

**WORTHINGTON CITY COUNCIL
REGULAR MEETING, APRIL 11, 2011**

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 Member: Martin Rickers.

Staff present: Craig Clark, City Administrator; Mike Cumiskey, Public Safety Director; Brad Chapulis, Director of Community/Economic Development; Dwayne Haffield, Director of Engineering; Janice Oberloh, City Clerk; Jim Laffrenzen, Public Works Superintendent (7:17 p.m.).

Others present: Rolin Simm, MN DOT; Lisa Graphenteen, Southwest MN Housing Partnership; Andy Johnson, YMCA; Jim Bunner, KWOA; Brittany Workman, Daily Globe.

HONORARY COUNCIL MEMBER

Mayor Oberloh introduced Marty Rickers as the Honorary Council Member for the months of February, March and April, 2011.

AGENDA APPROVED

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

CONSENT AGENDA APPROVED

Alderman Kuhle requested that a work session meeting be set up for the Parking Lot Lease between the City of Worthington and Nobles County as referenced in the March 28, 2011 City Council Minutes. Mayor Oberloh requested a correction to that item in the minutes to reflect that the approved lease was a draft only.

The motion was made by Alderman Wood, seconded by Alderman Ten Haken and unanimously carried to approve the consent agenda as follows with the requested correction:

- City Council Minutes - regular meeting of March 28, 2011; special meeting of March 31, 2011
- Minutes of Boards and Commissions - Water and Light Commission Minutes of regular meeting March 28, 2011; Planning Commission/Board of Appeals Minutes of April 5, 2011; Traffic and Safety Committee Minutes of March 30, 2011; Worthington Area Convention and Visitors Bureau Board of Directors Minutes of February 28, 2011
- Municipal Liquor Store Income Statement for the period January 1, 2011 through February 28, 2011
- On-Sale Beer License for Nobles County Speedway, Inc - 1600 Stower Drive
- Temporary On-Sale Liquor License to Worthington Area Chamber of Commerce for their 2011 Salute to Women Banquet Monday, April 25, 2011 at Ben Lee's Café, 212 Tenth St.

- Placement of stop signs on Ray Drive at the intersection with the north Hy-Vee entrance
- Bills payable and totaling \$675,188.54 be ordered paid

RESOLUTION ADOPTED EXECUTING TH 59/60 PHASE II COOPERATIVE CONSTRUCTION AGREEMENT BETWEEN CITY OF WORTHINGTON AND MINNESOTA DEPARTMENT OF TRANSPORTATION

Council considered a cooperative construction agreement between the City of Worthington and the Minnesota Department of Transportation (MnDOT) pertaining to the TH 59/60 Phase II construction project. The agreement establishes the City's share of project costs, assigns future maintenance responsibilities to the City, sets forth the roadways and drainage facilities to be released to the City, and establishes certain conditions for future use of the drainage facilities.

The City's share of project costs include \$546,778.85 for utility relocations, \$110,209.68 for City storm sewer and culvert upsizing, \$122,415.00 for future ponds. Also included is a \$317,665.50 credit back to the City from MnDOT for State lighting costs.

The motion was made by Alderman Wood, seconded by Alderman Kuhle and unanimously carried to adopt the following resolution executing MnDOT Contract No. 98547:

RESOLUTION

IT IS RESOLVED that the City of Worthington enter into Mn/DOT Agreement No. 98547 with the State of Minnesota, Department of Transportation for the following purposes:

To provide for payment by the City to the State of the City's share of the costs of the water main, sanitary sewer and drainage upsizing construction and additional right-of-way acquisition for future pond expansion and other associated construction to be performed upon, along and adjacent to Trunk Highway No. 60 from Paul Avenue to 2,100 feet north of County State Aid Highway No. 35 within the corporate City limits under State Project No. 5308-58.

IT IS FURTHER RESOLVED that the Mayor and the Clerk are authorized to execute the Agreement and any amendments to the Agreement.

HEARING SET FOR FINAL LAYOUT OF TRUNK HIGHWAY 59/60 PHASE III IMPROVEMENTS

Minnesota Statute provides that highway improvement plans for a project such as those for Trunk Highway 59/60 are to be reviewed and approved by the municipality. Approval is for a final layout following a public hearing conducted by the municipality. Notice of the hearing must be provided 30 days in advance of the hearing. MnDOT has prepared a layout, project report, and a good faith

estimate for Phase III of the Highway 59/60 project and was requesting that Council call the hearing for May 23, 2011. The good faith estimate showed the City share of construction costs at \$307,077.66, however, MnDOT will reimburse the City for the costs associated with the lighting portion of the project resulting in a net payment to the City of \$40,939.47. The estimate is preliminary and tends to represent a worst case scenario in regard to sanitary sewer and water main costs, although final costs may also be somewhat higher than estimated at this time.

The motion was made by Alderman Wood, seconded by Alderman Kuhle and unanimously carried to set the time and date for the public hearing for the final layout of Trunk Highway 59/60 Phase III Improvements project as 7:00 p.m. on May 23, 2011 at the regular City Council meeting.

A notice will be published in the official newspaper as required.

FIRST READING PROPOSED ORDINANCE TO VACATE PORTIONS OF FIRST AVENUE AND NINTH STREET

Council considered a proposed ordinance vacating portions of First Avenue and Ninth Street for the construction of the proposed fire hall as follows:

All that part of 9th Street and First Avenue abutting Block 3, Plat of Worthington, Nobles County, Minnesota, also described as 9th Street and First Avenue from the southeasterly line of Second Avenue to the southwesterly line of 10th Street is hereby vacated.

The petition to vacate was considered by the Planning Commission at a public hearing on April 5, 2011. The Planning Commission was recommending that Council give a first reading to the proposed ordinance but not give a third reading until the City obtains the underlying title to the right-of-ways (the City Attorney is working to ensure that the issue of reversion rights has been resolved with the heir(s) or assign(s) of the Drakes, which is the current party that owns the revision rights). The third reading should also not be given until Council takes action to order the relocation of the utilities as part of the project (included in the project or until compensation is provided), and authorizes execution of the necessary easement(s) to perpetuate protection of the utilities in the event the fire station project does not proceed.

The motion was made by Alderman Woll and seconded by Alderman Wood to give a first reading to the proposed ordinance, with the following Aldermen voting in favor of the motion: Ten Haken, Kuhle, Nelson, Wood, Woll; and the following Aldermen voting against the same: none. Motion carried.

REQUEST FOR SITE PREPARATION ASSISTANCE PAYMENT APPROVED - 1325 OXFORD STREET

In March of 2010 Council approved an application for site preparation assistance for Hy-Vee's redevelopment project located at 1325 Oxford Street, which allocated \$183,249 to offset the costs affiliated with the demolition of existing buildings, including asbestos removal, and the removal of unsuitable soils located more than 18 inches below grade under the proposed structure. Total cost of the eligible site work was \$233,400. As of March 31, 2011, Hy-Vee has completed all of the obligations necessary to receive the funds allocated for this development.

The motion was made by Alderman Woll, seconded by Alderman Wood and unanimously carried to authorize payment in the amount of \$183,249 to Hy-Vee for site preparation assistance.

2008-2010 SMALL CITIES CLOSE-OUT PRESENTATION

Lisa Graphenteen of the Southwest Minnesota Housing Partnership presented information to Council on the close-out of the 2008-2010 Small Cities Grant, which was in partnership with the cities of Round Lake and Wilmont as well. Total funding was just under \$610,000, and funded both owner occupied rehab projects (30 homes completed) and rental rehab projects (12 projects completed). Ms. Graphenteen noted they were anticipating there would be a 50 to 60 percent cut to the program in the upcoming year.

FIRST READING PROPOSED ORDINANCE AMENDING TITLE IX CHAPTER 99.02 (K) OF THE WORTHINGTON CITY CODE

Staff presented a proposed ordinance amending Title IX, Chapter 99.02 (K) of the Worthington City Code as follows:

Section I.

The Worthington City Code Chapter 99.02 is hereby amended to read as follows:

- (K) A recreational vehicle which is parked shall not be occupied nor be provided with separate utility hook-ups except that upon application made to the City Clerk on a prescribed form, the City Council may issue a temporary permit so as to allow off-street parking within a residential district which would otherwise be a violation of Section 99.02(K), subject to the following conditions:
- (1) The days and hours of each temporary permit shall be determined and set on an individual basis by the City Council after appropriate investigation and based upon considerations which may include but shall not be limited to the following
 - (2) The proposed location;

- (a) The support or opposition of property owners and/or residents within 600 feet of the proposed location;
- (b) The character of the person or organization that makes application; and
- (c) The purpose for which the license is sought.
- (d) The person making application on behalf of an individual or organization must be a local resident and, if on behalf of an organization, his or her relationship to the organization is fully set forth in the application.
- (e) No temporary permit may be issued for more than a 96-hour period of time.
- (f) No more than two temporary licenses shall be issued to any person or organization in any calendar year.

The proposed ordinance would allow a permit process to authorize a recreational vehicle (RV) to be parked occupied in a zoned residential district. Some Council members expressed concern that it would be restrictive to visitors, while others suggested it would permit too much “camping” in driveways. Mike Cumiskey, Public Safety Director, noted the penalty for violation of the proposed ordinance would be a parking ticket.

Following discussion, the motion was made by Alderman Woll and seconded by Alderman Ten Haken to give a first reading to the proposed ordinance but with the following changes: Item (2) (a) would be reduced from 600 feet to 350 feet; item (2) (e) would be reduced from 96 hours to 72 hours; and that there would be a fee for the permit, which, at this time, would be set at \$50. The following Aldermen voted in favor of the motion: Ten Haken, Wood, Woll; with the following Aldermen voting against the same: Kuhle, Nelson. Motion carried.

ANNUAL 2011 SUMMER RECREATION FEES APPROVED

Council reviewed the proposed 2011 Summer Recreation fees. The programs are managed by the YMCA through contract. Both YMCA management staff and City staff recognize that the fees should not be at a level that would inhibit participation. Andy Johnson, Executive Director/CEO of the Worthington YMCA, was present at the meeting and noted they were proposing a \$1.00 increase pretty much across the board for the summer youth recreation programs. Mr. Johnson also told Council his staff had received several requests from parents who wanted to have a full day Fun and Adventure program for 2011, which would be offered at the rate of \$74. Council expressed surprise at the inexpensive rate and wondered if it would entice people to use it as more of a cheap alternative to day care. Jim Laffrenzen, Public Works Superintendent, told Council that the total cost to the City for the programs is about \$41,000, plus the cost of recreation supplies.

Adult softball team fees will remain the same but the association fee of \$130 will not be charged, and in turn, the teams will be responsible for paying for the umpires on a per game basis, supplying the softballs, etc.

Following discussion, the motion was made by Alderman Ten Haken, seconded by Alderman Kuhle and unanimously carried to approve the 2011 Summer Recreation fees as follows, but to review them in depth prior to next year:

<u>Activity</u>	<u>2010 Fee</u>	<u>Increase</u>	<u>2011 Fee</u>
Fun and Adventure	\$36.00	\$1.00	\$37.00 ½ day
Fun and Adventure	N/A	N/A	\$74.00 full day
Tennis	\$28.00	\$1.00	\$29.00
Track	\$26.00	\$1.00	\$27.00
Girls Softball	\$37.00	\$1.00	\$38.00
Rookie Baseball	\$33.00	\$1.00	\$34.00
Junior Baseball	\$38.00	\$1.00	\$39.00
Adult Softball	\$285/Team	\$0.00	\$285/Team
VFW, Legion, Cubs Baseball	\$325/Team	\$0.00	\$325/Team
Traveling Girls Softball Team	\$325	\$0.00	\$325
Wgtn. Soccer Association	\$2,000	\$0.00	\$2,000

ANNUAL PARK CONCESSION/DOCK PERMIT FEES APPROVED

The motion was made by Alderman Nelson, seconded by Alderman Woll and unanimously carried to approve the 2011 Annual Park Concession/Dock Permit fees as follows:

<u>Permit Type</u>	<u>2010 Fee</u>	<u>2011 Fee</u>
One day permit (nonprofit) <i>(Generating revenue for City supported recreational activity)</i>	\$50.00	\$55.00
One day permit (profit making) <i>(General group)</i>	\$60.00	\$65.00
Annual non-profit	\$65.00	\$70.00
Annual profit making permit	\$160.00	\$165.00

Historical Permit <i>(Ex. Chautauqua Park popcorn wagon)</i>	\$50.00	\$50.00
Annual mobile (non profit) <i>(Allows utilization of all city parks where off street parking is available, with the exception of Centennial Beach/Shelter)</i>	\$260.00	\$265.00
Annual mobile permit (profit making) <i>(Allows utilization of all city parks where off street parking is available, with the exception of Centennial Beach/Shelter)</i>	\$360.00	\$365.00
Note: All permits require a \$100.00 clean up deposit which is refunded if all trash./garbage is removed and disposed of in a proper manner.		
Dock Permit	\$90.00	\$90.00

**AMENDED SNOW POLICY APPROVED AND FIRST READING PROPOSED
ORDINANCE AMENDING CHAPTER 72, SECTION 72.07 OF TITLE VII OF THE
WORTHINGTON CITY CODE**

At their March 31, 2011 Special Meeting, Council approved a draft of an amended Snow Removal Policy that updated the policy adopted in 1996, and gave the City the ability to declare a snow emergency. In addition, Council directed staff to investigate further several specific situations regarding parking during snow removal times. Staff was now submitting the final amended policy for approval, and requesting a first reading of a proposed ordinance amending the Title VII of the Worthington City Code, Chapter 72, Section 72.07 Parking Vehicles to Facilitate Snow Removal.

The motion was made by Alderman Wood, seconded by Alderman Ten Haken and unanimously carried to approve the Amended Snow Policy, and give a first reading to a proposed ordinance amending Title VII of the Worthington City Code, Chapter 72, Section 72.07 as follows:

§ 72.07 PARKING VEHICLES TO FACILITATE SNOW REMOVAL.

- (A) Definitions. The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:
- (1) Emergency official shall be the superintendent of public works or his designee.
 - (2) Emergency means a condition created on city streets because of the presence of snow, freezing rain, sleet, ice or snow drifts thereon, which creates or is likely to create hazardous road conditions or impede or are likely to impede the free

movement of fire, health, police, snow removal equipment, or other emergency traffic or citizen's travel.

- (3) Street and alley shall mean the entire width of any public roadway within the City and it shall not be limited to those roadways designated as "street" but to include avenues and all other names by which a public roadways are designated.

(B) Declaration of Snow Emergency.

- (1) After or during the fall of snow, freezing rain, sleet, ice or accumulation of snow drifts on any day between October 15 and April 15, the Emergency Official is authorized to declare in writing a snow emergency which shall be announced by radio broadcast as soon as possible on the local radio station(s). Four (4) hours after the declaration of a snow emergency it shall be in effect. A declared snow emergency shall expire 48 hours later unless the snow emergency is either renewed or terminated early by the Emergency Official. If renewed or terminated early, it will be publicized in the same manner as the original declaration.

- (2) Parking during declaration of snow emergency. It shall be unlawful for any person to allow a vehicle parked upon any public street or alley which interferes with the removal of snow from streets or alleys in the City or impedes the free movement of fire, health, police, snow removal equipment, emergency or other vehicular traffic when such emergency has been declared.

- (C) Odd-Even Parking. From and after November 15 through March 31 of each year with enforcement time from 12:01 a.m. to 3:00 p.m. each day, the parking of vehicles on the streets in the city on odd-numbered dates shall be allowed only on sides of the streets which have buildings with addresses ending in an odd number and on those dates parking shall be prohibited on the sides of the streets which have buildings with addresses ending in an even number. During the same time period, the parking of vehicles on the streets in the city on even numbered dates shall be allowed only on the sides of the streets which have buildings with addresses ending in an even number and on those dates parking shall be prohibited on the sides of the streets which have buildings with addresses ending in an odd number. If a Snow Emergency is declared pursuant to (B) above, Odd-Even Parking shall be in effect even if such Snow Emergency occurs or extends outside of the period between November 15 and March 31.

- (D) Nothing in this section authorizes the parking of a vehicle for a period of time or in a place when or where otherwise prohibited or restricted by signs or otherwise including but not limited to, emergency snow route signs, odd/even parking signs or time restricted parking signs. Except as to a declared snow emergency, all temporary and permanent City signs which direct that parking should occur in a different way on any street shall have priority over the other provisions of this Ordinance.

- (E) No vehicle shall be parked upon any street, alley or right-of-way outside of the designated

parking lanes so as to block the removal of snow from any such street, alley or right-of-way.

- (F) Ticketing and towing of vehicles. Pursuant to Minn. Stat. 169.041 and § 72.13 of this Code, any law enforcement official shall be authorized to ticket and tow, or have removed and towed away by any commercial towing service, any vehicle which is parked in violation of this Ordinance or in any place where such parked vehicle creates or constitutes a traffic hazard or obstructs, or may obstruct the movement of any emergency or snow removal equipment, or unreasonably interferes with the removal of snow.
- (G) Violation of this section shall be a petty misdemeanor.

COUNCIL COMMITTEE REPORTS

Mayor Oberloh - Thanked Aldermen Woll and Nelson for taking care of hospitality at the Bio Science Conference, which was well attended. He had many good comments from the attendees.

Alderman Ten Haken - Met with the Transportation Committee of SRDC - brought a diagram of Transportation projects for District 7 with him if Council wished to review it after the meeting and reviewed several projects and time lines.

Alderman Kuhle - nothing to report.

Alderman Nelson - Attended an Economic Development Ad Hoc meeting where they talked about job creation and incentives to builders for higher end homes.

Alderman Wood - nothing to report.

Alderman Woll - Attended the Bio Science Conference - it was a strong conference with economic impact. Noted he had heard some comments regarding the Auditorium in that it was too cool during some of the shows.

CITY ADMINISTRATOR'S REPORT

Craig Clark, City Administrator, noted the Bio Science Conference and thanked Glenn Thuringer for his efforts. Mr. Clark said he also met with Legislators on Saturday morning - we made our points to them - and thanked those who were also in attendance.

ADJOURNMENT

The motion was made by Alderman Ten Haken, seconded by Alderman Wood and unanimously carried to adjourn the meeting at 8:55 p.m.

Janice Oberloh, CMC
City Clerk