WORTHINGTON CITY COUNCIL
REGULAR MEETING, APRIL 24, 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, Lyle Ten Haken, Mike Woll and Honorary City Council Person Jayne Johnson. Absent (excused): Bob Petrich.

City Staff present: Bill Bassett, Interim City Administrator; Dwayne Haffield, Director of Engineering; Brad Chapulis, Director of Community/Ec Development; Chris Dybevick, Police Captain; Jim Laffrenzen, Supt. of Public Works; Jeff Faragher, Ass't City Engineer; and Karen Buchman, City Clerk.

Others present: Darrell Stitt, KWOA Radio; Ryan McGaughey, Daily Globe; Marla Wolterstorff; Doug Anton, Martin Aaser, Jerry Wertzema, Bill and Laurie Keitel, Barb Olson, Kenton Meyer, Mike Balster, Harold Hogan and others.

INTRODUCTION OF HONORARY COUNCIL PERSON

Mayor Oberloh introduced Jayne Johnson as the Honorary Council Person for the months of March and April. He presented her with a certificate of attendance and thanked her for her participation in the program. Jayne Johnson thanked the Council for inviting her to participate and said what a wonderful opportunity it was for her to sit in on the Council meetings.

PUBLIC HEARING ON 2006 STREET RECONSTRUCTION IMPROVEMENTS

Pursuant to published notice this was the time set for the hearing on the proposed project of the following described streets, by regrading, base reconstruction, resurfacing, and necessary curb and gutter reconstruction: James Boulevard - within Shalom Estates; Lexington Avenue - from Sundown Drive to Thompson Avenue; Moon Circle - the entire length; Southeast Neighborhood Streets - Spruce Avenue - from South Douglas Avenue to the state drainage ditch; Cedar Avenue - from South Douglas Avenue to South Clifton Avenue; South Clifton Avenue - from East Avenue to Spruce Avenue; South Douglas Avenue - from East Avenue to south end; and Tower Street - from Cynthia Avenue to 11th Avenue. The project report was submitted to Council at the April 10, 2006 meeting. Following is a summary of the improvement costs and total estimated assessments for the project:

James Boulevard		
City share for non-assessable costs*	$27,400.00	
City share of assessable costs	0.00	
Total city share	$27,400.00	(66.0%)
Assessments receivable	$14,100.00	(34.0%)
TOTAL COST	$41,500.00	

The estimated assessment rate is $28.94/ft.

* City share for non-assessable costs is only for the center 24 feet.

Lexington Avenue

City share for non-assessable costs*	$163,250.04	
City share of assessable costs	0.00	
Total city share	$163,250.04	(74.8%)
Assessments receivable	$ 55,099.96	(25.2%)
TOTAL COST	$218,350.00	

The estimated assessment rate is $19.43/ft.

*City share for non-assessable costs includes $151,550.00 for the center 24 feet and $11,700 for reconfiguring the Lexington Avenue and Sundown Drive intersection.

Moon Circle

City share for non-assessable costs*	$ 39,530.41	
City share of assessable costs	0.00	
Total city share	$ 39,530.41	(69.1%)
Assessments receivable	$ 17,669.59	(30.9%)
TOTAL COST	$ 57,200.00	

The estimated assessment rate is $27.72/ft.

*City share for non-assessable costs includes $38,200.00 for the center 24 feet and $1,330.42 for side yard allowances.

Southeast Neighborhood Streets

City share for non-assessable costs*	$262,718.01	
City share of assessable costs**	7,118.64	
Total city share	$269,836.65	(74.2%)
Assessments receivable	$ 93,763.35	(25.8%)
TOTAL COST	$363,600.00	

The estimated assessment rate is $30.53/ft.

*City share for non-assessable costs includes $227,970.00 for the center 24 feet, $17,479.13 for side yard allowances, $12,698.77 for right-of-way frontages, and $4,570.00 for salvaging gravel and pedestrian ramp improvements.

** City share for assessable costs is for HRA properties on Spruce Avenue.

Tower Street

City share for non-assessable costs*	$153,548.41
City share of assessable costs**	30,814.51

Total city share	$184,362.92	(87.8%)
Assessments receivable	$ 25,537.08	(12.2%)
TOTAL COST	$209,900.00	

The estimated **residential** assessment rate is **$24.63/ft.**
The estimated **institutional** assessment rate is **$33.52/ft.**

*City share for non-assessable costs includes $127,820.00 for the center 24 feet and $17,057.40 for additional street width, $4,241.61 for side yard allowances, $2,709.51 for right-of-way frontages, $1,720.00 for salvaging gravel.

** City share of assessable costs is for Centennial Park.

All Streets

City share for non-assessable costs*	$646,446.87	
City share of assessable costs	37,933.15	
Total city share	$684,380.02	(76.8%)
Assessments receivable	$206,169.98	(23.2%)
TOTAL COST	$890,550.00	

*City share for non-assessable costs includes $572,940.00 for the center 24 feet and $23,051.16 for side yard allowances, $15,408.28 for right-of-way frontages, $17,057.40 for additional street width, and $17,990.00 for other non-assessable costs.

The motion was made by Alderman Ten Haken, seconded by Alderman Woll and unanimously carried to open the hearing. Mayor Oberloh opened the hearing for presentation and comments. Dwayne Haffield, City Engineer presented the proposed project. Dwayne noted that Council may order an improvement less than that for which the hearing was ordered allowing for deletion of any of the street segments from the improvement. This project was not initiated by petition, therefore, a 4/5's vote of the Council membership will be required to order the project ahead. As there were several homeowners in attendance Dwayne went through each street segment being considered in this year's project, detailing what is to be completed and the costs involved.

Mayor Oberloh opened the floor for testimony from the audience.

Jerry Wertzema asked about the thickness on Tower Street
Bill Keitel asked about access for James Boulevard with Shalom Estates
Barb Olson, Mike Balster and Ken Meyer addressed concerns about Spruce & Clifton, Clifton & Cedar. Mr. Meyer noted that storm sewer is half full of mud, curb and gutter replacement - tie in - settlement. Dwayne noted that the problem in this area is very flat with minimum grades. Alderman Ten Haken wondered if before we go ahead with a street project to check on some of the drainage issues. Maybe wait to order the project ahead. Alderman Nelson commented that we live on a prairie - everything is flat

and when it rains it is full. Dwayne noted we can analyze to what level of improvement we can do. Is it intakes, is it pipes? Neighbors can petition for storm water repair.
Following discussion, the motion was made by Alderman Hain, seconded by Alderman Ten Haken and unanimously carried to close the hearing. Upon a three one vote for project excluding Southeast Neighborhood streets, the Mayor voted for the project.

AGENDA APPROVED

The motion was made by Alderman Ten Haken, seconded by Alderman Woll and unanimously carried to approve the agenda as presented with the addition of I-3a Additional Nominating Committee Appointments and I-4 On-Sale Beer License Application.

MINUTES APPROVED

The motion was made by Alderman Hain, seconded by Alderman Woll and unanimously carried to approve the regular City Council minutes of April 10, 2006 as previously distributed.

MINUTES OF BOARDS AND COMMISSIONS

The motion was made by Alderman Woll, seconded by Alderman Ten Haken and unanimously carried to accept for review the Water and Light Commission minutes of April 17, 2006; Housing and Redevelopment Authority minutes of March 9, 2006; and Memorial Auditorium Advisory Board minutes of April 6, 2006.

CONSTRUCTION AGREEMENT FOR THE IMPROVEMENT OF AN ALLEY APPROVED

At the last City Council meeting, Council vacated the north 7.5 feet of the easterly 149 feet of the alley lying south of Oxford Street from Oslo Street to 13th Street. This vacation was subject to the School district conveying 7.5 feet of the northerly part of Trojan Field so as to perpetuate not less than an 18 foot wide alley. It was the intentions of Johnson Builders (as individuals) to collaborate with the School district to pursue improving the easterly 184 feet of the alley as well as provide hard surfaced parking along the south side of the alley segment and in a parking area north of the alley. The owners have chosen to fund the alley improvements rather than petition for the improvement. It has been the practice of the City to enter into a cooperative construction agreement with parties wishing to directly undertake alley improvements. Such agreements established that the City would, in consideration of the private financing, provide engineering services pertaining to the improvement and that the City would maintain the alley after the improvement is completed. The agreements have also required that the improvements be completed in accordance with City design standards. Midwest Engineering, the firm providing site design for the abutting development, has designed the abutting parking areas which dictate the alley grading. Minimal staff time is expected during the construction phase. Following discussion the motion was made by Alderman Hain, seconded

by Alderman Woll and unanimously carried to approve the construction agreement and authorize the Mayor and Clerk to execute the same.

RESOLUTION NO. 3106 ADOPTED, PERTAINING TO INTENT TO BOND FOR COSTS INCURRED IN MAKING PUBLIC IMPROVEMENT

Federal tax regulations require that Local Governments declare the intent to reimburse themselves for prior costs incurred in making public improvements with proceeds from bonds. In other words, the City must state the intent to sell bonds for a project after significant costs have already been incurred for the project. It is typical for the City to temporarily finance improvements with construction fund reserves until an adequate amount of costs from various projects have been incurred to warrant the issuance of a bond. The following improvements and project estimate is included in the resolution:

Project	Maximum Amount of Bonds Expected to be Issued for Project
Cecilee Street; Donavon Drive; Sterling Avenue; Southerland Drive - Street Improvements	$139,700
Castlewood Drive - Street, Water, and Sanitary Sewer Improvements	$248,200
A Proposed Street in Lot 9, Block 1, Park View Acres - Street, Water, Sanitary Sewer, and Storm Sewer Improvements	$421,850

The resolution also addresses the street improvements listed below:

James Boulevard; Lexington Avenue; Moon Circle; Southeast Neighborhood Streets (Spruce Avenue; Cedar Avenue; South Clifton Avenue; South Douglas Avenue); Tower Street - Street Improvements	$979,600

The maximum amount listed in the resolution is approximately 10% higher than the project estimates included in the applicable project reports.

The motion was made by Alderman Ten Haken, seconded by Alderman Woll to adopt the following resolution adjusted by the amount of the project tabled earlier, with the following Alderman voting in favor of the motion: Nelson, Woll, Ten Haken; the following Alderman voting against the motion: Hain. Whereby

the Mayor declared, the motion passed.

RESOLUTION NO. 3106

RELATING TO FINANCING OF CERTAIN PUBLIC IMPROVEMENTS BY THE CITY OF WORTHINGTON; ESTABLISHING COMPLIANCE WITH REIMBURSEMENT BOND REGULATIONS UNDER THE INTERNAL REVENUE CODE

(Refer to Resolution file for complete copy of Resolution)

FIRST READING PROPOSED ORDINANCE TO VACATE A PLATTED ALLEY

T & J Properties, LLC has requested the vacation of the public right-of-way (alley) located directly south of property it owns at 511 10th Street. The alley runs parallel to 10th Street between 5th and 6th Avenues. Upon recommendation of the Planning Commission who held a public hearing on this item on Monday, April 24 at 5:30 p.m. the motion was made by Alderman Woll, seconded by Alderman Hain and unanimously carried to give a first reading to the proposed ordinance as presented with the recommendation based on the following considerations:

1. The applicant has applied for the vacation/conveyance of the alley to satisfy one of the conditions for the sale of the property to Astrup Drug Inc.. Astrup is seeking to acquire neighboring property to allow for the expansion and remodel of the existing facility to accommodate for Sterling Drug retail store.

2. No additional landlocked parcels would be created if the request is approved. All property abutting the subject alley is to be incorporated into the redevelopment project as was shown.

3. The local natural gas company (Aquila) has a gas main that runs through the subject alley. Any motion for approval should contain a condition that the applicant has the gas main relocated.

4. When the subject alley was deeded to the City of Worthington for right-of-way purposes, the owner retained reversion rights in the event that a right-of-way is vacated. To ensure that the issue of reversion rights has been resolved, the abutting owners should provide evidence of holding underlying title to the portion of the right-of-way being vacated prior to the ordinance vacating the right-of-way become effective. The applicant has already obtained underlying title.

RESOLUTION AMENDMENTS APPROVED

On February 14 and December 12, 2005, Council passed resolutions that outlined the assistance Southwest Minnesota Housing Partnership would receive for their renovations to Viking Terrace, 1440

Burling Avenue. To limit liability of the organization, the Partnership has formed a limited liability partnership to own the facility (Viking Terrace Apartments Limited Partnership). The Partnership is unable to finalize its financing with certain funding sources due to the fact that the City's participation is with the organization and not the limited partnership. Before taking a vote Alderman Nelson noted that he would be abstaining from the vote. The motion was made by Alderman Woll, seconded by Alderman Ten Haken and unanimously carried to make the amendments to Resolution No. 3032 and No. 3092 to reflect the proper ownership.

HOUSING PARTNERSHIP PROPOSAL APPROVED

On March 27, 2006, Council directed staff to seek a proposal from the Southwest Minnesota Housing Partnership for their services in the exploration of alternative housing options for "hard to house" tenants outlined in the City's Housing Study. The Housing Partnership submitted a Proposal of Services where they will complete a market, site, and financial analysis and report its finding to the City. The proposal is at a not to exceed fee of $3,300. The motion was made by Alderman Woll, seconded by Alderman Nelson and unanimously carried to enter into a service contract for this project and authorize the Mayor to execute the same. It was noted the expenditure would be covered within the Community/Economic Development Department budget.

APPLICATION FOR DOCK PERMITS

The motion was made by Alderman Hain, seconded by Alderman Ten Haken and unanimously carried with Alderman Nelson abstaining from the vote to approve the following applications for permits to install docks on public property in accordance with requirements:

Applicant	Location
Rolf Carlson	Across the street from 117 Lake Avenue
Roger Nelson	Across the street from 602 West Lake Avenue
Clarence Kremer	Across the street from 916 West Lake Avenue

FORMAL APPROVAL GIVEN FOR MOWER PURCHASE FOR THE PARK DEPARTMENT

In 2003, a New Holland out-front mower was purchased from Western Implement to be utilized within the park department. It was supplied with a prototype high lift grass catcher. The park operators were to provide a log of its usage and experience along with suggestions for improvements to the unit. Western Implement agreed to provide a current production high lift grass catcher for the unit in 2004. Failure to supply the unit would result in a $3,150 refund to the City. In 2004, Western Implement informed staff that the manufacturer was not going to build grass catchers for the unit, however the prototype would continue to be serviced and warranted. Recently, Western Implement was notified that the prototypes are now

being recalled. If the prototypes were not returned, the unit would not be serviced or warranted. They are also requesting owners of units to sign a liability release.

Staff looked at other available options. Jaycox Implement has available a 2005 Kabota model complete with a high lift grass catcher. The cost for the unit, with trade of the current New Holland unit is $10,650. Staff feels this is the best option since the park currently has a similar unit. The purchase would be funded by utilizing the $3,150 from Western Implement with the remaining $7,500 from the Equipment Reserve Fund designated for replacement of the current New Holland Unit. Staff had asked pre-authorization from Council via e-mail to purchase the mower prior to formal approval, since Jaycox Implement could not place a hold on the unit. Due to no objections received, staff purchased the mower. The motion was made by Alderman Woll, seconded by Alderman Ten Haken and unanimously carried to formally approve the budget amendment to remain consistent with the City's budget amendment guidelines.

REQUEST TO ESTABLISH AN EXPERIMENTAL PUPPY PARK TABLED

The Park Advisory Board considered a request from Marla Wolterstorff to establish a "puppy park" within the City. A "puppy park" is a place where people and dogs can play together. As the name implies, these places offer dogs off-leash play area while their owners enjoy the park like setting. Amenities such as fencing, water, parking and even grass vary greatly among these places, but off-leash and park are the key elements that dog owners desire. Puppy parks are becoming more common according to the League of Minnesota Cities and it was one of the topics of discussion at their annual spring loss control sessions. The Park Advisory Board supported the concept of a "puppy park" and it was the consensus that staff work with Marla to find an acceptable location to establish an experimental "puppy park" to determine the usage and to see if problems developed. Two possible locations were selected, with the park to be approximately 75 feet x75 feet, temporary fencing would be installed utilizing "snow fence" type material, and the park would be signed as recommended. The cost to purchase the materials would be approximately $800 and materials could be purchased utilizing snow maintenance funds as the fence could be utilized for snow fencing at a future date. After the possible sites above were determined, a new possible location has been reviewed. The motion was made by Alderman Nelson, seconded by Alderman Hain and unanimously carried to table this item and to take the new possible location back to the Park Board for discussion and possible approval and then bring back to Council.

APPROVED WEED AND GRASS CONTROL FEES FOR 2006

Public Works is responsible for the inspection and enforcement of the noxious weed and grass control ordinance. There are numerous parcels and complaints that require inspection and sending of notices. When corrections are not made, public works personnel complete the required mowing, spraying or clean-up as required. Due to the variation in lot sizes and conditions, staff has a billing system that establishes categories to reflect differences. The established fee schedule provides for recouping 100% of the operational costs. The motion was made by Alderman Hain, seconded by Alderman Nelson and

unanimously carried to approve the following:

Public Works Grass and Weed Control Categories and Fees for 2006

CATEGORY 1----$95.00
Parcels up to 7,500 square feet (average residential lots) which need mowing for growth that exceeds 6 inches but does not require spraying for noxious weed control.

CATEGORY 2----$120.00
Parcels over 7,500 square feet, but do not exceed 15,000 square feet which need mowing for growth that exceeds 6 inches, but does not require spraying for noxious weed control.

CATEGORY 3----$95.00 for each 15,000 square feet
Parcels that exceed 15,000 square feet need mowing of growth that exceeds 6 inches, but does not require spraying for noxious weed control.

CATEGORY 4 ----$120.00 (plus chemical)
Parcels under 7,500 square feet that require spraying for noxious weed control or require material to be picked up prior to mowing to prevent damage or hazardous conditions due to likelihood of debris being discharged through the air by the mower.

CATEGORY 5----$155.00 (plus chemical)
Parcels over 7,500 square feet, but do not exceed 15,000 square feet, which require spraying for noxious weed control or require material to be picked up prior to mowing to prevent damage or hazardous conditions due to likelihood of debris being discharged through the air by the mower.

CATEGORY 6----$155.00 for each 15,000 square feet (plus chemical)
Parcels that exceed 15,000 square feet which require spraying for noxious weed control or require materials to be picked up prior to mowing, to prevent damage or hazardous conditions due to likelihood of debris being discharged through the air by the mower.

CATEGORY 7----Actual cost plus administrative fee
Parcels which have been in continuous violations after notification by certified mail, or no response to certified mail will pay the actual cost of all city or contractor related cost with a minimum of $95.00, plus a $15.00 administration fee.

ORDINANCE NO. 986 ADOPTED, ESTABLISHING ENFORCEMENT PROVISIONS IN CITY PARKS

Pursuant to published notice this was the time set for the third hearing on the proposed ordinance amending

Title IX of the City Code by amending Chapter 93 Parks and Recreation, Section 93.20. The motion was made by Alderman Hain, seconded by Alderman Woll and unanimously carried to give a third reading to and adopt the following ordinance:

ORDINANCE NO. 986

AN ORDINANCE TO AMEND TITLE IX BY AMENDING CHAPTER 93 OF THE CITY CODE OF THE CITY OF WORTHINGTON, NOBLES COUNTY, MINNESOTA

(Refer to Ordinance file for complete copy of Ordinance)

ORDINANCE NO. 987 ADOPTED, ESTABLISHING GUIDELINES FOR DISPOSITION OF ABANDONED PROPERTY

Pursuant to published notice this was the time set for the third reading on the proposed ordinance to establish guidelines for the disposition of abandoned property held by the Police Department. The motion was made by Alderman Ten Haken, seconded by Alderman Woll and unanimously carried to give a third reading to and adopt the following ordinance:

ORDINANCE NO. 987

AN ORDINANCE TO AMEND TITLE IX BY THE ADDITION OF CHAPTER 100, DISPOSITION OF ABANDONED PROPERTY, OF THE CITY CODE OF THE CITY OF WORTHINGTON, NOBLES COUNTY, MINNESOTA

(Refer to Ordinance file for complete copy of Ordinance)

NOMINATING COMMITTEE RECOMMENDATIONS APPROVED

Upon recommendation of the Nominating Committee the motion was made by Alderman Hain, seconded by Alderman Woll to approve the following board and commission appointments and reappointments:

Water and Light Commission	Robert J. Demuth reappointed to a three-year term expiring April 2009
Downtown Parking Advisory Committee	Andy Johnson reappointed to a three-year term expiring February 2009
Golf Advisory Board	Bernie Ahlberg reappointed to a three-year term expiring March 2009

	Darwin Sieve appointed to a three-year term expiring March 2009
Park and Recreation Advisory Board	Mike Kuhle reappointed to a three-year term expiring April 2009
	Ryan McGaughey appointed to a three-year term expiring April 2009
Planning Commission/Board of Appeals	Robert Demuth, Jr. reappointed to a three-year term expiring April 2009
Revolving Loan Fund Committee	Reappoint Doug Tate to a three-year term expiring January 2009
	Appoint Zack Clark to a three-year term expiring January 2009

ON-SALE BEER LICENSE APPLICATION APPROVED

The motion was made by Alderman Woll, seconded by Alderman Nelson to approve the following on-sale beer license application for the period April 25, 2006 through December 31, 2006:

No. 2006-15 Queen Sheba Restaurant, 304 Tenth Street, Tsehau Retta

COUNCIL COMMITTEE REPORTS

Mayor Oberloh reported on the Department of Corrections - Sex Offenders awareness program he had attended. Within a matter of hours of release, offenders could be in your community. Reminded Council and staff of the worksession to be held on Friday at the Dayton House.
Alderman Hain - Golf Board - they are doing a bang up job out there. Alice is promoting for Mother's Day and Father's Day. Leagues 125 - 150 people in - lots of participation. Alice is checking on a security camera for the upper level - following the break in, it was felt we needed one.
Alderman Nelson - Airport project looks great. He reported on the HRA/Council joint meeting, and the Joint Transit only received one bid which was the local provider.
Alderman Woll - reported on the Hospital Board - oncology unit.
Alderman Ten Haken - City County School District working on plans if a pandemic should occur. County hired a Daniel Anderson as the new Emergency Management Director. Prairie Lakes facility will be going up for sale. Sr. Citizen Center needs to move.

BILLS PAYABLE APPROVED

The motion was made by Alderman Woll, seconded by Alderman Ten Haken and unanimously carried that bills payable and totaling $482,774.72 be ordered paid.

ADJOURNMENT

The motion was made by Alderman Ten Haken, seconded by Alderman Nelson and unanimously carried to adjourn the meeting at 8:58 p.m.

Karen Buchman
City Clerk