

**WORTHINGTON CITY COUNCIL
REGULAR MEETING, DECEMBER 11, 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; Brian Kolander, Finance Director; Dwayne Haffield, Director of Engineering; Todd Wietzema, Public Works Director; Troy Appel, Public Safety Director, Jason Brisson, Director of Community Development, Planning, Zoning and Building Services; Janice Oberloh, City Clerk, Scott Hain, General Manager Worthington Public Utilities (7:40 p.m.).

Others present: Justine Wettchreck, KWOA; Wes Eidem; David Nerem; Melvin Janssen, Jr.; Ken Kuhn; Namuun Bayasgalan; Jaclyn Essamdoh; Hyungchol Jun; Jacoba Nagel; Chris Kielblock; Robert Bristow; Don Larson (7:26.p.m.); Jay Larson (7:37 p.m.).

The Pledge of Allegiance was recited.

HONORARY COUNCIL MEMBER

Mayor Kuhle welcomed Bob Wethor as the Honorary Council Member for the months of October, November and December 2018.

AGENDA CLOSED / APPROVED WITH CHANGES

Staff requested the following changes to the agenda:

Addendum #1 - Addition of the following items to the consent agenda:

- Under Administration - *Additional 2018 License Renewal - Off-Sale Beer, La Morenita; New Sunday On-Sale Intoxicating Liquor License, Hickory Lodge; Application for Exemption from Lawful Gambling Permit, Whitetails Unlimited - SW MN Deer Camp*

Addition of the following items to the regular agenda:

- Under Economic Development - **Amendment to Ordinance No., 1094; Consideration of Removal of Planning Commission Member*

*This item was subsequently removed from the agenda

Addendum #2 - Addition of the following items to the regular agenda:

- *Subordination Agreement*

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

PUBLIC HEARING ON PROPOSED IMPROVEMENTS - WEST GATEWAY DRIVE AREA SEWER AND WATER EXTENSIONS - AND RESOLUTION NO. 2017-12-01 AND RESOLUTION NO. 2017-12-02 ADOPTED ORDERING IMPROVEMENT AND PREPARATION OF PLANS AND SPECIFICATIONS

Pursuant to published notice, this was the time and date set for a public hearing on the West Gateway Drive Area Sewer and Water Extensions project.

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

Dwayne Haffield, Director of Engineering, provided information on the project, noting that we received the petition and Council was a petitioner for the project. Council could act on the request tonight or anytime within six months by adjourning or continuing the hearing. Council could reduce the project scope but could not increase it. As it is a petitioned project only 3/5's vote of the Council is needed to order the project ahead, and it would be subject to the annexation process being completed.. Once plans and specs have been completed and brought back to Council we would advertise and award bids, then bring it in for the final assessment hearing. Mr. Haffield said the earliest time line for that would be the fall of 2018, but it is more likely to be the fall of 2019 when they would have the actual assessments. Following that would be a period where the assessments could be appealed. Mr. Haffield addressed the methodology used for deriving the assessments for sewer and water. In both the sewer and water projects they are suggesting a rate that is less than the calculated rate, as we cannot assess for more than the benefit, or the market value.

The project would extend water from where it ends on South Lake Street now to near the intersection of County Road 57 and Highway 60. Council was presented with two options for the water extension. Option 1 is based on a master plan update that was done a few years ago, and would be what we would want to do if we knew where we wanted a street. Option 2 follows what we've done with the sewer and is less effective but doesn't cut up property - it is the recommended option now.

Improvement costs and estimated assessments for the project are:

SANITARY SEWER

	LATERAL	TRUNK	TOTAL
Trunk Fund (due to)		(\$15,735.93)	(\$15,735.93)
Assessments	\$44,534.20	\$32,588.54	\$77,122.74 (34.5% of current cost)
City Share	<u>\$162,123.88</u>	<u>\$0.00</u>	<u>\$162,123.88</u>

TOTAL	\$206,658.08	\$16,852.61	\$223,510.69
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WATER MAIN OPTION 1

	LATERAL	TRUNK	TOTAL
Trunk Fund (due to)		(\$5,165.79)	(\$5,165.79)
Assessments - Private	\$24,183.59	\$13,251.38	\$37,434.97 (13.5% of current cost)
Assessments - City	\$103,809.77	\$39,263.36	\$143,073.13
City Share	\$101,782.77	\$0.00	\$101,782.77
Subtotal (City Cost)	\$205,592.54	\$39,263.36	\$244,855.90
TOTAL	\$229,776.13	\$47,348.95	\$277,125.08

WATER MAIN OPTION 2

	LATERAL	TRUNK	TOTAL
Trunk Fund (due to)		(\$5,307.47)	(\$5,307.47)
Assessments - Private	\$8,343.40	\$13,251.38	\$21,594.78 (7.8% of current cost)
Assessments - City	\$61,464.54	\$39,263.36	\$100,727.90
City Share	\$158,763.91	\$0.00	\$158,763.91
Subtotal (City Cost)	\$220,228.45	\$39,263.36	\$259,491.81
TOTAL	\$228,571.85	\$47,207.27	\$275,779.12

Mr. Haffield pointed out that some of the costs included in as assessments in Option 1 become City Share in Option 2, which must be a levied amount or borrowed with the intent of repayment when the land is sold.

Mayor Kuhle asked if there was anyone present who wished to present testimony on the proposed project. None was received.

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

The motion was made by Council Member Oberloh, seconded by Council Member Harmon and unanimously carried to approve staff's recommendation for Option 2 and to adopt the following resolutions ordering the improvement ahead:

RESOLUTION NO. 2017-12-01

ORDERING IMPROVEMENT AND PREPARATION OF PLANS AND SPECIFICATIONS
(Municipal Wastewater Collection System)

(Refer to Resolution File for complete copy of Resolution)

RESOLUTION NO. 2017-12-02

ORDERING IMPROVEMENT AND PREPARATION OF PLANS AND SPECIFICATIONS
(Municipal Water Distribution System)

(Refer to Resolution File for complete copy of Resolution)

CONSENT AGENDA APPROVED

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

- City Council Minutes of Special Meeting November 21, 2017 and Regular Meeting November 27, 2017
- Minutes of Boards and Commissions - Water and Light Commission Minutes of Regular Meeting December 4, 2017; Housing and Redevelopment Authority Board Minutes of Regular Meeting October 18, 2017 and Special Meeting October 30, 2017; Park and Recreation Advisory Board Minutes of November 20, 2017; Center for Active Living Committee Minutes of November 13, 2017; Worthington Area Convention and Visitors Bureau Minutes of September 27, 2017; Planning Commission/Board of Appeals Minutes of December 5, 2017
- Audit Engagement Letter
- 2018 Off-Sale Beer License - La Morenita
- Sunday On-Sale Intoxicating Liquor License - Hickory Lodge
- Exemption from Lawful Gambling Permit - Whitetails Unlimited - SW MN Deer Camp
- 2018 Hangar Lease Rates - Worthington Municipal Airport, as presented
- Bills payable and totaling \$1,055,896.00 be ordered paid

PUBLIC COMMENT AND RESOLUTION 2017-12-03 ADOPTED AND ADDITIONAL RESOLUTION ADOPTED APPROVING THE 2017 TAX LEVIES COLLECTIBLE IN 2018

Steve Robinson, City Administrator, presented the proposed 2017 property tax levy of \$3,998,294 for 2018, which represents an 8.78% increase over 2017. The proposed levy includes a General Purpose Tax Levy of \$3,288,001 and Special Tax Levies of \$677,720. The Special Tax Levy includes Economic Development Tax Abatements of \$12,000. Mr. Robinson provided information regarding the proposed levy amounts.

Mayor Kuhle opened the floor for public comment:

Jacoba Nagel - her property taxes went up last year and she appealed it - they decreased but not as much as she had hoped after Board of Review, now they were up again. Brian Kolander, Finance Director, suggested to Ms. Nagel that this comment period was for the proposed levy, and that she would need to appeal her proposed property taxes to the Board of Appeal, usually scheduled for April or May.

No further comments were received.

The motion was made by Council Member Cummings, seconded by Council Member Ernst and unanimously carried to adopt the following resolutions approving the 2017 Tax Levies Collectible in 2018:

RESOLUTION NO. 2017-12-03

RESOLUTION APPROVING 2017 TAX LEVIES COLLECTIBLE IN 2018

(Refer to Resolution File for complete copy of Resolution)

Also approved was the following Resolution approving the Worthington Housing and Redevelopment Authority's proposed levy of \$125,000:

RESOLUTION APPROVING THE 2017 TAX LEVY COLLECTIBLE IN 2018

BE IT RESOLVED, by the City Council of Worthington and the Housing and Redevelopment Authority of the City of Worthington, County of Nobles, State of Minnesota, that the following sum of money be levied for the current year, collectible in 2018 upon the taxable property in said City of Worthington, Minnesota for the following Purposes:

SPECIAL TAX LEVY	CERTIFIED LEVY 2017/2018
HOUSING AND REDEVELOPMENT AUTHORITY TAX LEVY (Minnesota Statute 469.033, subdivision 6)	
Special Tax for Operations	\$125,000.00
NET CERTIFIED LEVY	\$125,000.00

**RESOLUTION NO. 2017-12-04 ADOPTED APPROVING THE 2018 FUND BUDGETS OF
THE CITY OF WORTHINGTON**

The motion was made by Council Member Oberloh, seconded by Council Member Harmon and unanimously carried to adopt the following resolution approving the 2018 Fund Budgets for the City of Worthington:

RESOLUTION NO. 2017-12-04

A RESOLUTION FOR THE APPROVAL OF THE 2018 FUND BUDGETS FOR THE CITY OF WORTHINGTON, MINNESOTA

(Refer to Resolution File for complete copy of Resolution)

THIRD READING AND ORDINANCE NO. 1108 ADOPTED AMENDING STORM SEWER UTILITY RATES

Pursuant to published notice, this was the time and date for the third 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 motion was made by Council Member Oberloh, seconded by Council Member Cummings and unanimously carried to give a third reading to, and subsequently adopt the following ordinance:

ORDINANCE NO. 1108

AN ORDINANCE RELATING TO STORM WATER UTILITY RATES

(Refer to Ordinance File for complete copy of Ordinance)

THIRD READING AND ORDINANCE NO. 1109 ADOPTED AMENDING CHAPTER 55 OF THE CITY CODE OF THE CITY OF WORTHINGTON

Pursuant to published notice, this was the time and date set for the third 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 Harmon and unanimously carried to give a third reading to and subsequently adopt the following ordinance:

ORDINANCE NO. 1109

AN ORDINANCE RELATING TO CHAPTER 55 OF CITY CODE

(Refer to Ordinance File for complete copy of Ordinance)

THIRD READING AND ORDINANCE NO. 1110 ADOPTED AMENDING TITLE XV OF THE CITY CODE OF WORTHINGTON, NOBLES COUNTY, MINNESOTA, TO REZONE PROPERTY FROM "R-3" (LOW DENSITY PRESERVATION) TO "B-3" (GENERAL BUSINESS)

Pursuant to published notice, this was the time and date set for the third 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 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 Cummings, seconded by Council Member Ernst and unanimously carried to give a third reading to, and subsequently adopt the following ordinance:

ORDINANCE NO. 1110

AN ORDINANCE TO AMEND TITLE XV OF THE CITY CODE OF WORTHINGTON, NOBLES COUNTY, MINNESOTA, TO REZONE PROPERTY FROM "R-3" (LOW DENSITY PRESERVATION) TO "B-3" (GENERAL BUSINESS)

(Refer to Ordinance File for complete copy of Ordinance)

SECOND READING PROPOSED ORDINANCE ANNEXING 29 ACRES OWNED BY SOUTH SHORE ACRES, LLC.

Pursuant to published notice, this was the time and date set for the second reading of a proposed ordinance that would annex 29 acres of unplatted land owned by South Shore Acres, LLC. The legal description of the property is:

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.

The ordinance would also zone the property as follows:

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 Ernst, seconded by Council Member Janssen and unanimously carried to give a second reading to the proposed ordinance.

AGREEMENT APPROVED FOR REPRESENTATION AS BUYER'S LISTING AGENT - JENSEN MANAGEMENT SERVICES

Steve Robinson, City Administrator, said Council's Economic Development Sub-Committee and representatives of Worthington Public Utilities is intending to evaluate potential development areas and costs associated with providing infrastructure. As such, staff solicited a proposal from Jensen Management Services for representation as a buyer's listing agent. Services would include contacting land owners, preparing offers and negotiating on the City's behalf. Jensen's terms include a three-month agreement and fees of \$85.00 per hour. Mr. Robinson said the agreement would be extended if active negotiations are in process at the end of the three month period.

The motion was made by Council Member Janssen, seconded by Council Member Cummings and unanimously carried to approve the agreement with Jensen Management Services.

COMMUNITY GROWTH SUB-COMMITTEE PRESENTATION AND DISCUSSION

Steve Robinson, City Administrator, provided information on behalf of the Community Growth Committee that included renderings of the proposed new “Beach Nook” facility in Centennial Park and a new downtown plaza with a Pavilion located in the City-owned parking lot at the intersection of Second Avenue and Tenth Street. The estimated cost of the Centennial Park facility is \$830,000, and the Plaza project is estimated to be \$1.2 million, although Mr. Robinson said they are still fine-tuning those costs. Council Member Oberloh provided information on a similar projects he visited in Cuero, Texas. Both of the proposed facilities will have heated restrooms that will remain open year-round. The Committee was requesting Council support and endorsement to continue on the projects, budgets and schedule. If received, Mr. Robinson said they would be meeting with the Engineering Architecture Firm later this week to finalize the scope of work we want them to do, and request a proposal for their services to be presented at the next City Council meeting.

The motion was made by Council Member Cummings, seconded by Council Member Janssen and unanimously carried to approve the request for support of the proposed projects.

SECOND MEETING IN DECEMBER (INFORMATIONAL)

Steve Robinson, City Administrator, reminded Council that the 2017 regular meeting schedule adopted by Council at their annual meeting in January included that the second meeting in December would be held on Tuesday, December 26th as Christmas this year is on that Monday. Mr. Robinson said a quorum would be necessary to act on agenda items at that meeting.

2018 UTILITY DEPARTMENT STRATEGIC FINANCIAL PLANS APPROVED

Scott Hain, General Manager Worthington Public Utilities, presented the proposed 2018 Utility Department Strategic Financial Plans. The Worthington City Charter provides that the Water and Light Commission shall have the power to establish rates, fees, rules, regulations and policies for the operation and management of municipal utilities under their control subject to such ordinances that Council may adopt. The Charter also provides that the Commission shall annually prepare a budget forecast for the ensuing years and furnish a copy to the City Council for review and approval.

Mr. Hain said the Water and Light Commission reviewed and approved the 2018 Water Department Strategic Financial Plan at their regular meeting November 6, 2017, approved the 2018 Wastewater Department Strategic Financial Plan, including the 2018 sewer rates as established by the Sewer Service Charge System, at their regular meeting November 20, 2017.

The motion was made by Council Member Cummings, seconded by Council Member Harmon and unanimously carried to approve the 2018 Utility Department Strategic Financial Plans as presented.

RESOLUTION NO. 2017-12-05 ADOPTED APPROVING A JOINT POWERS AGREEMENT WITH THE CITY OF WORTHINGTON REGARDING THE MINNESOTA

HUMAN TRAFFICKING INVESTIGATORS TASK FORCE

Troy Appel, Public Safety Director, presented a resolution approving a Joint Powers Agreement with the City of Worthington on behalf of its Police Department regarding the Minnesota Human Trafficking Investigators Task Force, designating Chief Appel as the Authorized Representative for the Police Department, and authorizing the Mayor and Clerk to sign the agreement.

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

RESOLUTION NO. 2017-12-05

RESOLUTION APPROVING A STATE OF MINNESOTA JOINT POWERS AGREEMENT WITH THE CITY OF WORTHINGTON ON BEHALF OF ITS POLICE DEPARTMENT REGARDING THE MINNESOTA HUMAN TRAFFICKING INVESTIGATORS TASK FORCE (MNHITF)

(Refer to Resolution File for complete copy of Resolution)

PRESENTATION OF WORTHINGTON PARK MASTER AND REINVESTMENT PLAN

Namuun Bayasgalan and Jaclyn Essamdoh, members of the Mankato State Mankato Urban Studies Institute Studio Team, were present to provide information on their efforts to complete a Worthington Park Master and Reinvestment plan. Ms. Bayasgalan and Ms. Essamdoh spoke of the scope of their work over a four month period, which included a community survey. Parks along the lake are used the most, with the primary use being access to the trails, and most of the visits were between the hours of 3:00 p.m. 6:00 p.m. Many of the survey respondents also requested additional amenities at the parks. The recommendation from the group included the following:

- equitable access to the parks
- ensure the safety of park visitors
- continuous planning and community involvement
- conduct periodic surveys

Council thanked the group for their time and effort.

AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT FOR REPLACEMENT OF 10TH AVENUE BRIDGE APPROVED

In 2014 Council approved a contract with SEH for preparation of bridge replacement plans to be incorporated into plans for the reconstruction of 10th Avenue from Park avenue to Tower Street,

including a realignment of the 10th Avenue and Park Avenue intersection. The street reconstruction/realignment plans were to be completed by City staff, and include a trail extension. The project was to be submitted for bridge bonding funding, and if that source not be available, it was proposed to use Municipal State Aid Street (MSAS) funds. Dwayne Haffield, Director of Engineering, noted that bridge bonding has been minimal recently, and development of the project had been adjusted accordingly. Since that time, Council increased priority of the bridge replacement project to ensure it would be ready if bridge bonding funds became available, or sooner through the use of other sources of funding, including MSAS funding. The scope of the project was changed to exclude the reconstruction of 10th Avenue east of the necessary street realignment and eliminate trails other than at the bridge crossing.

Given the change in scope of the project, staff was proposing that development of the plans for the replacement and the street realignment be completed by SEH rather than split between SEH and City staff. SEH submitted an amendment to the original bridge design contract for the additional street work, which would result in additional fees of \$31,720.

Council Member Oberloh asked if there is an opportunity with the project to move the entrance to the Centennial Park parking lot further from the intersection of Park Avenue and 10th Avenue. Mr. Haffield said they could look at making some adjustments to the entrance, which could include removing the median.

The motion was made by Council Member Harmon, seconded by Council Member Janssen and unanimously carried to approve the amendment to the Professional Services Agreement with SEH for Replacement of the 10th Avenue Bridge.

COOPERATIVE CONSTRUCTION AGREEMENT BETWEEN CITY OF WORTHINGTON AND NOBLES COUNTY APPROVED

Dwayne Haffield, Director of Engineering, said the 2018 Construction Fund (401) budget includes resurfacing of a group residential streets with a slight portion of commercial streets at the south end of Burlington and Douglas Avenues. Staff feels the work can be done on a high volume basis and was recommending to combine the work with other County work as a potential cost savings approach. A contract would be let by Nobles County with engineering and construction administration being accomplished by City staff. The proposed agreement was edited by the City Attorney and approved by the County Attorney.

The motion was made by Council Member Harmon, seconded by Council Member Ernst and unanimously carried to approve the agreement and authorize the Nobles County Board to award the contract with the City work included provided that the bid for the city work is \$630,000 or less.

AMENDMENT TO AGREEMENT WITH SRF FOR DEVELOPMENT OF OXFORD

STREET RECONSTRUCTION LAYOUT APPROVED

At its April 25, 2016 meeting, Council authorized execution of an agreement between the Minnesota Department of Transportation, SRF Consulting Group and the City of Worthington for development of a layout for the future reconstruction of Oxford Street from McMillan Street to TH 60 as well as North Humiston Avenue to I-90. Subsequent to approving that agreement, the City also entered into an agreement with Nobles County providing for the County to participate for a portion of the local costs. The Oxford Street Redevelopment plan was developed by Cunningham Group Architecture with a substantial amount of public involvement in the process. The layout development is to be completed with consideration of the Redevelopment Plan, and was also to include an extensive public involvement. Several public meetings were held, in addition to online and hard copy surveys. On May 8, 2017, Council held a Special Meeting to allow Mn DOT to present the findings regarding the function of the center medians and allow businesses to state their opposition to them. Following that meeting, MnDOT approved an amendment to the SRF contract to develop adjacent roadway and access concept drawings to demonstrate the feasible means to provide improved business access for those businesses that have a left in access either directly or via a side street, and help ensure the Oxford Street layout addresses additional truck turns or other movements when those access improvements might be implemented. City Staff recommended use of localized focus group meetings to solicit information on specific needs, allow for comments, and to provide information on the concepts. An additional amendment to the SRF contract was proposed to accommodate the focus group meetings. MnDOT paid for the first amendment, and it is proposed that the City pay the additional fees of \$13,542.30 associated with the second amendment. Dwayne Haffield, Director of Engineering, said the fees would need to come from the Construction Fund (401) reserves.

The motion was made by Council Member Harmon, seconded by Council Member Ernst and unanimously carried to approve the Amendment to the Professional Services Agreement with SRF for development of the Oxford Street reconstruction layout.

CONDITIONAL USE PERMIT APPROVED = AMCON CONCRETE PRODUCTS AND CEMSTONE MATERIALS

Amcon Concrete Products and Cemstone Concrete Materials were requesting issuance of a Conditional Use Permit for property located east of North Frederick Avenue between Oxford Street and Stower Drive. If approved, the applicant would be permitted to construct a ready-mix concrete plant and expand the existing Amcon block and aggregate storage on the property. Jason Brisson, Director of Community Development, Planning, Zoning and Building Services, said Manufacturing - Primary Production is permitted in the "M-2" - General Manufacturing zoning district, which is the zoning classification of the subject property, through the issuance of a Conditional Use Permit.

The legal description of the subject property is as follows:

TRACT B

Lot 1 and that part of Lot 7, Auditor's Outlots 1 to 12, inclusive, in the South Half of Section 14, Township 102 North, Range 40 West, City of Worthington, Nobles County, Minnesota, described as follows: Beginning at the intersection of the east line of Lot 1 of said Auditor's Outlots and a line 481.60 feet north of and parallel with the south line of said Section 14; thence on an assumed bearing of North 19 degrees 12 minutes 39 seconds West, along the east line of said Lot 1, a distance of 160.90 feet to the north line of said Lot 1; thence on a bearing of West, along last said line, 250.00 feet to the west line of said Lot 7; thence on a bearing of North 19 degrees 12 minutes 39 seconds West, along last said line, 294.98 feet to the north line of said Lot 7; thence on a bearing of East, along last said line, 400.00 feet; thence on a bearing of South, 430.50 feet to the point of beginning. Containing 2.34 acres, more or less.

TOGETHER WITH

That part of a tract 100 feet by 2805 feet in the Southwest Quarter of Section 14, Township 102, Range 40 West of Auditor's Outlots 1, 7 and 8 and east of Tracts I and J, formerly railroad right-of-way, recorded in that certain Conveyance of Forfeited Lands recorded as Document No. 248828 in the office of the Nobles County Recorder, described and bounded as follows: All of said tract bounded in the north by the south boundary of Stower Street, and bounded on the south by the north boundary of Oxford Street, subject to all easements and restrictions of record. EXCEPTING THEREFROM the south 230 feet thereof.

TOGETHER WITH

Commencing at the intersection of the easterly right of way line of a former railroad as recorded in Document No. 248828 and the north line of Oxford Street, being 67 feet north of the south line of said Section 14; thence on an assumed bearing of North 19 degrees 12 minutes 39 seconds West, along said easterly right of way line, a distance of 95.31 feet to an iron monument, said iron monument being the point of beginning of the tract to be described; thence continuing North 19 degrees 12 minutes 39 seconds West, along said easterly right of way line, a distance of 81.99 feet; thence South 68 degrees 51 minutes 15 seconds West a distance of 8.43 feet to an iron monument; thence South 21 degrees 08 minutes 45 seconds East a distance of 79.76 feet to an iron monument; thence North 90 degrees 00 minutes 00 seconds East a distance of 6.07 feet to the point of beginning, subject to easements now of record.

EXCEPTING THEREFROM

The area within the Oxford Street Right-Of-Way Plat, according to the recorded plat thereof.

EXCEPTING THEREFROM

That part of Lot 7 of the Auditor's Outlots 1 to 12, inclusive in the South Half of the Southwest Quarter of Section 14, Township 102 North, Range 40 West, City of Worthington, Nobles County, Minnesota, described as follows: Commencing at the northwest corner of said Lot 7 of Auditor's Outlots 1 to 12, inclusive, according to the recorded plat thereof; thence on an assuming bearing of North 90 degrees 00 minutes 00 seconds East, along the north line of Lot 7, also being the north line of a tract as recorded in Document No. 219705, a distance of 100.62 feet to an iron monument, said iron monument being the point of beginning of the tract to be described; thence continuing North 90 degrees 00 minutes 00 seconds East, along said north line, a distance of 300.00 feet to the northeast corner of said tract; thence South 0 degrees 00 minutes 00 seconds West, along the east line of said tract, a distance of 200.00 feet to an iron monument; thence South 90 degrees 00 minutes 00 seconds West a distance of 200.00 feet to an iron monument; thence North 26 degrees 33 minutes 54 seconds West a distance of 223.61 feet to the point of beginning.

The Planning Commission held a public hearing on the application at its December 5, 2017 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. The 3' screening berms illustrated in the site plan feature coniferous tree to provide vertical screening;
3. The drives and parking spaces illustrated in the submitted site plan are constructed as a dustless and durable, hard surfaced area; and
4. Improvements are done in accordance with the site plan included in the application.

Mr. Brisson said the Planning Commission's motion included staffs recommendation for paved parking and road, and noted that opposition to the project was received at the hearing.

Ken Kuhn, representing the applicant, was present at the meeting and discussed the project with Council.

Following discussion, the motion was made by Council Member Oberloh to approve the Conditional Use Permit with the stipulation that there would be no on-site storage of demolition product.

Following additional discussion, Council Member Oberloh rescinded his motion.

Following further discussion, the motion was made by Council Member Ernst, seconded by Council Member Janssen and unanimously carried to approve the Conditional Use Permit with the conditions as set forth by the Planning Commission, and including staff's recommendation for paved parking

stalls.

FIRST READING PROPOSED ORDINANCE - TEXT AMENDMENT (TAPROOMS)

Based on recent inquiries regarding the Taprooms in the city, Staff presented a proposed ordinance that amend Title XV, Chapter 155 of the Worthington City Code to add and define Taprooms, and to permit them in the B-2 Central Business, B-3 General Business, B-4 Shopping Centers, M-1 Light Manufacturing and M-2 General Manufacturing zoning districts with the issuance of a conditional use permit.

The motion was made by Council Member Cummings, seconded by Council Member Oberloh and unanimously carried to give a first reading to the proposed ordinance that would amend Title XV, Chapter 155 of the City Code of the City of Worthington.

RESOLUTION NO. 2017-12-06 ADOPTED AMENDING ORDINANCE NO. 1094

Jason Brisson, Director of Community Development, Planning, Zoning and Building Services, stated that City staff had discovered a clerical error in Ordinance No. 1094 (Nobles County Recorder's Office Document #350997). Section II of the document incorrectly stated that the subject property would hereby be classified as "R-5". The intent of the ordinance was to rezone the subject property to "B-3" as stated in the title of the ordinance, and all discussions at the Planning Commission and at City Council meetings prior to and at the time of adoption of the ordinance pertained to the change to a "B-3" district. City Attorney Mark Shepherd drafted a resolution to correct the error.

the motion was made by Council Member Oberloh, seconded by Council Member Ernst and unanimously carried to adopt the following resolution correcting Ordinance No. 1094:

RESOLUTION NO. 2017-12-06

A RESOLUTION AUTHORIZING THE CORRECTION OF A SCRIVENER'S ERROR IN ORDINANCE NO. 1094 AND AUTHORIZING THE MAYOR AND CLERK TO RECORD THIS RESOLUTION IN THE OFFICE OF THE NOBLES COUNTY RECORDER

(Refer to Resolution File for complete copy of Resolution)

SUBORDINATION AGREEMENT APPROVED

On December 13, 2013, the City entered into a combination security agreement, note, repayment agreement and lien with Robert L. Bristow, Timothy Bosma, and Jeremy Braaksma for the amount of \$8,228.00 to be used to rehabilitate a residential property located at 606 Strait Avenue. The owners are seeking a mortgage loan for the property from Worthington Federal Savings Bank, who

has informed the property owners that they will not accept mortgage on the property unless the City of Worthington subordinates its current lien to the mortgage lien.

The motion was made by Council Member Cummings, seconded by Council Member Oberloh and unanimously carried to approve the Subordination Agreement, noting the correct date.

COUNCIL COMMITTEE REPORTS

Mayor Kuhle - Nothing to report.

Council Member Janssen - Nothing to report.

Council Member Oberloh - Reported on his visit to Cuero, Texas regarding their pool/splash pad project, new pavilion, and the audio equipment in their Council Chambers. He also noted their large Christmas Lighting display at their fairgrounds, noting accomplished by a private group.

Council Member Cummings - Brought the splash pad forth to Kiwanis - they'll find out Thursday if the matching grant was accepted. The Auditorium Advisory Board met and looked at seating - the company will bring samples of seating options for them to try. Tickets are on sale for the January 20, 2018 benefit concert for the foundation that he and wife Jamie started for Autism.

Council Member Ernst - She was approached by the Worthington Trojan Band - they will come to the next Council meeting to be recognized for their performance in Hollywood, California. The full parade airs Friday, December 15th at 7:00 p.m. on the CW Network, and December 22nd at 2:00 p.m. on the Hallmark Chanel and AFM. Recorded footage of the performance is also available on the School's website.

Council Member Harmon - the Water and Light Commission reviewed the electric budget at the December 4th Commission meeting. The wells are an average of 8' 3" above average, 13' above two years ago and 19' above 2012 levels. The Joint City/County/School Committee met December 8th and talked about the joint project on the former Campbell Soup site. Also attend the Center for Active Living Committee meeting this morning - they welcomed new members.

CITY ADMINISTRATOR'S REPORT

Steve Robinson, City Administrator, reported that he will be attending a Southwest Regional Development Commission meeting in Slayton on Wednesday to discuss MnDOT's desire to have a Regional Transportation Coordinating Council in all the regions. He will report back.

CLOSED SESSION UNDER MINN. STATUTE 13D.05, SUBD. 3(C)(3) - REAL ESTATE ACQUISITION - PARCEL NO'S. 31-3889-000, 31-3885-500, 31-3887-500

Mayor Kuhle announced that Council would be going into closed session under Minn. Statute 13D.05, Subd. 3(C)(3) - Real Estate Acquisition - Parcel No's. 31-3889-000, 31-3885-500, 31-3887-500. Those not authorized to stay for the session left the room.

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The motion was made by Council Member Ernst, seconded by Council Member Janssen and unanimously carried to close the meeting at 9:25 p.m.

The meeting was re-opened at 9:49 p.m.

ADJOURNMENT

The motion was made by Council Member Ernst, seconded by Council Member Cummings and unanimously carried to adjourn the meeting at 9:50 p.m.

Janice Oberloh, MCMC
City Clerk