

**WORTHINGTON CITY COUNCIL
REGULAR MEETING, NOVEMBER 13, 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. Honorary Council Member: Bob Wethor.

Staff present: Steve Robinson, City Administrator; Todd Wietzema, Public Works Director; Dwayne Haffield, Director of Engineering; Jason Brisson, Director of Community Development, Planning, Zoning and Building Services; Janice Oberloh, City Clerk.

Others present: Justine Wettschreck, KWOA; Karl Evers-Hillstrom, The Globe; Kim Milbrandt, Neil Steffl, Chris Kielblock, Cheryl Avenel-Navara, Mark Thier, Jennifer Weg, Cecilia Bofah, Leticia Rodriguez, Aida Simon, Todd Schwebach, Ron Drent, Terry Rotschafer, Kelly Van Grouw, Lori Gunnink, Dawn Easterday, Jessica Velasco.

The Pledge of Allegiance was recited.

HONORARY COUNCIL MEMBER

Mayor Kuhle welcomed Bob Wethor as the Honorary Council Member for October, November and December, 2017.

AGENDA CLOSED/APPROVED WITH CHANGE

Staff noted a correction to the agenda page to include Item I.4. *Authorizing Execution of Amendment and Restatement of Joint Resolution*. The information was included in the Council Packet but not listed on the Agenda page. Mayor Kuhle also noted that Item I.1. *Conditional Use Permit - Southwest Minnesota Opportunity Council* would be taken out of order to accommodate those in attendance for that item.

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

CONSENT AGENDA APPROVED

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

- City Council Minutes of Regular Meeting October 23, 2017 and Special Meeting November 6, 2017
- Minutes of Boards and Commissions - Worthington Public Arts Commission Minutes of September 21, 2017; YMCA Board of Directors Minutes of September 25, 2017; Center for Active Living Committee Minutes of October 9, 2017; Traffic and Safety Committee Minutes of October 31, 2017; Planning Commission Minutes of November 6, 2017

- Bills payable and totaling \$861,068.03 be ordered paid

CONDITIONAL USE PERMIT APPROVED - SOUTHWEST MINNESOTA OPPORTUNITY COUNCIL

Southwest Minnesota Opportunity Council was seeking a Conditional Use Permit for property owned by Independent School District 518 and located on Pleasant Avenue. If approved, the applicant would be permitted to operate a child care facility on the subject property. Child Care facilities are permitted in the "R-1" - Residential Single Family Detached zoning district, which is the zoning classification of the subject property. The legal description of the property is as follows:

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.

The Planning Commission considered the conditional use permit at its November 6, 107 meeting, and after holding a public hearing, voted unanimously to approve the conditional use permit with the following conditions:

1. Maintain compliance with all federal and state laws, rules and regulations.
2. Improvements are done in accordance with the application, the plans submitted as revised with the application (Site Plan #C-131-2 dated 10-17-2017)
3. Detailed Storm Water Management Plan approved by the City Engineer and DNR to allow for greater than 25% impervious coverage.
4. If street is extended westerly along the South side of the site, the Pleasant Avenue entrance will be closed and access to the site will be through the newly created street.

Jason Brisson, Director of Community Development, Planning, Zoning and Building Services, said nothing had changed since the last Council consideration of this, and that it satisfied all requirements

in our Zoning Ordinance and Comprehensive Plan. The Planning Commission did also hold a public hearing on the application, where opposition to the project was received.

Terry Rotschafer, who had attended the Planning Commission meeting, was now present at the Council meeting and was invited to speak by Mayor Kuhle. Mr. Rotschafer spoke against the project, noting Council would be putting a parking lot, the cars, kids, delivery trucks, and a big behemoth building in a residential neighborhood. People don't want it there, and he requested Council support. Council Member Cummings responded that he did not get that negativity from the people in that neighborhood that he spoke to. Jason Brisson cautioned Council that, according to statute, neighborhood opinion is not a valid reason to approve or deny a conditional use permit, and if neighborhood opinion is the sole basis for Council decision, it could be overturned in a court of law.

The motion was made by Council Member Ernst, seconded by Council Member Cummings and unanimously carried to approve the Conditional Use Permit for Southwest Minnesota Opportunity Council as presented.

RECOMMENDATION FOR ALLOCATION OF FUNDING APPROVED - CITY COUNCIL ECONOMIC DEVELOPMENT SUB-COMMITTEE

Steve Robinson, City Administrator, reported that the City Council Economic Development Sub-Committee has been meeting, and is recommending that Staff be directed to engage Worthington Public Utilities management to look at the opportunity of a joint housing development program, with a recommendation to fund the program at \$3 million. The program would include a new single-family development for middle and upper market homes, and completing development of an area well suited for starter homes. The Committee was making the following City funding recommendations:

- Allocating \$1.5 million from Hospital sales proceeds to establish a housing development program
- Allocating \$2.5 million from Hospital sales proceeds to the Community Growth Committee for their continued work in the area of quality of life amenities. In addition to those funds, the City Council has previously directed \$300,000 from the aquatic center fund and \$1.2 million that was allocated for construction of the Buss Field soccer complex.
- Teaming up with groups that have indicated their support to raise private funds for quality of life projects.

Jennifer Weg, Kelly Van Grouw, and Kim Milbrandt were present at the meeting and spoke of the challenges their organizations face when trying to recruit employees to the community - with housing and amenities the big issues.

The motion was made by Council Member Cummings to move this forward as recommended.

Council Member Janssen said he did not agree with the housing development - it's tough for private builders to come in because they have to compete with government.

Council Member Oberloh said he would second the motion if it included directing staff to engage the Public Utilities. Council Member Cummings said it would.

The following Council Members voting in favor of the motion: Oberloh, Cummings, Ernst, Harmon; and the following Council Members voting against the motion: Janssen.

AG LEASE

Steve Robinson, City Administrator, said prior to filing the legal claims with the courts for this lease as directed by Council, the Lessee submitted a payment of one-fifth of the amount owed and offered to pay off the entire obligation in four additional payments due on or before November 1, 2018, 2019, 2020 and 2021. Staff was recommending that, if Council accepted the payment offer, the Lessee shall also sign a promissory note and confession of judgement prepared by the City's legal counsel.

Council Member Oberloh said he would only support accepting the offer of payment if it included interest and legal fees. Council Member Janssen said he could not support it at all as the rent was already due - it's in motion.

The motion was made by Council Member Oberloh and seconded by Council Member Cummings to make a one-time offer to the Lessee that he signs a promissory note for five equal payments with 5% interest added to each payment, the Confession of Judgement, and all legal fees. On a request for clarification from Steve Robinson, City Administrator, regarding the interest as it applies to the payment already received, Council Member Oberloh clarified the interest would be attached to the remaining payments. Council Member Cummings seconded the clarified motion, with the following Council Members voting in favor of the motion: Oberloh, Cummings, Ernst, Harmon; and the following Council Members voting against the motion: Janssen. Motion carried.

A motion was then made by Council Member Oberloh and seconded by Council Member Ernst that if the offer is rejected we go immediately to collect the entire amount, with the following Council Members voting in favor of the motion: Oberloh, Cummings, Ernst, Harmon; and the following Council Members voting against the motion: Janssen. Motion carried.

CHANGE ORDER NO. 2 TO LIQUOR STORE PROJECT APPROVED

As part of the Liquor Store Remodeling project, one of the bid alternatives specified removing the existing wall panels and replacing them with new metal wall panels that would complement the

exterior finish of the north and south additions. The bid for this was rejected at \$115,000. Council directed City staff to work with the Contractor to identify options that may reduce the cost and still meet intent.

Salonek Construction submitted a change order proposal that conforms to the objective of the project, which results in an increase of \$60,490.00

The motion was made by Council Member Cummings, seconded by Council Member Janssen and unanimously carried to approve Change Order No. 2 to the Liquor Store project in the amount of \$60,490.00.

BUDGET AMENDMENT TO THE 2017 WORTHINGTON FIRE DEPARTMENT ERS APPROVED

The Worthington Fire Department was requesting Council approval of a budget amendment in the amount of \$12,510.40 to the 2017 ERS, to allow them to purchase 32 new pagers this year. Replacement of the pagers is included in the 2018 budget, however, they can be purchased at a reduced price now, resulting in a savings of over \$2,000. In addition, the current models are no longer sold and must be sent away for servicing when needed. The current ERS reserves has a balance of \$19,465.

The motion was made by Council Member Harmon, seconded by Council Member Cummings and unanimously carried to approve the requested budget amendment to the 2017 Worthington Fire Department ERS as requested.

RESOLUTION NO.'S 2017-11-01, 2017-11-02, AND 2017-11-03 ADOPTED ACCEPTING PARK BENCH DONATIONS

Todd Wietzema, Public Works Director, said the Park and Recreation Advisory Committee has received the following requests from two parties to place three benches in City parks and along the bike trails:

- Bedford Industries - at Ludlow Park in honor of Bedford and Ruth Ludlow
- Bedford Industries - at Ludlow Park in honor of Mr. And Mrs. H.J. Ludlow
- WHS Class of 1967 - on Crailsheim Drive near ballfield, between Fox Farm and the Meadows.

The motion was made by Council Member Cummings, seconded by Council Member Janssen and unanimously carried to adopt the following resolutions accepting the park bench donations:

RESOLUTION NO. 2017-11-01

A RESOLUTION ACCEPTING A DONATION OF PERSONAL PROPERTY (Bedford Industries)

(Refer to Resolution File for complete copy of Resolution)

RESOLUTION NO. 2017-11-02

A RESOLUTION ACCEPTING A DONATION OF PERSONAL PROPERTY (Bedford Industries)

(Refer to Resolution File for complete copy of Resolution)

RESOLUTION NO. 2017-11-03

A RESOLUTION ACCEPTING A DONATION OF PERSONAL PROPERTY (WHS Class of 1967)

(Refer to Resolution File for complete copy of Resolution)

RESOLUTION NO. 2017-11-04 ADOPTED VACATING SANITARY SEWER EASEMENT

Prior to the platting of South Lake Subdivision, a sanitary sewer was proposed to be constructed south of First Avenue SW and immediately east of Knollwood Drive for a condominium development. As such, a utility easement was granted to the City. Following that, the proposed development was rearranged and the sanitary sewer was constructed, in part, in a different location. Dwayne Haffield, Director of Engineering, noted the original easement conflicts now with the current plan for structure locations and should be vacated. The Water and Light Commission has concurred with the recommendation to vacate the easement.

The motion was made by Council Member Oberloh, seconded by Council Member Janssen and unanimously carried to adopt the following resolution vacating the easement:

RESOLUTION NO. 2017-11-04

VACATING AN EASEMENT IN LOT 1, BLOCK 1, SOUTH LAKE SUBDIVISION

(Refer to Resolution File for complete copy of Resolution)

2018 STORM WATER UTILITY FUND BUDGET APPROVED AND FIRST READING OF PROPOSED ORDINANCE TO AMEND STORM SEWER UTILITY RATES

Staff presented the proposed 2018 Storm Water Utility Fund Budget, which was reviewed by Council at its November 6, 2017 special meeting. The budget requires \$633,728 in utility operating revenue, or \$39,976 more than the 2017 budget. An increase in reserves for future capital

improvements is due to the commitment to the County Ditch 12 flood mitigation improvement. A rate increase of 6% would be necessary with approval of the proposed budget, which would take the annual fee per acre for residential from \$249.00 to \$264.00.

The motion was made by Council Member Cummings, seconded by Council Member Harmon and unanimously carried to approve the 2018 Storm Water Utility Fund Budget and to give a first reading to a proposed ordinance to amend Chapter 54, Section 54.04 of the City Code as follows:

(C) The annual fee per acre for residential is \$264.00

If successfully given a third reading, the ordinance would take effect January 1, 2018.

2018 STREET LIGHTING FUND BUDGET APPROVED AND FIRST READING OF A PROPOSED ORDINANCE TO AMEND CHAPTER 55 OF THE CITY CODE

Staff presented the 2018 Street Lighting Fund Budget pursuant to direction by Council at its November 6, 2017 special meeting. Dwayne Haffield, Director of Engineering, said the budget included no rate increase, but would provide for an increase in reserves reflecting the projected decrease in expenses for electric utilities. At their November 6th special meeting, Council had expressed an interest in lighting some of the paths. Mr. Haffield said a review of the current ordinance showed it is neither precluded or specifically allowed it. The City Attorney concurred that it would be appropriate to amend Chapter 55 of the City Code to define “Street Lighting System.” Staff presented a proposed ordinance that would amend Chapter 55 of the City Code as follows:

Worthington City Code, Title V, Chapter 55, Section 55.03 is hereby amended to add the following definition:

Street Lighting System. Network of lighting equipment designed and used for illumination of streets, alleys and other public ways used by vehicles or pedestrians for travel.

The motion was made by Council Member Oberloh, seconded by Council Member Harmon and unanimously carried to approve the 2018 Street Lighting Fund Budget and give a first reading to the proposed ordinance

SPECIAL COUNSEL APPOINTED FOR EMINENT DOMAIN PROCEEDINGS

Dwayne Haffield, Director of Engineering, reported that the property acquisitions needed for the County Ditch 12 flood mitigation project is moving along. Of the two larger parcels and seven smaller parcels needed for the project, options have been obtained for five, and the need for one has been eliminated by minor redesign. Three acquisitions still need to be settled, and the status of them varies. Mr. Haffield said the appointment of special counsel is to be ready for eminent domain

proceedings.

Five proposals were received for legal services, and after being scored by the City Attorney and the City Engineer, the firm of Flaherty and Hood, P.A. was ranked the highest.

The motion was made by Council Member Cummings, seconded by Council Member Ernst and unanimously carried to appoint Flaherty and Hood, P.A. as special counsel for eminent domain proceedings pertaining to the CD 12 flood mitigation project, and to authorize the Mayor and Clerk to execute the contract.

FIRST READING PROPOSED ORDINANCE CHANGE OF ZONE - T&S RENTALS LLC

T&S Rentals had submitted an application to rezone 19,969 square feet of property it owns from its current "R-3" - Low Density Preservation Residential designation to "B-3" - General Business. The property is legally described as:

North 200 feet of Lot 10, Block 53, Second Addition to Worthington, Nobles
County, Minnesota

The property directly abuts residential districts on three sides, and had originally been identified for residential development. However, this parcel, and one other adjoining it, do not abut a public right-of-way, and so are non-conforming and would not be allowed today. Jason Brisson, Director of Community Development, Planning, Zoning and Building Services, noted this re-zoning would provide the same benefits cited in the issuing of the conditional use permit for adjacent parcel 31-0452-000.

The Planning Commission considered the request at their November 6, 2017 meeting, and after holding a public hearing, voted unanimously to recommend Council approval of the requested change of zone.

The motion was made by Council Member Cummings, seconded by Council Member Ernst and unanimously carried to give a first reading to a proposed ordinance that would rezone the property from its current "R-3" - Low Density Preservation Residential to "B-3" - General Business.

CONDITIONAL USE PERMIT APPROVED - T & S RENTALS LLC

T & S Rentals submitted an application for a Conditional Use Permit that would allow placement of four storage units with 9 foot sidewalls covering a cumulative total of 9,240 square feet on property they own at 628 Tenth Avenue. Warehousing is permitted through a conditional use permit in the "B-3" - General Business District, which is the proposed zoning classification for the entire subject property. The legal description of the subject property is:

A tract of land in the SE 1/4 NW 1/4 of Section 23, Township 102, Range 40, in the City of Worthington, described as follows:

Commencing at the point of intersection of the north line of Tenth Avenue and the Railroad Company's main track; thence southeasterly along the centerline of said Railroad Company's main track a distance of 349 feet; thence southwesterly perpendicular to the centerline of said Railroad Company's main track a distance of 90 feet to the point of beginning; thence continuing southwesterly perpendicular to the centerline of said Railroad Company's main track a distance of 205 feet, more or less, to the west line of Lot 4 in Block 53 of the Second Addition to the City of Worthington; thence north along said west line of Lot 4 a distance of 340 feet, more or less, to the south line of Tenth Avenue; thence east along said south line of Tenth Avenue a distance of 65 feet, more or less, to a point on a line parallel with and 90 feet from the centerline of said Railroad Company's main track; thence southeasterly along said parallel line a distance of 305 feet, more or less, to the point of beginning.

Together with:

A parcel of land in Nobles County, Minnesota, described as follows:

In Block 53, Second Addition to the City of Worthington, Nobles County, Minnesota, in the West Half of Section 23, Township 102 North, Range 40 West; commencing at the Northwest corner of Albinson and Boberg's Subdivision thence Westerly along the South line of Tenth Avenue for a distance of approximately 200.41 feet; thence Southeasterly along the Easterly line of a parcel Grantor's predecessor conveyed to Alvin Krusemark by Quit Claim Deed dated December 26, 1969, recorded as Document No. 179229, for a distance of approximately 306.24 feet; thence Southwesterly along the Southerly line of a parcel conveyed to Alvin Krusemark for a distance of approximately 178.62 feet; thence Southerly along the West line of Lot 11, Block 53 for a distance of 210 feet; thence Easterly along the North line, extended, of that parcel Grantor's predecessor conveyed to L.P. Deuel and Louise K. Deuel, by Quit Claim Deed dated January 18, 1956 for a distance of approximately 375 feet; thence North 17 degrees 46 minutes West, more or less, along the West line of that parcel Grantor's predecessor conveyed to Lampert Lumber Yard by Quit Claim Deed dated May 27, 1970, for a distance of 410.95 feet; thence North 72 degrees 14 minutes East, more or less, along the Northerly line of that parcel conveyed to Lampert Lumber Yard, for a distance of 79.97 feet; thence North 17 degrees 46 minutes West, more or less, for a distance of approximately 145.72 feet to the point of the beginning.

Except:

That part of Lots 1, 2 and 3 of Block 53 of Second Addition to the City of Worthington, Nobles County, Minnesota, described as follows:

Beginning at the Northwest corner of Albinson and Boberg's Subdivision, according to the recorded plat thereof; thence on an assumed bearing of South 17 degrees 46 minutes 00seconds East, along the westerly line of said Albinson and Bobergs Subdivision, a distance of 145.72 feet to an iron monument; thence South 72 degrees 14 minutes 10 seconds West, a distance of 79.97 feet to an iron monument; thence South 17 degrees 46 minutes 00 seconds East, a distance of 28.00 feet to an iron monument; thence South 72 degrees 14 minutes 00 seconds West, a distance of 70.00 feet to an iron monument; thence North 13 degrees 49 minutes 00 seconds West, a distance of 221.73 feet to an iron monument located on the north line of Block 53 of said Second Addition; thence South 88 degrees 20 minutes 44 seconds East, along said north line, a distance of 142.82 feet to the point of beginning.

The Planning Commission considered the request at their November 6, 2017 meeting, and after holding a public hearing, voted unanimously to approve the conditional use permit pending the approval of the re-zoning of parcel 31-0466-000, and subject to the following conditions:

1. The applicant properly screens any trash areas in compliance with the Zoning Ordinance;
2. The applicant properly provides off-street parking facilities that are in compliance with the Zoning Ordinance;
3. The applicant provides vertical landscaping in the form of trees along the west and south property edges where no private fencing currently exists;
4. The applicant agrees to store all customer property in storage units; and
5. The proposed improvements are completed in accordance with an updated site plan including tree placement and sidewall illustrations.

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

RESOLUTION ADOPTED AUTHORIZING EXECUTION OF AMENDMENT AND RESTATEMENT OF JOINT RESOLUTION

When the City recently adopted an ordinance to annex property north of new Trunk Highway 59/60 and west of West Gateway Drive, the City utilized an annexation process provided for by state statute for property not covered in an Orderly Annexation Agreement. The determination that the area to be annexed was not included in the Orderly Annexation Area in the Annexation Agreement passed by the City and Township in 1972 was based on mapping the City has on file. Upon filing the recently passed ordinance with the State, State staff discovered that the map the City used did not match what the State has, and therefore, could not approve the annexation. Of the options provided by the State, it was decided to amend the 1972 agreement to remove the 300 foot wide strip, which would allow the ordinance to be passed without otherwise going through the process again.

The motion was made by Council Member Oberloh, seconded by Council Member Cummings and unanimously carried to adopt the following resolution authorizing Execution of Amendment and Restatement of Joint Resolution:

AMENDMENT AND RESTATEMENT OF JOINT RESOLUTION

IN THE MATTER OF THE ORDERLY ANNEXATION BETWEEN
THE CITY OF WORTHINGTON AND WORTHINGTON TOWNSHIP
PURSUANT TO MINNESOTA STATUTES § 414.0325

WHEREAS, a Joint Resolution designating certain territory for orderly annexation of certain lands located within Worthington Township, County of Nobles, Minnesota was adopted by the City of Worthington on September 1, 1972 and by the Town of Worthington (Worthington Township) on August 25, 1972 and was filed with the Minnesota Municipal Commission on September 5, 1972 which is now on file at the Minnesota Boundary Adjustment Reporting System as docket A-2158(OA); and

WHEREAS, a small tract of land was inadvertently included within the legal description set forth in the Joint Resolution as being subject to the orderly annexation and excepted from the legal description setting forth the land subject to immediate annexation; and

WHEREAS, the City of Worthington and Worthington Township desire to correct the legal descriptions in the original Resolution; and

NOW, THEREFORE, BE IT RESOLVED, jointly by the City Council of the City of Worthington and the Township Board of Worthington Township that the September 5, 1972, is hereby amended and restated in its entirety as follows:

JOINT RESOLUTION OF THE CITY OF WORTHINGTON AND THE TOWN OF WORTHINGTON, COUNTY OF NOBLES, STATE OF MINNESOTA, DESIGNATING CERTAIN TERRITORY SITUATED WITHIN SAID TOWN AS IN NEED OF ORDERLY ANNEXATION AND REQUESTING IMMEDIATE ANNEXATION OF A PART THEREOF

WHEREAS, there is currently before the Minnesota Municipal Commission as proceeding requesting the annexation of certain territory situated within the Towns of Worthington and Lorain to the City of Worthington, which proceeding has been designated by the Minnesota Municipal Commission as docket A-2125, and

WHEREAS, the Town of Worthington and the City of Worthington desire to resolve this matter by mutual agreement, and

WHEREAS, it is anticipated by the Town of Worthington and the City of Worthington that all of the following described territory may ultimately become urban or suburban in nature,

All of that land in T102N, R40W, County of Nobles, State of Minnesota, lying within the following described line, to wit:

Beginning at the NE corner of Sec. 13; thence W on the N line of Sec. 13 to a point 1325 feet E of the NW corner of Sec. 13; thence N on the E line of the SW 1/4 of the SW 1/4 of Sec. 12 to the NE corner thereof; thence W on the N line of the SW 1/4 of the SW 1/4 of Sec. 12 to the NW corner thereof; thence continue W on the extension of said N line a distance of approximately 75 feet to the Westerly right-of-way line of Minnesota Trunk Highway 59; thence Southerly on said right-of-way line to the Northerly right-of-way line of the township road running along the S line of Sec. 11; thence Westerly on said township road right-of-way line approximately 801 feet to a point; thence S and parallel to the E line of Sec. 14 to a point 33 feet N of the E and W 1/4 line of Sec. 14; thence W to the W line of Sec. 14; thence S on said W line to the E 1/4 corner of Sec. 15; thence W on the E and W 1/4 line of Sections 15 and 16 to the center of Section 16; thence S on the N & S 1/4 line of Sections 16, 21, and 28 to the center of Sec. 28; thence E to the E line of the W 1/2 of the SE 1/4 of Sec. 28; thence S on said E line to the S line of Sec. 28; thence E on said S line to the SE corner of Sec. 28; thence S 50 feet on the W line of Sec. 34; thence E and parallel to the N line of Sec. 34 to a point on the Southerly right-of-way line of Minnesota Trunk Highways 59 and 60; thence Northeasterly along said right-of-way line to the intersection of said right-of-way line and the 1/4 line of Sec. 26; thence E along said 1/4 line to the Westerly right-of-way line of the township road running on the E 1/16 line of Sec. 26; thence S on said right-of-way line to the Southerly right-of-way line of the township road running on the 1/4 line of Sec. 26; thence Easterly on said right-of-way line to the W line of Sec. 25; thence N on said W line to the NW corner of the SW 1/4 of Sec. 25; thence E on the 1/4 line of Sec. 25 to the E line of Sec. 25; thence N on the E line of Sections 25, 24 and 13 to the point of the beginning.

Except that land presently situated within the boundaries of the City of Worthington; and

WHEREAS, the following described part of the above described territory is now urban or suburban in nature or about to become so and requires urban services which the City of Worthington is willing and capable of providing with a five year period,

All of that land in T102N, R40W, County of Nobles, State of Minnesota, lying within the following described line, to wit:

Beginning at the NE corner of Sec. 13; thence W on the N line of Sec. 13 to a point 1325 feet E of the NW corner of Sec. 13; thence N on the E line of the SW 1/4 of the SW 1/4 of Sec. 12 to the NE corner thereof; thence W on the N line of the SW 1/4 of the SW 1/4 of Sec. 12 to the NW corner thereof; thence continue W on the extension of said N line a distance of

approximately 75 feet to the Westerly right-of-way line of Minnesota Trunk Highway 59; thence Southerly on said right-of-way line to the Northerly right-of-way line of the township road running along the S line of Sec. 11; thence Westerly on said township road right-of-way line approximately 801 feet to a point; thence S and parallel to the E line of Sec. 14 to a point 33 feet N of the E and W 1/4 line of Sec. 14; thence W to the W line of Sec. 14; thence S on said W line to the E 1/4 corner of Sec. 15; thence W on the E and W 1/4 line of Sections 15 and 16 to the center of Section 16; thence S on the N & S 1/4 line of Sections 16, 21, and 28 to the center of Sec. 28; thence E to the E line of the W 1/2 of the SE 1/4 of Sec. 28; thence S on said E line to the S line of Sec. 28; thence E on said S line to the SE corner of Sec. 28; thence S 50 feet on the W line of Sec. 34; thence E and parallel to the N line of Sec. 34 to a point on the Southerly right-of-way line of Minnesota Trunk Highways 59 and 60; thence Northeasterly along said right-of-way line to the intersection of said right-of-way line and the 1/4 line of Sec. 26; thence E along said 1/4 line to the Westerly right-of-way line of the township road running on the E 1/16 line of Sec. 26; thence S on said right-of-way line to the Southerly right-of-way line of the township road running on the 1/4 line of Sec. 26; thence Easterly on said right-of-way line to the W line of Sec. 25; thence N on said W line to the NW corner of the SW 1/4 of Sec. 25; thence E on the 1/4 line of Sec. 25 to the E line of Sec. 25; thence N on the E line of Sections 25, 24 and 13 to the point of the beginning.

Except that land presently situated within the boundaries of the City of Worthington; and

All that part of the NE 1/4 of Sec. 13 lying Easterly of the W 500 feet; and

All that part of the NW 1/4 of Sec. 13 lying Westerly of the E 500 feet and Easterly of the W 400 feet; and

The SW 1/4 of the SW 1/4 of Sec. 12 lying Easterly of the W 471 feet and Southerly of the N 99 feet; and

The N 1/2 of the SW 1/4 of Sec. 15; and

The SE 1/4 of Sec. 16; and

The E 1/2 of Sec. 21; and

The W 80 feet of the SW 1/4 of the SW 1/4 of Sec. 22 lying S of the present corporate limits of the City of Worthington and N of Nobles County Road 9; and

All that part of the W 1/2 of the NE 1/4 of Sec. 28 lying S of the N 856 feet; and

All that part of Sec. 25 lying Southerly of Minnesota State Trunk Highways 59 and 60 and Southerly of the center line of Nobles County Ditch 6; and

All that land within a line beginning at the NE corner of Sec. 24, thence W 320 feet to the E right-of-way line of the C. and N. W. Ry., thence Southwesterly on said right-of-way a distance of 1542.8 feet to a point; thence E and parallel with the N line of Sec. 24 a distance of 1236 feet to a point 840 feet S of the point of the beginning; thence N on the E line of Sec. 24 to the point of the beginning.

RESOLVED, that the Town of Worthington and the City of Worthington designate the following described territory to be in need of orderly annexation, pursuant to and in accordance with the Minnesota Statutes 414.032, and confer jurisdiction over annexations within said territory to the Minnesota Municipal Commission.

All of that land in T102N, R40W, County of Nobles, State of Minnesota, lying within the following described line, to wit:

Beginning at the NE corner of Sec. 13; thence W on the N line of Sec. 13 to a point 1325 feet E of the NW corner of Sec. 13; thence N on the E line of the SW 1/4 of the SW 1/4 of Sec. 12 to the NE corner thereof; thence W on the N line of the SW 1/4 of the SW 1/4 of Sec. 12 to the NW corner thereof; thence continue W on the extension of said N line a distance of approximately 75 feet to the Westerly right-of-way line of Minnesota Trunk Highway 59; thence Southerly on said right-of-way line to the Northerly right-of-way line of the township road running along the S line of Sec. 11; thence Westerly on said township road right-of-way line approximately 801 feet to a point; thence S and parallel to the E line of Sec. 14 to a point 33 feet N of the E and W 1/4 line of Sec. 14; thence W to the W line of Sec. 14; thence S on said W line to the E 1/4 corner of Sec. 15; thence W on the E and W 1/4 line of Sections 15 and 16 to the center of Section 16; thence S on the N & S 1/4 line of Sections 16, 21, and 28 to the center of Sec. 28; thence E to the E line of the W 1/2 of the SE 1/4 of Sec. 28; thence S on said E line to the S line of Sec. 28; thence E on said S line to the SE corner of Sec. 28; thence S 50 feet on the W line of Sec. 34; thence E and parallel to the N line of Sec. 34 to a point on the Southerly right-of-way line of Minnesota Trunk Highways 59 and 60; thence Northeasterly along said right-of-way line to the intersection of said right-of-way line and the 1/4 line of Sec. 26; thence E along said 1/4 line to the Westerly right-of-way line of the township road running on the E 1/16 line of Sec. 26; thence S on said right-of-way line to the Southerly right-of-way line of the township road running on the 1/4 line of Sec. 26; thence Easterly on said right-of-way line to the W line of Sec. 25; thence N on said W line to the NW corner of the SW 1/4 of Sec. 25; thence E on the 1/4 line of Sec. 25 to the E line of Sec. 25; thence N on the E line of Sections 25, 24 and 13 to the point of the beginning.

Except that land presently situated within the boundaries of the City of Worthington.

RESOLVED FURTHER, that the Town of Worthington and the City of Worthington request immediate annexation of the following described territory.

All of that land in T102N, R40W, County of Nobles, State of Minnesota, lying within the following described line, to wit:

Beginning at the NE corner of Sec. 13; thence W on the N line of Sec. 13 to a point 1325 feet E of the NW corner of Sec. 13; thence N on the E line of the SW 1/4 of the SW 1/4 of Sec. 12 to the NE corner thereof; thence W on the N line of the SW 1/4 of the SW 1/4 of Sec. 12 to the NW corner thereof; thence continue W on the extension of said N line a distance of approximately 75 feet to the Westerly right-of-way line of Minnesota Trunk Highway 59; thence Southerly on said right-of-way line to the Northerly right-of-way line of the township road running along the S line of Sec. 11; thence Westerly on said township road right-of-way line approximately 801 feet to a point; thence S and parallel to the E line of Sec. 14 to a point 33 feet N of the E and W 1/4 line of Sec. 14; thence W to the W line of Sec. 14; thence S on said W line to the E 1/4 corner of Sec. 15; thence W on the E and W 1/4 line of Sections 15 and 16 to the center of Section 16; thence S on the N & S 1/4 line of Sections 16, 21, and 28 to the center of Sec. 28; thence E to the E line of the W 1/2 of the SE 1/4 of Sec. 28; thence S on said E line to the S line of Sec. 28; thence E on said S line to the SE corner of Sec. 28; thence S 50 feet on the W line of Sec. 34; thence E and parallel to the N line of Sec. 34 to a point on the Southerly right-of-way line of Minnesota Trunk Highways 59 and 60; thence Northeasterly along said right-of-way line to the intersection of said right-of-way line and the 1/4 line of Sec. 26; thence E along said 1/4 line to the Westerly right-of-way line of the township road running on the E 1/16 line of Sec. 26; thence S on said right-of-way line to the Southerly right-of-way line of the township road running on the 1/4 line of Sec. 26; thence Easterly on said right-of-way line to the W line of Sec. 25; thence N on said W line to the NW corner of the SW 1/4 of Sec. 25; thence E on the 1/4 line of Sec. 25 to the E line of Sec. 25; thence N on the E line of Sections 25, 24 and 13 to the point of the beginning.

Except that land presently situated within the boundaries of the City of Worthington; and

All that part of the NE 1/4 of Sec. 13 lying Easterly of the W 500 feet; and

All that part of the NW 1/4 of Sec. 13 lying Westerly of the E 500 feet and Easterly of the W 400 feet; and

The SW 1/4 of the SW 1/4 of Sec. 12 lying Easterly of the W 471 feet and Southerly of the N 99 feet; and

The N 1/2 of the SW 1/4 of Sec. 15; and

The SE 1/4 of Sec. 16; and

The E 1/2 of Sec. 21; and

The W 80 feet of the SW 1/4 of the SW 1/4 of Sec. 22 lying S of the present corporate limits of the City of Worthington and N of Nobles County Road 9; and

All that part of the W 1/2 of the NE 1/4 of Sec. 28 lying S of the N 856 feet; and

All that part of Sec. 25 lying Southerly of Minnesota State Trunk Highways 59 and 60 and Southerly of the center line of Nobles County Ditch 6; and

All that land within a line beginning at the NE corner of Sec. 24, thence W 320 feet to the E right-of-way line of the C. and N. W. Ry., thence Southwesterly on said right-of-way a distance of 1542.8 feet to a point; thence E and parallel with the N line of Sec. 24 a distance of 1236 feet to a point 840 feet S of the point of the beginning; thence N on the E line of Sec. 24 to the point of the beginning.

RESOLVED FURTHER, that the Town of Worthington and the City of Worthington request that the tax differential for all annexations ordered pursuant to this joint resolution be established by the Minnesota Municipal Commission for a five year period.

RESOLVED FURTHER, that the Town of Worthington and the City of Worthington join in moving that the annexation proceeding bearing Minnesota Municipal Commission docket A-2125 be dismissed, insofar as the territory subject to said proceeding is situated within the Town of Worthington.

RESOLVED FURTHER, that the Town of Worthington and the City of Worthington request that the Municipal Commission by order divide said city into rural and an urban taxing district, pursuant to Minnesota Statute 272.57, Subd. 1, and in accordance with the agreement of the parties hereto; and

RESOLVED FURTHER, that this joint resolution be effective upon adoption by both the Town of Worthington and the City of Worthington.

COUNCIL COMMITTEE REPORTS

Mayor Kuhle - Nothing to report.

Council Member Janssen - Reported on a NEON Committee meeting - they talked about Legislative priorities and the SW Minnesota - Marshall Wellness Project was brought to their attention.

Council Member Oberloh - Nothing to report.

Council Member Cummings - Nothing to report.

Council Member Ernst - Public Arts Commission meeting October 26th - Nicole DeBoer of the SW MN Arts Commission offered grant writing services. Also attended the NEON Committee meeting and several others - those minutes were in the packet.

Council Member Harmon - Water and Light Commission meeting last Monday - talked about trail

lighting and the water budget for 2018. The CAL Committee is still working on obtaining a 501C3 status, and they are working on producing a Spanish brochure. They will lose three members from their Board at the end of the year.

CITY ADMINISTRATOR'S REPORT

Steve Robinson, City Administrator, asked Council to pick a date and time for the November work session meeting. Following a brief discussion, it was set for Tuesday, November 21, 2017 at 6:30 a.m. Mr. Robinson also reminded Council that Lt. Governor Tina Smith will be here for a town hall meeting on Thursday, November 16th at 9:30 a.m. at the Fire Hall. Also, the groundbreaking for the Blue Jay Villas is scheduled for 1:00 p.m. that day.

ADJOURNMENT

The motion was made by Council Member Cummings, seconded by Council Member Janssen and unanimously carried to adjourn the meeting at 8:40 p.m.

Janice Oberloh, MCMC
City Clerk