

**WORTHINGTON CITY COUNCIL  
REGULAR MEETING, MAY 14, 2007**

The meeting was called to order at 7:00 p.m., in the City Hall Council Chambers by Mayor Alan E. Oberloh, with the following Aldermen present: Ron Wood, Bob Petrich, Lyle Ten Haken, Mike Woll, Mike Kuhle, and Honorary Council Person Lyle Voss.

City Staff present: Joe Parker, City Administrator; Mike Cumiskey, Director of Public Safety; Janice Oberloh, City Clerk; Scott Hain, General Manager Worthington Public Utilities; Dwayne Hafffield, Director of Engineering, arriving at 8:44 p.m.

Others present: Ryan McGaughey, Daily Globe; Frank McDowell, New Vision Co-op; Bruce Kness, Attorney; Byron Schwart, David Voehl, and Dave Van Loh, Nobles County Assessor's Office; Jon Iverson, Attorney with the League of Minnesota Cities; Jason Beckmann, Worthington Police Department; Scott Bradley.

**INTRODUCTION OF HONORARY COUNCIL PERSON**

Mayor Oberloh introduced Lyle Voss as the Honorary Council Person, adding that Mr. Voss's term in that capacity had been extended by one month as he was unable to attend Council meetings during the month of March.

**AGENDA APPROVED**

The motion was made by Alderman Kuhle, seconded by Alderman Wood and unanimously carried to approve the agenda as presented.

**MINUTES APPROVED**

The motion was made by Alderman Ten Haken, seconded by Alderman Woll and unanimously carried to approve the Regular City Council Minutes of April 23, 2007.

**MINUTES OF BOARDS AND COMMISSIONS**

The motion was made by Alderman Petrich, seconded by Alderman Kuhle and unanimously carried to accept for review the Water and Light Commission Minutes of May 7, 2007; Golf Advisory Board Minutes of April 18, 2007; Airport Advisory Board Minutes of May 9, 2007; Planning Commission/Board of Appeals Minutes of May 1, 2007.

**FINANCIAL STATEMENTS**

The motion was made by Alderman Woll, seconded by Alderman Petrich and unanimously carried to accept the Prairie View Golf Links Statement of Revenues vs. Expenditures for the Period January 1, 2007

through April 30, 2007, and the Municipal Liquor Store Income Statement for the Period January 1, 2007 through April 30, 2007.

**DISCUSSION WITH FRANK McDOWELL, NEW VISION CO-OP MANAGER**

Frank McDowell, Manager of New Vision Co-op, had requested this time to speak with Council regarding the on-going blight issue at New Vision's property located at 706 Tenth Avenue. Mr. McDowell gave a brief history of the dialogues between New Vision and City officials including former Mayor Robert Demuth and former Administrator Bob Filson, adding that he became very frustrated with the process. He stated that Bruce Kness, legal counsel for New Vision, advised them to stop paying the taxes on the property as a way to make the City come around. Mr. McDowell noted that construction costs have gone up about \$13 or \$14 thousand dollars from 2002. New Vision's last action regarding the property was to accept the City's offer of \$65,200, pay for demolition of the structure, and pay one year of past due property taxes plus interest, with the City to pay the remaining taxes. Mr. McDowell said going to mediation is something they would not do as it would be a waste of time. If an arbitration option came up he would talk to Mr. Kness to see what his feelings were.

Alderman Kuhle commented on the lack of signed documentation of the offer that New Vision said they had received in 2002 from then City Administrator, Bob Filson. Mayor Oberloh was adamant that Mr. Filson would not have circumvented City Council with an offer to New Vision that they were not aware of, and that he was putting the burden of proof on New Vision to produce the letter in question. Mr. McDowell responded he had nothing in his file written by Mr. Filson. Alderman Woll noted to Mr. McDowell that it is a waste of time to go back and finger point over who did what, and that everyone agrees it's time to move forward; the City had an offer on the table to New Vision. Mr. Kness stated the article in the Daily Globe was incorrect when they stated New Vision did not respond to the offer from the City in that conversations were held regarding their response and they were told to put it in writing. Mr. Kness said he did so and sent it on the day the response was due. Mayor Oberloh noted the letter was not received until the day following the deadline of April 23, 2007. Mr. McDowell stated he had not received the offer with the deadline until 8:30 or 9:00 a.m. the morning of the 23<sup>rd</sup>. Mr. Parker replied that he had hand delivered that letter to Mr. Kness's office on April 6<sup>th</sup> and didn't know why Mr. McDowell wouldn't have had it until then. Mr. Kness pointed out several conversations with Mr. Parker regarding that letter, which he stated were, in fact, a response to the letter.

Alderman Ten Haken clarified that the City had, in effect, issued an offer much the same as the one the Bob Filson was said to have made, and that New Vision did not accept it. Mr. Kness replied they submitted a counteroffer where New Vision did not pay all of the taxes that are due on the property. Alderman Ten Haken asked Mr. McDowell what he would say to a taxpayer to explain his thought that the City of Worthington should help take down his facility through a taxing approach as opposed to a business taking care of their own dilapidated or unused property. Alderman Ten Haken noted he has received several phone calls from citizens of Worthington wondering why they, as taxpayers, are participating in helping

New Vision take this elevator down. Mr. Kness asked to respond as a citizen and stated the perception that the elevator is not used is not true. The elevator is used occasionally and is capable of being used. Mayor Oberloh debated the statement regarding usage, and displayed a photo of the electric box on the elevator, noting the lid was off, and from May of 2003 to April of 2007 it has used one "click" of the electric meter.

Alderman Petrich noted that he had also received several phone calls from constituents stating that they pay their taxes why shouldn't New Vision pay theirs. Mr. McDowell said they could have the elevator fired up in two weeks if necessary. If the elevator is a community eyesore then it is a community benefit to have it taken down. He added there is an economic issue here; he can have the elevator painted but is that the end of it? It would make more sense to expend the dollars on it to take it down. They have not used the facility because the Brewster facility started in December of 2003 and has taken about a million bushels away from them at a cost of about \$500,000. Mayor Oberloh asked to address the issue of putting the elevator back in service, stating that statute 462.357 says if use has been discontinued over one year it removes any threat of the structure being returned to previous use and it makes the structure a public nuisance because it is a nonconforming structure in the zoning district. Mayor Oberloh added that he would like to see them be a good corporate citizen and he doesn't see that from their company. Alderman Ten Haken again asked Mr. McDowell for his response to a taxpayer on why they should help take the structure down. Mr. McDowell responded it is a community issue, it's economics - uses dollars to get it down without spending mediation money, more attorney money, more paint money, and there is an ethical issue here. The City had a representative that made an offer to them.

Alderman Ten Haken clarified that the difference between the previous offer and the recent offer is four years of taxes in an amount of \$9,653.64. Joe Parker questioned Mr. McDowell on whether New Vision had ever appealed the assessed value of that lot, to which the response was "no". Alderman Wood noted that there is an ethics question also, and added that it is a pretty traditional business practice to establish a fund for improvements or demolition, and he could understand New Vision not doing so if they were on the edge of bankruptcy, but he doesn't have a sense of that. What he has heard from his constituents is that it has to come down, but their first concern is the cost for the size of the property, and secondly, they pay their taxes. Alderman Wood questioned what value New Vision puts on the ethics perception that is out there, not only with the citizens of Worthington, but the farmers they do business with; that's the question we are asking ourselves regarding our image, if we do this with tax payers' money. Mr. McDowell responded that the City has spent money on signs, and helping various businesses, and they were not free. He has been involved in taking down ten or twelve old elevators or feed mills and they did not have accrual accounts set up for any of those, they just don't do that. He added that they have talked in house about what it means to suspend payment of taxes, the Board of Directors took that very seriously. As far as the value of the facility, Mr. McDowell stated the County Assessor did that, not him, and he didn't set any kind of value on the price of demolition, Larson Crane did that. Mayor Oberloh indicated he likes economic development, and if Mr. McDowell thinks he can paint it and replace the windows and fix all the things that need to be fixed he welcomes his efforts, but he would not go along with that offer.

Discussion was held on whether Worthington Rediscovered funds could be used toward the project, as that committee deferred to City Council to make that decision. Bruce Kness asked if there was room between the parties to work over the amount that we were apart. Alderman Woll responded as far as the public sentiment response, he had never received so much contact after something was discussed as to lengthening it or extending it further, the sentiment to extend it further just wasn't there, in fact it was quite to the contrary. Mr. Kness stated that the part that doesn't seem to get done is to have those people from the two entities that make the decisions sit down and discuss it, and the Board from New Vision is willing to do that. Alderman Ten Haken responded that because of the restrictions of open meetings, having a few of the Councilmen sit down with the New Vision Board just can't happen unless it's here in front of the camera. Alderman Woll stated that early on he had conversations with Mr. Kness about the same thing and was told the City had to go through him for New Vision.

Alderman Wood suggested to the Mayor that this session be brought to a close to give Council time to reflect back on some things; at this point we are just going to go circular. Mayor Oberloh agreed and noted no decision was to be made tonight, it was strictly for Mr. McDowell to present his case to Council. Mayor Oberloh then referred to a memo from Mr. McDowell to Mr. Kness, stating that if it was intended to be their offer, it needed to be put in the form of an offer and presented to the City Administrator. The full Council will then meet at a special meeting to digest the offer. Mr. Kness stated he would put the contents of the memo into a letter and direct it to the City Council. The Mayor and Council thanked Mr. McDowell and Mr. Kness for their time.

**CLOSED SESSION TO DISCUSS LITIGATION STRATEGY WITH ATTORNEY JON IVERSON WHO REPRESENTS THE CITY OF WORTHINGTON IN DEFENSE OF THE JESUS LEON/ANDONIO DUENAS LAWSUIT**

The motion was made by Alderman Wood, seconded by Alderman Petrich and unanimously carried to close the meeting at 7:43 p.m. to discuss litigation strategy with Attorney Jon Iverson, who represents the City of Worthington in defense of the Jesus Leon/Andonio Duenas lawsuit.

The motion was made by Alderman Kuhle, seconded by Alderman Ten Haken and unanimously carried to reopen the meeting at 8:13 p.m.

**HEARING SCHEDULED FOR POSSIBLE DANCE LICENCE REVOCATION**

At the July 24, 2006 City Council meeting, Jesus Leon made application for and was granted a Dance License under Ordinance No. 937 for his business, Club De Leones, Inc. Since that time, there have been six or more citations issued to Mr. Leon due to the noise created in the course of running his business. Staff was recommending that a hearing be scheduled for 6:00 p.m. on May 29, 2007 to hear evidence and decide on the suspension or revocation of the dance license as allowed under Ordinance No. 937 regarding Chapter 119 (*PUBLIC DANCES*) of the Worthington City Code Title XI - Business Regulations.

The motion was made by Alderman Woll, seconded by Alderman Ten Haken and unanimously carried to schedule a hearing at 6:00 p.m., Tuesday, May 29, 2007 for consideration of a suspension or revocation of the dance license held by Jesus Leon/Club De Leones. The Clerk will notify Mr. Leon per ordinance requirements.

**CHANGE OF ZONE REQUEST FOR PROPERTY LOCATED AT 1308 McMILLAN STREET FROM CURRENT "R-3" - LOW DENSITY PRESERVATION RESIDENTIAL DESIGNATION TO "B-3" - GENERAL BUSINESS**

Jerry and Jari Lynne Johnson, owners of property located at 1308 McMillan Street were requesting to rezone the property from its current zoning designation of "R-3" - Low Density Preservation Residential to "B-3" - General Business to expand the on-site parking lot for their existing business, which abuts the subject property. The Planning Commission held a public hearing on this item at their May 1<sup>st</sup> meeting and were unanimously recommending approval of the request based on the following considerations:

1. As with any zoning application, the proposed zoning classification or land use must be determined to be compatible with the land uses surrounding the property in question. Staff's opinion was that a parking lot would be compatible with the surrounding land uses if properly buffered.
2. Most of the properties along the south side of Oxford Street do not have the depth to encourage redevelopment opportunities without purchasing abutting property, including the residential properties to the south. The City's Comprehensive Plan, which was adopted in 2004, explains the need to allow redevelopment activities along the Oxford Street corridor while not coming at the expense of abutting residential neighborhoods. The Plan suggests establishing and maintaining a strong edge between business and adjacent neighborhoods to prevent the creep of commercial businesses into residential neighborhoods.
3. The proposed improvement will be completed at the same elevation of the existing parking lot and graded to have storm water directed to the driveway. Furthermore, a retaining wall will be constructed around the southern perimeter of the improvements to stabilize the parking lot. The applicants will design the improvements to direct the water run off toward McMillan Street.
4. Section 155.043, Title XV of the City Code requires the construction and maintenance of a sight obscuring fence where parking lots abut residential properties. The fence, or approved landscape, is intended to screen the headlights from neighboring properties. In this case, the creation of a parking lot on the subject property would require the applicant to construct a sight obscuring fence (landscaping) along the southern and western property lines due to the abutting residential land uses.

Council questioned whether a sidewalk would be installed as part of the project. Dr. Johnson responded

that it was not part of the plan at this time but he certainly was not opposed to putting one in.

The motion was made by Alderman Wood, seconded by Alderman Kuhle and unanimously carried to approve the change of zone for the property located at 1308 McMillan Street from its current "R-3" - Low Density Preservation Residential to "B-3" - General Business.

**RESOLUTION NO. 3285 ADOPTED RELATING TO GENERAL OBLIGATION WATER REVENUE NOTE, SERIES 2007A**

Scott Hain, General Manager of Worthington Public Utilities, reported that at their May 7, 2007 regular meeting, the Worthington Public Utilities Water and Light Commission passed a resolution approving and consenting to the issuance of a General Obligation Water Revenue Note, Series 2007A and the execution of a project loan agreement by the City of Worthington. The purpose of the note is to fund the prepayment of Worthington's entire expected share of construction costs relating to the Lewis & Clark Rural Water System project. At the same meeting, the Water and Light Commission also approved prepayment of certain obligations to Lewis Clark Rural Water System, Inc. and to segregate monies of the City to fund such prepayment. Mr. Hain stated that, in effect, this would be a loan through the Minnesota Municipal Utilities Association finance program that would finance the entire prepayment obligation to Lewis & Clark. The Water and Light Commission has pledged water revenues as repayment but because it is General Obligation backed, the loan would need to be taken out in the City of Worthington's name. In response to a question from Alderman Woll, Mr. Hain stated that a better rate could be obtained with a General Obligation Bond as opposed to a Revenue Bond.

The motion was made by Alderman Woll, seconded by Alderman Petrich and unanimously carried to adopt the following resolution relating to the General Obligation Water Revenue Note, Series 2007A authorizing issuance thereof in connection with the Minnesota Municipal Utilities Association Financing Program, providing for the execution and delivery of a project loan agreement and related documents, and authorizing certain further actions:

RESOLUTION NO. 3285

RESOLUTION RELATING TO GENERAL OBLIGATION WATER REVENUE NOTE, SERIES 2007A; AUTHORIZING THE ISSUANCE THEREOF IN CONNECTION WITH THE MINNESOTA MUNICIPAL UTILITIES ASSOCIATION FINANCING PROGRAM; PROVIDING FOR THE EXECUTION AND DELIVERY OF A PROJECT LOAN AGREEMENT AND RELATED DOCUMENTS; AND AUTHORIZING CERTAIN FURTHER ACTIONS

(Refer to Resolution File for Complete Copy of Resolution)

**RESOLUTION NO. 3286 ADOPTED SUPPORTING WORTHINGTON PUBLIC UTILITIES'**

**PARTICIPATION IN THE MIDWEST CONSORTIUM OF MUNICIPAL UTILITIES (MCMU)**

Scott Hain, General Manager of Worthington Public Utilities, explained that the Midwest Consortium of Municipal Utilities (MCMU) is actually the financing organization that was put together by the Minnesota Municipal Utilities Association, and in order to participate in the program a utility must become a member. The membership fee is \$250/year. The organization was formed in 2004 and takes out large single bond issues and issue loans to individual utilities.

The motion was made by Alderman Wood, seconded by Alderman Woll and unanimously carried to adopt the following Resolution supporting the Worthington Public Utilities participation in the Midwest Consortium of Municipal Utilities (MCMU):

RESOLUTION NO. 3286

RESOLUTION SUPPORTING THE WORTHINGTON PUBLIC UTILITIES PARTICIPATION IN THE MIDWEST CONSORTIUM OF MUNICIPAL UTILITIES (MCMU)

(Refer to Resolution File for Complete Copy of Resolution)

**PENSION INCREASE AND CORRESPONDING AMENDMENT TO THE BYLAWS OF THE WORTHINGTON FIRE DEPARTMENT RELIEF ASSOCIATION APPROVED**

At their April 24, 2007 annual meeting of the Worthington Fire Department Relief Association, the membership voted to approach the City Council regarding an increase in the pension based on the health of the pension fund and the results of the actuarial report. The actuarial report indicated that the pension fund had improved from 86% funded on December 31, 2004 to 101% funded on December 31, 2006. Council was asked to approve an increase in the pension amount from \$310 per month to \$330 per month for those members receiving monthly service pensions and from \$51,200 to \$54,500 for those receiving a lump sum pension, and to approve the amendments to the bylaws pertaining to those pension amounts.

The motion was made by Alderman Kuhle, seconded by Alderman Woll, and with Alderman Petrich abstaining from the vote as a retired fire fighter, the motion was unanimously carried by the remaining Aldermen to approve the request.

**APPLICATION FOR RENEWAL OF PREMISE PERMIT APPLICATION FOR LAWFUL GAMBLING ACTIVITY APPROVED**

The Eagles Aerie 3282, 205 Oxford Street, was requesting Council adopt a resolution approving a premise permit application for Lawful Gambling activity. The motion was made by Alderman Woll, seconded by

Alderman Wood and unanimously carried to approve the following resolution:

RESOLUTION

REGARDING GAMBLING PERMIT

RESOLVED, the City of Worthington agrees to approve the gambling permit for the Eagles Aerie 3282 to conduct lawful gambling at 205 Oxford Street, Worthington, Minnesota, for the premise permit period of September 1, 2007 to August 31, 2009.

Council members Woll and Wood moved the adoption of the foregoing resolution at the regular May 14, 2007 Council meeting and the same was adopted upon unanimous yeas vote of all members present.

**APPLICATION TO BLOCK STREETS APPROVED - WORTHINGTON WINDSURFING**

Application was received from the Worthington Okabena Windsurfers to temporarily block a street for the Windsurfing Regatta for the period 12:00 a.m., June 8, 2007 to 6:00 p.m. on June 10, 2007. The application and insurance requirements have been met and the Worthington Okabena Windsurfers are coordinating with the Police and Street Departments.

The motion was made by Alderman Woll, seconded by Alderman Kuhle and unanimously carried to approve the street closure for the Windsurfing Regatta from 12:00 a.m., June 8, 2007 to 6:00 p.m. on June 10, 2007.

**TEMPORARY ON-SALE BEER LICENSE APPROVED**

The motion was made by Alderman Woll, seconded by Alderman Wood and unanimously carried to approve the following temporary on-sale beer license for the period June 8 and 9, 2007:

No. 2007-1                      Worthington Okabena Windsurfers, Sailboard Beach

**PLANS AND SPECIFICATIONS FOR BIOSCIENCE STREET IMPROVEMENTS APPROVED**

At its February 26, 2007 meeting, Council authorized the consulting firm of SEH to prepare plans and specifications for construction of the streets in the BioScience Industrial Park. The work on the segment extending to T.H. 59 will be bid as an add alternate to allow for elimination of the street extension on this segment should there appear to be a budget deficiency due to bids received. The 2007 street construction excludes placement of the final 1.5 inches of surfacing which is to be completed in 2008. The estimated cost for the 2007 street work is \$910,250, including engineering and contingencies. The estimated project



cost for the 2008 surfacing is \$135,000, for a total estimated project cost of \$1,045,250. The latest distribution of the \$2.5 million dollar budget of the BioScience Industrial Park infrastructure grant allocated \$1,026,000 for street construction, based on a contingency of over \$55,000 remaining for the storm water and utility construction projects. It is now anticipated that most of that contingency will not be needed.

The motion was made by Alderman Petrich, seconded by Alderman Woll and unanimously carried to approve the plans and specifications for the BioScience street improvements and authorize calling for bids to be received on June 12, 2007 and considered for award at the June 11, 2007 Council Meeting.

**PROPOSAL FOR PROFESSIONAL SERVICES FOR AIRPORT HANGAR CONSTRUCTION APPROVED**

At its November 13, 2006 meeting, City Council approved a proposal from SEH for professional services to develop bidding documents for the building portion of the multi plane hangar project. A construction contract for the hangar was awarded at the April 9, 2007 Council meeting, but did not include building and equipment plan/shop drawing reviews, inspections, testing, and certain administrative tasks. The proposed fee is not to exceed \$5,900 and staff was recommending Council acceptance of the proposal.

Honorary Council Person Lyle Voss commented that the project seems top heavy with inspectors, especially when we have capable engineers and a building inspector on staff. Dwayne Haffield, City Engineer, explained that our Building Inspector would insure compliance with code, but that he does not determine if the right doors for the building, etc. are used.

The motion was made by alderman Woll, seconded by Alderman Kuhle and unanimously carried to accept the proposal from SEH for Construction Phase Services of the hangar building project at a fee not to exceed \$5,900.

**REQUEST FOR QUOTE FOR STORM SEWER IMPROVEMENTS AUTHORIZED**

The 2007 Storm Water Utility Fund budget includes funding for a project to replace a storm sewer outlet from South Shore Drive to the lake between 1710 and 1716 South Shore Drive. The existing outlet is an 18" sectional concrete pipe which has separating joints and is structurally failing. The pipe will be replaced with 24" dual wall corrugated polyethylene pipe, which matches the size of the storm line under South Shore Drive. Use of the plastic pipe rather than concrete pipe is proposed to increase the ease of installation in the limited space available. The budget for the project is \$48,760 including the removal of trees and fencing recently removed and tighter working than currently exist. The estimated project cost including engineering and contingencies is now \$31,760.

Also included in the 2007 Storm Water Utility Fund budget are additional catch basins at the low point on Lucy Drive. Field debris has caused flow restrictions in this area to the extent that continued

monitoring/maintenance of the catch can not be accomplished by maintenance personnel during runoff events. There is also an indication that under certain runoff conditions the intake capacity may be the limitation in the storm sewer's capacity to limit localized inundation. The project would include installation of an additional catch basin on each side of Lucy Drive and replacement of the curb box casting on the north side with a style less susceptible to blockage. The total estimated cost for this work is the budgeted amount of \$21,000. Although the estimate is below \$50,000 and qualifies for a quote, staff was requesting Council approval of the projects and authorization to call for quotes to be received June 1, 2007. Staff was also requesting Council authorization to award the quote provided the projects remain within budget.

The motion was made by Alderman Woll, seconded by Alderman Kuhle and unanimously carried to authorize the request for quotes for the storm sewer improvements projects on South Shore and Lucy Drive, and to authorize staff to award the quotes, provided they are within budget.

**AMENDMENT TO PROFESSIONAL SERVICE CONTRACT FOR AIRPORT TAXIWAY C RECONSTRUCTION PROJECT APPROVED**

At its July 14, 2006 meeting, Council approved a task order with Mead and Hunt for construction phase professional services pertaining to the Taxiway C Reconstruction project, which supplements a continuing Personal Services contract approved by Council on February 24, 2003. The taxiway project extended into late season, and the turf maintenance period and corrective work will extend into this season. After the new paving was in place it was discovered that the pavement in the ramp area of the intersection of Taxiway A and Taxiway C had a tendency to pool water after a rainfall. The determination of the cause of the water ponding required that Mead and Hunt conduct an additional survey of the surface to determine which areas were not paved to grade. All of these conditions caused Mead and Hunt to exceed their budget for construction phase services. Most of that, Mr. Haffield related, was probably due to their (Mead and Hunt's) poor projections. The increase in the budget for construction phase services pertaining to the defective work would be \$2,654.66, or about 1.6% of the original budget. The overall project cost is projected to be under budget. Mr. Haffield added that it would not be reasonable to expect Mead and Hunt to anticipate their need to return. Staff was recommending Council approval of the \$2,654.66 of extra services and authorization of Amendment No. 1 to Task Order No. 4 of the Personal Services contract with Mead and Hunt.

The motion was made by Alderman Petrich and seconded by Alderman Woll to approve the amendment No. 1 to Task Order No. 4 of the Personal Services contract with Mead and Hunt. Discussion followed: Alderman Ten Haken questioned that if the contractor did not do the work according to specifications, wouldn't he be responsible for paying any and all engineering charges and so forth that are coming up as a result of that? Mr. Haffield responded that it was not written clearly in the contract stating that's the way it would be; it isn't something that you could say was obvious at the time that it was happening. Alderman Kuhle suggested the construction phase engineer should perhaps be responsible for this. Alderman Wood asked for clarification that the contractor was already picking up a portion of the charges. Mr. Haffield

noted that the milling has not yet been done, but once the correction is completed they will return to check it again, the cost of which would be included in this amendment. Upon calling for vote, the following Aldermen voted in favor of the motion: Petrich, Wood, Woll; with the following voting against the motion: Ten Haken, Kuhle. Whereby, the Mayor declared the motion passed.

**RESOLUTION ADOPTED AUTHORIZING EXECUTION OF SAFE AND SOBER AGREEMENT**

The Minnesota Department of Public Safety, Office of Traffic Safety, has opened the grant process to participate in the Safe and Sober Communities Grant from October 1, 2007 through September 30, 2008. This grant pays for officers' overtime during the operational waves that focus on enforcement of traffic safety and impaired driving violations. The City of Worthington partners with Rock, Pipestone and Nobles Counties. Adopting the resolution will allow the Public Safety Director, Michael J. Cumiskey, to execute the agreement with the State of Minnesota if the city is awarded the grant.

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

**RESOLUTION  
AUTHORIZING EXECUTION OF AGREEMENT**

Be it resolved that the Worthington Police Department enter into a grant agreement with the Minnesota Department of Public Safety, Office of Traffic Safety for the project entitled SAFE AND SOBER COMMUNITIES during the period from October 1, 2007 through September 30, 2008.

Public Safety Director, Michael J. Cumiskey, of Worthington is hereby authorized to execute such agreements and amendments as are necessary to implement the project on behalf of the Worthington Police Department and to be the fiscal agent and administer the grant.

**EXPENDITURE OF FORFEITURE FUNDS APPROVED**

The Worthington Police Department was seeking approval for expenditure of forfeiture funds for a vehicle in excess of \$5,000. The motion was made by Alderman Woll, seconded by Alderman Wood and unanimously carried to authorize the expenditure of forfeiture funds.

**DOCK PERMITS APPROVED**

The motion was made by Alderman Woll, seconded by Alderman Kuhle and unanimously carried to approve the following applications for permits to install docks on public property in accordance with requirements:

Applicant

Location

Dale Ryan

Across the street from 920 West Lake Avenue

Bruce Pass

Across the street from 214 Lake Street

Rolf Carlson

Across the street from 117 Lake Avenue

**COUNCIL COMMITTEE REPORTS**

Mayor Oberloh - lots going on in St. Paul, remember to talk to your legislators.

Alderman Ten Haken - reported that the Southwest Regional Development Commission passed their budget and work plan, and that he gave a report on Worthington.

Alderman Woll - nothing to report.

Alderman Wood - reported that the Housing and Redevelopment Authority had a business meeting, and that the Golf Advisory Board met.

Alderman Kuhle - presented Council members with commemorative pins for the Freedom Veterans Memorial Park in appreciation for everyone's work.

Alderman Petrich - complimented alderman Kuhle on the Freedom Veterans Memorial Park, reported on the Missouri River Energy Sources annual meeting; they are trying to keep rates down.

Honorary Council Person Lyle Voss - wanted to comment on the park; that it is a very welcome addition to his neighborhood.

**CITY ADMINISTRATOR REPORT**

Mr. Parker reported that he had visited the Freedom Veterans Memorial Park for the first time last week, and received favorable comments from some widows of deceased vets who were there.

**BILLS PAYABLE**

The motion was made by Alderman Woll, seconded by Alderman Ten Haken and unanimously carried that bills payable and totaling \$355,761.13 be ordered paid.

**ADJOURNMENT**

The motion was made by Alderman Petrich, seconded by Alderman Woll and unanimously carried to adjourn the meeting at 9:11 p.m.

Janice Oberloh  
City Clerk