

**WORTHINGTON CITY COUNCIL
REGULAR MEETING, NOVEMBER 27, 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; Jason Brisson, Director of Community Development, Planning, Zoning and Building Services; Troy Appel, Public Safety Director, Todd Wietzema, Public Works Director; Dwayne Haffield, Director of Engineering; Janice Oberloh, City Clerk.

Others present: Justine Wettschreck, KWOA; Karl Evers-Hillstrom, The Globe; Andy Johnson, Executive Director YMCA.

The Pledge of Allegiance was recited.

AGENDA CLOSED / APPROVED

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

CONSENT AGENDA APPROVED

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

- City Council Minutes of Regular Meeting November 13, 2017
- Minutes of Boards and Commissions - Water and Light Commission Minutes of Regular Meeting November 20, 2017; Water and Light Commission Minutes of Regular Meeting November 6, 2017; Park & Recreation Advisory Board Minutes of October 30, 2017; Worthington Public Arts Commission Meeting of October 26, 2017; Heron Lake Watershed Board Minutes of September 19, 2017
- Municipal Liquor Store Income Statement for the Period January 1, 2017 through October 31, 2017
- Application for Exemption from Lawful Gambling Permit - Minnesota West Foundation
- Application for Exemption from Lawful Gambling Permit - Worthington Area YMCA
- 2018 License Renewal Applications as presented
- 2018 Park User Fees and Olson Park Campground Rates
- Supplemental Agreement No. 1 to Industrial Wastewater Sanitary Sewer I-90 Crossing Replacement Project
- Contract with American Engineering Testing
- Bills payable and totaling \$679,731.64 be ordered paid

SECOND READING PROPOSED ORDINANCE AMENDING STORM SEWER UTILITY

RATES

Pursuant to published notice, this was the time and date for the second reading of a proposed ordinance amending Title V, Chapter 54 of the Worthington City Code 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 \$264.00

The ordinance would become effective January 1, 2018 if adopted.

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

SECOND READING PROPOSED ORDINANCE AMENDING CHAPTER 55 OF THE WORTHINGTON CITY CODE - STREET LIGHTING

Pursuant to published notice, this was the time and date set for the second reading of a proposed ordinance amending Title V, Chapter 55 of the Worthington 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 Cummings, seconded by Council Member Ernst and unanimously carried to give a second reading to the proposed ordinance.

SECOND READING PROPOSED ORDINANCE CHANGE OF ZONE - T&S RENTALS, LLC.

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

The following legally described area, presently included in the "R-3" district, shall henceforth be included in the "B-3" district:

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

County, Minnesota.

Adoption of the ordinance will allow the applicant to increase the number of storage units up to five, adjust their layout, and increase sidewalls to up to 16 feet through a new conditional use permit, which was approved by Council at their regular meeting November 13, 2017, contingent upon adoption of the ordinance.

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

SALE OF PARCELS BY YELLOW COMPANY, LLC APPROVED

Steve Robinson, City Administrator, said staff had been notified by representatives of Yellow Company, LLC of their intent to sell two parcels at the former Northland Mall site. The City had provided Yellow Company a loan to finance certain development costs including site acquisition, mall demolition and special assessments, in an amount up to \$2,450,000.00. Under the terms of the loan agreement, Yellow Company shall apply the net proceeds received in the sale of the parcels to the City for repayment of the Upfront Assistance Loan. The net proceeds from the sale of these two parcels is \$ 1,429,974.00.

The motion was made by Council Member Oberloh, seconded by Council Member Harmon and unanimously carried to approve the sale of the parcels by Yellow Company, LLC.

In response to a question from Council Member Harmon, Mr. Robinson confirmed that the proceeds will go back in the hospital sale fund as the loan was made from that fund.

NOMINATING COMMITTEE RECOMMENDATIONS FOR COMMITTEE APPOINTMENTS/RE-APPOINTMENTS APPROVED

The Nominating Committee met on November 20, 2017 and were making the following recommendations for Committee appointments/re-appointments:

Center for Active Living -

Appoint Diane Graber for a three-year term to replace Simon Koster, who declined to serve a second term. Term expires 12/31/2020

Appoint John Widboom for a three-year term to replace Clair Williams, who declined to serve a second term. Term expires 12/31/2020

Charter Commission -

Appoint the following for a four-year term, terms expire March 31, 2021: Larry Iten, Phillip Benson, Tom Macklin, Josh Miller, Pat Remme, Pat O'Neil, Paul Woll

to replace:

Jeff Williamson, Charles Moore, Jerry Eykyn, Ellen Copperud, Royce Boehrs, William Wetering and Darlene Macklin who's terms expired and were not eligible for re-appointment

Re-appoint Mike Kuhle for second four-year term

Nominating Committee -

Re-appoint Darlene Macklin for a second five year term, term to expire 11/30/2022

The motion was made by Council Member Harmon, seconded by Council Member Janssen and unanimously carried to approve the Nominating Recommendations for Committee appointments and re-appointments, noting that Darlene Macklin's name had been omitted from the list of

RESOLUTION NO. 2017-11-05 ADOPTED ACCEPTING PROGRAM FUNDS

Troy Appel, Public Safety Director, said an anonymous donor donated \$500 to the Worthington Police Department to be distributed to members of the public through a Secret Santa Program. Patrol Officers will give out twenty and fifty dollar bills tucked inside Christmas cards during traffic stops before Christmas.

The motion was made by Council Member Cummings, seconded by Council Member Oberloh and unanimously carried to adopt the following resolution accepting the funds:

RESOLUTION NO. 2017-11-05

A RESOLUTION ACCEPTING A DONATION OF FUNDS

(Refer to Resolution File for complete copy of Resolution)

YMCA 2018 SUMMER YOUTH RECREATION PROGRAMS AGREEMENT APPROVED

Staff presented the proposed YMCA 2018 Summer Youth Recreation Programs Agreement for Council approval. Todd Wietzema, Public Works Director, said the contract amount is \$50,630, which represents a 2.9% increase over the 2017 contract. Andy Johnson, Executive Director of the Worthington Area YMCA, said they have lengthened the time for the Summer Adventure Day Camp, which now runs from school out to school start. The number of participants is continuing to increase. The Y also runs a summer lunch program, free to kids 18 and under - they were serving 200 to 250 kids in early summer, then it trailed off to 150 to 170 kids at the end of summer.

The motion was made by Council Member Oberloh, seconded by Council Member Cummings and unanimously carried to approve the YMCA 2018 Summer Youth Recreation Programs Agreement.

RESOLUTION NO. 2017-11-06 ADOPTED APPROVING CHANGES IN THE SEWER RATE SCHEDULE

Dwayne Haffield, Director of Engineering, said staff developed the proposed 2018 Sewer Service Charge System, which was approved by the Water and Light Commission at their November 20, 2017 meeting. The lowest volume customer will see a slight drop in their rate, while the high volume users will see an approximate increase of 3.5%, as the connection charge has been lowered, while the usage rate has been increased.

The motion was made by Council Member Oberloh, seconded by Council Member Harmon and unanimously carried to adopt the following resolution approving the 2018 sewer rates:

RESOLUTION NO. 2017-11-06

APPROVING CHANGES IN THE SEWER RATE SCHEDULE

(Refer to Resolution File for complete copy of Resolution)

RESOLUTION NO'S. 2017-11-07 AND 2017-11-08 ADOPTED RECEIVING REPORT AND ORDERING HEARING FOR WEST GATEWAY DRIVE AREA SEWER AND WATER EXTENSIONS PROJECT

Staff presented a feasibility report on the West Gateway Drive Area Sewer and Water Extensions prepared by Design Tree, pursuant to Council action at their August 14, 2017 meeting. Also provided to Council were the preliminary assessment rolls for the proposed improvements. Dwayne Haffield, Director of Engineering, noted to Council that the City would be assessed as any other abutting property owner, and that debt service cannot be used to pay the assessment - we must use budgeted funds.

Two options were presented for extension of the watermain. The first option extends the watermain

south on Lake Street for approximately 550 feet before turning west toward Plotts Avenue for 1,234 feet and again running south along Plotts Avenue for 741 feet, and will end with a 10" T. This option utilizes the B Street corridor for utility placement, which has not been platted, and installing the watermain under a preliminary street design limits the layout of the future development lot sizes and could restrict how the property is able to be developed in the future. Total estimated cost of this option including contingency, engineering and administration is \$500,636.

Option 2 extends the 10" watermain south on South Lake Street for 150 feet before turning west running north of and parallel to an existing sanitary sewer trunk line. Before intersecting Plotts Avenue it again heads south along the ditch 1,143 feet, where it ends with a 10" x 10" Tee. Mr. Haffield said this was the preferred option. Total estimated cost of this option including contingency, engineering and administration is \$499,290.

The motion was made by Council Member Oberloh, seconded by Council Member Harmon and unanimously carried to adopt the following resolutions receiving the report and calling for a hearing at 7:00 p.m. on Monday, December 11, 2017 at the regular City Council meeting for the West Gateway Drive Area Sewer and Water Extensions project:

RESOLUTION NO. 2017-11-07

RECEIVING REPORT AND CALLING FOR HEARING ON PROPOSED IMPROVEMENT
(Wastewater)

(Refer to Resolution File for complete copy of Resolution)

RESOLUTION NO. 2017-11-08

RECEIVING REPORT AND CALLING FOR HEARING ON PROPOSED IMPROVEMENT
(Water)

(Refer to Resolution File for complete copy of Resolution)

PARKING RESTRICTIONS APPROVED

Dwayne Haffield, Director of Engineering, said the Traffic and Safety Committee was making the following recommendations for parking restrictions:

Restrict parking on the East and West Sides of Pleasant Avenue from the North Side of Indian Hill Road to the South side of Eckerson Drive.

The proposed restriction was based on concerns pertaining to traffic associated with the proposed

Head Start facility on the West side of Pleasant Avenue. Mr. Haffield said the Committee acknowledged that alterations of the parking restriction could be considered in the future based on actual traffic and parking patterns.

Restrict parking on the Southwest Side of 13th Street from Clary Street to 80' Southeast effective Monday through Friday, 7:00 a.m. to 4:00 p.m.

This proposed restriction was a result of a request from Bud's Bus Service as busses have a difficult time maneuvering around the parked cars. The curb will also be painted to aid in identifying the existing no parking segment (due to a fire hydrant) on the northeast side of 13th Street at the same location.

Council Member Oberloh suggested that the restriction on Pleasant Avenue be placed only on the East side, and if it needs to be addressed to include the West side we can do that. Mr. Haffield said the Traffic and Safety Committee took the visibility of kids into consideration when making their recommendation.

Following discussion, the motion was made by Council Member Janssen and seconded by Council Member Harmon to approve the parking restrictions on Pleasant Avenue and 13th Street as recommended by the Traffic and Safety Committee, with the following Council Members voting in favor of the motion: Janssen, Cummings, Harmon; and the following Council Members voting against the motion: Oberloh, Ernst. Motion carried.

RESOLUTION NO. 2017-11-09 ADOPTED REQUESTING THAT THE MINNESOTA DEPARTMENT OF TRANSPORTATION ERECT SIGNS THAT PROCLAIM THAT VEHICLE NOISE LAWS WILL BE ENFORCED

The Traffic and Safety Committee has considered excessive truck noise several times over the past few years, with the primary complaint of the use of “jake brakes” in trucks without proper mufflers as they approach the community. The use of jake brakes by trucks east bound on TH 60 just before and after Nobles Street has generated the most complaints. Dwayne Haffield, Director of Engineering, said that although speed limit reduction signs are posted well before Nobles Street, the actual reduction appears to be occurring approaching the curve just southwest of Nobles Street and then again approaching the CSAH 35 round-about.

At their August 29, 2017 meeting, the Traffic and Safety Committee voted to recommend that Council request the Minnesota Department of Transportation to install a “Vehicle Noise Laws Enforced” sign and that Council pass the required resolution regarding enforcement. The fee of \$883.80 will be funded from the Improvement Construction Fund (401) for project matching and completion.

The motion was made by Council Member Oberloh, seconded by Council Member Harmon and unanimously carried to adopt the following resolution requesting that the Minnesota Department of Transportation erect signs that proclaim that vehicle noise laws will be enforced:

RESOLUTION NO. 2017-11-09

REQUESTING THAT THE MINNESOTA DEPARTMENT OF TRANSPORTATION ERECT SIGNS THAT PROCLAIM THAT VEHICLE NOISE LAWS WILL BE ENFORCED

(Refer to Resolution File for complete copy of Resolution)

PETITION FOR ANNEXATION AND FIRST READING OF PROPOSED ORDINANCE - SOUTH SHORE ACRES

Jason Brisson, Director of Community Development, Planning, Zoning and Building Services, reminded Council that a petition for annexation of some land had been received, and Council had approved the annexation - we went through the process and the next step was to submit to the State. The State kicked it back as the land that we were proposing to annex was both in and out of the orderly annexation boundaries that we had defined as a city. We had two options - go through the two separate processes to bring the land into the city, or re-read our orderly annexation boundaries and go ahead with the annexations. At the November 13, 2017 meeting, Council amended and restated the boundaries and then submitted it to the State. The State indicated that we could proceed with our ordinance readings for annexation while they were processing their part.

The area to be annexed is legally described as:

That part of Government Lot 5 and the Northeast Quarter of the Southwest Quarter of Section 26, Township 102, Range 40, Worthington Township, Nobles County, Minnesota, lying southeasterly of the southeasterly right of way line of the Chicago and North Western Railroad and being more particularly described as follows:

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

seconds; thence South 50 degrees 38 minutes 36 seconds West, along said railroad right of way line, a distance of 1,107.14 feet to the west line of said Quarter-Quarter Section; thence South 00 degrees 04 minutes 13 seconds West, along said West Quarter-Quarter Section line, a distance of 921.29 feet to the southwest corner of said Quarter-Quarter Section; thence South 85 degrees 30 minutes 15 seconds East, along the south line of said Quarter-Quarter Section, a distance of 1,334.87 feet to the point of beginning.

EXCEPT

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

AND EXCEPT

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

Pursuant to Title XV, Section 155.026 (G) of the City of Worthington City Code, the property shall be zoned TZ, with the exception of the following described portion of said land, which shall be zoned B3:

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

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

The motion was made by Council Member Oberloh, seconded by Council Member Cummings and unanimously carried to give a first reading to the proposed ordinance extending the corporate limits of the city of Worthington to include the 29 acres of unplatted land abutting the city of Worthington, Nobles County, Minnesota and owned by South Shore Acres, LLC.

COUNCIL COMMITTEE REPORTS

Due to the Thanksgiving Holiday, Council Members noted they had no meetings to report on.

CITY ADMINISTRATOR'S REPORT

Steve Robinson, City Administrator, said he also had nothing to report.

ADJOURNMENT

The motion was made by Council Member Janssen, seconded by Council Member Ernst and unanimously carried to adjourn the meeting at 7:37 p.m.

Janice Oberloh, MCMC
City Clerk