

**WORTHINGTON CITY COUNCIL  
REGULAR MEETING, OCTOBER 14, 2019**

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

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

Others present: Leah Ward, The Globe; Justine Wettschrek, Radio Works; Ben Weber; John Landgaard; Allen Drost; Mandy West; Heath Mitchell; Josh Schafer.

The Pledge of Allegiance was recited.

**AGENDA CLOSED / APPROVED**

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

**PUBLIC HEARINGS FOR 2019 ASSESSMENT HEARINGS**

Dwayne Haffield, Director of Engineering, presented information on the proposed assessments and what the payment options would be for each of them, noting that if assessments are paid by November 13th, no interest will be accrued. Starting November 14th, interest is attached to payments. After that date the assessments will be certified to their property taxes.

The recommended terms for the proposed assessments are:

SANITARY SEWER IMPROVEMENT No. 111  
\_\_\_\_\_ 3.6%<sup>1</sup>; 15 years

WATER MAIN IMPROVEMENT NO. 108  
3.6%<sup>1</sup>; 15 years

SANITARY SEWER IMPROVEMENT NO. 112  
3.6%<sup>1</sup>; 15 years

WATER MAIN IMPROVEMENT NO. 109  
3.6%<sup>1</sup>; 15 years

**2019 MISCELLANEOUS UNPAID CHARGES**

Removal of Ice and Snow

- Removal of Ice and Snow
- Removal of Solid Waste

- Removal of Noxious Weeds and Vegetation

4.0%<sup>1</sup>; 1 year

ADDITIONAL ASSESSMENTS FOR WATER MAIN IMPROVEMENT NO. 80-2,  
1616 West Oxford Street

8.0%; 15 year<sup>3</sup>

1147 West Lake Avenue

0.0%; 1 year<sup>3</sup>

<sup>1</sup> Based on interest rate on PIR Bond

<sup>2</sup> Based on recommended policy for a minimum rate of 4% or current rate for improvement assessments, whichever is greater

<sup>3</sup> Based on interest rate and payback period established for assessment of original improvement

**PUBLIC HEARING AND RESOLUTION NO. 2019-10-70 ADOPTING THE SPECIAL ASSESSMENT FOR SANITARY SEWER IMPROVEMENT NO. 111 AS AMENDED AND RESOLUTION NO. 2019-10-71 ADOPTING THE SPECIAL ASSESSMENT FOR WATER MAIN IMPROVEMENT NO. 108**

Pursuant to published notice, this was the time and date set for a public hearing on 2019 Proposed Assessments for Sanitary Sewer Improvement No. 111.

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

John Landgaard, Independent School District 518, addressed the council, explaining that a portion of the school district property assessed is not planned for further development and will not need water and sewer connection. He said that the majority of the land would stay farm ground, green space or water retention. He asked that Council consider reducing the lateral assessment by removing 950 from the assessment role.

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

A motion was made by Council Member Oberloh, seconded by Council Member Cummings and unanimously carried to pass the resolution adopting the special assessment for Sanitary Improvement No. 111 as amended by removing the 950 feet of frontage assessment for School District 518.

RESOLUTION NO. 2019-10-70

ADOPTING THE AMENDED SPECIAL ASSESSMENT FOR SANITARY SEWER IMPROVEMENT NO. 111 AS AMENDED

A motion was made by Council Member Cummings, seconded by Council Member Oberloh and unanimously carried to Adopt the Special Assessment for Water Improvement No. 108.

RESOLUTION NO. 2019-10-71

ADOPTING THE SPECIAL ASSESSMENT FOR WATER IMPROVEMENT NO. 108

**PUBLIC HEARING AND RESOLUTION NO. 2019-10-72 ADOPTING THE SPECIAL ASSESSMENT FOR SANITARY SEWER IMPROVEMENT NO. 112 AND RESOLUTION NO. 2019-10-73 ADOPTING THE SPECIAL ASSESSMENT FOR WATER MAIN IMPROVEMENT NO. 109**

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

Mayor Pro Tem Harmon asked if there was anyone present who wished to present testimony. None was received.

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

A motion was made by Council Member Ernst, seconded by Council Member Janssen and unanimously carried to adopt the Special Assessment for Sanitary Improvement No. 112.

RESOLUTION NO. 2019-10-72

ADOPTING THE SPECIAL ASSESSMENT FOR SANITARY SEWER IMPROVEMENT NO. 112

A motion was made by Council Member Oberloh, seconded by Council Member Janssen and unanimously carried to adopt the Special Assessment for Water Main Improvement No. 109.

RESOLUTION NO. 2019-10-73

ADOPTING THE SPECIAL ASSESSMENT FOR WATER MAIN IMPROVEMENT NO. 109

**PUBLIC HEARING AND RESOLUTION NO. 2019-10-74 ADOPTED ADOPTING THE SPECIAL ASSESSMENT FOR 2019 MISCELLANEOUS UNPAID CHARGES**

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

Mayor Pro Tem Harmon asked if there was anyone present who wished to present testimony. None was received.

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

\_\_\_\_\_ A motion was made by Council Member Oberloh, seconded by Council Member Cummings and unanimously carried to adopt the special assessment for 2019 miscellaneous charges as amended to reflect payments received.

RESOLUTION NO. 2019-10-74

ADOPTING THE SPECIAL ASSESSMENT FOR 2019 MISCELLANEOUS UNPAID CHARGES AS AMENDED

**PUBLIC HEARING AND RESOLUTION NO. 2019-10-75 ADOPTING THE ADDITIONAL ASSESSMENT FOR WATER MAIN IMPROVEMENT NO. 80-2 AND 2019-10-76 ADOPTING THE ADDITIONAL ASSESSMENT FOR SANITARY SEWER IMPROVEMENT NO. 60**

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

Mayor Pro Tem Harmon asked if there was anyone present who wished to present testimony. None was received.

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

RESOLUTION NO. 2019-10-75

ADOPTING THE ADDITIONAL ASSESSMENT FOR WATER MAIN IMPROVEMENT NO. 80-2

\_\_\_\_\_ A motion was made by Council Member Ernst, seconded by Council Member Cummings and unanimously carried to adopt the additional assessment for water main improvement no. 80-2.

A motion was made by Council Member Ernst, seconded by Council Member Cummings and unanimously carried to adopt the additional assessment for sanitary sewer improvement No. 60.

RESOLUTION NO. 2019-10-76

ADOPTING THE ADDITIONAL ASSESSMENT FOR SANITARY SEWER IMPROVEMENT  
NO. 60

**PUBLIC HEARING AND RESOLUTION NO. 2019-10-77 ADOPTED APPROVING  
NOBLES HOME INITIATIVE APPLICATION FOR TAX ABATEMENT- 1615 OKABENA  
STREET**

Pursuant to published notice this was the time and date for a public hearing on a Nobles Home Initiative application for tax abatement.

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

Jason Brisson, Assistant City Administrator/Director of Economic Development, presented background on the request, noting that a Nobles Home Initiative (NHI) application had been received from Dan Wagner who was seeking tax abatement for the construction of a single-family home at 1615 Okabena Street. The home will be approximately 1,656 square feet with a 550 square foot attached garage. Estimated value of the project is \$200,000, which would generate \$2,129 in annual taxes utilizing the 2019 tax rate. Of that, the City's share would be approximately \$1,013. Mr. Brisson said staff had reviewed the application and determined that it met all the parameters of the NHI guidelines. The public hearing was required by State Statutes to allow for public comment on the proposed abatement.

Mayor Pro Tem Harmon asked if there was anyone who wished to present testimony. None was received.

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

The motion was made by Council Member Cummings, seconded by Council Member Ernst and unanimously carried to adopt the following resolution approving the Nobles Home Initiative application submitted by Dan Wagner:

RESOLUTION NO. 2019-10-77

A RESOLUTION APPROVING TAX ABATEMENT FOR CERTAIN PROPERTY PURSUANT

TO MINN STAT 469.1813

(Refer to Resolution File for complete copy of Resolution)

**PUBLIC HEARING AND RESOLUTION NO. 2019-10-78 ADOPTED APPROVING  
NOBLES HOME INITIATIVE APPLICATION FOR TAX ABATEMENT- 1953  
WOODLAND COURT**

Pursuant to published notice this was the time and date set for a public hearing on a Nobles Home Initiative application for tax abatement.

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

Jason Brisson, Assistant City Administrator/Director of Economic Development, presented background on the request, noting that a Nobles Home Initiative (NHI) application had been received from Doug Nau on behalf of Joel and Julie Lorenz, who is seeking tax abatement for the construction of a single-family home at 1953 Woodland Court. The home will be approximately 3,900 square feet with a 1,600 square foot attached garage. Estimated value of the project is \$500,000, which would generate \$5,322 in annual taxes utilizing the 2019 tax rate. Of that, the City's share would be approximately \$2,531. Mr. Brisson said staff had reviewed the application and determined that it met all the parameters of the of the NHI guidelines. The public hearing was required by State Statutes to allow for public comment on the on the proposed abatement.

Mayor Pro Tem Harmon asked if there was anyone who wished to present testimony. None was received.

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

The motion was made by Council Member Cummings, seconded by Council Member Ernst and unanimously carried to adopt the following resolution approving the Nobles Home Initiative application submitted by Doug Nau on behalf of Joel and Julie Lorenz:

RESOLUTION NO. 2019-10-78

A RESOLUTION APPROVING TAX ABATEMENT FOR CERTAIN PROPERTY PURSUANT  
TO MINN STAT 469.1813

(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 Minutes of September 23, 2019
- Planning Commission Minutes of October 1, 2019
- Safe Roads Coalition Minutes of October 1, 2019
- Economic Development Authority Minutes of September 23, 2019
- Water & Light Commission Minutes of September 16, 2019
- Convention & Visitors Bureau Minutes of August 28, 2019
- Housing & Redevelopment Authority Minutes of August 27, 2019
- YMCA Board Minutes of August 12, 2019
- YMCA Board Minutes of June 24, 2019
- YMCA Board Minutes of May 20, 2019
- General Fund Statement of Revenues and Expenditures - Budget and Actual - for Period of January 1, 2019 through September 30, 2019
- Municipal Liquor Store Income Statement for the Period of January 1, 2019 through September 30, 2019
- Bills payable and totaling \$2,476,887.40 be ordered paid

**THIRD READING AND ORDINANCE NO. 1147 ADOPTED TO AMEND TITLE XV OF THE CITY CODE OF WORTHINGTON, NOBLES COUNTY, MINNESOTA - PLANNED UNIT DEVELOPMENT AMENDMENT (PUD) - LAKESHORE PARK CONDOMINIUM ASSOCIATION**

Pursuant to published notice, this was the time and date set for the third reading of a proposed ordinance - amending Title XV of the City Code of Worthington, Nobles County, Minnesota - Planned Unit Development Amendment (PUD) - Lake Shore Park Condominium Association.

The proposed amendment would make the maximum deck size 216 square feet and the maximum landing size 16 square feet.

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

ORDINANCE NO. 1147

AN ORDINANCE TO AMEND TITLE XV OF THE CITY CODE OF WORTHINGTON, NOBLES COUNTY, MINNESOTA - PLANNED UNIT DEVELOPMENT AMENDMENT (PUD) - LAKESHORE PARK CONDOMINIUM ASSOCIATION

(Refer to Ordinance File for complete copy of ordinance)

**THIRD READING AND ORDINANCE NO. 1148 ADOPTED TO REZONE PROPERTY FROM "T-Z" (TRANSITION ZONE) AND "R-3" (LOW DENSITY PRESERVATION RESIDENTIAL DISTRICT) TO "R-2" (ONE FAMILY, LOW DENSITY DISTRICT) - DK BUILDERS**

Pursuant to published notice, this was the time and date set for the third reading of a proposed ordinance to Rezone Property from "T-Z" (Transition Zone) and "R-3" (Low Density Preservation Residential District) to "R-2" (One Family, Low Density District).

The proposed ordinance 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.

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

ORDINANCE NO. 1148

AN ORDINANCE TO REZONE PROPERTY FROM "T-Z" (TRANSITION ZONE) AND "R-3" (LOW DENSITY PRESERVATION RESIDENTIAL DISTRICT) TO "R-2" (ONE FAMILY, LOW DENSITY DISTRICT) - DK BUILDERS

(Refer to Ordinance File for complete copy of ordinance)

**THIRD READING AND ORDINANCE NO. 1149 ADOPTED TO REZONE PROPERTY**

**FROM "R-1" (ONE FAMILY DETACHED) TO "R-2" - ONE FAMILY, LOW DENSITY DISTRICT) - YELLOW COMPANY**

Pursuant to published notice, this was the time and date set for the third reading of a proposed ordinance to Rezone Property from "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.

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

ORDINANCE NO. 1149

AN ORDINANCE TO REZONE PROPERTY FROM "R-1" (ONE FAMILY DETACHED) TO "R-2" - (ONE FAMILY, LOW DENSITY DISTRICT) - YELLOW COMPANY

(Refer to Ordinance File for complete copy of ordinance)

**THIRD READING AND ORDINANCE NO. 1150 ADOPTED TO REZONE PROPERTY FROM "R-1" (ONE FAMILY DETACHED) TO "R-4" (MEDIUM DENSITY RESIDENTIAL DISTRICT) - YELLOW COMPANY**

Pursuant to published notice, this was the time and date set for the third reading of a proposed ordinance to Rezone Property from "R-1" (One Family Detached) 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.

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

ORDINANCE NO. 1150

AN ORDINANCE TO REZONE PROPERTY FROM "R-1" (ONE FAMILY DETACHED) TO "R-4" (MEDIUM DENSITY RESIDENTIAL DISTRICT) - YELLOW COMPANY

(Refer to Ordinance File for complete copy of ordinance)

**THIRD READING AND ORDINANCE NO. 1151 ADOPTED TO REZONE PROPERTY FROM "R-1" (ONE FAMILY DETACHED) TO "B-3" (GENERAL BUSINESS DISTRICT) - YELLOW COMPANY**

Pursuant to published notice, this was the time and date set for the third reading of a proposed ordinance to Rezone Property from "R-1" (One Family Detached) 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.

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

ORDINANCE NO. 1151

TO REZONE PROPERTY FROM "R-1" (ONE FAMILY DETACHED) TO "B-3" (GENERAL BUSINESS DISTRICT) - YELLOW COMPANY

(Refer to Ordinance File for complete copy of ordinance)

**THIRD READING AND ORDINANCE NO. 1152 ADOPTED AMENDING TITLE XV OF THE CITY CODE OF WORTHINGTON, NOBLES COUNTY, MINNESOTA - TEXT AMENDMENT**

Pursuant to published notice, this was the time and date set for the third reading of a proposed ordinance to Amend Title XV of the City Code of Worthington, Nobles County, Minnesota - Text Amendment. The proposed ordinance 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).*

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

unanimously carried to give a third reading and subsequently adopt the following ordinance:

ORDINANCE NO. 1152

AN ORDINANCE AMENDING TITLE XV OF THE CITY CODE OF WORTHINGTON,  
NOBLES COUNTY, MINNESOTA - TEXT AMENDMENT

(Refer to Ordinance File for complete copy of ordinance)

**DECLARE FIRE DEPARTMENT PUMPER TRUCK #5 SURPLUS PROPERTY  
APPROVED**

Steve Robinson, City Administrator stated in accordance with the City's policy for Disposal of Personal Property, City Council shall declare City-owned vehicles as surplus property before they can be disposed of. He said staff is requesting Council declare Fire Department Pumper Truck #5 as surplus so that it can be sold by either quotation, open market or sealed bid methods. Truck #5 is a 1978 International Loadstar 1800 that has served the community for 30 years. It is currently out of service and has been replaced with a 2018 Tanker Tender.

A motion was made by Council Member Oberloh, seconded by Council Member Cummings and unanimously carried to declare fire department pumper truck #5 surplus property.

**RESOLUTION NO. 2019-10-79 ADOPTED ACCEPTING DONATION OF FUNDS**

Troy Appel, Public Safety Director, stated that Kwik Trip has generously donated \$1,000 to the Worthington Police Department to benefit police programs. The funds will be utilized to enhance WPD's Blue in the School program through purchases of books, pencils and other educational items officers will share with students and teachers.

A motion was made by Council Member Oberloh, seconded by Council Member Janssen and unanimously carried to adopt the following resolution accepting donation of funds.

RESOLUTION NO. 2019-10-79

A RESOLUTION ACCEPTING A DONATION OF FUNDS

(Please refer to Resolution File for complete copy of Resolution)

**PROFESSIONAL SERVICES FOR INVESTIGATION OF PIPES UNDER PROPOSED  
FIELD HOUSE BUILDING APPROVED**

Dwayne Haffield, Engineering Director, explained that as the city prepares to convert the warehouse building at the former Campbell Soup building site it is necessary to investigate the condition of the

twin pipes that are 42" lake outlet pipes located under the current warehouse building before it is converted into a field house. Mr. Haffield explained that SEH has located equipment that can view the pipes using radar and can determine the status of the pipe wall and the surrounding soil conditions. The equipment must be transported from Canada, which will cost \$60,615. However, Mr. Haffield explained that SEH is trying to find some cost-sharing options from other communities.

Steve Robinson, City Administrator stated that this is a very unique piece of testing equipment that is not readily available so there is no real means of competitive bidding.

A motion was made by Council Member Oberloh, seconded by Council Member Cummings and unanimously carried to approve the professional services for investigation of pipes under proposed field house building.

**MEMORANDUM OF UNDERSTANDING AND DISTRIBUTION OF COSTS FOR ENVIRONMENTAL AND GEOTECHNICAL SERVICES APPROVED**

Dwayne Haffield, Engineering Director, stated that the Memorandum of Understanding states that costs for environmental and geotechnical services are to be evenly divided between the City, Nobles County and District 518. This will amount to an estimated \$15,808 per entity for environmental and geotechnical services related to the W.E.L.L. project, and a total of \$46,133 from the city between the W.E.L.L and field house projects combined.

Mr. Haffield explained that the County tabled action on the MOU at their last meeting. The School District is scheduled to consider the MOU at their October 15, 2019 meeting.

Steve Robinson, City Administrator, stated if the county and the school district don't also sign the MOU, the City of Worthington will just focus on building the field house and not commission environmental and geotechnical services on the W.E.L.L. site.

A motion was made by Council Member Oberloh, seconded by Council Member Janssen and unanimously carried to approve the memorandum of understanding and distribution of costs for environmental and geotechnical services.

**AMENDMENT 2 TO DUGDALE PROPERTY RESIDENTIAL DEVELOPMENT PROFESSIONAL SERVICES AGREEMENT APPROVED**

Dwayne Haffield, Engineering Director, stated that City Council approved a professional services agreement with the firm of Bolton and Menk on January 28, 2019 for the initial engineering services required to evaluate and, if applicable, provide preliminary design for residential development of the "Dugdale Property". Continued progress in finalizing a master layout and the initial development phase is cause to propose advancing project development. Project development would include the

first phase of the “developer” installed improvements, the public improvements (primarily storm sewer) needed to accommodate the development and the platting of the first phase. In order to initiate further project development, staff has requested the proposed amendment to the Bolton and Menk agreement. The amendment includes the following tasks: A feasibility report, topographic survey, preliminary and final plats, final design and bidding services. Mr. Haffield noted that at this time the amendment does not address construction phase services.

A motion was made by Council Member Janssen, seconded by Council Member Cummings and unanimously carried to approve Amendment 2 to Dugdale property residential development professional services agreement.

**CONDITIONAL USE PERMIT - CERTAIN PROPERTY EAST OF C.S.A.H. 5 (READ AVE.) AND NORTH OF C.S.A.H. 35 APPROVED**

Jeremiah Cromie, City Planner explained Pulver Towing submitted a request for a conditional use permit for property currently owned by D&H Storage LLC located approximately 267 feet east of Read Avenue (C.S.A.H. 5) and approximately 467 feet north of County Road 35 shown in Exhibit 3A to operate an 58 foot by 86 foot warehouse and office with an accompanying 78 foot by 86 foot impound lot.

Mr. Cromie explained that the Planning Commission voted unanimously to approve the requested conditional use permit subject to the following conditions:

1. The impound lot is screened with at least a 7-foot tall fence adhering to the guidelines of City Code Section 155.043(C)(1) regarding materials used for walls and fences;
2. The development maintain compliance with City Code Section §155.042 regarding parking and loading spaces;
3. The property is developed in accordance with submitted site plans in Exhibit 3C regarding the building and impound lot;
4. The property adheres to the Stormwater Pollution Prevention Plan (SWPPP) for the site; and
5. The subject property maintain compliance with all applicable Local, State and Federal Requirements.

A motion was made by Larry Janssen, seconded by Council Member Cummings and unanimously carried to approve the Conditional Use Permit - Certain Property East C.S.A.H. 5 (Read Avenue) and North of C.S.A.H. 35.

**FIRST READING PROPOSED ORDINANCE TO AMEND TITLE XV OF THE CITY CODE OF WORTHINGTON, NOBLES COUNTY, MINNESOTA**

Jeremiah Cromie, City Planner stated that The City of Worthington is considering a text amendment to Chapter 155: Zoning, Appendix E: Table 5: Schedule of Use Regulations to allow the land uses of public parks, playgrounds, recreation and community center buildings and grounds; golf courses, country clubs, tennis courts and similar recreational uses, all of a non-commercial nature to be permitted in a “B-2” - Central Business District with the issuance of a conditional use permit only. This land use is currently not permitted in a “B-2”- Central Business District Zone. The City of Worthington approved a 0.5% local option sales tax to provide funding for community amenity projects within the City of Worthington. An indoor fieldhouse was one of six approved sales tax projects. It is proposed to be an indoor recreational facility that hosts various sporting and community events.

After holding a public hearing, the Planning Commission voted unanimously to recommend the City Council approve the proposed text ordinance.

The proposed ordinance amending the City Code is as follows:

The City Council of the City of Worthington, Do Ordain:

Section I

The Worthington City Code, Title XV, Section 155 Table 5 (Schedule of Use Regulations), shall be amended to read as follows:

Table 5: Schedule of Use Regulations  
Subtitle: Residential Use Group

Letter S - Recreational be amended to allow the land use as a conditional use permit in the “B-2” – Central Business District.

Section II

The City Clerk is hereby directed to file a certified copy of this ordinance in the office of the Recorder in and for the County of Nobles, State of Minnesota

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

**COUNCIL COMMITTEE REPORTS**

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Mayor Kuhle - no report.

Council Member Janssen - no report.

Council Member Oberloh - no report.

Council Member Cummings - Andy Johnson will be retiring from the YMCA, a search committee has been formed to move forward with the nationwide search.

Council Member Ernst - Had a very nice time in Cuero, TX for Cuero Turkeyfest, Paycheck won the second leg and also overall so Worthington continues to hold the championship trophy.

Council Member Harmon - no report.

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

Steve Robinson, City Administrator, stated we have one more budget meeting to schedule for one of the following dates: October 29<sup>th</sup>, 30<sup>th</sup>, or 31<sup>st</sup>. The Beach Nook roof went on today and the footings for the new entertainment building will be poured tomorrow. The Thompson Hotel court date is October 28<sup>th</sup> at 10:00 a.m.

### **ADJOURNMENT**

The motion was made by Council Member Oberloh, seconded by Council Member Cummings and unanimously carried to adjourn the meeting at 8:43 p.m.

Mindy L. Eggers, MCMC  
City Clerk