

**WORTHINGTON CITY COUNCIL
REGULAR MEETING, OCTOBER 9, 2017**

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; Troy Appel, Public Safety Director, Todd Wietzema, Public Works Director; Dwayne Hafffield, Director of Engineering; Janice Oberloh, City Clerk; Patrol Officer Jake Walker and K-9 Winston.

Others present: John Landgaard; Lori Gunnink; Chris Kielblock; Cheryl Avenal-Navera; Ruth and Calvin Rehborg; Brad Shaffer; Marj Olson; Lou and Kathy Kuhl; Arthur Schaap; Darlene Macklin; MyRa Onnen; Karl Evers-Hillstrom, The Globe; Attorney Nathan Rockman (7:30 p.m.).

The Pledge of Allegiance was recited.

AGENDA CLOSED / APPROVED WITH CHANGE IN ORDER

Mayor Kuhle noted that item G.1. *Conditional Use Permit - Southwest Minnesota Opportunity Council - Child Care Facility*, would be moved to just before the Public Hearing.

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

INTRODUCTIONS

Troy Appel, Public Safety Director, introduced Patrol Officer Jake Walker and his new K-9 partner, Winston. The dog was trained in Fort Dodge, IA, and is trained for drugs, but not in attack.

**CONDITIONAL USE PERMIT - SOUTHWEST MINNESOTA OPPORTUNITY COUNCIL
- CHILD CARE FACILITY**

At their October 3, 2017 meeting, the Planning Commission considered an application for a Conditional Use Permit submitted by the Southwest Minnesota Opportunity Council for a proposed Child Care Facility. After holding a public hearing, the Commission voted to recommend Council approval of the Conditional Use Permit.

Dwayne Hafffield, Director of Engineering, stated it was discovered by staff that the site plan for the facility submitted to and considered by the Planning Commission contained an incorrect legal description. Staff recommendation was to send this item back to the Planning Commission for consideration and a recommendation to Council based on a corrected site plan, which will require a new public hearing process. Residents within 300 feet of the proposed site will be re-notified of the hearing.

The motion was made by Council Member Oberloh, seconded by Council Member Cummings and unanimously carried to send this item back to the Planning Commission for review and public comment.

**PUBLIC HEARING AND RESOLUTION NO.'S 2017-10-01 THROUGH 2017-10-08
ADOPTED - ADOPTING ASSESSMENTS FOR IMPROVEMENT, UNPAID CHARGES,
ADDITIONAL ASSESSMENTS AND REASSESSMENTS**

Pursuant to published notice, this was the time and date set for a public hearing on proposed assessments. Dwayne Haffield, Director of Engineering, stated that this was the final assessment hearing on various improvements projects.

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

Mr. Haffield provided information on the process that would be applicable to all of the proposed assessments, noting that in addition to adopting the assessments, Council would be setting the terms on those assessments not paid in 30 days. Also noted was an amended assessment for Grand Avenue that reflects a change of ownership. The major improvement including all the streets, whether it's the reconstruction of the Grand Avenue extension, the Knollwood sewer, the BioScience Sewer and Water are all looking at a 15 year payback at 3% interest, which is based on the bond that was used to finance all those improvements. The unpaid charges are a year at 4%, and the reassessments are at the rate they were when they were cancelled. The additional assessments are also based on the term of the original rate. Following this hearing, the assessments can be appealed through district court. There are 30 days to pay off the assessments without any interest, which would be November 8th. After that there are three business days to pay, with interest charged from tonight. After November 15th payment cannot be accepted at City Hall. Mr. Haffield reviewed the projects and the final costs as compared to the estimated costs. In response to questions from Lou Kuhl and Arthur Schaap, Mr. Haffield explained the process of determining the assessment amount.

Mayor Kuhle asked if there was anyone present who wished to present testimony for or against the proposed assessments. None was received.

The motion was made by Council Member Oberloh, seconded by Council Member Harmon and unanimously carried close the hearing.

The motion was made by Council Member Oberloh, seconded by Council Member Cummings and unanimously carried to adopt the following resolutions adopting the assessments and to include the amended resolution reflecting change of ownership on the Grand Avenue property:

RESOLUTION NO. 2017-10-01

ADOPTING THE SPECIAL ASSESSMENT FOR PAVING IMPROVEMENT NO. 113

(Refer to Resolution File for complete copy of Resolution)

RESOLUTION NO. 2017-10-02

ADOPTING THE SPECIAL ASSESSMENT FOR PAVING IMPROVEMENT NO. 114

(Refer to Resolution File for complete copy of Resolution)

RESOLUTION NO. 2017-10-03

ADOPTING THE SPECIAL ASSESSMENT FOR SANITARY SEWER IMPROVEMENT NO.
109

(Refer to Resolution File for complete copy of Resolution)

RESOLUTION NO. 2017-10-04

ADOPTING THE SPECIAL ASSESSMENT FOR SANITARY SEWER IMPROVEMENT NO.
110 AND FOR WATER MAIN IMPROVEMENT NO. 107

(Refer to Resolution File for complete copy of Resolution)

RESOLUTION NO. 2017-10-06

ADOPTING THE SPECIAL ASSESSMENT FOR 2017 MISCELLANEOUS UNPAID CHARGES

(Refer to Resolution File for complete copy of Resolution)

RESOLUTION NO. 2017-10-07

ADOPTING THE ASSESSMENTS FOR REASSESSMENT OF PAVING IMPROVEMENT NO.
107, 2008 MISCELLANEOUS CHARGES, AND 2009 MISCELLANEOUS CHARGES

(Refer to Resolution File for complete copy of Resolution)

RESOLUTION NO. 2017-10-08

ADOPTING THE ADDITIONAL ASSESSMENTS FOR WATER MAIN IMPROVEMENT NO.
96

(Refer to Resolution File for complete copy of Resolution)

CONSENT AGENDA APPROVED

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

- City Council Minutes of Regular Meeting September 25, 2017
- Minutes of Boards and Commissions - Water and Light Commission Minutes of Regular Meeting October 2, 2017; Planning Commission / Board of Appeals Minutes of October 3, 2017; YMCA Board Minutes of July 31, 2017
- Municipal Liquor Store Income Statement for the Period January 1, 2017 through August 31, 2017
- City Hall Closure - Friday After Thanksgiving, November 24, 2017
- Bills payable and totaling \$1,072,245.79 be ordered paid

THIRD READING AND ORDINANCE NO. 1107 ADOPTED - PLANNED UNIT DEVELOPMENT - SIX FAIRWAY VIEW

Pursuant to published notice this was the time and date set for the third reading of a proposed ordinance that would re-zone the following legally described property from its current "R-4" Medium Density Residential and Natural Features to Planned Unit Development:

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.

Thomas Walsh, Jr. And GL Development were seeking re-zoning of the property for a residential development.

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

ORDINANCE NO. 1107

AN ORDINANCE TO AMEND TITLE XV OF THE CITY CODE OF THE CITY OF WORTHINGTON, NOBLES COUNTY, MINNESOTA

(Refer to Ordinance File for complete copy of Ordinance)

POSITION GUIDELINES APPROVED FOR LIQUOR STORE ASSISTANT MANAGER WITH AUTHORIZATION TO ADVERTISE FOR CANDIDATES

With the recent resignation of a three-fourth's employee from the Municipal Liquor Store, Staff was requesting Council authorization to create the position of a full-time Liquor Store Assistant Manager, and to advertise for candidates. Steve Robinson, City Administrator, said staff has been reviewing the need for the position, which would be responsible for advising the Manger on inventory control, minimizing the total cost of inventory, striving to meet financial benchmarks and assisting with preparation of financial reports. Under the City's current wage and compensation plan, the position is assigned as Non-Exempt Salary Grade 6 and will have a starting wage of \$22.33 per hour.

The motion was made by Council Member Oberloh, seconded by Council Member Harmon and unanimously carried to approve the position guidelines for the Liquor Store Assistant Manager and to authorize staff to advertise for candidates.

ACTION TABLED REGARDING NOMINATING COMMITTEE RECOMMENDATION FOR COMMITTEE APPOINTMENT

The Nominating Committee met on October 3, 2017 and were making the following recommendation for Committee appointment:

Police Civil Service Commission

Appoint Cecilia Bofah to replace Jennifer Weg, who resigned her term.

The City Clerk noted the term expiration of December 31, 2017 as listed in the case item was

incorrect, and that the term would expire December 31, 2019.

Council Member Oberloh said he could not support the appointment as it didn't make sense in light of recent talk about eliminating the Civil Service Commission as many cities have. Council Member Cummings said he did not agree with the appointment either. Steve Robinson, City Administrator, suggested an appointment should be made to give us a full Civil Service Commission, and eliminating it could be looked at in the future. Council Member Cummings stated that appointment has a strong conflict of interest. Council Member Janssen agreed, but also agreed with Mr. Robinson that we need a full Commission.

The motion was made by Council Member Oberloh, seconded by Council Member Janssen and unanimously carried to table this action until the next regular City Council meeting to allow for additional information to be obtained.

CONDITIONAL USE PERMIT AMENDMENT REQUEST APPROVED - INDEPENDENT SCHOOL DISTRICT 518

Independent School District 518 was requesting an amendment to remove the following two tracts from their original Conditional Use Permit (CUP), which have or are to be developed differently from the original CUP:

Tract 1: referred to as the area for the proposed Headstart facility along Pleasant Avenue, and was contingent on approval of a CUP for the Child Care facility. The tract is legally described as:

Part of the Southeast Quarter of Section 27, Township 102 North, Range 40 West in the City of Worthington, Worthington Township, Nobles County, Minnesota, Described as follows:

Commencing at an existing iron monument at the most northerly corner of Lot 5, Block 20 of the recorded plat of Blocks 18, 19, and 20, Ludlow Acres, City of Worthington; thence North 00 degrees 33 minutes 43 seconds West, along the west right of way line of Pleasant Avenue, a distance of 324.60 feet, to the Point of Beginning; thence continuing North 00 degrees 33 minutes 43 seconds West, along said west right of way line, a distance of 241.20 feet; thence South 69 degrees 57 minutes 54 seconds west a distance of 45.00 feet; thence south 89 degrees 26 minutes 17 seconds West a distance of 173.72 feet; thence North 00 degrees 33 minutes 43 seconds West, parallel with the west right of way line of Pleasant Avenue, a distance of 239.50 feet; thence South 59 degrees 44 minutes 53 seconds West a distance of 242.89 feet; thence South 00 degrees 33 minutes 43 seconds East, Parallel with the west right of way line of Pleasant Avenue, a distance of 345.40 feet; thence North 89 degrees 26 minutes 17 seconds East a distance of 427.15 feet, to the Point of Beginning.

Tract 2: is now part of the Church site in the NE corner of 1st Avenue SW and Knollwood Drive, which was not removed when the church was granted a CUP, but can be corrected at this time. The tract is legally described as:

That part of the Southwest Quarter of the Southeast Quarter in Section 27, Township 102 North, Range 40 West, in the City of Worthington, Nobles County, Minnesota, described as follows:

Commencing at the south quarter corner of said Section 27; thence North 01 degrees 12 minutes 49 seconds West (bearings based on the east line of Woodland Ridge Addition), along the east line of Woodland Ridge Addition according to the recorded plat thereof on file and of record in the office of the County Recorder, a distance of 57.47 feet to the point of beginning said point being on the north right-of-way line of First Avenue SW according to the right-of-way easement as recorded and described in the office of the County Recorder in Document No. 280118 and the point of beginning; thence continuing North 01 degrees 12 minutes 49 seconds West, along the east line of said Woodland Ridge Addition, a distance of 152.53 feet to the southwest corner of Block 1, Country Village Apartments Subdivision according to the recorded plat thereof on file and of record in the office of the County Recorder; thence easterly along the south line of said Block 1 to the southeast corner of said Block 1; thence South 01 degrees 12 minutes 49 seconds East, along a projection of the east line of said Block 1, a distance of 102.14 feet to a point on said north right-of-way line of First Avenue SW said point being on a non-tangential curve concave southeasterly, having a radius of 1235.00 feet and a center radius which bears South 18 degrees 55 minutes 18 seconds East; thence southwesterly, along said curve a distance of 67.16 feet through a central angle of 03 degrees 06 minutes 58 seconds; thence southwesterly, along said right-of-way line, a distance of 22.39 feet along a reverse curve concave northwesterly having a radius of 1165.00 feet and a central angle of 01 degrees 06 minutes 05 seconds; thence South 75 degrees 47 minutes 47 seconds West, along said north right-of-way line, a distance of 149.42 feet to the point of beginning.

Dwayne Haffield, Director of Engineering, said the request was initiated by the request submitted by the Southwest Minnesota Opportunity Council for approval of a CUP for their Headstart site. Approval of the removal of Tract 1 should be contingent on Council approval of the Conditional Use Permit application for the Headstart site.

The Planning Commission considered the request at their October 3, 2017 meeting, and after holding a public hearing, voted to recommend Council approval of the amendment.

The motion was made by Council Member Oberloh, seconded by Council Member Cummings and unanimously carried to approve the amendment, with the removal of the first tract contingent on approval of the Conditional Use Permit for the Headstart site.

COUNCIL COMMITTEE REPORTS

Mayor Kuhle - Nothing to report.

Council Member Janssen - Nothing to report.

Council Member Oberloh - He and Council Member Ernst attended a meeting with Scott Hain and Steve Robinson regarding a new wage and compensation plan for the City.

Council Member Cummings - A dedication of the new rock climbing wall was held at the YMCA.

Council Member Ernst - No meetings but is going to represent the City at Turkey Fest in Cuero, Texas this week.

Council Member Harmon - Attended a Water and Light Commission meeting October 3rd - the Lewis and Clark contractor is trying to complete all the boring this fall so all they need to do in the spring is push pipe. The wells have come up as much as 2 ½ feet since receiving 5 inches of rain. Attended a CAL meeting this morning - they are still working on trying to form a 501.C3.

CITY ADMINISTRATOR'S REPORT

Steve Robinson, City Administrator, provided an update on the Minnesota West housing project, noting that it was found that the City could provide funds directly to the developer if our Housing and Redevelopment Authority authorizes it. Mr. Robinson thanked Randy Thompson and his Board for all the work and research they did on this. He also noted he would be out of the office on Thursday to attend a LMC regional meeting in New Ulm.

CLOSED SESSION UNDER MINN. STAT 13D.05, SUBD. 3(B) - ATTORNEY-CLIENT PRIVILEGE - AG LEASE

Mayor Kuhle announced that Council would be going into closed session under Minn. Stat. 13D.05, Subd. 3(b) - Attorney-Client Privilege regarding a potential litigation matter. Those not entitled to stay for the closed session left the meeting.

The motion was made by Council Member Cummings, seconded by Council Member Ernst and unanimously carried to close the meeting at 8:08 p.m.

The meeting was re-opened at 8:28 p.m.

ADJOURNMENT

The motion was made by Council Member Harmon, seconded by Council Member Ernst and unanimously carried to adjourn the meeting at 8:29 p.m.