for the proposed assessments:

RESOLUTION NO. 2017-09-02

DECLARING COST TO BE ASSESSED AND ORDERING PREPARATION OF PROPOSED ASSESSMENT

(Refer to Resolution File for complete copy of Resolution)

RESOLUTION NO. 2017-09-03

CALLING FOR HEARING ON PROPOSED ASSESSMENT

(Refer to Resolution File for complete copy of Resolution)

RESOLUTION NO. 2017-09-04

DECLARING COST TO BE ASSESSED AND ORDERING PREPARATION OF PROPOSED ASSESSMENT

(Refer to Resolution File for complete copy of Resolution)

RESOLUTION NO. 2017-09-05

CALLING FOR HEARING ON PROPOSED ASSESSMENT

(Refer to Resolution File for complete copy of Resolution)

RESOLUTION NO. 2017-09-06

DECLARING COST TO BE ASSESSED AND ORDERING PREPARATION OF PROPOSED ASSESSMENT

(Refer to Resolution File for complete copy of Resolution)

RESOLUTION NO. 2017-09-07

CALLING FOR HEARING ON PROPOSED ASSESSMENT

(Refer to Resolution File for complete copy of Resolution)

RESOLUTION NO. 2017-09-08

DECLARING COST TO BE ASSESSED AND ORDERING PREPARATION OF PROPOSED ASSESSMENT

(Refer to Resolution File for complete copy of Resolution)

RESOLUTION NO. 2017-09-09

CALLING FOR HEARING ON PROPOSED ASSESSMENT

(Refer to Resolution File for complete copy of Resolution)

RESOLUTION NO. 2017-09-10

DECLARING COST TO BE ASSESSED AND ORDERING PREPARATION OF PROPOSED ASSESSMENT

(Refer to Resolution File for complete copy of Resolution)

RESOLUTION NO. 2017-09-11

CALLING FOR HEARING ON PROPOSED ASSESSMENT

(Refer to Resolution File for complete copy of Resolution)

RESOLUTION NO. 2017-09-12

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

(Refer to Resolution File for complete copy of Resolution)

RESOLUTION NO. 2017-09-13

DECLARING REASSESSMENT OF PAVING IMPROVEMENT NO. 107, 2008 MISCELLANEOUS CHARGES, AND 2009 MISCELLANEOUS CHARGES

(Refer to Resolution File for complete copy of Resolution)

RESOLUTION NO. 2017-09-14

CALLING FOR HEARING ON PROPOSED ASSESSMENTS FOR REASSESSMENT OF PAVING IMPROVEMENT NO. 107, 2008 MISCELLANEOUS CHARGES, AND 2009 MISCELLANEOUS CHARGES

(Refer to Resolution File for complete copy of Resolution)

CONDITIONAL USE PERMIT APPROVED - AMCON, 409 OXFORD STREET

AmCon was requesting issuance of a Conditional Use Permit for their property located at 409 Oxford Street to construct a second prefab steel silo at its current location. Construction of the silo

would allow the facility to produce an additional product.

The Planning Commission considered the request at their September 5, 2017 special meeting, and after holding a public hearing, voted to recommend Council approval of the permit with the following condition:

1. That the site must comply with NPDES storm water permitting requirements.

Wes Eidem, AmCon, provided information on the intent of the additional silo, stating that it would be used to enable them to blend two products - fly-ash would be substituted for some of the cement. It will not increase the capacity of the block machine, and they do use dust collectors. Discussion was held regarding hard surfacing of the road there.

Marv Spomer spoke against the additional silo because of the existing dust problem and the potential for additional dust.

Amy Carlberg, representing Marthaler - also voiced concern over the potential dust from the plant, noting that Aaron Marthaler has spend over \$2 million on the remodel of the dealership next to this site, and there is \$7 - 8 million worth of inventory on the lot.

Dave Nerem and Mr. Eidem responded and noted both of the silos will have new dust collectors on them and everything will be enclosed - it was also noted that much of the dust is from truck traffic from Duinink, Inc.

The motion was made by Council Member Ernst and seconded by Council Member Cummings to approve the Conditional Use Permit with the NPDES requirement as recommended by the Planning Commission, with the following Council Members voting in favor of the motion: Ernst, Cummings; and the following Council Members voting against the motion: Oberloh, Janssen, Harmon.

Following additional discussion, Council Member Oberloh stated that he felt now that he did not vote the right way - we're penalizing this business because of truck traffic from another business.

The motion was made by Council Member Oberloh, seconded by Council Member Cummings and unanimously carried to approve the Conditional Use Permit, and that in the interim until the road is improved, trucks need to enter and exit through the back of the property.

Council Member Oberloh said he also wanted to go on record as saying the City needs to deal with the non-conforming business out there.

FIRST READING PROPOSED ORDINANCE PLANNED UNIT DEVELOPMENT - SIX FAIRWAY VIEW

Thomas P. Walsh, Jr. and GL Development MN LLC were seeking rezoning of property they own along the east side of North Crailsheim Drive and immediately south of Oxford Street from its current R-4 Medium Density Residential and Natural Features to Planned Unit Development. The property is legally described as:

Commencing at the Northwest corner of said Section 22; thence North 89 degrees 50 minutes 02 seconds East, along the north line of the Northwest Quarter of said Section 22, a distance of 1355.06 feet; thence South 00 degrees 15 minutes 59 seconds East, a distance of 114.51 feet to the intersection of the easterly highway right-of-way line of C.S.A.H. No. 10 (as per Document No. 187010) and the southerly highway right-of way line of C.S.A.H. No. 35; thence continuing South 00 degrees 15 minutes 59 seconds East, along said easterly highway right-of-way line, a distance of 50.00 feet to the point of beginning. Thence continuing South 00 degrees 15 minutes 59 seconds East, a distance of 508.00 feet; thence southerly, along said easterly highway right-of way line, a distance of 693.43 feet along a tangential circular curve concave to the west having a radius of 1482.40 feet and a central angle of 26 degrees 48 minutes 05 seconds to a found iron survey marker at the northerly most corner of the Homestead Cooperative of Worthington tract; thence South 63 degrees 27 minutes 54 seconds East, along the north line of said Homestead Cooperative of Worthington tract and its easterly extension, a distance of 320.33 feet; thence North 05 degrees 01 minutes 47 seconds West, a distance of 487.22 feet; thence northerly, parallel with said curve and easterly highway right-of-way line, a distance of 329.63 feet through a central angle of 11 degrees 47 minutes 11 seconds; thence North 00 degrees 15 minutes 59 seconds West, tangent to said curve and parallel with said easterly highway right-of-way line, a distance of 559.57 feet to the southerly highway right-of-way line of said C.S.A.H. No. 35; thence South 88 degrees 59 minutes 20 seconds West, along said southerly highway right-of-way line, a distance of 70.01 feet to a point on said southerly highway right-of-way line being 50.00 feet east of the easterly highway right-of-way line of said C.S.A.H. No. 10; thence South 44 degrees 21 minutes 41 seconds West, a distance of 71.17 feet to the point of beginning.

The Planning Commission considered the request at their September 5, 2017 meeting, and after holding a public hearing, voted to recommend City Council approval of the PUD.

The motion was made by Council Member Harmon, seconded by Council Member Ernst and unanimously carried to give a first reading to a proposed ordinance to rezone the subject property from its current R-4 Medium Density Residential and Natural Features to Planned Unit Development.

PRELIMINARY PLAT APPROVED - SIX FAIRWAY VIEW

Thomas P. Walsh, Jr and GL Development MN LLC has submitted an application for Preliminary Plat approval of a residential subdivision, to be known as Six Fairway View, on a 4.36 acre tract of

land owned by GL Development MN LLC on land located along Crailsheim Drive and Oxford Street. If approved, the plat will establish 12 residential lots with one outlot for storm water retention. The legal description is the same as the Six Fairway View PUD application and is as follows:

Commencing at the Northwest corner of said Section 22; thence North 89 degrees 50 minutes 02 seconds East, along the north line of the Northwest Quarter of said Section 22, a distance of 1355.06 feet; thence South 00 degrees 15 minutes 59 seconds East, a distance of 114.51 feet to the intersection of the easterly highway right-of-way line of C.S.A.H. No. 10 (as per Document No. 187010) and the southerly highway right-of way line of C.S.A.H. No. 35; thence continuing South 00 degrees 15 minutes 59 seconds East, along said easterly highway right-of-way line, a distance of 50.00 feet to the point of beginning. Thence continuing South 00 degrees 15 minutes 59 seconds East, a distance of 508.00 feet; thence southerly, along said easterly highway right-of way line, a distance of 693.43 feet along a tangential circular curve concave to the west having a radius of 1482.40 feet and a central angle of 26 degrees 48 minutes 05 seconds to a found iron survey marker at the northerly most corner of the Homestead Cooperative of Worthington tract; thence South 63 degrees 27 minutes 54 seconds East, along the north line of said Homestead Cooperative of Worthington tract and its easterly extension, a distance of 320.33 feet; thence North 05 degrees 01 minutes 47 seconds West, a distance of 487.22 feet; thence northerly, parallel with said curve and easterly highway right-of-way line, a distance of 329.63 feet through a central angle of 11 degrees 47 minutes 11 seconds; thence North 00 degrees 15 minutes 59 seconds West, tangent to said curve and parallel with said easterly highway right-of-way line, a distance of 559.57 feet to the southerly highway right-of-way line of said C.S.A.H. No. 35; thence South 88 degrees 59 minutes 20 seconds West, along said southerly highway right-of-way line, a distance of 70.01 feet to a point on said southerly highway right-of-way line being 50.00 feet east of the easterly highway right-of-way line of said C.S.A.H. No. 10; thence South 44 degrees 21 minutes 41 seconds West, a distance of 71.17 feet to the point of beginning.

The Planning Commission considered the request at their September 5, 2017 meeting, and after holding a public hearing, voted to recommend Council approval of the Preliminary Plat, contingent on the successful third reading and subsequent adoption and publication of the Planned Unit Development ordinance.

The motion was made by Council Member Oberloh, seconded by Council Member Cummings and unanimously carried to approve the Preliminary Plat for Six Fairway View.

CONDITIONAL USE PERMIT APPROVED - ISD 518, WORTHINGTON PUBLIC SCHOOLS

Independent School District #518 is seeking the issuance of a Conditional Use Permit for the development of a new Alternative Learning Center / Gymnastics Facility on a School District owned site located along Nobles County State Aid Highway 10. The proposed project is to construct a 45,000 sq ft one-story facility to house the Alternative Learning Program and Gymnastics Program. The legal description of the property is:

That part of the Southeast Quarter of Section 21, Township 102 North, Range 40 West, Nobles County, Minnesota, described as follows:

Commencing at the Southeast corner of said Section 21; thence on an assumed bearing of South 89 degrees 22 minutes 38 seconds West, along the south line of said section, a distance of 395.48 feet to the point of beginning of the tract to be described; thence North 0 degrees 37 minutes 22 seconds West a distance of 33.00 feet to the Southeast corner of a Nobles County Sight Easement as recorded in Document No. 184052; thence North 34 degrees 13 minutes 33 seconds West, along the northeast line of said sight easement, a distance of 104.74 feet to the easterly line of a Nobles County Highway Easement as recorded in Document No. 335990; thence North 22 degrees 10 minutes 02 seconds East, along the easterly line of said highway easement, a distance of 95.56 feet; thence North 25 degrees 01 minutes 46 seconds East, along the easterly line of said highway easement, a distance of 100.13 feet; thence North 22 degrees 10 minutes 02 seconds East, along the easterly line of said highway easement, a distance of 100.00 feet; thence North 27 degrees 52 minutes 40 seconds East, along the easterly line of said highway easement, a distance of 100.50 feet; thence North 25 degrees 01 minutes 46 seconds East, along the easterly line of said highway easement, a distance of 100.13 feet; thence North 22 degrees 10 minutes 02 seconds East, along the easterly line of said highway easement, a distance of 200.00 feet; thence North 16 degrees 27 minutes 24 seconds East, along the easterly line of said highway easement, a distance of 100.50 feet; thence North 38 degrees 51 minutes 59 seconds East, along the easterly line of said highway easement, a distance of 52.20 feet; thence North 22 degrees 10 minutes 02 seconds East, along the easterly line of said highway easement, a distance of 179.11 feet; thence northeasterly, along the easterly line of said highway easement, along a tangential curve, concave to the northwest, having a radius of 1562.40 feet, a central angle of 4 degrees 04 minutes 55 seconds, the chord of said curve bears North 20 degrees 07 minutes 33 seconds East, a chord distance of 111.29 feet, an arc distance of 111.31 feet to the east line of said section; thence North 0 degrees 19 minutes 45 seconds West, along said east line, a distance of 1519.91 feet to the East Quarter corner of said section; thence South 89 degrees 00 minutes 31 seconds West, along the east-west quarter line of said section, a distance of 2637.81 feet to the Center of said section; thence South 0 degrees 18 minutes 39 seconds East, along the north-south quarter line of said section, a distance of 2662.26 feet to the South Quarter corner of said section; thence North 89 degrees 22 minutes 38 seconds East, along the south line of said section, a distance of 2243.05 feet the point of beginning, containing 155.29 acres, subject to easements now of record in said county and state.

The property is zoned "R-1" - Single Family Detached Residential District. The Alternative Learning Center and Gymnastics Facility is considered Institutional and Cultural uses, and is a permitted through a Conditional Use Permit in an R-1 District.

The Planning Commission considered the request at their September 5, 2017 meeting, and after holding a public hearing, voted to recommend City Council approval of the Conditional Use Permit, subject to the following conditions:

1. That the site must comply with NPDES storm water permitting requirements.
2. Improvements are done in accordance with plans submitted with the application Project #172103.
3. The driveway plans are consistent with requirements of the County Engineer's requirements.

John Landgaard, District Superintendent, and Sal Bagley and Courtney Korzeniowski, Wold Architects and Engineers, were present to address questions from Council.

Following discussion, the motion was made by Council Member Cummings, seconded by Council Member Oberloh, and unanimously carried to approve the Conditional Use Permit, subject to the conditions as recommended by the Planning Commission.

COUNCIL COMMITTEE REPORTS

Mayor Pro Tem Janssen - Nothing to report.

Council Member Oberloh - Amy and he attended a Community Growth meeting - Stockwell presented concept plans for the Centennial Park and Farmer's Market area projects.

Council Member Cummings - Attended a Memorial Auditorium Advisory Board meeting - they addressed the change in staffing.

Council Member Ernst - Nothing to report.

Council Member Harmon - Attended a Water and Light Commission meeting September 5th - talked about the General Manager's evaluation. Also talked about the upcoming trip to Sioux Center to look at the housing project there - it will be noticed as a special meeting so everyone can go. The Center for Active Living Committee met this morning - toured JBS and were invited to come back again.

CITY ADMINISTRATOR'S REPORT

Nothing additional to report.

ADJOURNMENT

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The motion was made by Council Member Ernst, seconded by Council Member Cummings and unanimously carried to adjourn the meeting at 8:55 p.m.

Janice Oberloh, MCMC
City Clerk