WORTHINGTON CITY COUNCIL
REGULAR MEETING, JANUARY 26, 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, Scott Nelson, Ron Wood, Mike Woll. Honorary Council Person: Diane Graber.

HONORARY COUNCIL PERSON

Mayor Oberloh presented Diane Graber with a certificate for her service as Honorary Council Person. Ms. Graber thanked the Mayor and Council for the opportunity, adding that she learned a lot from the experience.

AGENDA APPROVED

Staff noted the exhibits for Community/Economic Development items 5 and 6 were out of order. The motion was made by Alderman Ten Haken, seconded by Alderman Woll and unanimously carried to approve the agenda with the notation.

CONSENT AGENDA APPROVED

Alderman Kuhle requested a correction to the City Council Minutes of the Regular Meeting January 12, 2009, to reflect that Smith Trucking had not donated the "rolling billboard" but the Convention and Visitors Bureau had paid for the billboard on the semi trailer owned by Smith Trucking.

The motion was made by Alderman Wood, seconded by Alderman Woll and unanimously carried to approve the Consent Agenda, with the correction, as follows:

- City Council Minutes of Regular Meeting January 12, 2009.
- Minutes of Boards and Commissions: Water and Light Commission Minutes of January 20, 2009.
- Application for Exemption from lawful Gambling Permit:

Organization:	Nobles County Pheasants Forever, Chapter 14
Chief Executive Officer:	Scott Rall
Types of Games:	Raffles
Date/Location of Activity:	March 27, 2009 Long Branch Saloon, 206 Tenth Street

- Bills payable and totaling $542,806.46 be ordered paid.

LIFE SAVING AWARD PRESENTED TO TONYA AANENSON FOR DISTINGUISHED SERVICE

Public Safety Director, Mike Cumiskey, and Mayor Alan Oberloh presented Dispatcher Tonya

Aanenson with awards honoring her for heroism under fire during a 911 call on Tuesday, November 4, 2008. Gerald Fuerstenberg was thrown from his tractor and severely injured by the tractor mower when it ran over him. Mr. Fuerstenberg and his family were present at the meeting to thank Ms. Aanenson for her service.

2009 PAY EQUITY REPORT FOR 2008 DATA APPROVED

The motion was made by Alderman Wood, seconded by Alderman Kuhle and carried to approve the 2009 Pay Equity Report for 2008 Data. The report must be forwarded to the Department of Employee Relations by January 31, 2009.

SENIOR CENTER ADVISORY BUDGET APPROVED AS PRESENTED

The motion was made by Alderman Woll, seconded by Alderman Ten Haken and carried to approve the Senior Center Advisory Budget as presented.

ORDINANCE NO. 1022 ADOPTED VACATING PORTION OF PLATTED UTILITY EASEMENT IN SUNGOLD HEIGHTS MOBILE HOME PARK

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

ORDINANCE NO. 1022

AN ORDINANCE TO VACATE A PLATTED PUBLIC UTILITY EASEMENT IN LOTS 6 AND 7, BLOCK 4, SUNGOLD HEIGHTS MOBILE HOME PARK.

(Refer to Ordinance File for complete copy of Ordinance)

The Water and Light Commission approved the vacation at their January 20, 2009 meeting.

SECOND READING PROPOSED ORDINANCE AMENDING TITLE XV OF THE CITY CODE- ACCESSORY STRUCTURES - SWIMMING POOLS / GARAGE SALES

The motion was made by Alderman Wood, seconded by Alderman Kuhle and carried as follows:

Section I.

That Worthington City Code, Title XV, Section 155.059 shall be amended to read as follows:

155.059 ACCESSORY USES.
Except as otherwise provided below, accessory uses shall be permitted in each district

where they are incidental to the uses therein.

(A) Accessory uses in residential districts shall be permitted according to the terms of §§ 155.075, and according to the terms of division (B) below of this section.

(B) The following accessory uses shall not be allowed unless they comply with the following conditions and requirements.

(1) ~~*Private*~~ *swimming pools.* ~~Private nonportable~~ swimming pools may not be located closer than ten feet to any property line and shall be walled or fenced to a height of ~~six~~ *four* feet to prevent uncontrolled access by children from the street or from adjoining properties. *A swimming pool shall be defined as any structure intended for swimming, recreational bathing or wading which contains or which is designed to contain water over 24 inches deep. This includes in-ground, above-ground and on-ground pools; indoor pools; hot tubs or spas without operable and securable safety covers; and fixed-in-place wading pools.*

(2) *Temporary uses.* Buildings, construction trailer, equipment and materials used in conjunction with construction work shall be removed upon completion of said construction work and issuance of a certificate of occupancy.

(3) *Amateur radio towers.* Amateur radio towers shall comply with the same setback requirements of the principal structure in the district it is located in and not exceed a height of 50 feet.

(4) Garage Sales. Garage sales may be held on residential property by the owner or resident of that property for no more than three consecutive days, on four separate occasions per calendar year.

SECOND READING PROPOSED ORDINANCE AMENDING TITLE XV OF THE CITY CODE - CONSTRUCTION OF IMPROVEMENTS

The motion was made by Alderman Wood, seconded by Alderman Woll and carried to give a second reading to a proposed ordinance amending Title XV of the City Code - Construction of Improvements, as follows:

Section I.

That Worthington City Code, Title XV, Section 154.36 shall be amended to read as follows:

154.36 CONSTRUCTION OF IMPROVEMENTS.

(A) Before any final plat or minor subdivision is approved by the City Council or recorded, the subdivider shall make and install the applicable improvements listed in division (E) of this section. In lieu of completion prior to final approval, the city shall require a contract secured by a cash deposit, certified check, or bond in an amount and with surety and conditions satisfactory to it, to assure the city that such improvements will actually be constructed and installed according to the approved specifications within one year of final approval. No building permits will be issued for construction within the subdivision prior to the construction of the improvements in divisions (E)(1) through (5) below.

A final plat or minor subdivision shall be exempt from the requirements of division (A) if the improvements are otherwise financed pursuant to the terms of the Workforce Housing Program, which was adopted by the City Council on November 10, 2008.

2009 - 2011 INTERNATIONAL UNION OF OPERATING ENGINEERS LOCAL #49 AGREEMENT APPROVED WITH SAME ANNUAL COST OF LIVING ADJUSTMENTS FOR NON-ALIGNED EMPLOYEES

The motion was made by Alderman Woll, seconded by Alderman Nelson and carried to approve the 2009-2011 International Union of Operating Engineers Local #49 agreement, authorizing the Mayor and City Administrator to sign the agreement, and to approve the same annual cost of living adjustments for non-aligned employees.

AMENDED AND RESTATED MASTER SUBORDINATION AGREEMENT AND ESTOPPEL CERTIFICATE APPROVED

The motion was made by Alderman Wood, seconded by Alderman Woll and carried to approve the amended and restated Master Subordination Agreement and Estoppel Certificate as requested by the Greater Minnesota Housing Fund.

YMCA / AQUATIC CENTER RESILIENT SPORTS FLOORING CONTRACT AWARDED

The motion was made by Alderman Woll, seconded by Alderman Wood and carried to award the contract for Resilient Sports Flooring for the YMCA/Aquatice Center Project to Anderson Ladd for the amount of $127,745.

COUNCIL COMMITTEE REPORTS

Mayor Oberloh - The legislative action day in St. Paul was good, we should find out the reduction in LGA tomorrow.
Aldeman Ten Haken - Our legislators are carrying legislation to gain some leeway for us on the Campbell Soup site public purpose deadline. There is an SRDC meeting on Thursday.
Alderman Kuhle - Attended a Convention and Visitors Bureau meeting, and distributed a list of goals to Council from that Board. They are looking at adding a second rolling bill board.
Alderman Nelson - Attended an SRDC workshop which he found pretty informative. Hopes to be getting some information on a geothermal study being conducted for a school.
Alderman Wood - Attended a YMCA construction meeting and learned they have located an 80 foot slide that would not require footings, at a cost of $39,000.
Alderman Woll - Enjoys Mr. Clark's Friday reports. Also attended a YMCA Board meeting.

CITY ADMINISTRATOR'S REPORT

Craig Clark, City Administrator, noted he would like to set up a budget meeting at 5:00 p.m. prior to the next Council meeting on February 9th. Mr. Clark Also noted the Governor's budget should be released tomorrow, and that he himself is working on a press release or letter to the editor. He also attended an energy savings conference in St. Cloud, noting there are some exciting options out there, and that he is checking into some of them.

ADJOURNMENT

The motion was made by Alderman Woll, seconded by Alderman kuhle and unanimously carried to adjourn the meeting at 7:53 p.m.

Janice Oberloh
City Clerk