

**WORTHINGTON CITY COUNCIL
REGULAR MEETING AUGUST 10, 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. Absent: Honorary Council Person: Robert Ramirez.

AGENDA APPROVED

Public Safety Director Mike Cumiskey requested that an application for dance license included in the consent agenda be moved to the regular agenda as item E.7.

The motion was made by Alderman Wood, seconded by Alderman Woll and unanimously carried to approve the agenda with the requested change.

CONSENT AGENDA APPROVED

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

- City Council Minutes - Regular Meeting July 27, 2009, Special Meeting July 28, 2009.
- Minutes of Boards and Commissions - Water and Light Commission Minutes Regular Meeting, July 27, 2009; Worthington Housing and Redevelopment Authority Board of Commissioners Minutes of June 11, 2009.
- Applications for Exemption from Lawful Gambling as requested:

Organization:	Tomorrow's Turkeys
Chief Executive Officer:	Allen J. Thiner
Types of Games:	Raffles
Location:	Elks Lodge #2287, 1105 Second Avenue, Worthington, MN
Date of Activity:	September 26, 2009

Organization:	St. Mary's Church
Chief Executive Officer:	Father Hilary Brixius
Types of Games:	Bingo and Raffles
Location:	St. Mary's School, 1206 Eighth Avenue, Worthington, MN
Date of Activity:	October 25, 2009

- License/Permit/Street Closure Applications for King Turkey Day:

Temporary On-Sale Beer License:

King Turkey Day Mixer
5:00 p.m. to 9:00 p.m., Thursday, September 17, 2009
Pioneer Village (Worthington Arena as alternate location in case of rain.)

King Turkey Day Beer Garden

2:00 p.m. to 11:00 p.m. Friday, September 18, 2009
12:00 noon to 11:30 p.m. Saturday, September 19, 2009

Application to Block Streets as requested:

6 p.m. 09/16/09 to 11 p.m. 09/19/09 - 9th Street from 1st Avenue to 4th Avenue
3rd Avenue from 9th Street to 10th Street

4 p.m. 09/18/09 to 9 p.m. 09/19/09 - 3rd Avenue from 10th Street to 11th Street

4 p.m. 09/18/09 to 12 midnight 09/19/09 - 1st, 2nd, 3rd, and 4th Aves. from 9th to 10th St.
10th Street between 1st and 2nd Avenue

7 a.m. to 11 a.m. 09/19/09 - 11th Street between 2nd and 3rd Avenue

6 a.m. to 5 p.m. 09/19/09 - 10th Street in its entirety

- Applications for Temporary On-Sale Beer Licenses:
Organization: Worthington Area Chamber of Commerce - JBS Swift Awards Banquet
Location: Centennial Park - Tent
Time/Date of Event: 3:00 p.m. to 10:00 p.m., Saturday, August 15, 2009

Organization: Worthington Fire Department - Fund Raiser Event
Location: Centennial Park
Time/Date of Event: 3:00 p.m. to 8:00 p.m., Saturday, August 22, 2009
- Bills Payable and totaling \$1,704,260.84 be ordered paid.

BIO SCIENCE MONUMENT SIGN DELAYED FOR FURTHER INFORMATION

Staff presented a proposed design from Headliners for a monument sign for the Bioscience Park including the following estimates:

Lende Signs & Graphics - \$16,524.35 plus tax and installation
Ace Signs- \$12,336.00 plus tax

Following discussion on location and position of the sign, and one sided vs. two sided viewing, it was determined to take no action on this item pending additional information on a two sided sign.

GLOBAL SYNERGY GROUP (GSG) SELECTED TO FACILITATE STRATEGIC PLANNING PROCESS

Staff solicited the following proposals for a strategic planning process to determine the near and long-term goals of the City:

Springsted, Inc. - \$9,500 plus out of pocket expenses estimated at \$1,000.
Global Synergy Group combined proposal - \$10,000 plus estimated expenses of \$150

The proposals are similar in scope and flexibility in amending that scope, but differ somewhat in their emphasis in that GSG focuses more attention on the possible option of citizen participation. Funds for the service would come from the hospital impact dollars.

The motion was made by Alderman Woll, seconded by Alderman Wood and carried to accept the proposal from Global Synergy Group to facilitate the strategic planning process.

DANCE LICENSE FOR NOBLES COUNTY AGRICULTURAL SOCIETY APPROVED WITH CONDITION

Council reviewed an application for a dance license from the Nobles County Agricultural Society for dances in their commercial building at the Nobles County fairgrounds. Public Safety Director Mike Cumiskey distributed photos of the building, which he termed a pole shed, and expressed his concerns that the facility does not meet our ordinance requirements, specifically Sections 119.06 and 119.08. Chief Cumiskey toured the building with a representative of the Nobles County Agricultural Society, and then followed up with an inspection by the City's Building Official as stated in the City Code. Brad Chapulis, Director of Planning and Zoning, reported that the building was built for cold storage/machine shed purposes, not a place of assembly, and the State Board of Architecture requires a plan review by a licensed architect for a change of occupancy. Ventilation, restrooms, fire exits and noise violations were listed as the main concerns.

Jim Stefferud of the Nobles County Agricultural Society was present at the meeting to address concerns regarding their application. Mr. Stefferud noted the Fair Board was looking at this as a fundraiser, adding they would supply their own security and work with the Chief of Police and the Sheriff. He also noted the time stated on the application of 10:00 p.m. to 12:00 midnight was incorrect and should have been shown as 8:00 p.m to 12:00 midnight. In response to a question from Alderman Wood, Brad Chapulis responded the City would be in violation of State building codes if we were to issue the license as the building is now.

The motion was made by Alderman Wood and seconded by Alderman Kuhle to approve the Nobles County Agricultural Society's application for a dance license in their building at the Nobles County Fairgrounds upon receiving certification that the building meets state statute, and that the license time be amended to 8:00 p.m. to 12:00 midnight. The following Aldermen voted in favor of the motion: Kuhle, Nelson, Wood, Woll, with the following Aldermen voting against the same: Ten Haken; motion carried.

CONTRACT WITH EMC FOR OPERATION OF INDUSTRIAL WASTEWATER TREATMENT FACILITY APPROVED

The current contract with Environmental Management Corporation (EMC) for operations of the Industrial Wastewater Treatment Facility expires August 31, 2009. Dwayne Haffield, Director of Engineering, expressed satisfaction with the maintenance and running of the plant by EMC, adding that fees were the discussion point. A quote was obtained from an additional company, which were basically the same as those proposed by EMC. The fee structure of the proposed contract is a cost plus fixed fee type, and based on current loading projections, the fixed fees will be approximately \$225,000 or about 14% less than current fees. The estimated budget for solids disposal, chemical, electrical, and maintenance costs are billed monthly and reconciled annually or quarterly. Chemical costs are reconciled quarterly due to the potential for large fluctuations in loadings and corresponding chemical usage. Over half of the proposed contract is costs for chemicals for phosphorous removal. Mr. Haffield noted that JBS was involved in the discussions with EMC, and the parties had come to a contract agreement a few weeks ago until EMC included a limited liability clause in the contract, which the City has not accepted in past contracts. The contract has a one year cancellation without cause with six month notice, which leaves the possibility of selling it at sometime in the future.

The motion was made by Alderman Wood, seconded by Alderman Woll and unanimously carried to approve the contract with EMC for operation of the Industrial Wastewater Treatment Facility.

RESOLUTION NO. 3397 ADOPTED DECLARING ADEQUACY OF PETITION AND ORDERING PREPARATION OF FEASIBILITY REPORT ON PROPOSED IMPROVEMENT

Council considered a petition for improvement of property, proposed to be platted as Morningview First Addition, by extension of the municipal storm water collection and management system, the extension of the municipal wastewater collection system and by extension of the municipal water distribution system. The petition was submitted by the land owners as required, and affects the property legally described as follows:

That part of the Northeast Quarter of the Southeast Quarter of Section 13, Township 102 North, Range 40 West, City of Worthington, Nobles County, Minnesota, described as follows:

Commencing at the east quarter corner of said Section 13; thence on an assumed bearing of South 0 degrees 13 minutes 55 seconds East, along the east line of said Section, a distance of 300.41 feet to a Minnesota Department of Transportation right of way monument located on the southerly right of way line of Interstate Highway No. 90; thence continuing South 0 degrees 13 minutes 55 seconds East, along said east line, a distance of 314.70 feet to the point of beginning of the

tract to be described; thence South 89 degrees 46 minutes 05 seconds West a distance of 153.00 feet; thence South 0 degrees 13 minutes 55 seconds East a distance of 16.03 feet; thence North 89 degrees 07 minutes 32 seconds West a distance of 333.38 feet to the northeast corner of Lot 10, Block 2 of Dano Addition to the City of Worthington, according to the recorded plat thereof; thence South 0 degrees 18 minutes 33 seconds East, along the east line of said Dano Addition and along the east line of Castlewood Knolls Addition to the City of Worthington, according to the recorded plat thereof, a distance of 533.58 feet to the southeast corner of said Castlewood Knolls Addition; thence South 89 degrees 03 minutes 13 seconds East, along the north line of Sungold Heights Mobile Home Park, City of Worthington, Minnesota, according to the recorded plat thereof, a distance of 485.70 feet to the east line of said Section; thence North 0 degrees 13 minutes 55 seconds West, along said east line, a distance of 553.16 feet to the point of beginning, containing 6.017 acres, subject to easements now of record in said county and state.

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

RESOLUTION NO. 3397

DECLARING ADEQUACY OF PETITION AND ORDERING PREPARATION OF FEASIBILITY REPORT ON PROPOSED IMPROVEMENT

(Refer to Resolution File for complete copy of Resolution)

RESOLUTION ADOPTED VACATING EASEMENT IN SOUTHEAST QUARTER SECTION 24

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

RESOLUTION

VACATING AN EASEMENT

WHEREAS, It has been determined that a certain easement affects all that part of the south half of the southeast quarter lying south of the former right of way of the Chicago, Rock Island and Pacific Railway in Section 24, Township 102 North, Range 40 West in Nobles County, Minnesota, and

WHEREAS, Said easement is no longer required by the City.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WORTHINGTON, MINNESOTA:

1. That said easement recorded as Document No. 108856, Page 353, Book "W" of the Miscellaneous, in the office of the County Recorder, Nobles County, Minnesota, be hereby vacated and released.
2. That the City Clerk is hereby directed to file a certified copy of this resolution in the office of the Recorder in and for the County of Nobles, State of Minnesota.

The resolution is subject to Water and Light concurrence.

SPECIAL USE PERMIT APPROVED WITH CONDITIONS FOR 1543 OKABENA STREET

The owner of the property located at 1543 Okabena Street was requesting approval of a special use permit that would allow the applicant to establish a three unit apartment complex in the "R-3" - Low Density Preservation Residential District. The Planning Commission considered the request at their August 4, 2009 meeting and were recommending approval of the permit subject to the following conditions:

1. The applicant obtains a variance for relief of the minimum lot area required for the establishment of the proposed three units.
2. The applicant installs an off-street parking area in compliance with the City's parking requirements within one year as permitted by Ordinance.
3. The applicant buffers the parking area from abutting residential properties as outlined by Ordinance.

The motion was made by Alderman Woll, seconded by Alderman Kuhle and unanimously carried to approve the special use permit for 1543 Okabena Street subject to the conditions as stated.

SPECIAL USE PERMIT - SOUTHWEST MENTAL HEALTH CENTER (SOUTHWEST CORNER OF THE INTERSECTION OF 13TH STREET AND 4TH AVENUE

The Southwest Mental Health Center, Inc. was requesting approval of a special use permit that would allow them to construct and operate a residential treatment center at the southwest corner of the intersection of 13th Street and 4th Avenue. The special use permit is required as the property is zoned as "R-4" Medium Density Residential District. The Planning Commission considered the request at their August 4, 2009 meeting and was recommending Council approval with the condition that the development be completed as outlined in the site plan shown. Council expressed concern

with the proposed layout which has the entrance to the facility located towards the middle of the block, and exposes the “backyard” of the facility to the homes on 4th Avenue, and asked if the building could be turned somewhat.. Scott Johnson, of the Southwest Mental Center, noted the location of the entrance was in keeping with a campus type plan, with the parking lot to serve as a buffer between the facility and 5th Avenue, which is extremely busy. Council also discussed a desire to keep the trash enclosure as aesthetic as possible as it would be in a residential neighborhood. Council asked Mr. Johnson if he would prefer to defer his request for two weeks to make the changes to the plan or have Council approve it tonight with the changes as requested. Mr. Johnson stated he would like some time tonight to confer with his architect, Andy Schwartz, who was also present at the meeting. Council agreed to suspend discussion on the special use permit until later in the meeting.

FIRST READING PROPOSED ORDINANCE TO REZONE FROM “TZ - TRANSITIONAL ZONE TO “R-4” - MEDIUM RESIDENTIAL AND “R-2” - LOW DENSITY RESIDENTIAL

Council considered a request from the Southwest Minnesota Housing Partnership to rezone 6.017 acres at the east end of Cecilee Street from its current “TZ” - Transitional Zone to “R-4” - Medium Density Residential and “R-2” Low Density Residential to allow for their proposed residential development, which includes a 30 unit multi-family project. The Planning Commission held a public hearing and considered the request at their August 4, 2009 meeting and was recommending approval of the change of zone subject to approval of the final plat of Morning View First Addition.

The motion was made by Alderman Kuhle, seconded by Alderman Wood and unanimously carried to give a first reading to a proposed ordinance to rezone 6.017 acres at the end of Cecilee Street from its current “TZ” - Transitional Zone to “R-4” - Medium Density Residential and “R-2” Low Density Residential as follows:

Section I.

In order to better protect and enhance public health, safety and general welfare, the Worthington City Council hereby finds that it is necessary to modify the zoning district designation of certain areas of the City of Worthington from “TZ” to “R-2” - One Family Low Density Residential and “R-4” - Medium Density Residential.

Section II.

The following legally described area, presently included in the “TZ” district, shall henceforth be included in the “R-2” district:

All of Block 1 and Lots 1 & 2, Block 2, Morning View First Addition, City of Worthington, Nobles County, Minnesota.

Section III.

The following legally described area, presently included in the “TZ” district, shall henceforth be included in the “R-4” district:

Lots 3 through 6, Block 2 and all of Block 3, Morning View First Addition, City of Worthington, Nobles County, Minnesota.

PRELIMINARY PLAT APPROVED - MORNING VIEW FIRST ADDITION

The Southwest Minnesota Housing Partnership was seeking preliminary plat approval of Morning View First Addition, a 15 lot residential subdivision on 6.017 acres located at the east end of Cecilee Street. The Planning Commission considered the preliminary plat at its August 4th meeting was recommending Council approval with the following conditions:

1. Council’s order to proceed with the storm water collection improvements petitioned for by the Developer.
2. The applicant grants the following easements:
 - 10' easement along the west property line of Lot 2, Block 1 and Lots 1 & 6, Block 3; and
 - 10' easement along the north property line of Lots 1, 2, 3, Block 1, and Lot 1, Block 2.

The motion was made by Alderman Woll, seconded by Alderman Wood and unanimously carried to approve the Preliminary Plat - Morning View First Addition with the conditions stated.

REQUEST APPROVED FOR SITE PREPARATION ASSISTANCE - PRAIRIE REHABILITATION

Council considered an application for site preparation assistance form Prairie Rehabilitation for their proposed 6,200 square foot, \$865,000 fitness and rehabilitation facility at 315 Oxford Street. The company was requesting financial assistance with costs affiliated with removal of asbestos, demolition of existing structures, soil corrections and the petroleum cleanup of the affected area on the site. The applicant submitted the lowest bids received for the project:

Demolition, including asbestos removal	\$34,411
Soil corrections, related to building	\$14,128
<u>Petroleum clean-up (Estimate)</u>	<u>\$20,000</u>
Estimated Total	\$68,539

Using the established Site Preparation Guidelines, Staff has determined the applicant's eligibility for assistance.

The motion was made by Alderman Ten Haken, seconded by Alderman Woll and unanimously carried to approve Site Preparation Assistance to Prairie Rehabilitation in an amount up to \$68,539.

In the event costs would be driven up by an unknown, the applicant could apply for further assistance.

COUNCIL COMMITTEE REPORTS

Mayor Oberloh - just wanted to remind Council of the 6:30 meeting tomorrow morning.

Alderman Ten Haken - nothing to report.

Alderman Kuhle - nothing to report.

Alderman Nelson - attended the Senior Center open house, lots of people showed up.

Alderman Wood - nothing to report.

Alderman Woll - wanted to congratulate them on the open house at the Senior Center.

CITY ADMINISTRATOR'S REPORT

Craig Clark, City Administrator, reported that the Buffalo Ridge Drug Task Force presentation will be August 17th at 7:00 a.m, which will be a joint City/County/School District meeting. Staff was still working on getting the Joint City/County meeting scheduled for the 24th or 25th, and will be setting up budget meetings from the week of the 17th on. Mr. Clark is also working on setting up a tour of the City facilities per Council's request. Following discussion, budget meetings were scheduled for 6:30 a.m. to 9:30 a.m. on August 20th and August 26th, and from 6:30 a.m. to 9:30 a.m. on September 2nd and September 3rd.

SPECIAL USE PERMIT APPROVED - SOUTHWEST MENTAL HEALTH CENTER (SOUTHWEST CORNER OF THE INTERSECTION OF 13TH STREET AND 4TH AVENUE

Council returned to the request from the Southwest Mental Health Center for a Special Use Permit for the southwest corner of their property at the intersection of 13th Street and 4th Avenue. Scott Johnson requested approval of a special use permit based on the second design, with the entrance facing 4th Avenue.

The motion was made by Alderman Woll, seconded by Alderman Wood and unanimously carried to approve the Special Use Permit for the Southwest Mental Health Center based on the second design with the entry on 4th Avenue, and that the outdoor trash receptacle be aesthetically pleasing.

ADJOURNMENT

Worthington City Council
Regular Meeting, August 10, 2009
Page 10

The motion was made by Alderman Woll, seconded by Alderman Kuhle and unanimously carried to adjourn the meeting at 9:05 p.m.

Janice Oberloh
City Clerk