

**WORTHINGTON CITY COUNCIL
REGULAR MEETING, AUGUST 9, 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, Scott Nelson, Ron Wood, Mike Woll. Aldermen absent: Mike Kuhle (excused).

Staff present: Craig Clark, City Administrator; Mike Cumiskey, Public Safety Director; Brad Chapulis, Director of Community/Economic Development; Janice Oberloh, City Clerk.

Others present: Laura Grevis, Daily Globe; Jamie Pettit, KWOA; Dwayne Hattendorf, Southwest Minnesota Housing Partnership; Peter Abelein, Munich, Germany.

INTRODUCTIONS AND COMMENTS

Mayor Oberloh introduced Peter Abelein who is interning here from the City of Munich, Germany. Peter is here to observe public administration.

Ann Rogers had requested to speak to Council regarding the amount of trash left lying in various public locations throughout the city, even though there are trash barrels near the sites. Ms. Rogers displayed two bags of trash and several photos of litter, and noted she regularly picks up trash during her walks. Discussion was held on the process to enforce the litter laws. Ms. Rogers stated she would volunteer for a task force to address the problem if Council chose to establish one.

Council thanked Ms. Rogers for her time and her efforts to address the litter problem.

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

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

- City Council Minutes - Special Meeting of July 26, 2010; Regular Meeting of July 26, 2010.
- Minutes of Boards and Commissions - Water and Light Commission Minutes of July 26, 2010; Planning Commission Minutes of August 3, 2010.
- Application for Temporary On-Sale Liquor License from Worthington Country Club, 851 W. Oxford Street, for Labor Day Weekend, September 3-6, 2010. The application must also be approved by the State of Minnesota Alcohol and Gambling Enforcement Division.
- City of Worthington and ISD518 Memorial Auditorium 2010-2011 Rental Agreement as presented.
- Temporary On-Sale Beer License for the Worthington Fire Department for their fund raising

- event at Centennial Park from 3:00 to 8:00 p.m. on Saturday, August 21, 2010.
- On-Sale Beer License/Permits/ and Street Closure applications for 2010 King Turkey day as presented.
- Bills Payable and totaling \$830,385.14 be ordered paid.

ORDINANCE 1034 ADOPTED ESTABLISHING SPECIAL CHARGES FOR OPERATION OF THE STREET LIGHTING SYSTEM

Pursuant to published notice, this was the time and date set for the third reading of a proposed ordinance establishing special charges for operation of the street lighting system as follows:

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.

SECTION II.

This Ordinance shall be in full force and effect from and after its passage and publication as required by law.

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

ORDINANCE NO. 1034

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

(Refer to Ordinance File for complete copy of Ordinance.)

ORDINANCE NO. 1035 ADOPTED VACATING RIGHT-OF-WAY IN THE CITY OF WORTHINGTON, NOBLES COUNTY, MINNESOTA - CIRCLE DRIVE

Pursuant to published notice this was the time and date set for the third reading of a proposed ordinance vacating a portion of 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 to the northerly right-of-way line of East Avenue is hereby vacated.

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

ORDINANCE NO. 1035

AN ORDINANCE TO VACATE RIGHT-OF-WAY IN THE CITY OF WORTHINGTON,
NOBLES COUNTY, MINNESOTA

(Refer to Ordinance File for complete copy of Ordinance.)

NOBLES COUNTY BOARD OF CANVASS

Information was received that the County Board of Canvass for the August 10th Primary Election will be held on Friday, August 13, 2010 and on Friday, November 5, 2010 for the November 2nd General Election. Both meetings will be at 10:00 a.m. in the Nobles County Training Room. Mayor Oberloh named Mayor Pro Tem Lyle Ten Haken as his designee for the November Board of Canvass as being up for re-election makes the Mayor ineligible to serve.

RESOLUTION ADOPTED AUTHORIZING EXECUTION OF GRANT AGREEMENT

The motion was made by Alderman Woll, seconded by Alderman Ten Haken and unanimously carried to adopt the following resolution authorizing the Mayor to execute a grant agreement through Minnesota Department of Public Safety Office of Traffic Safety for in-car video cameras:

RESOLUTION
AUTHORIZING EXECUTION OF AGREEMENT

Be it resolved that the City of Worthington Police Department enter into a cooperative agreement with the Office of Traffic Safety in the Minnesota Department of Public Safety.

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

I hereby certify that the above resolution was adopted by the City Council of the City of Worthington on August 9, 2010.

INFORMATIONAL UPDATE ON K-9 UNITS' PERFORMANCE AT REGIONAL TRIALS

Following an introduction of the K-9 teams, Council received an update on the performance of the

City's two K-9 units at the regional trials. Officer Randy Liepold and K-9 Laika placed 6th overall with 682 points out of a possible 700 (first overall in Suspect Search, second overall in agility, and third place overall in obedience). Officer Brett Wiltrout and K-9 Thor took the Top Rookie Dog award with 675.5 points out of a possible 700.

RENTAL HOUSING INSPECTION UPDATE

Brad Chapulis, Director of Community/Economic Development, presented an update of the rental housing inspections to date, and introduced Dwayne Hattendorf of the Southwest Minnesota Building Specialists, an arm of the Southwest Minnesota Housing Partnership. Mr. Hattendorf performs the rental inspections on behalf of the City of Worthington. As of August 1st of this year, the city has 1182 registered rental units, which does not include licensed nursing homes or assisted living facilities and group homes. To date, 1,770 inspections have been completed, or 590 inspections annually, which is slightly behind the targeted number of 700. The compliance rate is 73%, and of the 320 units that have been found to not be in compliance, we have approximately 60 that staff has encountered lack of cooperation from the landlords. There are also 55 additional units that did not register this year. The list of those 115 units is being assembled to turn over to the County Attorney's office for legal action. The penalty for non-compliance is a financial penalty per day, and ultimately shut down of the unit. Discussion was held on the inspection/notification process, and coordinating the housing ordinance with the nuisance ordinance.

Council thanked Mr. Chapulis and Mr. Hattendorf, and noted they would like to receive this update on an annual basis.

COUNCIL COMMITTEE REPORTS

Mayor Oberloh - reminded Council of the Turkey-cathlon and inquired whether Council was interested in having a team. Also reminded Council of the Mayor's invitational golf tournament on September 11, 2010 at Prairie View Golf Links.

Alderman Ten Haken - nothing to report.

Alderman Nelson - nothing to report.

Alderman Wood - nothing to report.

Alderman Woll - nothing to report.

CITY ADMINISTRATOR'S REPORT

Craig Clark, City Administrator, reminded Council that budget meetings have been set up for 6:30 a.m. on August 25th and 26th, and on September 1st and 2nd for meeting with Department Heads. A tour of the Water and Wastewater facilities will also be scheduled for the week September 20th. Council noted Wednesday the 22nd would work for them.

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ADJOURNMENT

The motion was made by Alderman Nelson, seconded by Alderman Ten Haken and unanimously carried to adjourn the meeting at 8:06 p.m.

Janice Oberloh
City Clerk