

**WORTHINGTON CITY COUNCIL
REGULAR MEETING, AUGUST 28, 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: Bill Bassett, Interim Administrator; 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; Steve Johnson, Bob Raudenbush, Nancy Jo Hambleton, Cameron Johnson, and Phil Smith.

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 E2.

MINUTES APPROVED

The motion was made by Alderman Woll, seconded by Alderman Hain and unanimously carried to approve the Regular City Council minutes of August 14, 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 August 21, 2006.

AUTHORIZED LOADING ZONE ON 7TH AVENUE AND 11TH STREET

Due to the work zone established for the hospital construction project eliminating all off street parking adjacent to the Southwest Mental Health Center, it has placed a higher demand on the on-street parking available in the area. The Center is experiencing problems accommodating those persons who have difficulty walking distances, and others needing assistance. This has caused the problem of double parking to drop off persons needing short distance access to the Center. To help accommodate access, it is proposed to establish a temporary loading zone on 7th Avenue which can be used for patient drop off. The loading space would be located between the northeasterly hospital drive onto 7th Avenue and 11th Street (located near 11th Street).

Upon staff's recommendation the motion was made by Alderman Hain, seconded by Alderman Petrich and unanimously carried to authorize a loading zone on the southeast side of 7th Avenue southwest of 11th Street for the duration of the current hospital construction project subject to the concurrence of the Traffic and Safety Committee which is scheduled to meet on August 30, 2006.

FIRST READING PROPOSED ORDINANCE TO VACATE A PORTION OF PLATTED

UTILITY EASEMENT IN LOT 5, BLOCK 1, NORTHLAND PARK SECOND ADDITION

Johnson Builders & Realtors are proposing to install a basement egress window on the west side of the home being built on Lot 5, Block 1, Northland Park Second Addition which would project into a platted public utilities easement over the west 8 feet of that lot. As there is a street light wire located in the easement, it is proposed to vacate three feet of the easement along only that part of the lot adjacent to the north half of the house (general location where the egress window is proposed). Following discussion the motion was made by Alderman Woll, seconded by Alderman Hain and unanimously carried to give a first reading to the proposed ordinance vacating the east 3.00 feet of the easement over the south 20.00 feet of the north 55.00 feet of the lot. It was noted the third reading would not be given without concurrence of the Water and Light Commission.

AUTHORIZE EXECUTION OF AGREEMENT TO PROVIDE FOR ABATEMENT OF PUBLIC NUISANCE AT 1015 OSLO STREET DENIED

Staff and City Attorney Dave Von Holtum have been working to resolve a public nuisance located at 1015 Oslo Street. The home and garage need to be painted, along with some necessary repairs required to the exterior of both for the painting to be effective. Prior to the adoption of City Ordinances relating to exterior maintenance of properties which constitute a public nuisance, concerns regarding potential property owners who could prove a financial hardship were discussed. Council determined to have these cases brought forward for their consideration.

The owner/occupant has provided the necessary financial data needed to determine that, through no fault of her own, she is in need of assistance if the structures are to be moved out of the nuisance category. Other funding from outside sources such as SW MN Opportunity Council and local lending institutions were looked into without success. Jim Laffrenzen noted the City has three options: 1) Purchase the property, 2) City crew abatement - which would require a court process that could cost approximately \$2,000, or 3) Do nothing. It was determined if the property is to be brought into compliance, the City would need to provide the necessary financial assistance in the form of a low interest loan.

The motion was made by Alderman Ten Haken, seconded by Alderman Nelson to put this item on the floor for discussion purposes, and following a lengthy discussion the vote was taken with Alderman Petrich voting in favor of the motion to authorize execution of agreement to provide for abatement of public nuisance at 1015 Oslo Street; with the following Aldermen voting against the same: Hain, Nelson, Ten Haken and Woll. Whereby the Mayor declared, the motion failed. It was then determined that Brad Chapulis would check into the possibility of amending the Worthington Rediscovered Program guidelines to see if this property would qualify, or determine if there are any other programs available. Right now the Worthington Rediscovered Program is for redevelopment of properties, not repair. This is one that seems to fall between the cracks of the programs that are available. This will be brought back to Council at a future meeting.

SPECIAL USE PERMIT - 2011 NOBLES STREET

Grace Community Church of Worthington has submitted an application for a special use permit for property located at 2011 Nobles Street, to operate a religious institution with the existing building. The "R-2" zoning district, which is the zoning classification for the subject property, allows "public institutional" land uses, including religious institutions, to operate within the district upon the approval of a Special Use Permit. Upon recommendation of the Planning Commission which held a public hearing on this item prior to the Council meeting, the motion was made by Alderman Nelson, seconded by Alderman Woll and unanimously carried to approve the Special Use Permit as presented. It was noted if the occupancy exceeds 200 persons the applicant will be required to expand the parking lot.

FIRST READING PROPOSED ORDINANCE - CHANGE OF ZONE 1222 HUMISTON AVENUE

The property owners of 1222 Humiston Avenue request that the City rezone the property from the current "R-3" Low Density Preservation Residential to "B-3" - General Business. The applicants request the change of zone to incorporate the property into a retail development with neighboring property.

The Planning Commission held a public hearing on this matter prior to Council meeting where it passed by a 4-1 vote. There were people in attendance at the Planning Commission meeting, but only one person voiced opposition. Upon recommendation of the Planning Commission the motion was made by Alderman Hain, seconded by Alderman Petrich and unanimously carried to give a first reading to the proposed ordinance to rezone the property located at 1222 Humiston Avenue from the current "R-3" - Low Density Preservation Residential to "B-3" General Business.

PRELIMINARY PLAT APPROVAL - NORTHLAND PARK THIRD ADDITION

Johnson Builders and Realtors (JBR) seeks preliminary plat approval for property located directly west of Northland Park 2nd Addition on Cecilee Street. The plat consists of 7 residential lots on 1.97 acres of land. The property is the third phase in the Northland Park Addition Development. Upon recommendation of the Planning Commission who held a public hearing on this item prior to the City Council meeting, the motion was made by Alderman Hain, seconded by Alderman Ten Haken and unanimously carried to approve the preliminary plat approval with the following conditions:

1. The submission of a revised preliminary plat illustrating the storm water drainage facilities as will be completed.
2. The applicant providing interim storm water drainage facilities approved by the City or petitioning for improvement of the property (to be platted) by extension of the storm water collection and management system, the public improvement being ordered, and the applicant installing any storm water collection improvements found to be the developer's responsibility as determined through the public improvement proceedings.

3. The applicant grants the following easements:
- 10' easement along the north property lines of Lots 1 through 3, Block 2;
 - 10' easement along the south property line of Lots 1 through 4, Block 1;
 - 8' easement along the west property line of Lot 3, Block 1 and Lot 3, Block 2.

SECOND READING PROPOSED ORDINANCE TO VACATE A PORTION OF PLATTED PUBLIC UTILITY EASEMENT

The motion was made by Alderman Ten Haken, seconded by Alderman Nelson and unanimously carried to give a second reading to the proposed ordinance to vacate a portion of platted utility easement in Lot 12, Block 2, Homewood Hills Second Addition.

SECOND READING PROPOSED ORDINANCE TO AMEND TITLE XV CHAPTER 151 PLANNING

The motion was made by Alderman Hain, seconded by Alderman Ten Haken and unanimously carried to give a second reading to the proposed ordinance to amend Title XV of the City Code (Land Use), Chapter 151 Planning. The revision cleans up old language.

SECOND READING PROPOSED ORDINANCE TO AMEND TITLE XV CHAPTER 153 SIGN REGULATIONS

The motion was made by Alderman Hain, seconded by Alderman Woll and unanimously carried to give a second reading to 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.

APPLICATION FOR EXEMPTION FROM LAWFUL GAMBLING APPROVED

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

Organization:	National Wild Turkey Federation "Tomorrow's Turkeys"
Chief Executive Officer	Allen J. Thiner
Treasurer	Ronald Scharpen
Types of Games	Raffles
Date of Activity	Saturday, September 23, 2006, Elk's Lodge #2287, 1105 Second Avenue, Worthington

COUNCIL COMMITTEE REPORTS

Mayor Oberloh - reported on a meeting he had attended earlier today in St. Paul at the office of

DEED along with Bill Bassett, Brad Chapulis and Lyle Ten Haken. They gave the City different scenarios such as go back to the legislators for money with no strings. They came away quite pleased. Matching funds was not intended, but it was the way it was adopted. Alderman Ten Haken noted the \$800,000 state money needs to be used for a public purpose. If we go back and ask for General Fund money rather than bonding money - the public use goes away. Clearly the House Bill changed from the Senate Bill. Alderman Woll and Nelson noted their appreciation for the efforts of going up and back today.

Alderman Hain - Nothing to report.

Alderman Petrich - Worthington did receive the extra allocation for Lewis and Clark.

Alderman Nelson - Nothing to report.

Alderman Woll - School opening next week addressed the concern with the construction projects.

Also attended Chamber meeting - they hope we keep moving on the Local Option Sales Tax

Alderman Ten Haken - Do we have actual cost for demolition of the Campbell Soup Property - bidding document.

CITY ADMINISTRATOR REPORT

Bill Bassett asked who is available to give us a proposal for demolition. We need to get information together to take back to the Legislature. Also, discussed the need to schedule a Special City Council meeting on September 18 and asked if 5:00 p.m. would work for the Council members. This Special meeting is to meet with Mr. Jim Brimeyer (doing the job search for City Administrator) who will give us a progress report and selection of finalists. As of this morning we had 22 applications received. Deadline for applications is today, August 28.

BILLS PAYABLE

Before the bills were approved the Mayor had a question on one which will be looked into before payment is made. The motion was made by Alderman Ten Haken, seconded by Alderman Petrich and unanimously carried that bills payable and totaling \$822,520.81 be ordered paid.

ADJOURNMENT

The motion was made by Alderman Petrich, seconded Alderman Woll and unanimously carried to adjourn the meeting at 8:23 p.m.

Karen Buchman
City Clerk