

**WORTHINGTON CITY COUNCIL
REGULAR MEETING, AUGUST 27, 2007**

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 Woll, Ron Wood, Mike Kuhle, Bob Petrich.

City staff present: Joseph Parker, City Administrator; Mike Cumiskey, Brett Wiltrout, Jason Beckmann, Nate Grimmius, all from the Public Safety Department; Jim Laffrenzen, Public Works Director; Dwayne Haffield, Director of Engineering; Brad Chapulis, Director of Community/Economic Development; Janice Oberloh, City Clerk.

Others present: Justine Wettschruck, Daily Globe; Lyle Voss; Steve Robinson (7:15).

**PUBLIC HEARING FOR NEW VISION PROPERTY AT 706 TENTH AVENUE
CONTINUED**

This was the date and time set for the continuation of the public hearing regarding a nuisance existence at the New Vision property located at 706 Tenth Avenue, as set at the August 13, 2007 City Council meeting. The motion was made by Alderman Wood, seconded by Alderman Petrich and unanimously carried to open the hearing.

Joe Parker, City Administrator, noted that Mr. Von Holtum was not present at the meeting but notification had been received from him indicating that he was requesting a second continuation of the hearing to the September 10, 2007 Council meeting. Mr. Von Holtum has some additional concerns regarding the culpability of New Vision for clean up of the property even though it has been sold to another party.

The motion was made by Alderman Wood, seconded by Alderman Woll and unanimously carried to continue the hearing to the September 10, 2007 regular City Council meeting.

AGENDA APPROVED

The motion was made by Alderman Ten Haken, seconded by Alderman Woll and unanimously carried to approve the agenda with the addition of F. 5a - Additional Nominating Committee Recommendation.

MINUTES APPROVED

The motion was made by Alderman Petrich, seconded by Alderman Ten Haken and unanimously carried to approve the City Council Minutes of the Regular Meeting held August 13, 2007.

MINUTES OF BOARDS AND COMMISSIONS

The motion was made by Alderman Woll, seconded by Alderman Kuhle and unanimously carried

to accept for review the Airport Advisory Board Minutes of August 15, 2007 and the Golf Advisory Board Minutes of August 15, 2007.

SECOND READING PROPOSED ORDINANCE - REVISING AN ORDINANCE, CHAPTER 92 HEALTH AND SAFETY; NUISANCES

Pursuant to published notice, this was the time set for the second reading of a proposed ordinance amending Chapter 92 Health and Safety; Nuisances. The proposed ordinance allows for a change in the enforcement procedures utilized by the Neighborhood Services Officer including the issuance of petty misdemeanor citations.

The motion was made by Alderman Woll, seconded by Alderman Wood and unanimously carried to give a second reading to the proposed ordinance amending Chapter 92 Health and Safety; Nuisances.

TEMPORARY ON-SALE BEER LICENSE APPROVED - WORTHINGTON FIRE DEPARTMENT

An application for a temporary on-sale beer license from the Worthington Fire Department was presented for their annual fund raising event at Centennial Beach Park, from 2:00 p.m. to 9:00 p.m. on Saturday, September 8, 2007. The required insurance certificate and fee have been received.

The motion was made by Alderman Petrich, seconded by Alderman Kuhle and unanimously carried to approve the temporary on-sale beer license for the Worthington Fire Department for the date and time requested.

DATE SET FOR PUBLIC HEARING FOR DETERMINATION OF NUISANCE EXISTENCE - 106 LAKE STREET AND 112 LAKE STREET

City Attorney Dave Von Holtum requested that Council set the date as September 24, 2007, at the regular meeting of the City Council, for a public hearing for determination of nuisance existence at the properties located at 106 Lake Street and 112 Lake Street and owned by Dwayne Butcher. The motion was made by Alderman Kuhle and seconded by Alderman Ten Haken to set the date for public hearing as requested. Discussion followed regarding the nuisance process thus far on the properties in question, and on other properties that appear to be in further state of disrepair than the Butcher properties. The motion was unanimously carried.

NOMINATING COMMITTEE RECOMMENDATIONS APPROVED

The motion was made by Alderman Ten Haken, seconded by Alderman Wood and unanimously carried to approve the following reappointments and appointments:

costs and receive the benefits of the system for \$10,000 or approximately one fourth of its cost. The change order also addresses a change in the size of the windows to be provided which has no effect on cost. Staff was recommending Council authorization of the change order.

Alderman Wood asked if the building was required to be sprinkled, to which Mr. Haffield answered "yes". Alderman Wood then questioned, if we put out bid specifications that met building code, why do we have to spend \$10,000 above and beyond what was accepted as an approved bid? Mr. Haffield replied that the City is not obligated to accept this option, however, by doing so it adds value to the building. Alderman Woll noted that even with adding \$10,000 to the bid that was accepted it would still be the low bid. Mr. Haffield explained the project specifications were relatively short and pretty straight forward, adding the bidder should have caught this provision. The sprinklering of the building is a requirement only for aircraft hangars, and under the standard code it is an occupancy that would not require it. Alderman Wood said in order to make a viable decision on this request, he needs to know if this was the contractor's issue/fault or did we play a role in it? Should we have been clearer in what we were requesting? Mr. Haffield responded that would be an issue of opinion. Alderman Ten Haken noted it was stated as a 3B building.

A motion was made by Alderman Wood and seconded by Alderman Ten Haken to approve Change Order No. 1 to the 2007 Airport Hangar Project and authorize the Mayor to execute the change order. The following Aldermen voted in favor of the motion: Ten Haken, Woll, Petrich; with the following Aldermen voting against the same: Kuhle, Wood. Whereby, the Mayor declared the motion passed.

PROPOSAL FOR PROFESSIONAL SERVICES FOR PHASE ONE ENVIRONMENTAL SITE ASSESSMENT APPROVED

Peer Engineering submitted a proposal to conduct a Phase I Environmental Site Assessment for the properties located west of TH59 north of I-90 which are being acquired by the City. Mr. Haffield explained that, according to the agreement, the base fee for one property is \$1,800, but any or all of the additional properties to be acquired can be included for an additional \$500. The City share of the cost would be temporarily financed from retired bond fund reserves and included as part of the land acquisition costs for permanent financing.

The motion was made by Alderman Wood, seconded by Alderman Woll and unanimously carried to approve the proposal for Professional Services for Phase One Environmental Site Assessment at a fee up to \$2,500.

REQUEST TO ALLOW DEVIATION FROM SIDEWALK RESTORATION REQUIREMENTS APPROVED

Lyle Voss, owner of the property located at 213 Tenth Street, had requested an excavation permit to make a drainage connection onto Tenth Street by means of a curb opening. Dwayne Haffield, Director of Engineering, noted that these types of things, although not encouraged, have been

allowed for draining wet areas behind a sidewalk. Typically a warning to sign is issued with them that it may not be one hundred percent reliable and may cause icing problems, etc. The other condition of the permit is restoration of all the surfaces to the original condition. The area in question is in the sidewalk in front of an area between two buildings that experiences drainage issues during snow melt. Sidewalk restoration would leave only a small channel under the sidewalk. Mr. Voss was requesting deviation from restoration and staff felt they did not have authority to say go ahead with placing either a grate or a steel plate over the area instead of sidewalk. The steel covering would be over approximately a 16 inch channel from the building to the back of the curb. Mayor Oberloh noted that the covering should meet ADA standards. Mr. Voss stated his plans were for a steel top with a non-skid diamond pattern in it, bolted to the sidewalk but removable. Alderman Ten Haken requested that it be rust proof metal.

The motion was made by Alderman Woll, seconded by Alderman Wood and unanimously carried to approve the request for deviation from sidewalk restoration requirements at 213 Tenth Street subject to the following conditions:

1. The steel plate or grating provide a textured slip resistant surface, installed flush with the sidewalk surface, and be secure from displacement in ordinary use and maintenance of the walk.
2. The approval be subject to the standard conditions for such connections.
3. Aesthetic considerations specified by Council.

SUPPLEMENT TO SEWER SERVICE PAVEMENT RESTORATION POLICY
APPROVED

The City has a long standing policy of providing for the restoration of pavement removed for replacement of failed fiber sewer service pipes. Fiber pipe has proven to fail much earlier than the clay pipe that would have otherwise been used, and the City's policy to provide for pavement restoration was presumably to share in the financial burden due to its approval of the use of what proved to be inferior material. Restoration is typically completed by City crews with pavers being utilized as needed. Recently, there have been some instances where trenchless replacement methods could be used. If the pavement costs are not considered, the trenchless methods are more expensive. The proposal would amend the pavement restoration policy to allow the City to contract with the service replacement contractor to utilize a trenchless method. The payment amount would be based on what the pavement costs would have been at the current rate charged by the Public Works Department for a standardized trench width of 10 feet, from edge of pavement to sewer main or the opposite edge of pavement.

The motion was made by Alderman Woll, seconded by Alderman Petrich and unanimously carried to approve the supplement to the Sewer Service Pavement Restoration Policy.

AUTHORIZATION FOR GRANT WRITING CONTRACT APPROVED

In 2004 the City was awarded \$1.2+ million from the State of Minnesota through its Small Cities Grant Program for the rehabilitation of properties in the downtown business district and the residential neighborhood directly to its northeast. The grant is set to expire later this year and based on the success of the expiring grant and the rehabilitation needs outlined in the 2005 Housing Study, staff proposed to pursue another grant in 2008 for defined target areas. Pre-applications are due by October 5, 2007, with award by the State in March 2008. Staff was requesting Council approval of a proposed contract between the City of Worthington and the Southwest Minnesota Housing Partnership for the preparation of the 2008 Small Cities Grant Application. The Housing Partnership's Grant Writing/Administration Division has written/administered 213 grants worth over \$58 million since 2002, including the City's 2004 Small Cities Grant. Brad Chapulis, Director of Community/Economic Development, noted the Housing Partnership is confident our application will be competitive.

The motion was made by Alderman Petrich, seconded by Alderman Woll and unanimously carried to authorize the Mayor to execute the grant writing contract at a cost of \$5,000.

COUNCIL COMMITTEE REPORTS

Mayor Oberloh - met with an interested party in some of the land the City is acquiring. Believes there will be a proposal submitted at the next City Council meeting for design work for infrastructure and layout. Also met with Swift on several issues. Met with the Worthington Country Club regarding water problems from run off.

Alderman Ten Haken - Joint City/County Planning and Zoning Committee met regarding their proposal - the borderline was set at a half a mile around the city of Worthington except at the airport where they felt there was no need. Decided not to impose the National Building Code within that half mile area as ag buildings would be exempt anyway. Permits will be issued through the County.

Alderman Woll - Convention and Visitor's Bureau is approximately \$13,000 ahead of schedule which is basically hotel/motel bookings. From the Hospital Board - the Radiation Oncology Center is well ahead of its performance numbers and has been very well received.

Alderman Wood - Concurred with Alderman Ten Haken on Joint City/County meeting. Golf Board meeting, things are going well although sure revenues are down due to the recent rains.

Alderman Kuhle - Airport Committee has been working on their Fly-In / Drive-In Breakfast and Air Show scheduled for Saturday, September 8th from 7:00 a.m to noon.

Alderman Petrich - Attended a MMUA meeting, one of the best. Memorial Auditorium Board - Ron Vogel painted and caulked all the windows on the west side of the building. Waiting for tuck-pointing to be done. Doesn't think the front steps can be patched so will probably need to be replaced.

CITY ADMINISTRATOR REPORT

Has spent the bulk of his time on economic development issues and budget. The tuck-pointing contractor is to be contacting him tomorrow morning and will hopefully have a report for the next meeting regarding Memorial Auditorium.

BILLS PAYABLE

The motion was made by alderman Ten Haken, seconded by Alderman Wood and unanimously carried that bills payable and totaling \$745,109.04 be ordered paid.

ADJOURNMENT

The motion was made by Alderman Woll, seconded by Alderman Petrich and unanimously carried to adjourn the meeting at 8:37 p.m.

Janice Oberloh
City Clerk