

**WORTHINGTON CITY COUNCIL  
REGULAR MEETING, SEPTEMBER 11, 2006**

The meeting was called to order by mayor Alan E. Oberloh at 7:00 p.m., in the City Hall Council Chambers with the following Aldermen present: Leland Hain, Roger E. Nelson, Bob Petrich, Lyle Ten Haken and Mike Woll.

City Staff present: Dwayne Haffield, Director of Engineering; Mike Cumiskey, Director of Public Safety; Brian Kolander, Director of Finance; Brad Chapulis, Director of Community/Ec. Development; Jim Laffrenzen, Supt. of Public Works; and Karen Buchman, City Clerk.

Others present: Darrell Stitt, KWOA Radio; Ryan McGaughey, Daily Globe; Nancy Jo Hambleton, and Mike Kuhle.

**AGENDA APPROVED**

The motion was made by Alderman Hain, seconded by Alderman Ten Haken and unanimously carried to accept the agenda as presented with the addition of G 2 and G 3.

**MINUTES APPROVED**

The motion was made by Alderman Woll, seconded by Alderman Petrich and unanimously carried to approve the Regular City Council minutes of August 28, 2006 as previously distributed.

**MINUTES OF BOARDS AND COMMISSIONS**

The motion was made by Alderman Petrich, seconded by Alderman Woll and unanimously carried to accept for review the Water and Light Commission minutes of September 5, 2006; Traffic & Safety Committee minutes of August 30, 2006; and Planning Commission/Board of Appeals minutes of August 28, 2006.

**FINANCIAL STATEMENTS**

The motion was made by Alderman Hain, seconded by Alderman Petrich and unanimously carried to accept the Prairie View Golf Links Statement of Revenues vs. Expenditures for the period January 1, 2006 through August 31, 2006; and Municipal Liquor Store Incomes Statement for the period of January 1, 2006 through August 31, 2006.

**RESOLUTIONS NUMBERING 3112 - 3240 ADOPTED, CALLING FOR HEARINGS ON PROPOSED ASSESSMENTS**

The motion was made by Alderman Woll, seconded by Alderman Ten Haken and unanimously carried to order preparation of assessments rolls and to call the final assessment hearing for 7:00 p.m., Monday, October 9, 2006 in the City Hall Council Chambers, and to adopt the resolutions on the following projects:

Paving Improvement No. 103

- Dover Street - from the West Line of Virginia Avenue 168 Feet West;
- Fredrick Avenue - from Clary Street to Dover Street
- Sunset Road - from Dover Street to Fredrick Avenue
- Morningside Drive - entire length
- Spruce Avenue - from Morningside Drive to South Douglas Avenue
- Virginia Avenue - from Oxford Street to Dover Street
- Donavon Drive - Extending from Briarwood Drive to 176 feet North of Briarwood Drive

Paving Improvement No. 104

Castlewood Drive - from 116.33 feet east of Spring Avenue to the east line of Lot 10, Block 6, Castlewood Knolls.

Storm Sewer Improvement No. 28

CSAH #10/Sutherland Drive/Dugdale Property - Property generally lying west of South Crailsheim Road across from Olson Park

Storm Sewer Improvement No. 29

Homewood Hills Eleventh Addition

Water Main Improvement No. 100

Homewood Hills Eleventh Addition

Water Main Improvement No. 101

Castlewood Drive - from 116.33 feet east of Spring Avenue to the east line of Lot 10, Block 6, Castlewood Knolls

Sanitary Sewer Improvement No. 101

West/North Interceptor Phase VI - Property generally lying west of South Crailsheim Road across from Olson Park.

Sanitary Sewer Improvement No. 102

Homewood Hills Eleventh Addition

Sanitary Sewer Improvement No. 103

Castlewood Drive - from 116.33 feet east of Spring Avenue to the east line of Lot 10, Block 6, Castlewood Knolls

2006 Miscellaneous Unpaid Charges

- Removal of Ice and Snow
- Removal of Noxious Weeds and Vegetation
- Removal of Solid Waste

Resolution Declaring Reassessment and A Resolution calling for Hearing on Proposed Reassessment as to certain of the lots abutting the Castlewood Drive extension. The reassessment is to be for each of the following assessments/improvements that had been canceled due to tax forfeiture:

- Storm Sewer Improvement No. 13
- Sanitary Sewer Improvement No. 75
- Water Main Improvement No. 74-09

Resolution Declaring Reassessment and A Resolution Calling for Hearing on Proposed Reassessment for property developed on the site of the Dollar General Store for each of the following assessments/improvements that had been canceled due to tax forfeiture:

- Sanitary Sewer Improvement No. 64
- Water Main Improvement No. 74-09 \*

Resolution declaring benefit to be assessed and calling for hearing on proposed additional assessment on Water Main Improvement No. 94/94-A. The property proposed to be assessed the additional benefit is the site of the condominium development west of South Crailsheim Road across from Olson Park. The amount of additional assessment is based on the area not included in the initial trunk assessment for the water main improvement which is now, as a result of the installation of a water service system, deemed to be developed. Only the east 20 feet of the site was originally assessed trunk benefit.

RESOLUTION NO. 3112

DECLARING COST TO BE ASSESSED AND ORDERING PREPARATION OF PROPOSED ASSESSMENT

(Refer to Resolution file for complete copy of Resolution)

RESOLUTION NO. 3113

CALLING FOR HEARING ON PROPOSED ASSESSMENT

(Refer to Resolution file for complete copy of Resolution)

RESOLUTION NO. 3114

DECLARING COST TO BE ASSESSED AND ORDERING PREPARATION OF PROPOSED ASSESSMENT

(Refer to Resolution file for complete copy of Resolution)

RESOLUTION NO. 3115

CALLING FOR HEARING ON PROPOSED ASSESSMENT

(Refer to Resolution file for complete copy of Resolution)

RESOLUTION NO. 3116

DECLARING COST TO BE ASSESSED AND ORDERING PREPARATION OF PROPOSED ASSESSMENT

(Refer to Resolution file for complete copy of Resolution)

RESOLUTION NO. 3117

CALLING FOR HEARING ON PROPOSED ASSESSMENT

(Refer to Resolution file for complete copy of Resolution)

RESOLUTION NO. 3118

DECLARING COST TO BE ASSESSED AND ORDERING PREPARATION OF PROPOSED ASSESSMENT

(Refer to Resolution file for complete copy of Resolution)

RESOLUTION NO. 3119

CALLING FOR HEARING ON PROPOSED ASSESSMENT

(Refer to Resolution file for complete copy of Resolution)

RESOLUTION NO. 3120

DECLARING COST TO BE ASSESSED AND ORDERING PREPARATION OF PROPOSED ASSESSMENT

(Refer to Resolution file for complete copy of Resolution)

RESOLUTION NO. 3121

CALLING FOR HEARING ON PROPOSED ASSESSMENT

(Refer to Resolution file for complete copy of Resolution)

RESOLUTION NO. 3122

DECLARING COST TO BE ASSESSED AND ORDERING PREPARATION OF PROPOSED ASSESSMENT

(Refer to Resolution file for complete copy of Resolution)

RESOLUTION NO. 3123

CALLING FOR HEARING ON PROPOSED ASSESSMENT

(Refer to Resolution file for complete copy of Resolution)

RESOLUTION NO. 3124

DECLARING COST TO BE ASSESSED AND ORDERING PREPARATION OF PROPOSED ASSESSMENT

(Refer to Resolution file for complete copy of Resolution)

RESOLUTION NO. 3125

CALLING FOR HEARING ON PROPOSED ASSESSMENT

(Refer to Resolution file for complete copy of Resolution)

RESOLUTION NO. 3126

DECLARING COST TO BE ASSESSED AND ORDERING PREPARATION OF PROPOSED ASSESSMENT

(Refer to Resolution file for complete copy of Resolution)

RESOLUTION NO. 3127

CALLING FOR HEARING ON PROPOSED ASSESSMENT

(Refer to Resolution file for complete copy of Resolution)

RESOLUTION NO. 3128

DECLARING COST TO BE ASSESSED AND ORDERING PREPARATION OF PROPOSED ASSESSMENT

(Refer to Resolution file for complete copy of Resolution)

RESOLUTION NO. 3129

CALLING FOR HEARING ON PROPOSED ASSESSMENT

(Refer to Resolution file for complete copy of Resolution)

RESOLUTION NO. 3130

DECLARING COST TO BE ASSESSED AND ORDERING PREPARATION OF PROPOSED ASSESSMENT

(Refer to Resolution file for complete copy of Resolution)

RESOLUTION NO. 3131

CALLING FOR HEARING ON PROPOSED ASSESSMENT

(Refer to Resolution file for complete copy of Resolution)

RESOLUTION NO. 3132

DECLARING REASSESSMENT OF STORM SEWER IMPROVEMENT NO. 13

(Refer to Resolution file for complete copy of Resolution)

RESOLUTION NO. 3133

CALLING FOR HEARING ON PROPOSED ASSESSMENT FOR REASSESSMENT OF STORM IMPROVEMENT NO. 13

(Refer to Resolution file for complete copy of Resolution)

RESOLUTION NO. 3134

DECLARING REASSESSMENT OF SANITARY SEWER IMPROVEMENT NO. 75

(Refer to Resolution file for complete copy of Resolution)

RESOLUTION NO. 3135

CALLING FOR HEARING ON PROPOSED ASSESSMENT FOR REASSESSMENT OF

SANITARY SEWER IMPROVEMENT

(Refer to Resolution file for complete copy of Resolution)

RESOLUTION NO. 3136

DECLARING REASSESSMENT OF WATER MAIN IMPROVEMENT NO. 74-09

(Refer to Resolution file for complete copy of Resolution)

RESOLUTION NO. 3137

CALLING FOR HEARING ON PROPOSED ASSESSMENT FOR REASSESSMENT OF WATER MAIN IMPROVEMENT NO. 74-09

(Refer to Resolution file for complete copy of Resolution)

RESOLUTION NO. 3138

DECLARING REASSESSMENT OF SANITARY SEWER IMPROVEMENT NO. 64

(Refer to Resolution file for complete copy of Resolution)

RESOLUTION NO. 3139

CALLING FOR HEARING ON PROPOSED ASSESSMENT FOR REASSESSMENT OF SANITARY SEWER IMPROVEMENT NO. 64

(Refer to Resolution file for complete copy of Resolution)

RESOLUTION NO. 3140

DECLARING BENEFIT TO BE ASSESSED AND CALLING FOR HEARING ON PROPOSED ADDITIONAL ASSESSMENT

(Refer to Resolution file for complete copy of Resolution)

**APPROVED LEASE AGREEMENT - MC FITNESS/SENIOR CENTER**

A proposed lease agreement between the City of Worthington and MC Fitness & Sports Dome was presented. The agreement permits the City to utilize two rooms within the MC Fitness facility, 1530 Rowe Avenue, as its temporary senior center for two years at \$1,300/month. The lease includes a third year option, in the event that a permanent location has not been secured. Following discussion

the motion was made by Alderman Petrich, seconded by Alderman Woll and unanimously carried to approve the Lease Agreement with MC Fitness for the Senior Center with a target move in date of October 1, 2006.

**RESOLUTION NO. 3141 ADOPTED, CALLING FOR HEARING TAX INCREMENT FINANCING DISTRICT #12**

Bob McCuen of Worthington has requested the City of Worthington establish a Tax Increment Financing (TIF) District to financially assist with his proposed 21 lot residential subdivision proposed at the intersection of Knollwood Drive and 1<sup>st</sup> Avenue SW. The TIF assistance would be utilized toward the demolition of the former CCSI facility. Following discussion the motion was made by Alderman Petrich, seconded by Alderman Ten Haken and unanimously carried to adopt the following resolution calling for a public hearing on October 23, 2006 at 7:00 p.m.:

RESOLUTION NO. 3141

RESOLUTION CALLING FOR A PUBLIC HEARING ON APPROVAL OF A REDEVELOPMENT PLAN FOR REDEVELOPMENT PROJECT AREA NO. 3 IN THE CITY OF WORTHINGTON AND A TAX INCREMENT FINANCING PLAN FOR TAX INCREMENT FINANCING REDEVELOPMENT DISTRICT NO. 12 IN THE CITY OF WORTHINGTON AND ESTABLISHMENT OF REDEVELOPMENT PROJECT AREA NO 3 AND TAX INCREMENT FINANCING REDEVELOPMENT DISTRICT NO. 12

(Refer to Resolution file for complete copy of Resolution)

**APPROVED EXECUTION OF DEVELOPMENT AGREEMENT**

On August 10, 2006, the Worthington Rediscovered Committee considered an application submitted by the Southwest Minnesota Housing Partnership for a redevelopment project at 1516 2<sup>nd</sup> Avenue. The committee unanimously voted to commit \$6,500 toward the demolition of the existing residential structure. A development contract has been drafted to outline the obligations of both parties, but as the Committee does not have the authority to enter into a contract on behalf of the City it requests Council to do so. The motion was made by Alderman Woll, seconded by Alderman Ten Haken and unanimously carried to authorize the Mayor to execute the development agreement as presented.

**APPROVED THE REQUEST TO DELAY ACTION ON ABATEMENT OF PUBLIC NUISANCE AT 1015 OSLO STREET**

The Abatement of Public Nuisance item was presented at the August 28 City Council meeting. At that time, staff was directed to obtain quotes for the repair and painting of the property (home and garage), and to present the results to Council. Brad Chapulis was directed to check into the possibility of amending the Worthington Rediscovered Program to include repairs of property as

well as redevelopment. Staff and City Attorney Dave Von Holtum, recommend that action to abate the public nuisance be continued until the spring of 2007. Following discussion the motion was made by Alderman Ten Haken, seconded by Alderman Woll and unanimously carried to concur with the recommendation to abate the public nuisance until the spring of 2007.

**FIRST READING PROPOSED ORDINANCE - FALSE ALARMS**

Staff proposes a change of the false fire alarm ordinance to include false burglar alarms in the ordinance and allow only three false fire or burglar alarms, or a combination thereof, in a calendar year before declaring a public nuisance. The proposed language change would require the Public Safety Director to send a letter to the property owner of the address where there have been three false alarms within a calendar year, putting the property owner on notice that subsequent false alarms in the calendar year will result in a \$200 administrative fine. This recommendation comes after lengthy discussion within the Police Department on how to curb the problem with repeated false burglar alarms to which the officers respond; the end product was a blending of the current ordinance with an alarm ordinance from the City of Willmar. Following discussion the motion was made by Alderman Hain, seconded by Alderman Woll and unanimously carried to give a first reading to the proposed ordinance as presented with one change in division E. If a bill remains unpaid after ten days (was changed to after thirty days), the City Clerk shall present to the Council at its next regular meeting notification of the same and shall request the Council to determine by resolution the manner of collection to be used as is provided in divisions (F) or (G) of this section.

**ORDINANCE NO. 991 ADOPTED, VACATE A PORTION OF PLATTED PUBLIC UTILITY EASEMENT**

Pursuant to published notice this was the time set for the third reading of the proposed ordinance to vacate a portion of platted utility easement in Lot 12, Block 2, Homewood Hills Second Addition. Following discussion the motion was made by Alderman Ten Haken, seconded by Alderman Petrich and unanimously carried to give a third reading to and adopt the following ordinance:

ORDINANCE NO. 991

AN ORDINANCE TO VACATE A PORTION OF THE PLATTED PUBLIC UTILITY EASEMENT IN LOT 12, BLOCK 2, HOMEWOOD HILLS SECOND ADDITION

(Refer to Ordinance file for complete copy of Ordinance)

**ORDINANCE NO. 992 ADOPTED, TO AMEND TITLE XV CHAPTER 151 PLANNING**

Pursuant to published notice this was the time set for the third reading of the proposed ordinance to amend Title XV of the City Code (Land Use), Chapter 151 Planning. The revision cleans up old language. Following discussion the motion was made by Alderman Woll, seconded by Alderman Hain and unanimously carried to give a third reading to and adopt the following ordinance:

ORDINANCE NO. 992

AN ORDINANCE TO AMEND TITLE XV OF THE CITY CODE OF WORTHINGTON,  
NOBLES COUNTY, MINNESOTA

(Refer to Ordinance file for complete copy of Ordinance)

**THIRD READING PROPOSED ORDINANCE TO AMEND TITLE XV CHAPTER 153  
SIGN REGULATIONS TABLED**

Pursuant to published notice this was the time set for the third reading of the proposed ordinance to amend Title XV of the City Code (Land Use), Chapter 153 Sign Regulations. This revision cleans up old language as well as provides a clear understanding of which signs are permitted/not permitted within the City of Worthington. The motion was made by Alderman Petrich, seconded by Alderman Hain to give a third reading to the proposed ordinance. Following discussion the following Aldermen voted in favor of the motion Hain and Petrich; with the following Aldermen voting against the same: Nelson, Woll and Ten Haken. Whereby the Mayor declared, the motion failed. The motion was made by Alderman Woll, seconded by Alderman Nelson and unanimously carried to table the third reading for further clarification.

**APPLICATION FOR EXEMPTION FROM LAWFUL GAMBLING APPROVED**

The motion was made by Alderman Petrich, and seconded by Alderman Hain and unanimously carried to approve the following Application for Exemption from Lawful Gambling as requested as follows:

Organization:	Frosty Riders
Chief Executive Officer	Gregg Harberts
Treasurer	Todd Schwebach
Types of Games	Raffles
Date of Activity	Saturday, December 16, 2006, Bob & Steve's Shell, 1408 Oxford Street, Worthington

**SECOND READING PROPOSED ORDINANCE TO VACATE PORTION OF THE  
PLATTED UTILITY EASEMENT IN NORTHLAND PARK SECOND ADDITION**

The motion was made by Alderman Ten Haken, seconded by Alderman Woll and unanimously carried to give a second reading to the proposed ordinance to vacate a portion of the platted utility easement in Lot 5, Block 1, Northland Park Second Addition.

**SECOND READING PROPOSED ORDINANCE TO AMEND TITLE XV OF THE CITY  
CODE TO REZONE PROPERTY FROM "R-3" (LOW DENSITY PRESERVATION  
RESIDENTIAL) TO "B-3 (GENERAL BUSINESS)**

The motion was made by Alderman Hain, seconded by Alderman Nelson and unanimously carried to give a second reading to the proposed ordinance to amend Title XV of the City Code to rezone property (1222 Humiston Avenue) from "R-3" (Low Density Preservation Residential) to "B-3" (General Business).

**RESOLUTION ADOPTED APPROVING PROPOSED 2006 TAX LEVIES COLLECTIBLE IN 2007**

The proposed City of Worthington levy is \$2,454,827. This amount breaks-down into an operating levy of \$1,755,258, and Special Tax Levies of \$699,569. The proposed levy represents a 5.97% increase over the current year. The proposed levy can be reduced by not increased when the City certifies its final levy in December 2006.

The motion was made by Alderman Hain, seconded by Alderman Petrich and unanimously carried to adopt the following resolution:

PROPOSED RESOLUTION APPROVING 2006 TAX LEVIES COLLECTIBLE IN 2007

Be it resolved, by the City Council of the City of Worthington, County of Nobles, State of Minnesota, that the following sums of money are to be levied for the current year, collectible in 2007 upon the taxable property in said City of Worthington, Minnesota for the following purposes:

LIMITED GENERAL PURPOSE TAX	2006/2007 LEVY	SPECIAL TAX LEVIES:	2006/2007 LEVY
General Fund	800,060	G.O. Debt Service Funds including Improvement Bonds (MS 275.50 Subd. 5e and MS 429.091)	
Community Center Fund	19,500		
Recreation Fund	847,105	PIR Series 1998A \$2,190,000	137,000
		PIR Series 2000B \$1,485,000	88,700
Improvement Construction Fund	34,289	PIR Series 2002A \$920,000	74,000
Memorial Auditorium Fund	<u>54,304</u>	Public Facility Lease Rev 2004A	90,709
		PIR Series 2004A \$3,055,000	<u>290,000</u>
TOTAL GENERAL PURPOSE TAX	<u>1,755,258</u>	SUBTOTAL DEBT SERVICE FUNDS	680,409
		Economic Development Tax Abatement	<u>19,160</u>
		TOTAL SPECIAL	

	TAX LEVIES	<u>699,569</u>
SPECIAL TAX LEVIES: (Other than Debt Service)		
Housing & Redevelopment Authority (MS 462.545 Subd. 6)	Separate Certified Levy	
		RECAP OF TAX LEVY TOTALS:
		General Purpose Levy 1,755,258
		Special Tax Levies <u>699,569</u>
TOTAL NET LEVY		<u>2,454,827</u>

The City Clerk is hereby directed to transmit a certified copy of this resolution to the County Auditor of Nobles County, Minnesota.

**RESOLUTION ADOPTED APPROVING THE HOUSING AND REDEVELOPMENT AUTHORITY PROPOSED 2006 TAX LEVY'S COLLECTIBLE IN 2007**

The proposed Worthington Housing and Redevelopment Authority's proposed levy is \$60,309.52. The proposed levy represents a .6% increase over the current year.

The motion was made by Alderman Hain, seconded by Alderman Petrich and unanimously carried to adopt the following resolution:

**RESOLUTION APPROVING 2006 TAX LEVIES COLLECTIBLE IN 2007**

BE IT RESOLVED, by the City Council of the City of Worthington and the Housing and Redevelopment Authority of the City of Worthington, County of Nobles, State of Minnesota, that the following sums of money are levied for the current year, collectible in 2007, upon the taxable property in said City of Worthington, Minnesota, for the following purposes:

SPECIAL TAX LEVY	CERTIFIED LEVY 2006/2007
HOUSING AND REDEVELOPMENT AUTHORITY TAX LEVY (Minnesota Statute 469.033, Subdivision 6)	
Special Tax for Operations	\$54,864.91
Informational Service and Relocation Assistance	\$ 5,444.61
	<hr style="width: 100%;"/>
TOTAL	\$60,309.52
NET CERTIFIED LEVY \$60,309.52	

The City Clerk is hereby directed to transmit a certified copy of this resolution to the County Auditor of Nobles County, Minnesota.

**RESOLUTION NO. 3142 ADOPTED, APPROVED THE PROPOSED 2007 FUND BUDGETS FOR THE CITY OF WORTHINGTON, MINNESOTA**

The motion was made by Alderman Woll, seconded by Alderman Nelson and unanimously carried to adopt the following resolution approving proposed spending levels within the property tax supported funds, Debt Service Funds, Data Processing, and Cable TV funds. The total budget can be lowered by may not be increased at final budget approval in December.

RESOLUTION NO. 3142

A RESOLUTION FOR THE APPROVAL OF THE PROPOSED 2007 FUND BUDGETS FOR THE CITY OF WORTHINGTON, MINNESOTA

(Refer to Resolution file for complete copy of Resolution)

**CALENDAR DATES TO MARK**

A Special City Council Meeting is scheduled for 5:00 p.m., Monday, September 18, 2006 in City Hall Council Chambers with Mr. Jim Brimeyer. He will give us a progress report and selection of finalists for the City Administrator position.

Also, September 29 and 30 are the dates scheduled for City Administrator interviews.

**COUNCIL COMMITTEE REPORTS**

Mayor Oberloh - discussed the Rental Housing Ordinance - give us changes from the last time we met, get copies to the committee. Alderman Hain suggested we give it a first reading on the September 25 meeting. Alderman Nelson felt we should give people a chance to look it over. Brad noted the change being owner/occupied removed. It was determined to have a public forum at the Memorial Auditorium and post it on the web site.

Mayor Oberloh also noted the League Regional meeting will be held in Heron Lake on October 24.  
Alderman Hain - Nothing to Report

Alderman Petrich - The Water and Light Commission voted to contribute up to \$100,000 to the YMCA construction project (contribution via their environmental funding)

Alderman Nelson - Airport meeting tomorrow and Housing & Redevelopment Authority on Thursday.

Alderman Woll - Nothing to Report

Alderman Ten Haken - Nothing to Report

**BILLS PAYABLE**

The motion was made by Alderman Woll, seconded by Alderman Ten Haken and unanimously carried that bills payable and totaling \$1,122,247.40 be ordered paid.

**ADJOURNMENT**

The motion was made by Alderman Petrich, seconded by Alderman Woll and unanimously carried to adjourn the meeting at 7:40 p.m.

Karen Buchman  
City Clerk