

**WORTHINGTON CITY COUNCIL
REGULAR MEETING, NOVEMBER 13, 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 Aldermen present: Lyle Ten Haken, Mike Kuhle, Scott Nelson, Ron Wood, Mike Woll. Honorary Council Member: Julia Berger.

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 CLOSED WITH ADDITION

Staff requested the addition of item 4.a.(3) *Application for Wine and Beer License* to the agenda, and distributed information from the Nominating Committee for item E.7.

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

CONSENT AGENDA APPROVED

The motion was made by Council Member Ten Haken, seconded by Council Member Wood and unanimously carried to approve the Consent Agenda as follows:

- City Council Minutes of Regular Meeting October 22, 2012 and Special Meeting October 30, 2012
- Minutes of Boards and Commissions - Water and Light Commission Minutes of November 5, 2012; Worthington Housing and Redevelopment Authority Board of Commissioners Minutes of September 13, 2012 and Special Meeting of September 19, 2012; Worthington Area Convention & Visitors Bureau Board of Directors Minutes of September 24, 2012; Worthington Traffic and Safety Committee Minutes of October 31, 2012; Planning Commission/Board of Appeals Minutes of November 7, 2012; City of Worthington Board of Canvass Minutes of November 9, 2012
- Municipal Liquor Store Income Statement for the Period January 1, 2012 through October 31, 2012
- Application from the Retail Committee of the Worthington Area Chamber of Commerce to block Tenth Street from First Avenue to Sixth Avenue for their 2012 Holiday Parade from 3:00 p.m. to 8:00 p.m. on Tuesday, November 20th
- Approved the modified position guidelines for the Administrative Secretary for Engineering and Community/Economic Development
- Approved an application from Debra Petersen, BenLee's Bros. Café, for an On-Sale Wine License (license period December 2, 2012 through June 30, 2012) and an On-Sale Beer

- License (license period December 1, 2012 through December 31, 2013)
- Approved the following changes in parking restrictions as recommended by the Traffic and Safety Committee following their October 31, 2012 meeting:
 1. Change the loading zone in front of Frontier Communications at 1111 Third Avenue to a 15 minute zone
 2. Change the unrestricted day time parking along the northeast side of Park Lane between Third and Fourth Avenue from No Parking 1:00 a.m. to 6: a.m. to 15 minute parking
 - Approved the street light fund budget which requires no change in the amount of the monthly special service charge for street lighting
 - Bills payable and totaling \$2,000,740.10 be ordered paid

2013 AGREEMENT WITH DAKOTA GOLF MANAGEMENT FOR PRAIRIE VIEW CLUBHOUSE OPERATIONS AND 2013 RATE STRUCTURE AT PRAIRIE VIEW GOLF LINKS APPROVED EXCLUDING DAILY RATES

Council considered the proposed 2013 agreement with Dakota Golf Management for Prairie View Clubhouse operations and the proposed 2013 rate structure. Craig Clark, City Administrator, noted there were two changes from the previous agreement. The first moved DGM into a more advisory role regarding the grounds operations, and the second addresses staffing costs if the clubhouse opens prior to April 1st that provides financial incentives to DGM.

Council discussed the proposed 2013 rate structure with Tom Jansa of Dakota Golf, which are similar to the 2012 rates.

Following discussion, the motion was made by Council Member Wood and seconded by Council Member Ten Haken to approve the 2013 Management Contract and the 2013 Prairie View rate structure as presented. Council Member Kuhle suggested we need to look at raising rates to avoid a potential large future increase, and because our levy increases each year.

Following additional discussion, Council Member Wood amended his motion to approve Contract and the 2013 Rate Structure excluding the daily rates until discussed at a future meeting. Council Member Ten Haken seconded the amended motion and it was unanimously carried.

EXPENDITURE APPROVED FOR LANDSCAPING AT MEMORIAL AUDITORIUM

The motion was made by Council Member Woll, seconded by Council Member Nelson and unanimously carried to approve a request from the Memorial Auditorium Advisory Board for a \$5,000 expenditure to come from the Jim and Florence Vance Trust donation for the following landscape changes at the Memorial Auditorium to resolve ongoing erosion and drainage issues:

- Landscape wall built out around the existing maple tree
- filling in black dirt in two places abutting the building that have seen significant erosion
- covering the black dirt with cloth and rock
- burying the sump pump line and extending it to the east parking lot
- adjusting the down spouts to divert the water flow

A proposal for the work was received from Jim Nelsen, Jim Nelsen Landscaping.

SECOND READING PROPOSED ORDINANCE TO ANNEX PROPERTY

Pursuant to published notice, this was the time and date set for a second reading of a proposed ordinance to annex the following legally described property into the corporate limits of the city of Worthington:

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 Kuhle and unanimously carried to give a second reading to the proposed ordinance.

SECOND READING PROPOSED ORDINANCE VACATING PART OF A PUBLIC UTILITY EASEMENT - MORNING VIEW FIRST ADDITION

Pursuant to published notice, this was the time and date set for the second 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 Ten Haken, seconded by Council Member Woll and unanimously carried to give a second reading to the proposed ordinance.

REQUEST FOR GIFT REIMBURSEMENT DENIED

Council Member Ten Haken represented the City at Cuero, Texas for Turkey Fest, and requested a discussion on reimbursement for the gift he presented to the Mayor of Cuero, as he was under the impression that he was representing the City with the gift. Staff noted that such gifts have not previously been reimbursed, but were felt to be from the city representative as a thank you for the hospitality they receive while in Cuero. Consensus was that there should not be reimbursement for the gift, however, the possibility of per diem for the trip will be addressed after the first of the year.

PAID TIME OFF (PTO)/COMPENSATORY TIME POLICY AUTHORIZING DONATION TO OTHER EMPLOYEES

Staff presented a Paid Time Off (PTO)/compensatory time sharing policy for Council consideration. The policy would allow authorization for employees to donate/receive paid time off and/or compensatory time on an hour for hour basis, for employees dealing with a long term illness. A donor can transfer no more than 24 hours and the recipient employee can receive up to 160 hours. Approval is at the discretion of the City Administrator and the General Manager of Utilities. There have been previous instances approved by Council.

The motion was made by Council Member Wood, seconded by Council Member Nelson and unanimously carried to adopt the Paid Time Off (PTO)/Compensatory Time Policy to Authorize Donation to Other Employees.

NOMINATING COMMITTEE RECOMMENDATIONS FOR COMMITTEE APPOINTMENTS/REAPPOINTMENTS

The Nominating Committee met on Tuesday, November 13, 2012 and were making the following recommendations to Council for Committee appointment/reappointments:

Golf Advisory Board -

Carl Nagel - for a three year term to replace Stan Alm who declined to serve a second term, term to expire March, 2014

Memorial Auditorium Advisory Board-

Mara Jirele - for a three year term to replace Bernice Camery, who is not eligible for another term, term to expire August, 2015

Julie Nystrom - for a three year term to replace Bob Petrich who is not eligible for another term, term to expire August, 2015

Nominating Committee -

Darlene Macklin - for a five year term to replace Mike Harmon who is not eligible for another term, term to expire December, 2017

Public Arts Commission -
(new committee)

Mary Thompson - two year term
Beth Habicht - one year term
Gail Holinka - three year term
Kelly Henkels - three year term
Scott Kraft - two year term
Antonio Madrigal (Student Council Member)
City Council Member (to be determined) - one year term

The motion was made by Council Member Woll, seconded by Council Member Wood and unanimously carried to approve the Committee appointments/reappointments as recommended by the Nominating Committee.

CITY OF WORTHINGTON 2013 LEGISLATIVE PRIORITIES APPROVED

The motion was made by Council Member Ten Haken, seconded by Council Member Woll and unanimously carried to approve the City of Worthington 2013 Legislative Priorities as follows:

- Intern Tax Credit Program
- New Employees Job Training Program Tax Credit
- Angel Investment Tax Credit
- Bonding for Infrastructure Development
- Interchange Program
- Performance Rewards on Fast Investment Today (PROFIT)
- Public Safety Armer
- Trail Development
- This Old House

APPROVAL OF STORM SEWER FUND BUDGET AND FIRST READING PROPOSED ORDINANCE AMENDING STORM SEWER UTILITY RATES

Staff presented the 2013 storm sewer fund budget as amended and directed by Council at its October 30, 2012 meeting. The budget requires \$553,591 in utility operating revenue, which is \$22,255 more

than 2012. The rate increase required to generate the revenue is 3.95%. Staff also presented a proposed ordinance establishing the annual fee per acre for residential at \$237.00 from the current \$228.00 per acre as follows:

SECTION I.

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 per acre rates for land uses other than residential (1 through 3 units) are as follows:

<u>Land Use</u>	<u>2012 Rate/Acre</u>	<u>2013 Rate/Acre</u>
Commercial	\$38.19	\$39.70
Industrial	\$31.73	\$32.98
Multi-Family	\$28.12	\$29.23
Institutional	\$38.19	\$39.70

The motion was made by Council Member Woll, seconded by Council Member Kuhle and unanimously carried to approve the 2013 Storm Sewer Fund Budget and give a first reading to the proposed ordinance.

RESOLUTION NO. 3510 ADOPTED RECEIVING REPORT AND CALLING FOR HEARING ON PROPOSED IMPROVEMENT

Council reviewed a feasibility report on the improvement of property proposed to be platted as Morning View Second Addition by extension of the municipal storm water collection and management system, by extension of the municipal wastewater collection system, and by extension of the municipal water distribution system, as follows:

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.

AND

Lots 1, 2, and 3, Block 1, MORNING VIEW FIRST ADDITION, according to the recorded plat thereof, City of Worthington, Nobles County, Minnesota.

The motion was made by Council Member Woll, seconded by Council Member Wood and unanimously carried to adopt the following Resolution receiving report and calling for hearing on the proposed improvement:

RESOLUTION NO. 3510

RECEIVING REPORT AND CALLING FOR HEARING ON PROPOSED IMPROVEMENT

(Refer to Resolution File for complete copy of Resolution)

The public hearing at 7:00 p.m. on Monday, December 10, 2012 at the regular City Council meeting.

FIRST READING PROPOSED ORDINANCE FOR CHANGE OF ZONE - 3.8 ACRES AT EAST END OF ELEANOR STREET

Southwest Minnesota Housing Partnership (SMHP) was seeking to rezone 3.8 acres of land it owns at the east end of Eleanor Street from its current "TZ"- Transitional Zone to "R-2" - One Family Low Density Residential. The rezoning will allow for their proposed 14 lot single family residential development. The Planning Commission considered the preliminary plat at their November 7, 2012 meeting, and after holding a public hearing, voted unanimously to recommend Council approval of the change of zone by ordinance. The subject property is 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 Woll, seconded by Council Member Wood and unanimously carried to give a first reading to the proposed ordinance.

PRELIMINARY PLAT APPROVED - MORNING VIEW SECOND ADDITION

The Southwest Minnesota Housing Partnership was seeking preliminary plat approval of Morning View Second Addition, a 14 lot residential subdivision located at the east end of Eleanor Street, on 4.52 acres of land. The Planning Commission considered the preliminary plat at its November 7, 2012 meeting, and after holding a public hearing, voted unanimously to recommend Council approval of the preliminary plat of Morning View Second Addition contingent upon the following:

1. Council’s order to proceed with the public improvements petitioned for by the Developer.

2. The applicant grants the following easements:
 - A 10' easement along the west property line of Lot 8, Block 2 and Outlot A;
 - A 10' easement along the east property line of Lot 2, Block 1 and Lot 2, Block 2; and
 - A 10' easement along the north property line of all of Block 1, Outlot A, and Lots 5, 6, 7, and 8, Block 2

The motion was made by Council Member Nelson, seconded by Council Member Wood and unanimously carried to approve the preliminary plat - Morning View Second Addition.

FIRST READING PROPOSED ORDINANCE - TEXT AMENDMENT (MAJOR EDUCATIONAL LAND USES)

Current zoning ordinance only allows for "Major Educational" land use to take place in "I" - Institutional and "R-5" - Multi-Family zoning districts. Major Educational is defined as colleges, universities, and seminaries including accessory services such as book stores, computer service centers, fraternity and sorority houses, dormitories, etc. With only two "I" districts and very limited land zoned "R-5", it is staff's opinion that current prevents higher education opportunities from occurring in other potentially acceptable areas.

The Planning Commission and City staff suggested that Major Educational land uses be identified as permitted by special use in the "R-4" Medium Density Residential, "B-2" Central Business District, "B-3" General Business District, "B-4" Shopping Center District. The Planning Commission held a public hearing on the proposed text amendment at its November 7, 2012 meeting, and voted unanimously to recommend Council approval by adoption of an ordinance amending Title XV, Section 155, Table 5 (Schedule of Use Regulations) of the Worthington City Code 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 Woll, seconded by Council Member Wood and unanimously carried to give a first reading to the proposed ordinance.

FIRST READING PROPOSED ORDINANCE - TEXT AMENDMENT (PETROLEUM BULK STORAGE)

Staff was directed to explore possible ways to extend the current zoning ordinance to allow

petroleum bulk storage opportunities beyond the currently allowed "M-2" district. Working with the Planning Commission, a text amendment was drafted that creates a definition for petroleum bulk storage, establishes a petroleum bulk storage land use group, and identifies the district in which the new land use group would be allowed by special use. The amendment would allow petroleum bulk storage businesses that cumulatively have less than 125,000 gallons on site to be allowed by special use in the "M-1" district. The Planning Commission held a public hearing on the proposed amendment at its November 7, 2012 meeting, and voted unanimously to recommend Council approval by adopting an ordinance amending Title XV, Section 155.010 of the City Code as follows:

Section I.

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 Wood, seconded by Council Member Kuhle and unanimously carried to give a first reading to the proposed ordinance.

COUNCIL COMMITTEE REPORTS

Mayor Oberloh - Held a conference call today with representatives from Ehlers and Standard and Poors regarding the City's bond rating - we've had pretty favorable reviews over the past few years and are looking for another. Tomorrow starts the CGMC fall conference which he will attend along with Mr. Clark.

Council Member Ten Haken - Attended an ATP meeting and an SRDC meeting this past week - talked about how changing rules have affected projects and programs.

Council Member Kuhle - Cable 3 has installed a lot of new equipment that should result in better quality - trying to expand their coverage.

Council Member Nelson - HRA meeting, they're in the second round of interviews for the Director's job and will be meeting to work on some budget issues.

Council Member Wood - Transportation - they've looked at how to partner with four counties - will have a bus transportation system that will run from here to Luverne to Pipestone to Slayton and back to here twice a day.

Council Member Woll - Event Center Design Committee reviewed several graphic arts designs and narrowed the search down to select a logo. Took a tour of the Center for Active Living - was enthusiastically received.

CITY ADMINISTRATOR REPORT

Craig Clark, City Administrator, reminded Council that they previously cancelled the last meeting in December as it would have fallen on Christmas Eve, and have instead selected December 17th for a meeting if necessary. Work is progressing on policies and procedures for the Center for Active Living, and also working on an endorsing resolution and policies for Complete Streets.

ADJOURNMENT

The motion was made by Council Member Wood, seconded by Council Member Woll and unanimously carried to adjourn the meeting at 8:37 p.m.

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Janice Oberloh, MCMC
City Clerk