

WORTHINGTON CITY COUNCIL

ADDENDUM

**7:00 P.M., Monday, December 11, 2017
City Hall Council Chambers**

CONSENT AGENDA CASE ITEMS

E.3.a. CITY COUNCIL BUSINESS - ADMINISTRATION (WHITE)

2. ADDITIONAL 2017 LICENSE RENEWAL

The following additional 2018 license renewal application has been received:

Off-Sale Beer

La Moenita, Olivia N. Figueroa, 1321 Milton Avenue

The application is included as ***Exhibit 5***. All the required paperwork and fees have been received.

Council action is requested on the 2018 license renewal application from La Moenita.

3. NEW APPLICATION FOR SUNDAY ON-SALE INTOXICATING LIQUOR LICENSE

The following application has been received for a new Sunday On-Sale Intoxicating Liquor License:

Hickory Lodge Bar & Grill, 2015 Humiston Avenue

The application is included as ***Exhibit 6***. All the paperwork, fees and insurance certificate naming the City of Worthington as additional insured have been received. If approved, license period will be December 12, 2017 through June 30, 2018.

Council action is requested on the application for a New Sunday On-Sale Intoxicating Liquor License.

4. APPLICATION FOR EXEMPTION FROM LAWFUL GAMBLING PERMIT

The following Application for Exemption from Lawful Gambling Permit has been received:

Organization:	Whitetails Unlimited, SW MN Deer Camp
CEO:	Chris Petersen
Type of Event:	Raffle
Date & Location of Event:	February 24, 2018 Worthington Elks Lodge, 1105 Second Avenue

The application is included as ***Exhibit 7***. Approval from the Local Government Unit must be obtained prior to being submitted to the State for their approval.

Council action is requested on the Application for Exemption from Lawful Gambling Permit.

CASE ITEMS

K. CITY COUNCIL BUSINESS - COMMUNITY/EC DEVELOPMENT (GRAY)

3. AMENDMENT TO ORDINANCE NO. 1094

City staff discovered a clerical error in Ordinance No. 1094 (Nobles County Recorder's Office Document #350997). Section II. of the Ordinance 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". The title of the Ordinance was correct and all discussions at the Planning Commission and at the City Council meetings prior to and at the time of the adoption of Ordinance No. 1094 pertained to a change to a "B-3" district. The City Attorney has prepared a resolution designed to correct this error. This resolution is included in ***Exhibit 3A*** and staff would request a motion to pass this resolution.

4. CONSIDERATION OF REMOVAL OF PLANNING COMMISSION MEMBER

Bob Bristow, Chairman of the City's Planning and Zoning Commission, had contacted the City Clerk in September of this year regarding several absences of member Jessica Velasco from Planning Commission meetings. The Clerk issued a letter to Ms. Velasco regarding her absences and requesting her attendance at the meetings. When no response was received, personal contact was made by Steve Robinson, City Administrator. Ms. Velasco responded verbally to him that she wished to remain on the Commission and would strive to attend the meetings.

Staff has again been approached by the Planning Commission Chairman with a request to remove Ms. Velasco from the Commission due to her continued lack of attendance at the meetings. Planning Commission meeting minutes show that Ms. Velasco has attended three of the last 12 meetings of the Commission. Ms. Velasco has also failed to provide prior notification of an impending absence in many of the instances.

Section 151.01 of the Worthington City Code states "Six members shall be appointed by the City Council and may be removed by a four-fifths vote of the Council." The Planning Commission By Law guidelines state: "Membership Removal - Any member may be removed by the Mayor with the consent of the City Council for cause after a hearing."

City Attorney Mark Shepherd advises that Council should consider the request from the Planning Commission Chairman, and if it is determined to move forward, Council should set the time and date for the hearing as 7:00 p.m. on Tuesday, December 26, 2017, at the next regular City Council meeting. Ms. Velasco will be provided notice of the hearing and an opportunity to be heard. Staff has informed Ms. Velasco that this request is before Council.

CITY OF WORTHINGTON
APPLICATION FOR
OFF-SALE BEER LICENSE

APPLICATION IS HEREBY SUBMITTED FOR AN OFF-SALE BEER LICENSE WITHIN THE CITY OF WORTHINGTON IN ACCORDANCE WITH THE ORDINANCES OF SAID CITY REGULATING THE SAME. _____, 201__

ENCLOSED WITH THIS APPLICATION ARE:

- THE \$100 LICENSE FEE FOR OFF-SALE BEER
- A COMPLETED APPLICATION FORM,
- A COMPLETED WORKER'S COMPENSATION INSURANCE COVERAGE FORM,
- A COMPLETED MN AND FEDERAL BUSINESS TAX I.D. FORM, AND
- A STATEMENT OF SALES, OR A CERTIFICATE OF INSURANCE EVIDENCING LIQUOR LIABILITY (DRAM SHOP) COVERAGE FOR THE PERIOD OF JANUARY 1, 2018 TO JANUARY 1, 2019 IN THE AMOUNT OF \$1,000,000.00 MILLION DOLLARS, AND \$10,000 PROPERTY DAMAGE. **THE CERTIFICATE OF INSURANCE MUST CONTAIN A 30-DAY WRITTEN NOTICE OF CANCELLATION CLAUSE AND THE CITY OF WORTHINGTON MUST BE NAMED AS AN ADDITIONAL INSURED.**
- IF THE ESTABLISHMENT IS A CORPORATION, PLEASE SUBMIT WITH THIS APPLICATION THE NAME AND ADDRESS OF THE CORPORATION AND A LIST OF ALL CURRENT STOCKHOLDERS, THEIR RESIDENT ADDRESSES, AND THE NUMBER OF SHARES HELD BY EACH.

APPLICANT INFORMATION:

Figueroa Olivia Nallely
LAST NAME FIRST NAME FULL MIDDLE NAME

1735 Nobles St
ADDRESS OF APPLICANT

Worthington M-N 56187
CITY STATE ZIP

05-17-79 507 360-9815
DATE OF BIRTH TELEPHONE NO.

ESTABLISHMENT INFORMATION:

La Morenita
NAME OF ESTABLISHMENT

1321 Milton Ave
ADDRESS OF ESTABLISHMENT

Worthington M-N 56187
CITY STATE ZIP

507-727-3100
TELEPHONE NO. OF ESTABLISHMENT

HAVE YOU EVER APPLIED FOR OR HELD, IN OTHER COMMUNITIES, A LICENSE TO SELL OR PERMIT CONSUMPTION ON THE PREMISES OF BEER OR INTOXICATING LIQUOR? ___ YES ☒ NO

IF YES, WHERE? _____

OFFICE USE ONLY:

APPROVED BY DATE APPROVED LICENSE No.

CITY OF WORTHINGTON

APPLICATION FOR INTOXICATING LIQUOR - SUNDAY ON-SALE LICENSE

The undersigned currently holds a valid On-Sale Liquor License or Club On-Sale Liquor License within the city of Worthington, and pursuant to Minn. Stat. § 340A.504, Subd. 3 is now making application for an Intoxicating Liquor-Sunday Sales On-Sale License as authorized by the voters of the city of Worthington at the 2016 General Election. All state and local laws which apply to intoxicating liquor licenses shall apply to Sunday on-sale intoxicating liquor licenses.

Name of Applicant: Hickory Lodge Bar & Grill LLC
Business: Hickory Lodge Bar & Grill
Address: 2015 N. Humiston Ave
Worthington MN, 56187
Current On-Sale Liquor License # 2017-1A Exp. Date June 30th, 2018
Signature: Shirley Reil Date: 12/7/17

For Office Use Only

License Fee: 116.66 Paid _____
License Period 12/12/2017 to 06/30/2018

LG220 Application for Exempt Permit

An exempt permit may be issued to a nonprofit organization that:

- conducts lawful gambling on five or fewer days, and
- awards less than \$50,000 in prizes during a calendar year.

If total raffle prize value for the calendar year will be \$1,500 or less, contact the Licensing Specialist assigned to your county by calling 651-539-1900.

Application Fee (non-refundable)

Applications are processed in the order received. If the application is postmarked or received 30 days or more before the event, the application fee is **\$100**; otherwise the fee is **\$150**.

Due to the high volume of exempt applications, payment of additional fees prior to 30 days before your event will not expedite service, nor are telephone requests for expedited service accepted.

ORGANIZATION INFORMATION

Organization Name: Whitefish Unlimited Previous Gambling Permit Number: _____
 Minnesota Tax ID Number, if any: _____ Federal Employer ID Number (FEIN), if any: 39-1415070
 Mailing Address: 17725 Nine Oaks Dr
 City: Spring Grove State: MN Zip: 55974 County: Houston
 Name of Chief Executive Officer (CEO): Chris Petersen
 CEO Daytime Phone: (507) 450-6256 CEO Email: cpetersen@springgrovecoop
 (permit will be emailed to this email address unless otherwise indicated below)
 Email permit to (if other than the CEO): _____

NONPROFIT STATUS

Type of Nonprofit Organization (check one):

☐ Fraternal ☐ Religious ☐ Veterans ☒ Other Nonprofit Organization

Attach a copy of one of the following showing proof of nonprofit status:

(DO NOT attach a sales tax exempt status or federal employer ID number, as they are not proof of nonprofit status.)

☐ **A current calendar year Certificate of Good Standing**

Don't have a copy? Obtain this certificate from:

MN Secretary of State, Business Services Division
 60 Empire Drive, Suite 100
 St. Paul, MN 55103

Secretary of State website, phone numbers:

www.sos.state.mn.us

651-296-2803, or toll free 1-877-551-6767

☐ **IRS income tax exemption (501(c)) letter in your organization's name**

Don't have a copy? To obtain a copy of your federal income tax exempt letter, have an organization officer contact the IRS toll free at 1-877-829-5500.

☐ **IRS - Affiliate of national, statewide, or international parent nonprofit organization (charter)**

If your organization falls under a parent organization, attach copies of both of the following:

1. IRS letter showing your parent organization is a nonprofit 501(c) organization with a group ruling; and
2. the charter or letter from your parent organization recognizing your organization as a subordinate.

GAMBLING PREMISES INFORMATION

Name of premises where the gambling event will be conducted (for raffles, list the site where the drawing will take place): Worthington Elks Lodge

Physical Address (do not use P.O. box): 1105 2nd Ave

Check one:

☐ City: Worthington Zip: 56187 County: Nobles

☐ Township: _____ Zip: _____ County: _____

Date(s) of activity (for raffles, indicate the date of the drawing): 2/24/2019

Check each type of gambling activity that your organization will conduct:

☐ Bingo ☐ Paddlewheels ☐ Pull-Tabs ☐ Tipboards

☒ Raffle (total value of raffle prizes awarded for the calendar year, including this raffle: \$ 1500)

Gambling equipment for bingo paper, bingo boards, raffle boards, paddlewheels, pull-tabs, and tipboards must be obtained from a distributor licensed by the Minnesota Gambling Control Board. EXCEPTION: Bingo hard cards and bingo ball selection devices may be borrowed from another organization authorized to conduct bingo. To find a licensed distributor, go to www.mn.gov/gcb and click on **Distributors** under the **List of Licensees** tab, or call 651-539-1900.

WORTHINGTON CITY COUNCIL RESOLUTION NO. _____**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**

WHEREAS, attached hereto as Exhibit 'A' is a copy of Ordinance No. 1094 which amended a portion of Title XV of the City Code so as to re-zone certain property within the City to "B-3."; and

WHEREAS, the Title of Ordinance No. 1094 is correct; and

WHEREAS, all discussions at the Planning Commission and at the City Council meetings prior to and at the time of the adoption of Ordinance No. 1094 pertained to a change to a "B-3" district; and

WHEREAS, said Ordinance No. 1094 contained a scrivener's error in Section II. wherein it is stated that:

"The following legally described area, presently included in the "R-1", "R-5", "B-3" and "B-4" districts, shall henceforth be included in the "R-5" district;; and

WHEREAS, Section II. of said Ordinance No. 1094 should have stated:

"The following legally described area, presently included in the "R-1", "R-5", "B-3" and "B-4" districts, shall henceforth be included in the "B-3" district;; and

WHEREAS, the legal description of the subject property is set forth on Exhibit 'B' which is attached hereto and made a part hereof; and

WHEREAS, subsequent to the adoption of Ordinance No. 1094, the City has treated the subject property as being located in a "B-3" district and the official City Zoning Map designates the property as being located in a "B-3" district;

NOW, THEREFORE, be it RESOLVED:

1. The error set forth in Section II. of Ordinance No. 1094 referencing "R-5" district is hereby corrected so as to reference "B-3" district.
2. The City ratifies all decisions made subsequent to the adoption of Ordinance No. 1094 as to the property affected by the error so as to be in conformity with the intended purpose of the Ordinance which is to classify such property as being located in a "B-3" district and that it shall be considered that Ordinance No. 1094 was originally written as intended.

3. The Mayor and Clerk are authorized to execute this Resolution No. _____ and that the City Clerk is directed to file a certified copy of same in the Office of the Recorder of Nobles County, State of Minnesota.

Approved this _____ day of December, 2017 by the Worthington City Council.

CITY OF WORTHINGTON

(SEAL)

BY: _____
Mike Kuhle, Its Mayor

ATTEST: _____
Janice Oberloh, Its Clerk

Exhibit A

DOCUMENT NUMBER A 350997
 Certified, Filed and or Recorded on
 May 25, 2016 10:50 AM

Lynn M. Wilson

NOBLES COUNTY RECORDER
 LYNN M. WILSON
 507-295-5268
 Fee Amount: \$46.00
 Pages: 3

ORDINANCE NO. 1094

AN ORDINANCE TO AMEND TITLE XV OF THE CITY CODE OF WORTHINGTON, NOBLES COUNTY, MINNESOTA, TO REZONE PROPERTY FROM "R-1" (ONE FAMILY DETACHED RESIDENTIAL), "R-5" (MULTI-FAMILY, MEDIUM AND HIGH DENSITY RESIDENTIAL), "B-3" (GENERAL BUSINESS) AND "B-4" (SHOPPING CENTER) TO "B-3" (GENERAL BUSINESS)

The City Council of the City of Worthington, Do Ordain:

Section I.

In order to better protect and enhance public health, safety and general welfare, the Worthington City Council hereby finds that it is necessary to modify the zoning district designation of certain areas of the City of Worthington from "R-1" - One Family Detached Residential, "R-5" - Multi-Family Medium and High Density Residential, "B-3" - General Business, and "B-4" - Shopping Center to "B-3" - General Business.

Section II.

The following legally described area, presently included in the "R-1", "R-5", "B-3" and "B-4" districts, shall henceforth be included in the "R-5" district:

A tract of land in the Southeast Quarter of the Southwest Quarter of Section 13, Township 102 North, Range 40 West, City of Worthington, Nobles County, Minnesota described as follows:

Commencing at the South Quarter Corner of said Section 13; thence North 00 degrees 01 minutes 10 seconds East, along the east line of the Southwest Quarter of said Section 13, a distance of 67.00 feet to the southeast corner of NORTHLAND MALL FIRST ADDITION according to the recorded plat thereof on file and of record in the Office of the Nobles County Recorder and the point of beginning; thence continuing North 00 degrees 01 minutes 10 seconds East a distance of 770.15 feet to the northeast corner of said NORTHLAND MALL FIRST ADDITION; thence North 89 degrees 03 minutes 04 seconds West, along the north line of said NORTHLAND MALL FIRST ADDITION, a distance of 420.21 feet to the southeast corner of Lot 5, FIRST RESURVEY AND RESUBDIVISION OF NORTHLAND MALL FIRST ADDITION according to the recorded plat thereof on file and of record in the Office of the Nobles County Recorder; thence North 00 degrees 04 minutes 26 seconds East, along the east line of said Lot 5, a distance of 160.00 feet; thence North 89 degrees 03 minutes 04 seconds West, along the north line of said Lot 5, a distance of 430.26 feet; thence South 00 degrees 01 minutes 34 seconds East, along the west line of said Lot 5, a distance

Ordinance No. 1094 - Rezone - Yellow Company

Exhibit 3A3

Exhibit 3A

Exhibit A

of 160.00 feet to the north line of said NORTHLAND MALL FIRST ADDITION; thence North 89 degrees 03 minutes 04 seconds West, along said north line, a distance of 135.00 feet to the northwest corner of said NORTHLAND MALL FIRST ADDITION; thence South 00 degrees 00 minutes 20 seconds West, along the west line of said NORTHLAND MALL FIRST ADDITION, a distance of 102.96 feet; thence North 89 degrees 59 minutes 40 seconds West, a distance of 289.01 feet to a point on a line lying parallel with and 50.00 feet easterly of the west line of the Southeast Quarter of the Southwest Quarter of said Section 13; thence South 00 degrees 02 minutes 00 seconds West, along said line, a distance of 462.50 feet; thence South 89 degrees 09 minutes 21 seconds East a distance of 144.29 feet; thence South 00 degrees 03 minutes 38 seconds East a distance of 200.12 feet to the south line of said NORTHLAND MALL FIRST ADDITION; thence South 89 degrees 02 minutes 49 seconds East, along said south line, a distance of 1129.75 feet to the point of beginning.

Section III.

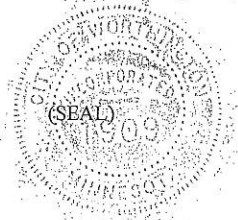
The Official Zoning Map of the City of Worthington shall be amended to reflect the changes ordained in Section II of this Ordinance.

Section IV.

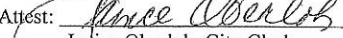
The City Clerk is hereby directed to file a certified copy of this ordinance in the office of the Recorder in and for the County of Nobles, State of Minnesota.

Section V.

Passed and adopted by the City Council of the City of Worthington, Minnesota, this 9th day of May, 2016.




Mike Kuhle, Mayor

Attest: 
Janice Oberloh, City Clerk

Ordinance No. 1094 - Rezone - Yellow Company

Exhibit 3A4

Exhibit 3A

Exhibit B

A tract of land in the Southwest Quarter of the Southwest Quarter of Section 13, Township 102 North, Range 40 West, City of Worthington, Nobles County, Minnesota described as follows"

Commencing at the South Quarter Corner of said Section 13; thence North 00 degrees 01 minutes 10 seconds East, along the east line of the Southwest Quarter of said Section 13, a distance of 67.00 feet to the southeast corner of NORTHLAND MALL FIRST ADDITION according to the recorded plat thereof on file and of record in the Office of the Nobles County Recorder and the point of beginning; thence continuing North 00 degrees 01 minutes 10 seconds East a distance of 770.15 feet to the northeast corner of said NORTHLAND MALL FIRST ADDITION; thence North 89 degrees 03 minutes 04 seconds West, along the north line of said NORTHLAND MALL ADDITION, a distance of 420.21 feet to the southeast corner of Lot 5, FIRST RESURVEY AND RESUBDIVISION OF NORTHLAND MALL FIRST ADDITION according to the recorded plat thereof on file and of record in the Office of the Nobles County Recorder; thence North 00 degrees 04 minutes 26 seconds East, along the east line of said Lot 5, a distance 160.00 feet; thence North 89 degrees 03 minutes 04 seconds West, along the north line of said Lot 5, a distance of 430.26 feet; thence South 00 degrees 01 minutes 34 seconds East, along the west line of said Lot 5, a distance of 160.00 feet to the north line of said NORTHLAND MALL FIRST ADDITION; thence North 89 degrees 03 minutes 04 seconds West, along said north line, a distance on 135.00 feet to the northwest corner of said NORTHLAND MALL FIRST ADDITION; thence South 00 degrees 00 minutes 20 seconds West, along the west line of said NORTHLAND MALL FIRST ADDITION, a distance of 102.96 feet; thence North 89 degrees 59 minutes 40 seconds West, a distance of 289.01 feet to a point on a line lying parallel with and 50.00 feet easterly of the west line of the Southeast Quarter of the Southwest Quarter of said Section 13; thence South 00 degrees 02 minutes 00 seconds West, along said line, a distance of 462.50 feet; thence South 89 degrees 09 minutes 21 seconds East a distance of 144.29 feet; thence South 00 degrees 03 minutes 38 seconds East a distance of 200.12 feet to the south line of said NORTHLAND MALL FIRST ADDITION; thence South 89 degrees 02 minutes 49 seconds East, along said south line, a distance of 1129.75 feet to the point of beginning.