

**WORTHINGTON CITY COUNCIL
REGULAR MEETING, OCTOBER 8, 2007**

The meeting was called to order with at 7:00 p.m. in the 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. Absent: Honorary Council Person Dale Ryen (excused).

Staff present: Joseph Parker, City Administrator; Brad Chapulis, Director of Community/Econ. Development; Dwayne Haffield, Director of Engineering; Jim Laffrenzen; Superintendent of Public Works; Myra Onnen; Neighborhood Services Officer; Janice Oberloh, City Clerk.

Others present: Darrell Stitt, KWOA; Ryan McGaughey, Daily Globe; Various interested parties for the assessment hearings.

RECOGNITION OF LEASE FAMILY

Mayor Oberloh expressed Council's thoughts and prayers for the Lease family for the safe return of their daughter.

RESOLUTIONS 3305 THROUGH 3307 ADOPTED, ADOPTING ASSESSMENT ROLLS ON IMPROVEMENTS

Pursuant to published notice this was the time set for the final assessment hearing on the following projects. Dwayne Haffield, Director of Engineering, noted the updates to the assessment rolls as distributed at the meeting. Mayor Oberloh asked if the hearings would be acted on separately or as one in the interest of saving time. Mr. Haffield responded the paving improvements could be presented and acted on as one.

Paving Improvement No. 105

James Boulevard - Within Shalom Estates;
Lexington Avenue - from Sundown Drive to Thompson Avenue;
Moon Circle - the Entire Length;
Southeast Neighborhood Streets
 Spruce Avenue - from South Douglas Avenue to the State Drainage Ditch;
 Cedar Avenue - from South Douglas Avenue to South Clifton Avenue;
 South Clifton Avenue - from East Avenue to Spruce Avenue;
 South Douglas Avenue - from East Avenue to South End;
Tower Street - from Cynthia Avenue to 11th Avenue;
Cecilee Street - from the East Line of Lot 1 to the West Line of Lot 5, All in Block 2, Northland Park Second Addition;
Donavon Drive - from 176 feet North of Briarwood Drive to

the North Line of Lot 8, Block 1, Homewood Hills Eleventh Addition Extended Easterly;
Sterling Avenue - That Portion Abutting Lots 7 Through 10, Block 1; and Lots 6 Through 9, Block 2; All in Glenwood Heights First Addition;
Sutherland Drive - That Portion Within the Plat of Glenwood Heights First Addition

Paving Improvement No. 106

Dayton Drive - Includes street extension, sanitary sewer extension, water main extension, and storm water improvements

The motion was made by Alderman Ten Haken, seconded by Alderman Kuhle and unanimously carried to open the hearing.

Dwayne Haffield, Director of Engineering, reviewed the assessment policy and procedures used. The appeal process allows the property owners 30 days from the final assessment hearing to file an appeal to the City, and to District Court within ten days after that. The property owners have 30 days to pay the assessments without interest (November 7, 2007). Payments after that date can be received at City Hall with interest until November 14th, after which any unpaid assessments will be certified to the County Auditor for collection. The first year's payment will include interest from the date of the hearing and all of 2008.

Mayor Oberloh opened the floor for testimony. No comments were received. The motion was made by Alderman Kuhle, seconded by Alderman Ten Haken, and with Alderman Wood abstaining from the vote, was unanimously carried to close the hearing.

The motion was made by Alderman Ten Haken, seconded by Alderman Kuhle and, with Alderman Wood abstaining from the vote, was unanimously carried to adopt the assessment roll and set the terms of the Paving Improvement No. 105 and Paving Improvement No. 106 for a 15 year payback at 4.9% interest, and that the following resolutions be adopted:

RESOLUTION NO. 3305

ADOPTING THE SPECIAL ASSESSMENT FOR PAVING IMPROVEMENT NO. 105

(Refer to Resolution File for complete copy of Resolution)

RESOLUTION NO. 3306

ADOPTING THE SPECIAL ASSESSMENT FOR PAVING IMPROVEMENT NO. 106

(Refer to Resolution File for complete copy of Resolution)

2007 Miscellaneous Unpaid Charges

- Removal of Ice and Snow
- Removal of Solid Waste

The motion was made by Alderman Wood, seconded by Alderman Woll and unanimously carried to open the hearing.

Dwayne Haffield, Director of Engineering, noted he did not have a presentation for the charges. Mayor Oberloh opened the floor for testimony. None was received.

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

The motion was made by Alderman Wood, seconded by Alderman Ten Haken and unanimously carried to adopt the assessment roll for the 2007 Miscellaneous Unpaid Charges and set the terms at a one year payback at a rate of 4.9%, and that the following resolution be adopted:

RESOLUTION NO. 3307

ADOPTING THE SPECIAL ASSESSMENT FOR 2007 MISCELLANEOUS UNPAID CHARGES

(Refer to Resolution File for complete copy of Resolution)

AGENDA APPROVED WITH ADDITION

Mayor Oberloh requested the addition of item G.3. Salvage from Central School, to the agenda.

The motion was made by Alderman Woll, seconded by Alderman Petrich and unanimously carried to close the agenda with the requested addition.

CITY COUNCIL MINUTES APPROVED

The motion was made by Alderman Petrich, seconded by Alderman Kuhle and unanimously carried to approve the City Council Minutes of the regular meeting September 24, 2007, the City Council Minutes of the special meeting September 17, 2007, the City Council Minutes of the special meeting September 20, 2007, and the City Council Minutes of the special meeting September 25, 2007.

MINUTES OF BOARDS AND COMMISSIONS

The motion was made by Alderman Ten Haken, seconded by Alderman Petrich and unanimously

carried to accept for review the Water and Light Commission Minutes of October 1, 2007, the Airport Advisory Board Minutes of August 2, 2007, and the Planning Commission/Board of Appeals Minutes of October 2, 2007.

FINANCIAL STATEMENTS

The motion was made by Alderman Woll, seconded by Alderman Kuhle and unanimously carried to accept the Municipal Liquor Store Income Statement for the period of January 1, 2007 through September 30, 2007.

HEARING SCHEDULED FOR DETERMINATION OF EXISTENCE OF PUBLIC NUISANCE - 525 AND 555 HIGHWAY 59/60, FORMER GATEWAY SERVICE STATION AND CAFÉ

Staff was requesting Council to set a date for a public hearing to determine existence of public nuisance at the property located at 525 and 555 Highway 59/60, the former Gateway Service Station and Café.

The motion was made by Alderman Woll and seconded by Alderman Ten Haken to set the date for a public hearing to determine existence of public nuisance at the property located at 525 and 555 Highway 59/60 as 7:00 p.m. at the first regular meeting of the City Council in November. Such meeting would normally fall on Monday, November 12, however, due to the Veterans Day holiday, the first meeting in November will be held on Tuesday, November 13, 2007. Alderman Wood requested that Council receive the particulars about the conditions being reviewed a full week before the hearings to see what's happening with both cases. The motion was unanimously carried.

HEARING SCHEDULED FOR DETERMINATION OF EXISTENCE OF PUBLIC NUISANCE AT 1105 EIGHTH AVENUE - CEASAR BARRIOS

Staff was requesting Council to set a date for a public hearing to determine existence of a public nuisance the property located a 1105 Eighth Avenue, owned by Ceasar Barrios. The motion was made by Alderman Ten Haken and seconded by Alderman Petrich to set the date for public hearing to determine existence of public nuisance at 1105 Eighth Avenue as 7:00 p.m. at the first regular meeting of the City Council in November. Alderman Kuhle asked how it was determined to pursue nuisance at a particular property, as the property located at 907 Eighth Avenue seemed much worse to him. Myra Onnen, Neighborhood Services Officer responded that she had received a complaint on the property at 1105 Eighth Avenue. The motion was unanimously carried.

FUNDING FOR SALVAGE FROM CENTRAL ELEMENTARY AUTHORIZED

Mayor Oberloh noted that he had requested the addition of this item to the agenda after he and Alderman Woll had visited with Jorge Lopez regarding possible salvage from the Central Elementary

building. Alderman Woll added that he had been in the building over the weekend with several volunteers, and saw an opportunity for the City to salvage some of the stones and doors for use with upcoming projects at Memorial Auditorium, which was built approximately the same time and in the same style as Central Elementary. The front entrance could be salvaged along with some cornerstone and good stone from inside the building. Alderman Woll estimated the cost of the salvage at approximately five or six thousand dollars.

The motion was made by Alderman Ten Haken, seconded by Alderman Wood and unanimously carried to authorize staff to look for a funding mechanism for up to \$6,000 for salvage from the Central Elementary building.

2008 HANGAR LEASE FEES APPROVED

During the 2008 budget process, airport hangar fees were discussed, specifically if whether they are competitively priced in relation to area airports. At their October meeting, the Airport Advisory Board reviewed a survey conducted by staff regarding area fees. Discussion centered on type of hangar, type of construction and the current fee for each hangar. The Board determined the fee structure should be amended as follows:

1. The hangar identified as Hangar 1, stalls 1-6, constructed in 1959 has a dirt floor, 39 foot by 10 foot high manual sliding doors, and can only accommodate single engine aircraft should remain at the current rate of \$35 per month, or \$30 per month if paid annually.
2. The hangar identified as Hangar 2, stalls 1-6, constructed in 1968, has an asphalt floor, 40 foot by 12 foot high electric bifold door and is able to accommodate single engine aircraft, was shown by the survey to be significantly below the competitive market rate, and the fee should be increased from the current \$50 per month, or \$45 per month if paid annually, to \$75 per month, or \$70 if paid annually. The rate increase would also include the existing independent hangar.
3. The hangar identified as hangar 3, stalls 1-6, constructed in 1978, has an asphalt floor, 49 foot by 13 foot high electric bifold door and is able to accommodate single and mid size twin engine aircraft, should be have a slight fee increase from the current rate of \$95 per month, or \$90 per month if paid annually, to \$105 per month, or \$100 if paid annually. If a winch were installed the fee would be and additional \$10 per month.

The Airport Advisory Board also agreed the fee structures should be reviewed annually to avoid large increases. The rate increases will generate an additional \$2,400 in revenue base on current lease arrangements.

The motion was made by Alderman Wood, seconded by Alderman Kuhle and unanimously carried to approve the 2008 Hangar Lease Fees.

AIRPORT GARAGE STORAGE FEES APPROVED

The two hangars at the airport are constructed with storage garages located at opposite ends of each hangar. Currently the Civil Air Patrol utilizes one of the garages with their hangar lease, the City utilizes a second garage, Integrity Aviation uses a third garage, and the fourth is leased by Arnt Aerial Spraying. Arnt currently pays \$100 annually, while the remaining three garages are “rent free”. The unit being used by the City will be made available, and staff will contact the other two users to determine their interest in entering into a lease for the garages. If the parties decide not to enter into a lease, the units will be advertised as available. Renting the other three units will result in an additional \$4,050 annually.

The motion was made by Alderman Woll, seconded by Alderman Ten Haken and unanimously carried to approve the Airport Garage Storage fees.

FIRST READING PROPOSED ORDINANCE EXTENDING THE CORPORATE CITY LIMITS OF THE CITY OF WORTHINGTON TO INCLUDE 93.33 ACRES OF UNPLATTED LAND ABUTTING THE CITY OF WORTHINGTON AND OWNED BY JOEL AND JULIE LORENZ

Joel Lorenz submitted a petition for annexation for 93.33 acres of land that is legally described as the west 1,766 feet of the Northeast Quarter of Section 14, Township 102N, Range 40W, Nobles County, Minnesota, except the south 50 rods of the west 36 rods thereof. The request is a condition to the sale of the subject property to the City of Worthington. The Planning Commission held a public hearing on the matter at its October 2, 2007 meeting and unanimously approved the annexation based on the following considerations:

1. The property in question is the only one of the four parcels that the City has purchased or is negotiating to purchase in Section 14 that is located outside the corporate limits of Worthington. The City is acquiring the property to establish a commercial/industrial park. The City has hired SEH to complete a master plan for the property. The master plan will provide preliminary site plans which will identify the infrastructure needs and estimated costs. The master plan is scheduled to be completed in December.
2. Rural areas not included into an “orderly annexation” agreement with the townships may be annexed by Ordinance. In order for a municipality to annex by Ordinance, the land in question must be deemed as urban in character or about to become so and fit one of the following descriptions:
 - a. The land is owned by the municipality;
 - b. The land is completely surrounded by land within the municipal limits;
 - c. The land abuts the municipality and the area to be annexed is 60 acres or less, and the area to be annexed is not presently served by public sewer facilities

- o public sewer facilities are not otherwise available, and the municipality receives a petition for annexation from all property owners of the land; or
- d. The land has been approved after August 1, 1995, by a preliminary plat or final plat for subdivision to provide residential lots that average 21,870 square feet or less in area and the land is located within two miles of the municipal limits;
- e. The land is owned by all of the property owners petitioned for annexation, and the land is within an existing orderly annexation area;
- f. The land abuts the municipal limits, is platted, or does not exceed 200 acres if unplatted, and a majority of the property owners petition for annexation.

The motion was made by Alderman Woll, seconded by Alderman Wood and unanimously carried to give a first reading to the proposed ordinance extending the corporate city limits of the City of Worthington to include 93.33 acres of unplatted land abutting the City of Worthington and owned by Joel and Julie Lorenz.

SPECIAL USE PERMIT APPROVED

The Church of Jesus Christ of Latter Day Saints submitted an application for a special use permit for property it has a purchase agreement for at the northeast corner of the intersection of 1st Avenue SW and Knollwood Drive. The permit would allow the applicant to construct a structure on the subject property for use as a religious institution. Public institutional land uses, including religious institutions are permitted to operate within all residential districts upon the approval of a Special Use Permit. The legal description of the subject property is as follows:

A tract of land in that part of Block 1, Country Village Apartments Subdivision according to the recorded plat thereof on file and of record in the office of the County Recorder and that part of the Southwest Quarter of the Southeast Quarter in Section 27, Township 102 North, Range 40 West, in the City of Worthington, Noble County, Minnesota, described as follows:

Commencing at the south quarter corner of said Section 27; thence North 01 degrees 12 minutes 49 seconds West (bearings based on the east line of Woodland Ridge Addition), along the east line of Woodland Ridge Addition according to the recorded plat thereof on file and of record in the office of the County Recorder, a distance of 57.47 feet to the north right-of-way line of First Avenue SW according to the right-of-way easement as recorded and described in the office of the County Recorder in Document NO. 280118; thence continuing North 01 degrees 12 minutes 49 seconds West, along the east line of said Woodland Ridge Addition, a distance of 152.53 feet to the southwest corner of Block 1 of said Country Village Apartments Subdivision; thence continuing North 01 degrees 1 minutes 49 seconds West, along the west line of said Block 1, a distance of 166.27 feet; thence North 85 degrees 31 minutes 23 seconds East a distance of 230.37 feet to the east line of said Block 1; thence South 01 degrees 12 minutes 49 seconds East, along the east line of said Block 1, a distance

of 166.27 feet to the southeast corner of said Block 1; thence continuing South 01 degrees 12 minutes 49 seconds East, a distance of 102.14 feet to a point on said north right-of-way line of First Avenue SW said point being on a non-tangential curve concave southeasterly, having a radius of 1235.00 feet and a center radius which bears South 18 degrees 55 minutes 18 seconds East; thence southwesterly, along said curve a distance of 67.16 feet through a central angle of 03 degrees 06 minutes 58 seconds; thence southwesterly, along said right-of-way line, a distance of 22.39 feet along a reverse curve concave northwesterly having a radius of 1165.00 feet and a central angle of 01 degrees 06 minutes 05 seconds; thence South 75 degrees 47 minutes 47 seconds West, along said north right-of-way line, a distance of 149.42 feet to the point of beginning. Said tract contains 1.57 acres of land.

The Planning Commission considered the application at its October 2, 2007 meeting, and after a public hearing, voted unanimously to recommend approval by City Council of the Special Use Permit with the following conditions:

1. The applicant submit a revised site plan illustrating the appropriate revisions to the access into the property and the sight obscuring buffer along the north property line;
2. The applicant submit an application for the vacation of the utility easement running east-west.

The motion was made by Alderman Woll, seconded by Alderman Kuhle and unanimously carried to approve the Special Use Permit with the above listed conditions.

OPEN SPACE EASEMENT APPROVED

Grace Community Church requested the City execute and accept an open space easement along the northern property line of property it owns at 2011 Nobles Street. The easement would provide the Church the necessary minimum separation distance to comply with the Minnesota Building Code (MBC) which requires a minimum of 10 foot separation between property line and structure. The subject building is located approximately 5 feet from the northern property line, however, the MBC allows that if a structure is unable to meet the separation distance, an owner may construct a 1 hour fire resistance rated wall or obtain an open space easement to satisfy the requirements. The easement must be signed by both of the abutting property owners (the City and Kenneth/Joann Meyer) to be valid.

The motion was made by Alderman Kuhle, seconded by Alderman Petrich and unanimously carried to approve the Open Space Easement and authorize the Mayor to execute the agreement.

COUNCIL COMMITTEE REPORTS

Mayor Oberloh - nothing to report.
Alderman Ten Haken - nothing to report.

Alderman Woll - there is an event center meeting on Tuesday. Also, he has received many phone calls regarding the sidewalk issues, as have the other Council members. Wants to have another discussion regarding a "green" industrial park.

Alderman Wood - a meeting has been scheduled between the Golf Advisory Board and Friends of Prairie View to look at alternative funding.

Alderman Kuhle - the three new members of the Planning Commission voiced some good concerns at their recent meeting. Appears they will be very good members.

Alderman Petrich - the utilities is proposing approval from the City Council regarding the engineering evaluation by Farmer Company. The Xcel Energy line is on schedule, and the utilities is also expecting to receive bids soon for the new water tower.

CITY ADMINISTRATOR REPORT

The Administrator and Accounting Department staff visited the City of Luverne to check out their financial software, which the City of Worthington may also be interested in purchasing. Luverne personnel are very pleased with the system. Also, we need to get a committee formed for the meeting with the County regarding their recent request for renewal of our contract with the Nobles County Attorney's office. Alderman Wood and Alderman Petrich offered to serve on that committee with the City Administrator. Mentioned the Coalition of Greater Minnesota Cities upcoming fall conference for Council's interest in attending. Noted the Nobles County Hispanic Community is looking for two members of the City Council to serve on a committee to insure that next year's Hispanic celebration goes well. They specifically requested Alderman Wood to serve, and Alderman Woll will also sit on that committee along with someone from the Chamber of Commerce, the Turkey Day Board, someone from the Police Department, and the City Administrator. Alderman Woll also suggested they get a representative from the Regatta committee. Mr. Parker also mentioned he has some sample ordinances for the Sidewalk Committee to take a look at.

BILLS PAYABLE

The motion was made by Alderman Wood, seconded by Alderman Woll and unanimously carried that bills payable and totaling \$1,477,716.42 be ordered paid.

ADJOURNMENT

The motion was made by Alderman Petrich, seconded by Alderman Woll and unanimously carried to adjourn the meeting at 7:54 p.m.

Janice Oberloh
City Clerk