

**WORTHINGTON CITY COUNCIL  
REGULAR MEETING, NOVEMBER 9, 2009**

The meeting was called to order at 7:00 p.m. in City Hall Council Chambers by Mayor Alan E. Oberloh with the following Aldermen present: Lyle Ten Haken, Mike Kuhle, Ron Wood, Mike Woll. Honorary Council Member: Mike Hokeness. Aldermen absent: Scott Nelson (excused).

Staff present: Craig Clark, City Administrator; Brad Chapulis, Director of Community/Economic Development; Jim Laffrenzen, Public Works Director; Dwayne Haffield, Director of Engineering; Janice Oberloh, City Clerk.

Others present: Laura Grevis, Daily Globe; Jay Trusty, Southwest Regional Development Corporation; Casey Ingenthron and Cody Ingenthron; Mubarik Musa and O.J. Ojullu; Representative of the Okabena Estates Developer.

**HONORARY COUNCIL MEMBER**

Mayor Oberloh introduced Mike Hokeness as the Honorary Council Member for the months of November and December, 2008 and January, 2009.

**RESOLUTION NO. 3414 ADOPTED APPROVING AMENDMENT #1 TO TAX INCREMENT FINANCING DISTRICT #11 (OKABENA ESTATES TIF DISTRICT) AND TERMINATION OF 2005 ASSESSMENT AGREEMENT**

Pursuant to published notice this was the time and date set for a public hearing for approval of Amendment No. 1 to Tax Increment Financing District (TIF) #11.

The motion was made by Alderman Wood, seconded by Alderman Woll and unanimously carried to open the hearing.

Brad Chapulis, Director of Community/Economic Development, gave the hearing presentation, noting Okabena Estates has recently been sold and the new owner is proposing a Phase II second development on the property. The original TIF did not include Phase II. The Developer has agreed to the Development and Assignment Agreements. At their November 9, 2009 meeting, the Worthington Economic Development Authority adopted a resolution approving the amendment to TIF District #11 and authorizing the Chair to execute the agreements.

Mayor Oberloh opened the floor for testimony. None was received.

The motion was made by Alderman Woll, seconded by Alderman Wood and unanimously carried to close the hearing.

The motion was made by Alderman Woll, seconded by Alderman Kuhle and unanimously carried to adopt the following Resolution No. 3414, and authorize the Mayor to execute the agreements:

RESOLUTION NO. 3414

RESOLUTION APPROVING THE TERMINATION OF AN ASSESSMENT AGREEMENT AND  
A MODIFICATION TO THE TAX INCREMENT FINANCING PLAN FOR TAX INCREMENT  
FINANCING (HOUSING) DISTRICT NO. 11

(Refer to Resolution File for complete copy of Resolution)

**AGENDA APPROVED WITH CHANGES**

Staff requested the following additions to the agenda:

- Recognition of two of the Worthington Trojans Cross Country Team members.
- Southwest Regional Development Corporation Update

The motion was made by Alderman Woll, seconded by Alderman Kuhle and unanimously carried to approve the agenda with the proposed additions.

**WORTHINGTON TROJANS CROSS COUNTRY TEAM MEMBERS RECOGNIZED**

At this time Mayor Oberloh recognized Mubarik Musa and O.J. Ojullu, members of the Worthington Trojans Cross Country Team for their recent qualifying and appearance at the State Cross Country Meet. Mayor Oberloh read a proclamation and proclaimed November 10 2009 as Trojan Cross Country Day in Worthington and asked that the citizens salute Mubarik Musa and O.J. Ojullu for their excellent efforts.

**SOUTHWEST REGIONAL DEVELOPMENT CORPORATION UPDATE**

Jay Trusty, Executive Director of the Southwest Regional Development Corporation (SRDC), presented Council with an update on the organization Mr. Trusty noted that Lyle Ten Haken was elected in July as Secretary for the SRDC. Mr. Trusty covered history of the agency, membership information, Board of Directors and committee structures, major accomplishments and 2008 statistics, noting SRDC finished \$1,106 in the black for the year.

Mr. Trusty thanked Council for their time.

**CONSENT AGENDA APPROVED**

The motion was made by Alderman Woll, seconded by Alderman Wood and unanimously carried to approve the consent agenda as follows:

- City Council Minutes - Regular Meeting October 26, 2009; Special Meeting October 28, 2009
- Minutes of Boards and Commissions - Water and Light Commission Minutes of November 2, 2009; Planning Commission/Board of Appeals Minutes of November 4, 2009; Airport Advisory Board Minutes of November 3, 2009; Housing & Redevelopment Authority Minutes of October 8, 2009.

- Amend Storm Water Utility Credits as follows:

<u>Parcel</u>	<u>Existing Credit</u>	<u>Proposed Credit</u>	<u>Change</u>
31-3925-300	16.5 Acres	14.5 Acres	2.0 Acres
31-3925-400	<u>33.9 Acres</u>	<u>33.3 Acres</u>	<u>0.6 Acres</u>
Total	50.4 Acres	47.8 Acres	2.6 Acres

- Application for Exemption from Lawful Gambling Permit as requested:  
Organization: Ducks Unlimited  
Chief Executive Officer: Kevin Black  
Types of Games: Raffles  
Location: Worthington Country Club,  
851 West Oxford Street, Worthington, MN  
Date of Activity: December 4, 2009
- Application for Street Closure for the Retail Committee of the Worthington Area Chamber of Commerce to block Tenth Street from First Avenue to Fifth Avenue from 5:00 p.m. to 8:00 p.m. on Thursday, November 19, 2009.
- Bills Payable and Totaling \$962,265.86 be ordered paid.

#### **CITY OF WORTHINGTON AQUATIC CENTER/ YMCA CHANGE ORDER APPROVED**

The motion was made by Alderman Woll, seconded by Alderman Wood and unanimously carried to approve Change Order #5 as presented by RJM in the amount of \$59,122.

#### **RESOLUTION NO. 3413 ADOPTED IN SUPPORT OF MINNESOTA WEST COMMUNITY & TECHNICAL COLLEGE BONDING PROPOSAL**

The motion was made by Alderman Ten Haken, seconded by alderman Wood and unanimously carried to adopt Resolution No. 3413 as follows:

RESOLUTION NO. 3413

A RESOLUTION EXPRESSING SUPPORT FOR MINNESOTA WEST COMMUNITY AND TECHNICAL COLLEGE FIELDHOUSE RENOVATION AND ADDITION PROPOSAL FOR CONSIDERATION BY THE MINNESOTA LEGISLATURE IN 2010

(Refer to Resolution File for complete copy of Resolution)

**ORDINANCE 1030 ADOPTED AMENDING TITLE XV, SECTION 154.36 OF THE CITY CODE OF THE CITY OF WORTHINGTON - CONSTRUCTION IMPROVEMENTS**

Pursuant to published notice, this was the time and date set for the third reading of a proposed ordinance amending Title XV of the City Code of the City of Worthington - Subdivider Improvements.

The motion was made by Alderman Kuhle, seconded by Alderman Wood and unanimously carried to give a third reading to and subsequently adopt the following ordinance:

ORDINANCE NO. 1030

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

(Refer to Ordinance File for complete copy of Ordinance)

**AIRPORT HANGAR LEASE RATE INCREASE FOR 2010 APPROVED**

The motion was made by Alderman Kuhle, seconded by Alderman Wood and unanimously carried to approve the Airport Hangar Lease Rate Increase for 2010 as recommended by the Airport Advisory Board as follows:

<u>Hangar</u>	<u>2009 Lease Rate</u>	<u>Proposed 2010 Lease Rate</u>
#1 Stalls 106	\$ 35/month paid monthly \$360 paid in full January 1	\$ 35/month paid monthly \$360 paid in full January 1
#2 Stalls 1-6	\$ 75/month \$840 paid in full January 1	\$ 90/month \$1,020 paid in full January 1
#3 Stalls 1-6	\$105/monthly paid monthly \$1,200 paid in full January 1	\$120/month paid monthly \$1,380 paid in full January 1
Ohlsen	\$ 75 monthly paid monthly \$840 paid in full January 1	\$ 75/month paid monthly \$840 paid in full January 1

**FUNDS APPROVED FOR REPLACEMENT SIDING ON CHAUTAUQUA BAND SHELL**

The motion was made by Alderman Kuhle, seconded by Alderman Wood and unanimously carried to approve funds for replacement siding on the Chautauqua Band Shell at an estimated cost of \$2,500. Labor will be provided by Public Works' personnel.

**2010 STORM SEWER FUND BUDGET APPROVED AND FIRST READING PROPOSED ORDINANCE RELATING TO STORM WATER UTILITY RATES**

Staff presented the proposed 2010 Storm Sewer Fund budget which reflects a 3.9% increase over the 2009 budget. The proposed rates for land uses other than residential (1 through 3 units) were as follows:

<u>Land Use</u>	<u>2009 Rate/Acre</u>	<u>2010 Rate/Acre</u>	<u>Monthly Increase</u>	<u>Annual Increase</u>
Commercial	\$34.17	\$35.51	\$1.34	\$16.08
Industrial	\$28.39	\$29.50	\$1.11	\$13.32
Multi Family	\$25.16	\$26.15	\$0.99	\$11.88
Institutional	\$34.17	\$35.51	\$1.34	\$16.08

Staff also presented a proposed ordinance amending Worthington City Code, Title V, Chapter 54, Section 54.04 (C) as follows:

(C) The annual fee per acre for residential is \$212.00.

The motion was made by Alderman Ten Haken, seconded by alderman Woll and unanimously carried to approve the 2010 Storm Sewer Fund budget and give a first reading to the proposed ordinance.

**RESOLUTION NO. 3415 ADOPTED APPROVING THE 2010 SEWER SERVICE CHARGES**

The motion was made by Alderman Wood, seconded by Alderman Woll and unanimously carried to adopt the following Resolution No. 3415 approving the 2010 Sewer Service Charge System:

RESOLUTION NO. 3415

APPROVING CHANGES IN THE SEWER RATE SCHEDULE

(Refer to Resolution File for complete copy of Resolution)

The changes reflect a 2.2% increase in revenue to be generated by the 2010 rates over the 2009 rates.

**RESOLUTION ADOPTED VACATING A PORTION OF EASEMENT IN SHELL'S RE-ARRANGEMENT**

As a result of interpretation of the property line, the house recently moved on the property at 516 Humiston Avenue encroaches about .7 feet into the easement over the south 6.00 feet of that property. The back portion of the easement is used for providing electrical service to the adjacent property, and while the portion of the easement along the building is currently unused, an easement with a minimum width of 5.00 feet is desired for potential use. Staff was recommending that a portion of the easement be vacated as follows as an acceptable means to resolve the encroachment:

The northerly 1.00 foot of the southerly 6.00 feet of the westerly 60.00 feet of Lot 6, Shell's Re-Arrangement of Lot 26, Block 1 of Anderson's Sub Division of Block 1 of Clary's Addition to the Village (now City) of Worthington, according to the recorded plat thereof, Nobles County, Minnesota.

The Water and Light Commission concurred with staff's recommendation at their November 2, 2009 meeting.

The motion was made by Alderman Woll, seconded by Alderman Wood and unanimously carried to adopt the following Resolution:

**RESOLUTION**

**VACATING PORTION OF EASEMENT IN SHELL'S RE-ARRANGEMENT**

**WHEREAS**, It has been determined that part of a structure has been placed upon a portion of an easement over the southerly 6.00 feet of Lot 6, Shell's Re-Arrangement of Lot 26, Block 1 of Anderson's Sub Division of Block 1 of Clary's Addition in the City of Worthington, and

**WHEREAS**, Such portion of the easement is not required by the Public.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WORTHINGTON, MINNESOTA:**

1. That the following described portion of the easement described in Document No. 182019, recorded in the office of the County Recorder, Nobles County, Minnesota, be hereby vacated and released:

The northerly 1.00 foot of the southerly 6.00 feet of the westerly 60.00 feet of Lot 6, Shell's Re-Arrangement of Lot 26, Block 1 of Anderson's Sub Division of Block 1 of Clary's Addition to the Village (now City) of Worthington, according to the recorded plat thereof, Nobles County,

Minnesota.

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

### **RESOLUTION 3416 ADOPTED REAPPORTIONING SPECIAL ASSESSMENTS**

The TSC store property included a storm water basin at the south end of the property, and which was included in the Fareway First Edition and converted into a public regional pond. In addition, some additional tracts were also moved around, all of which resulted in the assessments needing to be reapportioned. Dwayne Haffield, Director of Engineering, distributed a corrected copy of the AMT/Schwalbach/Fareway Petition for Reapportionment.

The motion was made by Alderman Woll, seconded by Alderman Ten Haken and unanimously carried to adopt the following resolution reapportioning special assessments regarding Paving Improvement No. 94 (#31162); Sanitary Sewer Improvement No. 64 Trunk (#31312) Lateral (#31313); Water Main Improvement No. 74-01 Trunk (#31401) Lateral (#31458); Water Main Improvement No. 75-01 Lateral (#31412):

RESOLUTION NO. 3416

REAPPORTIONING THE SPECIAL ASSESSMENTS FOR PAVING IMPROVEMENT NO. 94, SANITARY SEWER IMPROVEMENT NO. 64, WATER MAIN IMPROVEMENT NO. 74-09, AND WATER MAIN IMPROVEMENT NO. 75-01

(Refer to Resolution File for complete copy of Resolution)

### **SPECIAL USE PERMIT AMENDMENT 1326 SECOND AVENUE APPROVED WITH CONDITIONS**

The owner of the property located at 1326 Second Avenue was requesting an amendment to the special use permit previously issued for the property, which would allow him to establish an outdoor vehicular parking area on the subject property. The Planning Commission considered the request at their November 4, 2009 meeting and, after holding a public hearing, voted unanimously to recommend Council approval of the amendment with the following conditions:

1. A sight obscuring fence is installed along the southwest property line in the general vicinity of the exterior parking;
2. Long term exterior vehicular storage be limited to one non- motorized trailer (SRWH response trailer); and
3. The off street parking area must be hard surfaced if required by Ordinance.

Following discussion, the motion was made by Alderman Kuhle and seconded by Alderman Ten Haken to approve the concrete pad only for storage of the trailer. Brad Chapulis noted that after checking, the off street parking would be required by ordinance to be hard surfaced. Based on a question from Alderman Ten Haken, Alderman Kuhle amended his motion to include installation of a sight obscuring fence. Following further discussion, Alderman Ten Haken rescinded his second and Alderman Kuhle pulled his motion, and made a new motion to approve the request as presented. The motion was seconded by Alderman Ten Haken. After further discussion regarding storm water runoff, Alderman Kuhle amended his motion to include addressing the storm water runoff issue with curb on concrete. The motion was seconded by Alderman Ten Haken and unanimously carried.

### **COUNCIL COMMITTEE REPORTS**

Mayor Oberloh - Nothing to report.

Alderman Ten Haken - Transportation meeting in Marshall last week, finances are short as the State subsidizes the metro area transit. The necessity of cooperation across County lines was the main thing to come out of the meeting.

Alderman Kuhle - Completion of the project on Runway 35 is about two weeks out.

Alderman Wood - attended a Water and Light Commission meeting and the Aquatic Center opening.

Alderman Woll - nothing to report.

### **CITY ADMINISTRATOR REPORT**

Craig Clark, City Administrator, reported that he had heard Lt. Col. Grossman speak at the Senior High School regarding violence in schools and thought maybe consideration could be given for future improvements at City Hall. Mr. Clark also reminded Council of the November 16<sup>th</sup> 5:30 start for Strategic Planning design meeting, and of the Strategic Planning session scheduled for November 20-21 at Minnesota West. He also attended the open houses for the new Fareway store and the Holiday Inn Express remodel.

### **ADJOURNMENT**

The motion was made by Alderman Woll, seconded by Alderman Kuhle and unanimously carried to adjourn the meeting at 8:36 p.m.

Janice Oberloh  
City Clerk