

**WORTHINGTON CITY COUNCIL
REGULAR MEETING, DECEMBER 26, 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 members present: Steve Robinson, City Administrator; Jason Brisson, Director of Community Development, Planning, Zoning and Building Services; Janice Oberloh, City Clerk.

Others present: Ryan McGaughey, The Globe.

The Pledge of Allegiance was recited.

HONORARY COUNCIL MEMBER

Mayor Kuhle thanked Bob Wethor for serving as Honorary Council Member for the months of October, November and December 2017 and presented him with a certificate for his service. Mr. Wethor thanked Council for the opportunity and said it has been very interesting.

AGENDA CLOSED / APPROVED

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

- City Council Minutes of Regular Meeting December 11, 2017
- Minutes of Boards and Commissions - Water and Light Commission Minutes of December 18, 2017; Public Arts Commission Minutes of November 16, 2017; YMCA Board Meeting Minutes of November 20, 2017
- Municipal Liquor Store Income Statement for the Period January 1, 2017 through November 30, 2017
- Additional 2017 License Renewals - Off Sale Beer: La Azteca Grocery Store, 219 Tenth Street and Mini Market Lupita, 1906 Oxford Street; Dance - Hickory Lodge Bar and Grill, 2015 Humiston Avenue
- Assignment of Lease Agreement with Tri State Truck Wash, Inc.
- Bills payable and totaling \$1,083,262.29 be ordered paid

RE-READ OF THIRD READING AND ORDINANCE NO. 1110 ADOPTED - CHANGE OF ZONE - T & S RENTALS, LLC.

At their December 11, 2017 regular meeting, Council gave a third reading to, and subsequently adopted Ordinance No. 1110. The intent of the ordinance was to rezone the following legally described area from its current "R-3" to be included in the "B-3" District:

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

Following adoption of the Ordinance, but before its publication, staff found a clerical error in Section II of the ordinance, which stated the area was to be re-zoned to "R-5" instead of the intended "B-3" as was stated correctly in the title of the ordinance and in Section I.

City Attorney Mark Shepherd was consulted, and he suggested that, as the ordinance had not yet been published, to make the correction to Section II and re-submit the corrected ordinance to Council for a third reading and adoption.

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)

THIRD READING AND ORDINANCE NO. 1111 ADOPTED ANNEXING 29 ACRES OWNED BY SOUTH SHORE ACRES, LLC

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

ORDINANCE NO. 1111

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF WORTHINGTON TO INCLUDE 29 ACRES OF UNPLATTED LAND ABUTTING THE CITY OF WORTHINGTON, NOBLES COUNTY, MINNESOTA AND OWNED BY SOUTH SHORE ACRES, LLC.

(Refer to Ordinance File for complete copy of Ordinance)

SECOND READING PROPOSED ORDINANCE - TEXT AMENDMENT - TAPROOMS

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 include the definition of Taprooms and amending the Schedule of Use Regulations.

The motion was made by Council Member Janssen, seconded by Council Member Harmon and unanimously carried to give a second reading to the proposed ordinance that would amend Title XV of the Worthington City Code to include taprooms.

NOMINATING COMMITTEE ADDITIONAL RECOMMENDATION FOR COMMITTEE APPOINTMENT

The Nominating Committee was making the following additional recommendation for committee appointment from their December 11, 2017 meeting:

Public Arts Commission -

Appoint Denise Erwin for a three-year term to replace Brenda Hurlbut who declined to serve an additional term. Term to expire November 30, 2020

The motion was made by Council Member Cummings, seconded by Council Member Ernst and unanimously carried to approve the appointment as recommended by the Nominating Committee.

LELS 274 REQUEST TO PARTICIPATE IN MINNESOTA STATE RETIREMENT SYSTEM POST RETIREMENT HEALTH CARE SAVINGS PLAN APPROVED

The Minnesota State Retirement System (MSRS) offers a Post Retirement Health Care Savings Plan (HCSP) to employees of nearly all public employers within the State of Minnesota. The purpose of the HCSP is to provide a fund from which retired public employees can draw to cover health related expenses such as insurance premiums, medical bills, etc. Individual employees participating in the HCSP accumulate (and utilize) their own individual fund balance through a variety of contribution methods. To qualify for the Post Retirement Health Care Savings Plan (HCSP), a public employer must establish a “group” of eligible employees and approve a consistent contribution method. The establishment of that group, the establishment of a contribution method and the authorization of the group to participate in the HCSP is normally accomplished through the provision in a collective bargaining agreement or a personnel policy.

The City of Worthington LELS #274 Police Department Supervisory employees have a desire to be able to participate in the MSRS Post Retirement Health Care Savings Plan.

Following a discussion, the motion was made by Council Member Oberloh, seconded by Council Member Cummings and unanimously carried to approve the following action:

The City of Worthington LELS #274 Police Department Supervisory employees have a desire to be able to participate as a group in the Minnesota State Retirement System Post Retirement Health Care Savings Plan and that the contribution to the plan for each qualifying employee shall be:

1. Payroll deductions - \$20.00 per pay period
2. A one-time, lump sum contribution of the cash value of 100% of their accumulated Paid Time Off (PTO) vacation balance made at the time the qualifying employee retires to a PERA pension.
3. A one time lump sum contribution of one-third (1/3) of their accumulated Extended Sick Leave Bank (ESLB) balance made at the time the qualifying employee terminates public employment by retiring. Per our Personnel Policy, this option is not available unless retirement eligible.

RESOLUTION NO. 2017-12-07 ADOPTED REAPPORTIONING THE SPECIAL ASSESSMENTS FOR SANITARY SEWER IMPROVEMENT NO. 109 AND WATER MAIN IMPROVEMENT NO. 96 ADDITIONAL

Steve Robinson, City Administrator, said South Lake Development LLC, the owner of Lot 1, Block 1, South lake Subdivision has created a condominium plat in the northeast portion of that lot. South Lake Development, LLC is also the current owner of the two condominiums located in the condominium plat. The owners have petitioned for the reapportionment of the special assessments for Sanitary Sewer Improvement No. 109 Trunk and Lateral, and Water Main Improvement No. 96 Trunk and Lateral, levied as additional assessments, between the lot and the condominium plat. The assessments are petitioned to be distributed with 2/25's of the assessment balances to the condominium plat and the remainder of the assessment balances to the remaining portion of Lot 1.

Staff determined that the reapportionment would not diminish the City's ability to collect the assessments and was recommending that Council adopt a resolution reapportioning the assessments as petitioned for.

The motion was made by Council Member Cummings, seconded by Council Member Harmon and unanimously carried to adopt the following resolution reapportioning special assessments:

RESOLUTION NO. 2017-12-07

RESOLUTION REAPPORTIONING THE SPECIAL ASSESSMENTS FOR SANITARY SEWER IMPROVEMENT NO. 109 AND WATER MAIN IMPROVEMENT NO. 96 ADDITIONAL

(Refer to Resolution File for complete copy of Resolution)

FIRST READING PROPOSED INTERIM ORDINANCE (MORATORIUM) ASPHALT PLANTS

Community / Economic Development staff have been reviewing the City's current requirements for conditional use permits and found that our zoning ordinance does not list general conditions for the use of asphalt plants within the city of Worthington. The concern is that the Zoning Ordinance does not properly address mitigation of potential negative effects from an asphalt plant, and may not promote the best use of land and the prosperity, health and welfare of the city's residents without further review and amendment. Jason Brisson, Director of Community Development, Planning, Zoning and Building Services, said as a result of the review, he was requesting that Council authorize an interim ordinance, a moratorium, regarding the land use of asphalt plants within the city of Worthington. The interim ordinance is good for one year. State statute allows cities to enact interim ordinance moratoriums to provide additional time for communities to study the issue without the pressure of time generated by pending applications. Staff will review other city zoning ordinances that address asphalt plants and develop recommendations for best practices. That recommendation would then go to the City's Planning Commission for review and recommendation to City Council.

Council Member Oberloh requested that Mr. Brisson visit with Nobles County to find out if an asphalt plant would be prohibited in the county.

The motion was made by Council Member Oberloh, seconded by Council Member Janssen and unanimously carried to move forward with the moratorium and give a first reading to the proposed interim ordinance that will allow for study of the issue.

COUNCIL COMMITTEE REPORTS

Mayor Kuhle - Nothing to report.

Council Member Janssen - Nothing to report.

Council Member Oberloh - Nothing to report.

Council Member Cummings - Nothing to report.

Council Member Ernst - Nothing to report.

Council Member Harmon - Noted the Water and Light Commission met, those minutes were in the packet. Also noted the Employee Advisory Committee met and are reviewing the employee handbook - they will meet again the 8th of January.

CITY ADMINISTRATOR'S REPORT

Steve Robinson, City Administrator, reported that Senator Klobuchar's office had contacted the City Clerk with an email today to confirm that the federal FEMA grant for the City's County Ditch 12 Flood Mitigation project has been approved. The federal share of the project is just under \$2.5 of the \$4.6 million project, or 54%. He also received a letter today from the Worthington Regional Health Care Foundation that they have approved a matching grant of \$50,000 with Kiwanis on the splash pad project.

CLOSED SESSION UNDER MINN. STATUTE 13D.05, SUBD. 3(C)(3) FOR CONSIDERATION OF REAL ESTATE ACQUISITION - PARCELS NO. 31-0685-000, 31-3973-000, 31-3973-700 AND REAL ESTATE ACQUISITION - PARCELS NO. 31-3889-000, 31-3885-500, 31-3887-500

Mayor Kuhle announced that Council would be going into closed session under Minnesota Statute 13D.05, Subd. 3(c)(3) for the consideration of the following:

- Real estate acquisition - Parcels No. 31-0685-000, 31-3973-000, 31-3973-700
- Real estate acquisition - Parcels No. 31-3889-000, 31-3885-500, 31-3887-500

The motion was made by Council Member Ernst, seconded by Council Member Harmon and unanimously carried to close the meeting at 7:26 p.m.

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The meeting was re-opened at 7:57 p.m.

ADJOURNMENT

The motion was made by Council Member Cummings, seconded by Council Member Ernst and unanimously carried to adjourn the meeting at 7:58 p.m.

Janice Oberloh, MCMC
City Clerk