

**WORTHINGTON CITY COUNCIL  
REGULAR MEETING, AUGUST 12, 2013**

The meeting was called to order at 7:00 p.m. in City Hall Council Chambers by Mayor Alan E. Oberloh with the following Council Members present: Diane Graber, Rod Sankey, Ron Wood, Scott Nelson. Council Members absent: Mike Kuhle and Honorary Council Member Robert Bristow (excused).

Staff members present: Craig Clark, City Administrator; Brad Chapulis, Director of Community/Economic Development; Dwayne Haffield, Director of Engineering; Janice Oberloh, City Clerk; Armand Eshleman, Building Official.

Others present: Aaron Hagen, Daily Globe; Chris Heinrichs.

The Pledge of Allegiance was recited.

**AGENDA APPROVED WITH ADDITION**

Staff requested the addition of item D.4.(a)4. *Application for Exemption from Lawful Gambling Permit - Tomorrow's Turkeys* to the consent agenda.

The motion was made by Council Member Wood, seconded by Council Member Nelson and unanimously carried to approve the agenda with the requested addition.

**CONSENT AGENDA APPROVED**

The motion was made by Council Member Wood, seconded by Council Member Graber and unanimously carried to approve the consent agenda as follows:

- City Council Minutes of Regular meeting July 22, 2013
- Minutes of Boards and Commissions - Water and Light Commission Minutes of July 22, 2013 and August 5, 2013; Traffic and Safety Committee Minutes of July 31, 2013
- Municipal Liquor Store Income Statement for the Period January 1, 2013 through July 31, 2013
- Application to Block Street from the Chamber of Commerce for their Downtown Cruisin on August 13, 2013 - to block 10<sup>th</sup> Street from Second Avenue to Sixth Avenue from 2:00 p.m. to 8:30 p.m.
- Application for temporary on-sale beer license from the VFW/Worthington Elks Lodge 2287 - from 6:00 p.m. to 10:00 p.m. on Friday, September 13, 2013 and from 12:00 p.m. to 11:00 p.m. on Saturday, September 14, 2013 at their parking lot on Second Avenue
- Application for temporary on-sale liquor license from the Worthington Country Club for their four-day Labor Day Golf Tournament August 30 through September 2, 2013
- Application for an Exemption from Lawful Gambling Permit from Tomorrow's Turkeys to conduct raffles September 21, 2013 at the Elk's Lodge #2287
- Parking Restriction on Lake Street at 7<sup>th</sup> Avenue to restrict parking on the northerly side of

- Lake Street east of its intersection with 7<sup>th</sup> Avenue for a distance found appropriate by the Engineering staff
- Bills payable and totaling \$1,321,941.65 be ordered paid

**ORDINANCE NO. 1072 ADOPTED AMENDING CHAPTER 90, SECTIONS 90.01 AND 90.03 OF THE WORTHINGTON CITY CODE - DEFINITIONS - FARM ANIMALS**

Pursuant to published notice, this was the time and date set for the third reading of a proposed ordinance amending Chapter 90 of the Worthington City Code to exclude rabbits from the definition of “farm animals”.

The motion was made by Council Member Wood, seconded by Council Member Nelson and unanimously carried to give a third reading to, and subsequently adopt, the following Ordinance:

ORDINANCE NO. 1072

AN ORDINANCE TO AMEND CHAPTER 90, SECTIONS 90.01 AND 90.03

(Refer to Ordinance File for complete copy of Ordinance)

**ORDINANCE NO. 1073 ADOPTED AMENDING CHAPTER 113 OF THE WORTHINGTON CITY CODE - PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS - TO INCLUDE FARMERS MARKETS**

Pursuant to published notice, this was the time and date set for the third reading of a proposed ordinance amending Chapter 113 of the Worthington City Code - Peddlers, Solicitors, and Transient Merchants - to include Farmers Markets.

The motion was made by Council Member Nelson, seconded by Council Member Sankey and unanimously carried to give a third reading to, and subsequently adopt the following Ordinance:

ORDINANCE NO. 1073

AN ORDINANCE TO AMEND CHAPTER 113

(Refer to Ordinance File for complete copy of Ordinance)

**FUNDS AUTHORIZED WITH CONTINGENCY FOR PHASE I ANALYSIS FOR EXPANDED OUTDOOR POOL FACILITY**

Craig Clark, City Administrator, noted that he, along with Council Members Graber and Nelson, met

on July 23 with advocates of an expanded outdoor pool facility. Thomas R. Schaffer of USAquatics was also present at that meeting and provided a presentation on other pools and his organization's process for working with communities. Based on information provided, the group determined that a pool in the \$2.5 to \$2.75 million range would be an appropriate working number. The following features were prioritized:

1. Large lap pool
2. Two diving boards - 1 meter and 3 meters
3. Slides
4. Green space

The group was seeking Council approval and funding for a Phase I Analysis that would provide a preliminary design at the estimated cost of \$7,500. Mr. Clark noted the funds have not been allocated in the budget.

Following discussion, the motion was made by Council Member Wood, seconded by Council Member Graber and unanimously carried to approve \$3,750 of the \$7,500 for a Phase I Analysis, and that the group will have to come forward with the other \$3,750.

**AUTHORIZATION PROVIDED TO REQUEST QUOTES FOR LAKE STREET TRAIL AND WALK EXTENSION WITH BUDGET AMENDMENT TO INCLUDE INCREASED PROJECT COSTS AND SUGGESTED CURB ALIGNMENT**

The 2013 Park Fund budget includes \$78,173 for extension of the multi-use trail and sidewalk along Lake Street from near 7<sup>th</sup> Avenue to the existing walk ending east of May Street, with the funding from the Hospital Impact funds allocated to park projects.

Plans and specifications have been completed for the project, with the total estimated cost, including engineering and contingencies, now at \$95,600, or approximately \$17,400 over the project budget. Dwayne Haffield, Director of Engineering, noted the preliminary estimate did not adequately address the level of miscellaneous costs revealed in design, adding that there is adequate additional Hospital Impact funds available from the savings in the ARMER system to fund the budget shortfall.

Staff also presented an optional change in project scope for Council consideration that would relocate approximately 40 feet of existing curb and gutter at an estimated additional cost of \$5,500, bringing the total project estimate to \$101,100. The segment of curb at Lake Street at 7<sup>th</sup> Avenue tends to protrude towards the ordinary path of travel, and the relocation would provide a more uniform radius in the curb through the bend. Mr. Haffield also informed Council that the location of the path on the lakeside puts it into a lot of rocks and roots, which will be cause of more frequent repairs. Should quotes come in at more than 5% over the engineer's estimate, they would be brought before Council.

The motion was made by Council Member Wood, seconded by Council Member Sankey and unanimously carried to authorize staff to request quotes for the Lake Street Trail and Walk Extension project, and to approve a budget amendment to include the optional curb realignment.

**AUTHORIZATION TO EXECUTE ORDER FOR REPAIR/DEMOLITION OF HAZARDOUS BUILDING - 1635 OXFORD STREET**

On June 20, 2013, Armand Eshleman, the City's Building Official, accompanied the Worthington Police Department into the former K-Mart building at 1635 Oxford Street during execution of a search warrant. Mr. Eshleman identified several items to be in violation of various codes/regulations and ordered the building to be unfit for occupancy. A letter was issued to the property owner on June 24<sup>th</sup> that outlined the violations and established a 30 day time line to provide City staff a written plan on his intent to address the issues. Other than a brief phone conversation regarding entry to retrieve personal property, staff has had no conversations with the owner or received a written plan, nor have any steps been taken to remedy the violations.

Brad Chapulis, Director of Community/Economic Development, stated that MS. 463 allows local units of government to declare a building to be "hazardous" and lawfully order the owner(s) to abate (repair or demolish) the structure, and to establish a time frame for the abatement. Failure to comply would allow the City to obtain legal right through the courts to demolish/repair the "hazardous" building.

Staff was requesting Council concurrence of its assessment of the property, and order Northland Mall Realty Management, LLC to properly address the matter via a Notice of Order. Execution of the order would require the owner to complete the following:

1. Properly repair all the identified violations outlined in the June 24, 2013 letter or demolish the subject building.
2. Obtain all of the applicable permits to do the work necessary to satisfy this order within thirty (30) days from the date of the Notice and Order.
3. The demolition or repair work must be completed within sixty (60) days from the date of the Notice and Order

Mr. Chapulis clarified that execution of the Notice and Order would only establish a time line for abatement at this time.

The motion was made by Council Member Wood, seconded by Council Member Graber and unanimously carried to concur with staff's assessment and to authorize the Mayor to execute the Notice and Order for Repair/Demolition of the "hazardous" building.

**SMALL CITIES DEVELOPMENT PROGRAM (SCDP) DOCUMENTS APPROVED AND**

**ADOPTED FOR COMMENCEMENT SEPTEMBER 1, 2013**

Rehabilitation of residential properties within a target area with the use of the \$596,477 of Small Cities Development Program funds through the Minnesota Department of Economic & Employment Development (DEED) is scheduled to commence on September 1<sup>st</sup>. Staff has been working with the Southwest Minnesota Housing Partnership (SWMHP) and Southwest Minnesota Opportunity Council (SMOC) to submit all the paper work to obtain DEED's approval to proceed. Council must approve the following items/documents in order to commence the program:

1. Adopt a Fair Housing Policy
2. Approval of the Section 3 Plan\*
3. Adopt the Procedural Guidelines for SCDP Program
4. Approve the Administrative Contract\*\*

\*Per the Section 3 Plan, the City of Worthington, through the Small Cities Development Program Grant #CDAP-12-0071-O-FY13 to the greatest extent feasible, will market to low and very low-income persons or businesses, and female or minority owned contractors.

\*\*Approval of the contract should be subject to the execution of the Grant Agreement with DEED.

The motion was made by Council Member Wood, seconded by Council Member Nelson and unanimously carried to approve and adopt the four 2013 SCDP documents as presented.

**COUNCIL COMMITTEE REPORTS**

Mayor Oberloh - Attended the CGMC conference in Bemidji - good conference, it's always interesting to hear other perspectives.

Council Member Graber - Extended an invitation from the Heron Lake Watershed to tour their projects on August 21<sup>st</sup>, reservations are necessary. Attended a CAL meeting today, the new Director was there and did a good job. They had discussion on the signs - tabled action until further information could be supplied by Craig Clark and Brad Chapulis. Need to do marketing to increase the membership, and also need to talk about budgeting for the Center. An open house has been scheduled for September 19<sup>th</sup> with some major events planned.

Council Member Sankey - Also attended the CGMC meeting in Bemidji - found it very interesting.

Council Member Wood - Need to make Council aware of the contractual relation on the Joint LEC based on the meeting earlier today.

Council Member Nelson - (CVB) will be meeting this week on the entrance signs - one has been funded by our budget this year, may be one more next year. The third will be paid for by donations, etc.

**CITY ADMINISTRATOR'S REPORT**

Craig Clark, City Administrator, reminded Council to turn in their large budget binders so they can be used to prepare for the upcoming budget meetings. Mr. Clark also reminded Council of the upcoming special meeting on the 15<sup>th</sup>, and the budget meetings scheduled for August 23<sup>rd</sup>, 28<sup>th</sup> and 29<sup>th</sup>.

Mayor Oberloh added that he and Mr. Clark had attended a Highway 60 meeting last Friday with MN DOT regarding the affected business owners - the first section from Armour Road to the Interstate is close to being done and will be opened soon for access to those businesses, and the rest of the project is on target to be open November 1<sup>st</sup>.

**ADJOURNMENT**

The motion was made by Council Member Wood, seconded by Council Member Sankey and unanimously carried to adjourn the meeting at 7:55 p.m.

Janice Oberloh, MCMC  
City Clerk