

**WORTHINGTON CITY COUNCIL
REGULAR MEETING, NOVEMBER 26, 2012**

The meeting was called to order at 7:00 p.m. in City Hall Council Chambers by Mayor Alan E. Oberloh with the following Council Members present: Lyle Ten Haken, Mike Kuhle, Scott Nelson, Ron Wood, Mike Woll. Honorary Council Member: Julia Berger.

Staff present: Craig Clark, City Administrator; Brian Kolander, Finance Director; Brad Chapulis, Director of Community/Economic Development; Dwayne Haffield, Director of Engineering; Janice Oberloh, City Clerk.

Others present: Rodney Sankey, Diane Graber, Rosie Rogers, Marge Larson, Andy Johnson, Rebecca Kurtz Daniel Walton, Lisa Graphenteen; Aaron Hagen, Daily Globe.

The Pledge of Allegiance was recited.

HONORARY COUNCIL MEMBER

Mayor Oberloh introduced Julia Berger as the Honorary Council Member for the months of November and December, 2012 and January, 2013.

AGENDA APPROVED WITH CHANGES

Craig Clark, City Administrator, noted a replacement lease exhibit for Item 6.3, and requested the addition of *Set Sale Price for Old Fire Hall* to that item.

The motion was made by Council Member Wood, seconded by Council Member Kuhle and unanimously carried to close the agenda with the requested changes.

CONSENT AGENDA APPROVED

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

- City Council Minutes of Regular Meeting November 13, 2012
- Water and Light Commission Minutes of Regular Meeting November 19, 2012
- 2013 License Renewals:
 - On-Sale Beer
 - 2013 - 1 Long Branch Saloon - 206 Tenth Street
 - 2013 - 2 Pizza Hut #2747, 1551 N. Humiston Avenue
 - 2013 - 3 Panda House - 913 Fourth Avenue
 - 2013 - 4 The Ground Round Grill& Bar - P.O. Box 1029/1290 Ryans Road
 - 2013 - 5 Hickory Lodge Bar & Grill, LLC - 2015 N. Humiston Avenue
 - 2013 - 6 Fraternal Order of Eagles #3282 - 205 Oxford Street
 - 2013 - 7 Tacos Lupe - 415 Ninth Street

2013 - 8	Tsehaytu Agre Café & Restaurant - 304 Tenth Street
2013 - 9	Worthington Country Club - 851 W. Oxford Street
2013 - 10	Boondok's - 107 12 th Street
2013 - 11	El Azteca Restaurant - 223 Tenth Street

Off-Sale Beer

2013 - 1	Travel Express - 2021 Highway 59 N/Box 158
2013 - 2	Fareway Stores, Inc. - 1028 Ryan's Road
2013 - 3	Interstate Cenex - 1710 N. Humiston Avenue
2013 - 4	Hy-Vee Food Store - 1235 Oxford Street
2013 - 5	Top Asian Food Store - 312 Tenth Street
2013 - 6	Casey's General Store #1686 - 1704 Oxford Street
2013 - 7	Casey's General Store #2166 - 1007 Oxford Street
2013 - 8	Worthington Travel Plaza, 2411 Highway 60 NE
2013 - 9	Wal-Mart - 1055 Ryan's Road
2013 - 10	Bob & Steve's Shell - 1408 Oxford Street
2013 - 11	Sterling Drug - 511 Tenth Street
2013 - 12	El Mexicano #3 - 310 Tenth Street
2013 - 13	Long Branch Saloon - 206 Tenth Street
2013 - 14	La Azteca Grocery Store

Dance

2013-1	Hickory Lodge Bar & Grill
2013-2	Fraternal Order of Eagles #3282 - 205 Oxford Street
2013-3	VFW Post 3958, 1117 Second Avenue

Pawn Shop

- | | |
|--------|---|
| 2013-1 | Pawn-It, Inc. - Vance Francis Johanning, 1730 Oxford Street |
|--------|---|
- Application for Off-Sale Beer License - Food-N-Fuel, 907 Diagonal Road
 - Bills payable and totaling \$615,368.92 be ordered paid.

POST-ISSUANCE DEBT COMPLIANCE POLICY ADOPTED

The motion was made by Council Member Wood, seconded by Council Member Ten Haken and unanimously carried to adopt the Post-Issuance Debt Compliance Policy as presented.

Adoption of the policy satisfies newly revised requirements of the IRS.

RESOLUTIONS NO. 3511 AND 3512 ADOPTED AUTHORIZING ISSUANCE AND AWARDING SALE OF \$2,590,000 GENERAL OBLIGATION BOND, SERIES 2012A AND \$2,700,000 GENERAL OBLIGATION SALES TAX REVENUE BOND, SERIES 2012 B

The motion was made by Council Member Wood, seconded by Council Member Nelson and unanimously carried to adopt the following resolutions authorizing the issuance and awarding the sale of \$2,590,000 General Obligation Bond, Series 2012A and \$2,700,000 General Obligation Sales Tax Revenue Bond, Series 2012B:

RESOLUTION NO. 3511

RESOLUTION AUTHORIZING ISSUANCE, AWARDING SALE, PRESCRIBING THE FORM AND DETAILS AND PROVIDING FOR THE PAYMENT OF GENERAL OBLIGATION BONDS, SERIES 2012A

(Refer to Resolution File for complete copy of Resolution)

RESOLUTION NO. 3512

RESOLUTION AUTHORIZING ISSUANCE, AWARDING SALE, PRESCRIBING THE FORM AND DETAILS AND PROVIDING FOR THE PAYMENT OF TAXABLE GENERAL OBLIGATION SALES TAX REVENUE BONDS, SERIES 2012B

(Refer to Resolution File for complete copy of Resolution)

LEASE AGREEMENT BETWEEN CITY OF WORTHINGTON AND BOARD OF TRUSTEES OF MINNESOTA STATE COLLEGES AND UNIVERSITIES, MINNESOTA WEST COMMUNITY AND TECHNICAL COLLEGE, FOR OLD FIRE HALL APPROVED

The motion was made by Council Member Wood, seconded by Council Member Kuhle and unanimously carried to approve a lease agreement between the City of Worthington and the Board of Trustees of Minnesota State Colleges and Universities, Minnesota West Community and Technical College for the old fire hall facility for the establishment of an auto mechanic and small engine repair class.

The lease is for

SET SALE PRICE FOR OLD FIRE HALL FACILITY

AMENDMENT TO AGREEMENT WITH YMCA FOR SERVICES RELATED TO THE CENTER FOR ACTIVE LIVING APPROVED

The motion was made by Council Member Woll, seconded by Council Member Kuhle and

unanimously carried to approve an amendment to the agreement with the YMCA for services related to the Center for Active Living.

The amendment will accommodate the move to a full-time Coordinator position at the new facility.

ORDINANCE NO. 1060 ADOPTED VACATING PART OF A PUBLIC UTILITY EASEMENT - MORNING VIEW FIRST ADDITION

Pursuant to published notice, this was the time and date set for the third reading of a proposed ordinance to vacate part of a public utility easement as follows:

The following described portion of the platted public utility easement in Lot 2, Block 1, Morning View First Addition, City of Worthington, Nobles County, Minnesota, be vacated:

The west 10.00 feet Lot 2, Block 1, Morning View First Addition, City of Worthington, Nobles County, Minnesota, except the north 10.00 feet thereof.

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

ORDINANCE NO. 160

AN ORDINANCE TO VACATE PART OF PLATTED PUBLIC UTILITY EASEMENT IN LOT 2, BLOCK 1, MORNING VIEW FIRST ADDITION

(Refer to Ordinance File for complete copy of Ordinance)

ORDINANCE NO. 1061 ADOPTED EXTENDING THE CORPORATE LIMITS OF THE CITY OF WORTHINGTON - RIDLEY BLOCK

Pursuant to published notice, this was the time and date set for the third reading of a proposed ordinance that would extend the corporate limits of the city of Worthington to include 6,509 square feet of unplatted land owned by Ridley Block and legally described as follows:

That part of the Northwest Quarter of the Northeast Quarter of Section 30, Township 102 North, Range 39 West, Nobles County, Minnesota, described as follows:

Commencing at the North Quarter corner of said Section 30; thence on an assumed bearing of North 90 degrees 00 minutes East, along the north line of said section, a distance of 275.00 feet to the Northwest corner of Tract 3 as recorded in Doc. No. 267428; thence South 0 degrees 01 minutes 30 seconds East, along the west line of said tract, a distance of 163.90 feet to the point of the tract to be described; thence North 89 degrees 58 minutes 30 seconds East a distance of 100.00

feet; thence South 0 degrees 01 minutes 30 seconds East, a distance of 65.09 feet; thence South 89 degrees 58 minutes 30 seconds West, a distance of 100.00 feet to the west line of said Tract 3 as recorded as Doc. No. 267428; thence North 0 degrees 01 minutes 30 seconds West, along said west line, a distance of 65.09 feet to the point of beginning.

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

ORDINANCE NO. 1061

AN ORDINANCE EXTENDING THE CORPORATE CITY LIMITS OF THE CITY OF WORTHINGTON TO INCLUDE 6,509 SQUARE FEET OF UNPLATTED LAND ABUTTING THE CITY OF WORTHINGTON AND OWNED BY RIDLEY USA, INC.

(Refer to Ordinance File for complete copy of Ordinance)

SECOND READING PROPOSED ORDINANCE AMENDING TITLE V, CHAPTER 54, SECTION 54.04 (C) OF THE WORTHINGTON CITY CODE - STORM SEWER UTILITY RATES

Pursuant to published notice, this was the time and date set for the second reading of a proposed ordinance amending Title V, Chapter 54, Section 54.04 (C) of the Worthington City Code - Storm Sewer Utility Rates, as follows:

Worthington City Code, Title V, Chapter 54, Section 54.04 (C), is hereby amended and shall read as follows:

(C) The annual fee per acre for residential is \$237.00.

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

SECOND READING PROPOSED ORDINANCE AMENDING TITLE XV OF THE CITY CODE OF WORTHINGTON, NOBLES COUNTY, MINNESOTA, TO REZONE PROPERTY FROM "TZ" (TRANSITIONAL ZONE) TO "R-2" (LOW DENSITY RESIDENTIAL) - EAST END OF ELEANOR STREET

Pursuant to published notice, this was the time and date set for the second reading of a proposed ordinance amending Title XV of the City Code to rezone property from "TZ" (Transitional Zone) to "R-2" (Low Density Residential), legally described as follows:

The following legally described area, presently included in the “TZ” district, shall henceforth be included in the “R-2” district:

All that part of the Northeast Quarter of the Southeast Quarter of Section 13, Township 102 North, Range 40 West, City of Worthington, Nobles County, Minnesota, described as follows:

Commencing at the East Quarter corner of said Section 13; thence South 00 degrees 13 minutes 55 seconds East (assumed bearing) on the east line of the Southeast Quarter of said Section 13, a distance of 300.41 feet to a point on the southerly right-of-way line of Interstate Highway No. 90, said point also being the point of beginning; thence South 00 degrees 13 minutes 55 seconds East on said east line, 314.70 feet to the northeast corner of Lot 1, Block 2, MORNING VIEW FIRST ADDITION, according to the recorded plat thereof; thence South 89 degrees 46 minutes 05 seconds West on the north line of said Lot 1, a distance of 153.00 feet to the northwest corner of said Lot 1; thence South 00 degrees 13 minutes 55 seconds East on the west line of said Lot 1, a distance of 16.03 feet to a point on the easterly extension of the north line of Block 1, said MORNING VIEW FIRST ADDITION; thence North 89 degrees 07 minutes 32 seconds West on said easterly extension and on the north line of said Block 1, a distance of 333.38 feet to the northwest corner of Lot 1, said Block 1, said point also being a point on the east line of DANO ADDITION, according to the recorded plat thereof; thence North 00 degrees 18 minutes 33 seconds West on said east line, 350.38 feet to the northeast corner of said DANO ADDITION, said point also being a point on the southerly right-of-way line of Interstate Highway No. 90; thence easterly 185.51 feet, not tangent to previous line, on said southerly right-of-way line and on a 68938.94 foot radius curve to the left having a central angle of 00 degrees 09 minutes 15 seconds and a 185.51 foot chord that bears South 89 degrees 21 minutes 51 seconds East; thence South 85 degrees 48 minutes 50 seconds East, not tangent to previous curve, on said southerly right-of-way line, 302.21 feet to the point of beginning.

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

SECOND READING PROPOSED ORDINANCE AMENDING TITLE XV OF THE CITY CODE OF WORTHINGTON, NOBLES COUNTY, MINNESOTA - MAJOR EDUCATIONAL LAND USES

Pursuant to published notice, this was the time and date set for the second reading of a proposed ordinance amending Title XV of the City Code of Worthington, Nobles County, Minnesota - Major Educational Land Uses as follows:

That 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 V - Major Educational be amended to allow the land use group as a special use permit in the "R-4" - Medium Density Residential, "B-2" - Central Business, "B-3" - General Business, and "B-4" - Shopping Center Districts.

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

SECOND READING PROPOSED ORDINANCE - AMENDING TITLE XV OF THE CITY CODE OF WORTHINGTON, NOBLES COUNTY, MINNESOTA - PETROLEUM BULK STORAGE

Pursuant to published notice, this was the time and date set for the second reading of a proposed ordinance amending Title XV, Section 155.010 of the City Code as follows:

That Worthington City Code, Title XV, Section 155.010, shall be amended to include the following definition:

Petroleum Bulk Storage - The storage of chemicals, petroleum products, or hazardous materials in above ground tanks designed for subsequent sale for wholesale distribution or mass consumption off-premise.

Section II.

That Worthington City Code, Title XV, Section 155.010, Table 5 (Schedule of Use Regulations), shall be amended as to read:

BB. Manufacturing, Heavy - The manufacturing of acetylene in excess of 15 pounds pressure psi; and acid; asbestos; asphalt and concrete mixing but not manufacturing; automobile assembly; bleaching, cleaning and dyeing plant brewing or distilling of liquors; brick, pottery, tile and terra cotta manufacturing; petroleum bulk storage in excess of 125,000 gallons cumulatively; candle or sperm oil manufacturing; disinfectant, insecticide or poison manufacturing; crematory; cooperage works dextrine, starch or glucose manufacturing; emery cloth or sandpaper manufacturing; felt manufacturing; flour or grain mill; forge or foundry works; hair or hair products manufacturing; lime or lime products manufacturing; linoleum, oil cloth or oiled goods manufacturing; match manufacturing; meat packing, stockyards or slaughterhouses; paper and pulp manufacturing; perfume manufacturing; pickle sauerkraut or sausage manufacturing; plaster manufacturing; poultry slaughterhouse, including packing and storage for wholesale; printing ink manufacturing; radium products; sewage treatment plant; shoddy manufacturing; shoe blacking or polish manufacturing; steel fabrication; steam power plant, except where accessory to a permitted principal use; and stone and monument works.

KK. Petroleum Bulk Storage - Storage of less than 125,000 gallons cumulatively.

Section III.

That Worthington City Code, Title XV, Section 155, Table 5 (Schedule of Use Regulations), shall establish the following:

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

KK. Petroleum Bulk Storage shall be permissible by special use the “M-1” -Light Manufacturing District.

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

DECEMBER 24, 2012 CITY HALL CLOSING

The motion was made by Council Member Nelson, seconded by Council Member Wood and unanimously carried to close City Hall on Monday, December 24th.

As the 24th is not a legal holiday, employees will be required to use PTO or unpaid leave for the time off. Employees will also be given the opportunity to work that day, but no public business will be conducted.

RESOLUTION NO. 3513 ADOPTED APPROVING CHANGES IN THE SEWER RATE SCHEDULE

The motion was made by Council Member Wood, seconded by Council Member Woll and unanimously carried to adopt the following resolution adopting the 2013 Sewer Service Charges:

RESOLUTION NO. 3513

APPROVING CHANGES IN THE SEWER RATE SCHEDULE

(Refer to Resolution File for complete copy of Resolution)

The total revenue of \$1,951,222.72 to be generated by the 2013 rates is \$33,307.58 more than the revenue budgeted to be generated from the 2012 rates, and translates into an increase of \$0.03 or .11% for the average residential user of 4,250 gallons of water/month.

ENGINEERING SERVICES AGREEMENT APPROVED BETWEEN CITY OF

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**WORTHINGTON AND DONOHUE & ASSOCIATES FOR PROFESSIONAL SERVICES
FOR WASTEWATER TREATMENT PLANT IMPROVEMENTS**

The NPDES discharge permits issued for the city's wastewater treatment plants in April 2011