

**WORTHINGTON CITY COUNCIL
REGULAR MEETING, JULY 25, 2005**

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. Honorary Council Person: Mike Kuhle.

City Staff present: Bob Filson, City Administrator; Mike Cumiskey, Public Safety Director; Dwayne Haffield, Director of Engineering; Brad Chapulis, Director of Community/Economic Development; Jim Laffrenzen, Supt. of Public Works; and Karen Buchman, City Clerk.

Others present: Darrell Stitt, KWOA Radio; Ryan McGaughey, Daily Globe; Diane Rehnelt and Tammy Dorschner, Long Branch; Steve Robinson, SEH, and Glenn Thuringer.

HONORARY COUNCIL PERSON

Mayor Oberloh introduced Mike Kuhle who has agreed to serve as the Honorary Council person for the months of July and August.

AGENDA APPROVED

The motion was made by Alderman Nelson, seconded by Alderman Woll and unanimously carried to accept the agenda as presented with the addition of Addendum H-5 Resolution - set Special Meeting Date for Michael's Restaurant.

MINUTES APPROVED

The motion was made by Alderman Woll, seconded by Alderman Petrich and unanimously carried to approve the Regular City Council minutes of July 11, 2005 as previously distributed.

MINUTES OF BOARDS AND COMMISSIONS

The motion was made by Alderman Hain, seconded by Alderman Woll and unanimously carried to accept for review the Water and Light Commission minutes of July 18, 2005; Housing & Redevelopment Authority minutes of June 9, 2005; and Planning Commission/Board of Appeals minutes of July 12, 2005.

COUNCIL COMMITTEE VERBAL REPORTS

Mayor Oberloh reported on a meeting with Yourway Transportation, and an upcoming meeting with the Okabena/Ocheda Watershed Board.

Alderman Hain and Alderman Petrich - had nothing to report at this time.

Alderman Woll - Couple of Chamber notes - they adopted a resolution in support of landlord licensing, and are spending down some of their reserves - the first being advertising Wild West Extravaganza. Hospital note - feasibility study for radiation/oncology 5 million dollar project

underway. He also noted he was proud of the Optimist Club & YMCA for their work on the all comers field day with 300 hundred kids involved.

Alderman Ten Haken - City/County/School Meeting discussed their concern of bus traffic on South Shore Drive when school opens, the demolition is completed on the Central school with the closing to SW MN Housing Partnership to take place August 1, he noted the possible usage of the Mental Health Center in the lower level. He also reported on the SRDC annual meeting with Dr. Wayne Freese as presenter, noting he did a good job. It was announced at that meeting that the SRDC had received a \$54,000 grant.

CITY ADMINISTRATOR REPORT

Bob Filson reported on the League Regional Meeting, gave an update on the Golf Course Project and noted that Alice Hoffman is doing a terrific job, and discussed the Joint Transit Meeting. He reported on the trip to Apple Valley that the Mayor, Alderman Petrich, and he went on - the walk a mile in my shoes exchange. It was a good visit and very informative. The Apple Valley people are excited about coming Worthington and they are very interested in seeing our Memorial Auditorium. He also noted that the legislature passed a piece of Truth & Taxation legislation whereby the three entities (City, County, ISD #518) would be required to hold a joint meeting the second Tuesday in December - December 13, 2005.

FINANCIAL STATEMENTS

The motion was made by Alderman Hain, seconded by Alderman Petrich and unanimously carried to accept the Prairie View GolfLinks Statement of Revenues vs. Expenditures for the period January 1, 2005 through June 30, 2005; Municipal Liquor Store Income Statement for the period January 1, 2005 through June 30, 2005; and the General Fund Statement of Revenues and Expenditures - Budget and Actual for the period January 1, 2005 through June 30, 2005.

NOMINATING COMMITTEE RECOMMENDATION APPROVED

The motion was made by Alderman Woll, seconded by Alderman Petrich and unanimously carried to approve the following appointment:

WGTV Cable 3 Joint Powers Board

John Stewart appointed as the City Representative for a three-year period expiring December 2007

APPLICATION FOR EXEMPTION FROM LAWFUL GAMBLING APPROVED

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

Organization:

National Wild Turkey Federation - "Tomorrows Turkeys"

Chief Executive Officer	Allen J. Thiner
Treasurer	Ronald Scharpen
Types of Games	Raffles
Date of Activity	September 24, 2005, Elk's Lodge No. 2287, 1105 Second Avenue, Worthington

TEMPORARY DANCE LICENSE - STREET CLOSURE APPLICATION

The Long Branch Saloon submitted a temporary dance license application with the request to close a portion of Park Lane for Turkey Day, September 17, 2005. The motion was made by Alderman Petrich seconded by Alderman Nelson to approve the dance license and closing of alley behind the Long Branch Saloon. A major discussion followed including safety issues, liquor control, egress, neighboring property owners concerns, etc. Representatives of the Long Branch stated they would have someone stationed at doors so that no liquor went in or out, they would have a port a potty in beer garden, they would do an alley clean up, and they would add security officer for outside. The City's liquor committee had recommended non approval. Following the discussion the motion was made by Alderman Hain, seconded by Alderman Petrich to amend the original motion to include the criteria that Park Lane be closed from the alley sidewalk to the end of their building property on Park Lane, the hours will be from after the 10K race through midnight, there will be a 3.2 beer wagon in their parking stall area with their clientele not allowed to transport beer into the building or those inside bringing alcoholic beverages out of the building - with someone at the door to monitor, the band will begin playing following the parade until midnight, they will have a security officer outside, they will have a porta potty set up in the outside area, and they will leave open a west fire door exit. The following Alderman voted in favor of the amended motion: Hain, Petrich, Ten Haken and Woll; the following Alderman voted against the same: Nelson. Whereby the Mayor declared, the motion passed.

FIRST READING PROPOSED ORDINANCE - AMENDING CHAPTER 90 - ANIMALS

The Proposed Animal Ordinance was discussed prior to the meeting at a Council Worksession and there were a few recommended changes to be made. The motion was made by Alderman Woll, seconded by Alderman Hain and unanimously carried to give a first reading to the proposed ordinance that will amend Title IX of the City Code, Chapter 90 - Animals to include the recommended changes discussed earlier.

RESOLUTION NO. 3054 ADOPTED, SETTING A SPECIAL MEETING DATE

On June 27, 2005, Council approved the renewal of Michael's Restaurant, Thomas M. O'Meara, on-sale liquor license for one month allowing him the opportunity to finalize the sale of his restaurant with the closure to have occurred July 18. The sale of Michael's Restaurant did not occur, and Mr. O'Meara has paid 1/12 of his license. At this time, he owes the rest of his license fee for the complete license period through June 30, 2006. The motion was made by Alderman Hain, seconded by Alderman TenHaken to revoke the license of Mr. Thomas O'Meara, Michael's Restaurant. It

was noted that he has to have a hearing in order to revoke the license and therefore, Alderman Hain and Ten Haken rescinded their motion. A motion was made by Alderman Woll, seconded by Alderman Ten Haken and unanimously carried to adopt the following resolution by setting a Special Meeting date for Thursday, August 4, 2005 at noon to take action on revocation of the license if the fee is not paid:

RESOLUTION NO. 3054

RESOLUTION REVOKING ON SALE INTOXICATING LIQUOR LICENSE

(Refer to Resolution file for complete copy of Resolution)

TWO INFORMATIONAL ITEMS

Two informational items were presented at the meeting - letters notifying of grants received. It was noted that Scott Rosenberg, Park Superintendent, has worked hard and received two grants for the City from the MN Department of Natural Resources. One grant was for a 2005 Outdoor Recreation Grant in the amount of \$25,000 and the other was for a Minnesota ReLeaf Grant in the amount of \$4,650 for tree replacement from last years wind storm damage. Council noted their appreciation, and asked that a letter be sent to Scott to commend him for his efforts.

RESOLUTION NO. 3055 ADOPTED, CALLING FOR A PUBLIC HEARING - TAX INCREMENT FINANCING DISTRICT NO. 11

Harold Jesh, LLC of Sauk Rapids, Minnesota has requested the City of Worthington to establish a Tax Increment Financing (TIF) District to financially assist with the construction of a proposed 24 unit market-rate apartment facility, which is to be constructed on Nobles Street. The requested TIF assistance would be utilized to offset a portion of the site preparation necessary to facilitate the proposed development and guarantee a certain number of the units are preserved for low-to-moderate income individuals. In order to proceed with the establishment of the TIF District, City Council must set a date and time for a public hearing. At that public hearing, Council will complete a final review of the TIF Plan, entertain public opinion and take final action on the establishment of the TIF District. Following a discussion which included units for low-to-moderate income the motion was made by Alderman Nelson, seconded by Alderman Petrich and unanimously carried to adopt the following resolution and set the public hearing for 7:00 p.m., Monday, August 22, 2005 in City Hall Council Chambers:

RESOLUTION NO. 3055

RESOLUTION CALLING FOR A PUBLIC HEARING ON APPROVAL OF A PROJECT PLAN FOR HOUSING DEVELOPMENT PROJECT AREA NO. 2 IN THE CITY OF WORTHINGTON, A HOUSING PROGRAM FOR HOUSING DEVELOPMENT PROJECT AREA NO. 2 IN THE CITY OF WORTHINGTON AND A TAX INCREMENT FINANCING PLAN FOR TAX

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(Refer to Resolution file for complete copy of Resolution)

APPEAL OF ZONING BOARD OF APPEALS AND ADJUSTMENTS DENIAL OF A VARIANCE APPLICATION REJECTED

On June 7, 2005 the Planning Commission, serving as the Zoning Board of Appeals and Adjustments, considered a variance application submitted by Glenn and Karla Thuringer, 1403 Hillcrest Avenue. Approval of the variance would have allowed them to encroach eight feet and four feet into the required front and side yard setbacks, respectively, for the construction of an addition to the existing single family dwelling. The subject property is zoned "R-1" - One Family Detached Residential Zoning District. In the "R-1" zoning district, principal structures (homes) must maintain minimum setbacks of 30 feet and 15 feet from the front and corner side property lines, respectively. After holding a public hearing and discussion, the Commission tabled the item to allow for a neighborhood forum regarding potential rezoning of the area from "R-1" to "R-2". The Commission revisited the variance application of July 12, 2005 and, at that time, denied the variance application on a 3-2 vote. Brad Chapulis noted that in order for the Council to overturn the denial of the Planning Commission it would have to be by a 4/5 vote. Following considerable discussion regarding this appeal the motion was made by Alderman Hain, seconded by Alderman Nelson to place this item on the table for discussion to follow the Planning Commission/Zoning Board of Appeals denial of the variance request based on the following considerations:

- There is no property hardship as defined by State Statute; and
 - The applicant does have the ability to build a double stall garage in the backyard
- when the Mayor called for the vote the following Aldermen voted in favor of the motion: Hain and Woll; the following Aldermen voted against the motion: Nelson, Ten Haken, and Petrich. Whereby the Mayor declared there were not enough votes to overturn the Planning Commission/Zoning Board of Appeals decision. A second motion was made by Alderman Woll, seconded by Alderman Hain and unanimously carried to allow the applicant the opportunity to talk to Brad Chapulis about side yard or other options.

APPROVED ACQUIRING PROPERTY FOR HOMEWOOD HILLS ELEVENTH ADDITION STORM SEWER IMPROVEMENTS

The feasibility report identified a proposed storm water retention basin in Homewood Hills Eleventh Addition as a component of the total storm water management system proposed to serve the area to be platted as well as areas north and west of the proposed plat. The proposed retention basin and outlet will establish the first phase of the multi component system required to serve the entire storm water drainage district. In order to establish as uniform of distribution of burden for system needs,

it was proposed that the properties required for retention be acquired with compensation. Properties need not be donated for retention sites in a public system to avoid inequities between the developments at differing locations within the district. The developer of Homewood Hills Eleventh Addition has agreed to sell the retention site within Homewood Hills Eleventh Addition for its original purchase price verified as \$3,667 per acre. The retention site is 2.444 acres yielding a total cost of \$8,962.00. The motion was made by Alderman Woll, seconded by Alderman Nelson and unanimously carried to authorize the acquisition of Outlot B, Homewood Hills Eleventh Addition for \$8,962.00.

RESOLUTION NO 3052 ADOPTED, APPROVING PLANS AND SPECIFICATIONS FOR HOMEWOOD HILLS ELEVENTH ADDITION STORM SEWER IMPROVEMENTS

Midwest Engineering has completed the plans and specifications for the Homewood Hills Eleventh Addition Storm Sewer Improvements project. The motion was made by Alderman Woll, seconded by Alderman Petrich and unanimously carried to approve the plans and specifications and authorize the advertisement for bids to be received on August 19, 2005 and considered for award on August 22, 2005 and adopt the following resolution:

RESOLUTION NO. 3052

APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS

(Refer to Resolution file for complete copy of Resolution)

APPROVED ACQUIRING PROPERTY FOR C.S.A.H. 10 SUTHERLAND DRIVE DRAINAGE AREA IMPROVEMENTS

The proposed C.S.A.H. 10/Sutherland Drive Drainage Area Improvements includes the development of two retention basins to serve in the planned management system. The westerly basin is to be located outside the planned growth area, and will provide the required dead storage and flow control (flood retention) for that area draining into the planned growth area. The westerly basin is not immediately required. The easterly basin will provide the required dead storage and live storage for that portion of the drainage district within the planned growth area as well as flood retention. The improvement project to initiate construction of the easterly basin was ordered ahead by Council at its February 14, 2005 meeting. The portion of the easterly basin proposed to be constructed at this time is located on the southerly portion of the property currently owned by Grace Community Church. A 3.5 acre area is required. It is proposed to obtain the basin area by easement. The proposed compensation is based on the appraisal completed for the City last year with a land value of \$11,000 per acre, or a total of \$38,500, assuming the existing water main assessments were paid by the "seller". The balance of the assessments is \$4,572.19 yielding a net acquisition price of \$33,927.81. The motion was made by Alderman Woll, seconded by Alderman Ten Haken and unanimously carried to authorize the acquisition of the following described property by easement

for \$33,927.81:

The south 345 feet of that part of the South Half of the Northeast Quarter and the North Half of the Southeast Quarter of Section 28, Township 102 North, Range 40 West, City of Worthington, Nobles County, Minnesota, described as follows:

Beginning at the Southeast corner of Glenwood Heights First Addition, according to the recorded plat thereof; thence on an assumed bearing of South 89 degrees 37 minutes 02 seconds West, along the south line of said Glenwood Heights First Addition, a distance of 330.01 feet to the Southwest corner of said Glenwood Heights First Addition; thence continuing South 89 degrees 37 minutes 02 seconds West a distance of 107.17 feet to an iron monument; thence South 0 degrees 24 minutes West a distance of 120.01 feet to a stone monument; thence continuing South 0 degrees 24 minutes West a distance of 671.74 feet to an iron monument; thence North 89 degrees 37 minutes 02 seconds East a distance of 443.18 feet to an iron monument located on the west right of way line of county State Aid Highway No. 10; thence North 0 degrees 02 minutes 04 seconds West, along said west right of way line, a distance of 791.70 feet to the point of beginning.

RESOLUTION NO. 3053 ADOPTED, APPROVE PLANS AND SPECIFICATIONS FOR C.S.A.H. 10/SUTHERLAND DRIVE DRAINAGE AREA IMPROVEMENTS

The consulting firm of SEH has completed the plans and specifications for the C.S.A.H. 10/Sutherland Drive Drainage Area Improvements project consisting of the public storm water management system improvements. The motion was made by Alderman Nelson, seconded by Alderman Petrich and unanimously carried to approve the plans and specifications and authorize the advertisement for bids to be received on August 19, 2005 and considered for award on August 22, 2005 and adopt the following resolution:

RESOLUTION NO. 3053

APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS

(Refer to Resolution file for complete copy of Resolution)

TEMPORARY PARKING RESTRICTION ON SOUTH SHORE DRIVE APPROVED

The second phase of the First Avenue Southwest reconstruction project will result in through traffic between the South Shore Drive intersection and Knollwood Drive being detoured to South Shore Drive. This detour is expected to extend into the school year. There has been a concern expressed as to whether the width of South Shore Drive is adequate to safely support the additional traffic.

Temporarily restricting parking to one side of South Shore Drive would result in its width being 2 feet more than would meet typical City standards for a collector street with parking on one side (38 feet). Should Council wish to increase the effective width of South Shore Drive for through traffic during the detour, a temporary parking restriction along the north or south side of South Shore Drive from Knollwood Drive to the intersection of First Avenue Southwest and South Shore Drive should be authorized for the duration of the detour. There is no clearly evident choice as to which side parking would be restricted based on adjacent land uses, but it was noted that restricting parking along the south side would increase the chance for improved visibility at the Linda Lane and Pleasant Avenue intersection. The motion was made by Alderman Ten Haken, seconded by Alderman Woll and unanimously carried to place a temporary parking restriction on the south side of South Shore Drive during the second phase of the First Avenue Southwest reconstruction project.

BILLS PAYABLE

The motion was made by Alderman Hain, seconded by Alderman Woll and unanimously carried that bills payable and totaling \$857,833.31 be ordered paid.

ADJOURNMENT

The motion was made by Alderman Hain, seconded by Alderman Nelson and unanimously carried to adjourn the meeting at 9:33 p.m.

Karen Buchman
City Clerk