

**WORTHINGTON CITY COUNCIL
REGULAR MEETING, JULY 12, 2010**

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.

Staff present: Craig Clark, City Administrator, Mike Cumiskey, Public Safety Director; Dwayne Haffield, Director of Engineering; Janice Oberloh, City Clerk.

Others present: Jamie Pettit, KWOA; Laura Grevis, Daily Globe; Pat and Michael Eggers, Mick's Repair.

AGENDA APPROVED

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

CONSENT AGENDA APPROVED

Following discussion on the closure of City Hall on the Friday after Thanksgiving, the motion was made by Alderman Wood, seconded by Alderman Kuhle and unanimously carried to approve the consent agenda as follows:

- City Council Minutes - Special Meeting June 28, 2010; Regular Meeting June 28, 2010; Facility Tour June 29, 2010.
- Minutes of Boards and Commissions - Water and Light Commission Minutes of Regular Meeting July 6, 2010; Worthington Housing and Redevelopment Authority Minutes of May 13, 2010; Fire Hall Building Committee Minutes of June 29, 2010.
- Application from the Chamber of Commerce to block a portion of a sidewalk from 7:00 a.m. to 6:00 p.m. on July 15 through 17, 2010 along Tenth Street from Second Avenue to Fifth Avenue for a sidewalk sale, as presented.
- Application from the Chamber of Commerce to block streets from 6:00 a.m. to 6:00 p.m. on Saturday, July 31, 2010 for Crazy Days. Street closure would be Tenth Street from Second Avenue to Fifth Avenue, with intersections open at Third Avenue and Fourth Avenue. Bills payable and totaling \$689,248.23 be ordered paid.

The City Administrator will investigate whether removing the option to work and forcing a day off would interfere with union contracts.

SPECIAL USE PERMIT APPROVED - 405 TENTH STREET

Council considered an application from Mick Eggers for a special use permit for the property at 405 Tenth Street that would allow him to run an automotive repair business on the property. A special use permit is required as the property is located in the Retail Shopping Overlay District, where

preference is ground level retail and entertainment land uses. The Planning Commission considered the request at their July 6, 2010 meeting, and after holding a public hearing, was recommending unanimously that Council approve the conditional / special use permit with the following conditions:

1. The existing off-street parking stalls are preserved and maintained.
2. Outdoor storage must be screened by a sight obscuring fence. Fence must be properly maintained. Outdoor storage may not exceed the height of the fence.
3. Outdoor storage of vehicles in need of significant repair shall be prohibited.

The motion was made by Alderman Kuhle, seconded by Alderman Wood and unanimously carried to approve the special use permit for Mick Eggers, 405 Tenth Street.

ORDINANCE NO. 1033 ADOPTED TO REZONE PROPERTY FROM "R-6" - MOBILE HOME RESIDENTIAL TO "B-3" - GENERAL BUSINESS

Pursuant to published notice, this was the date and time set for a third reading of a proposed ordinance that would rezone three acres owned by the Worthington Economic Development Authority and located directly southwest of the intersection of 27th Street and US Highway 59 from "R-6" - Mobile Home Residential to "B-3" - General Business. The property is legally described as:

A tract of land in the NE¼ of Section 14, Township 102N, Range 40W, Nobles County, Minnesota, described as follows: Beginning at the northeast corner of said NE¼; thence westerly on the north line of said Section a distance of 776 feet; thence at right angles southerly a distance of 288 feet; thence at right angles easterly and parallel to the north line of said Section a distance of 416 feet; thence at right angles northerly a distance of 170 feet; thence at right angles easterly a distance of 360 feet, more or less, to the easterly line of said Section; thence at right angles northerly and on the east line of said Section a distance of 118 feet, more or less, to the point of beginning.

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

ORDINANCE NO. 1033

AN ORDINANCE TO AMEND TITLE XV OF THE CITY CODE OF WORTHINGTON, NOBLES COUNTY, MINNESOTA, TO REZONE PROPERTY FROM "R-6" (MOBILE HOME RESIDENTIAL) TO "B-3"(GENERAL BUSINESS)

(Refer to Ordinance File for complete copy of Ordinance)

ELECTION JUDGES APPOINTED AND POLLING PLACES DESIGNATED

The motion was made by Alderman Kuhle, seconded by Alderman Wood and unanimously carried to appoint Election Judges and designate the polling places for the 2010 Election as presented.

RESOLUTION ADOPTED AUTHORIZING EXECUTION OF AGREEMENT BETWEEN THE CITY OF WORTHINGTON AND THE OFFICE OF STATE COURT ADMINISTRATION

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

RESOLUTION

AUTHORIZING EXECUTION OF AGREEMENT

Be it resolved that the City of worthington Police Department enter into a cooperative agreement wit the State of Minnesota through its Office of State Court Administration for Court Data Services.

Michael J. Cumiskey, Public Safety Director, is hereby authorized to execute such agreements and amendments, as are necessary to implement this agreement on behalf of the City of Worthi8ngton Police Department.

RESOLUTION ADOPTED AUTHORIZING EXECUTION OF SAFE AND SOBER AGREEMENT

The motion was made by Alderman Woll, seconded by Alderman Wood 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 & SOBER COMMUNITIES during the period from October 1, 2010 through September 30, 2011.

The 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.

RESOLUTION ADOPTED AUTHORIZING EXECUTION OF AGREEMENT WITH THE SOUTHWEST MINNESOTA REGIONAL RADIO BOARD FOR PUBLIC SAFETY INTEROPERABLE COMMUNICATIONS GRANT PROJECT

The motion was made by Alderman Ten Haken, seconded by Alderman Woll 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 Southwest Minnesota Regional Radio Board for the Public Safety Interoperable Communications (PSIC) grant project.

The 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.

CONTRACT AWARDED FOR RYAN'S ROAD - RAY DRIVE - TH 59 IMPROVEMENT PROJECT

The following bids were received July 2, 2010 for the Ryan's Road - Ray Drive - TH 59 Improvement Project:

<u>Engineer's Estimate</u>	<u>OMG Midwest</u>	<u>McLaughlin & Schulz</u>	<u>Duininck, Inc.</u>
\$1,140,040.60	\$888,850.00	\$899,089.70	\$935,557.20

The motion was made by Alderman Wood, seconded by Alderman Ten Haken and unanimously carried to award the contract for the Ryan's Road - Ray Drive - TH 59 Improvement Project to OMG Midwest, Inc. d/b/a Southern Minnesota Construction (SMC) as the low qualified bidder in the amount of \$888,850.00.

Approval is subject to the Minnesota Department of Transportation's approval of the contractor's proposed utilization of Disadvantage Business Enterprises (DBE).

FIRST READING PROPOSED ORDINANCE ESTABLISHING SPECIAL CHARGES FOR OPERATION OF THE STREET LIGHTING SYSTEM

Following a summary of the proposed Special Service Charge for Street Lighting given by Dwayne Haffield, Director of Engineering, the motion was made by Alderman Ten Haken, seconded by

Alderman Nelson and unanimously carried to give a first reading to a proposed ordinance establishing special charges for operation of the street lighting system as follows:

AN ORDINANCE ESTABLISHING SPECIAL CHARGES
FOR OPERATION OF THE STREET LIGHTING SYSTEM

SECTION I.

Worthington City Code, Title V, Chapter 55, is hereby created, and shall be entitled "Street Lighting System" and shall read as follows:

Section 55.01. Findings and purposes.

The purpose of this ordinance is to provide for the efficient, economic and safe operation of the street lighting system for the protection of the health, safety and general welfare of the public within the City. In order to appropriately distribute the costs of the establishment, operation, construction, repair, replacement, maintenance, enlargement and improvement of said system, it is hereby determined by the City Council that every developed property benefits from the safety and convenience of street lights and, therefore, there shall be a Special Service Charge imposed upon every Special Service Charge Unit as it is defined in 55.03 (B) below located within the City.

Section 55.02. Establishment of a Street Lighting Fund.

There is hereby created a Street Lighting Fund into which all special service charges and other monies collected for the establishment, operation, construction, repair, replacement, maintenance, enlargement and improvement of the Street Lighting System will be deposited. The Fund shall at all times be under the management and control of the City Council.

Section 55.03. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

(A) ***Required Street Lighting System Revenue*** means the estimated annual expenditures by the City of Worthington for the establishment, operation, construction, repair, replacement, maintenance, enlargement and improvement of the Street Lighting System, less such revenue as the Council may obtain and/or apply from any other source(s).

(B) ***Special Service Charge Unit*** herein ("Unit"). For purposes of this Chapter a Unit is:

- a) each single family residence,
- b) each multi-family residence, apartment, or condominium structure,
- c) each motel or hotel,
- d) each commercial or industrial office, store, plant, warehouse or institution
- e) each school building or campus, and

f) each church building.

(C) **Property Use Category.** Each property shall be identified as belonging to one of the following use categories: Residential; Multi-Family Residential, Commercial; Industrial; Institutional; or Exempt. Residential shall include multi-family structures with three or fewer dwelling units. Multi-Family residential shall include town homes, apartments, and condominiums with four or more dwelling units. Exempt uses shall include parks, open space, cemeteries, road right-of-ways, lake, streams, wetlands, and vacant lands.

(D) **Special Service Charge Factors** herein (“Factor”) for each Property Use Category shall be as follows:

Property Use Category	Service Charge Factor
Residential (3 dwelling units or less)	1.00
Multi-Family (4 dwelling units or more) including apartments and condominiums)	3.00
Commercial	3.00
Industrial	3.00
Institutional	3.00
Exempt	0.00

(E) **Special Service Charge Use Rate** herein (“Use Rate”) for each property use category shall be the product of the Special Service Charge Base Rate and the Factor corresponding to the use category of the property.

(F) **Street Lighting Special Service Charge** herein (“Charge”) means the annual charge to be billed to each developed property. The Charge for each property shall be the product of the Unit or Units and the Use Rate corresponding to the to the use of the property.

Section 55.04 Determination of Special Service Charge Base Rate.

(A) The Special Service Charge Base Rate shall be calculated by dividing the Required Street Lighting System Revenue into the sum of all Units multiplied by their corresponding Factor.

(B) The Required Street Lighting System Revenue and resulting Special Service Charge Base Rate shall be adopted by resolution upon enactment of this chapter. Subsequent changes in the Required Street Lighting System Revenue and resulting Special Service Charge Base Rate shall be adopted by Council resolution.

Section 55.05. Payment of Fee.

One-twelfth (1/12) of the Charge shall be billed each month along with other municipal utility bills. The terms and conditions for payment of Charges shall be as established by the Water and Light Commission with concurrence by the City Council.

Section 55.06. Certification of Past Due Fees on Taxes.

If any Charges as billed monthly have not been paid for three consecutive months, then a penalty as set forth in Section 55.05 shall be added to the amount due. Any such past due fees may then be certified to the County Auditor for collection with real estate taxes on the following year pursuant to Minnesota Statutes 429.101, Subdivision 1(a). In addition, the City of Worthington shall also have the right to bring a civil action or to take other legal remedies to collect unpaid fees.

Section 55.07. Severability

Should any section, subdivision, clause or other provision of this ordinance be held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part held to be invalid.

FIRST READING PROPOSED ORDINANCE TO VACATE RIGHT-OF-WAY IN THE CITY OF WORTHINGTON, NOBLES COUNTY, MINNESOTA - CIRCLE DRIVE

The motion was made by Alderman Kuhle, seconded by Alderman Woll and unanimously carried to give a first reading to a proposed ordinance to vacate a portion of the right-of-way on Circle Drive as follows:

That Circle Drive from 50 feet west of the westerly right-of-way line of Spring Avenue and the northerly right-of-way line of East Avenue is hereby vacated.

COUNCIL COMMITTEE REPORTS

Mayor Oberloh - Noted the City has won the Project of the Year award from the Southwest Regional Development Commission for the testing and training center. Mayor Oberloh recognized the efforts of City staff, the SRDC and RDC, and Congressman Walz. Also noted he and Alderman Ten Haken and their wives had attended the retirement party for Senator Vickerman in Slayton on Sunday - Senator Vickerman was very appreciative.

Alderman Ten Haken - Thanked Alderman Nelson and the Mayor for attending the SRDC meeting in Worthington. The transportation portion of the SRDC continues to work on projects and will be wrestling with funding - it will difficult to get through the Highway 60 project without using some budget dollars.

Alderman Kuhle - Planning Commission met July 6th and elected Chad Nixon as Chairman. One of the items they considered was a text change amendment to raise the height limit for the M2 district. They recommend a case by case basis through the use of a variance. The Airport Advisory

Board met and discussed the fueling facility upgrade and hangar project.

Alderman Nelson - The tour of the maintenance facility and fire hall went well - he would also like to tour the water treatment facility.

Alderman Wood - Would like to have Craig invite Scott Hain to come to Council and have discussion about rates - according to a survey done by MMUA, Worthington has one of the lowest rates of 87 communities of similar size. Transmission costs go up 10 to 18% beforehand so they can build. Regarding the Bio Science Park - the Level 1 group is getting themselves together. The City is very fortunate to have a small financial stake in that. He will be distributing data usage on the first three months for Prairie View - the Board will be looking at setting rates earlier than last year.

Alderman Woll - Memorial Auditorium progress is underway - they met with the architect this morning and will meet with him again next week, the change of architect mid project is challenging - progressing rapidly.

CITY ADMINISTRATOR'S REPORT

Craig Clark, City Administrator, reported that our Building Inspector Joseph Companies from Austin who is heading up the Auditorium project, stated Worthington has more projects than Austin and Albert Lea combined - a pretty powerful statement.

ADJOURNMENT

The motion was made by Alderman Ten Haken, seconded by Alderman Wood and unanimously carried to adjourn the meeting at 7:46 p.m.

Janice Oberloh
City Clerk