

**WORTHINGTON CITY COUNCIL
REGULAR MEETING, NOVEMBER 26, 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, Ron Wood, Mike Kuhle, Bob Petrich. Honorary Council Person: Dale Ryen. Aldermen absent: Mike Woll (excused).

Staff present: Joseph Parker, City Administrator; Brad Chapulis, Director of Community/Economic Development; Janice Oberloh, City Clerk.

Others present: Darrell Stitt, KWOA; Ryan McGaughey, Daily Globe.

HONORARY COUNCIL PERSON

Mayor Oberloh presented Dale Ryen with a certificate for serving as Honorary Council Person for the months of September, October and November, and thanked him for his time and interest. Mr. Ryen said it has been quite an experience and he really enjoyed it.

Mayor Oberloh also displayed a framed photo he had received for the City of the 2006 Speed Quest on Lake Okabena

CONTINUATION OF NUISANCE HEARING - 106 LAKE STREET AND 112 LAKE STREET

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

Joe Parker, City Administrator, indicated he had spoken to City Attorney, Dave Von Holtum, who noted the property owners of 106 and 112 Lake Street were making progress on abating the nuisance on the properties. They've got most of the walls of the building painted, removed one shed from the property and painted a remaining shed. During the course of doing the work, the property owner has fallen ill and had to cease working on the property. Mr. Von Holtum was recommending that Council continue the hearing to May 1, 2008 to allow for the owner's recovery and completing the clean up of the property.

Mayor Oberloh called for a motion to close the hearing. The motion was made by Alderman Ten Haken, seconded by Alderman Kuhle and unanimously carried to close the hearing.

The motion was made by Alderman Kuhle, seconded by Alderman Wood and unanimously carried to continue the nuisance hearing to May of 2008.

ADDITIONS ADDITIONS/CLOSURE

Mayor Oberloh requested the addition of one item to the agenda under F.8. Coalition of Greater Minnesota Cities Request - Assistance with Phosphorous Issue.

The motion was made by Alderman Ten Haken, seconded by Alderman Wood and unanimously carried to close the agenda with the addition of item F.8.

CITY COUNCIL MINUTES

The motion was made by Alderman Petrich, seconded by Alderman Kuhle and unanimously carried to approve the City Council Minutes of the Special Meeting November 9, 2007 and the City Council Minutes of the Regular Meeting November 13, 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 November 19, 2007 and the Planning Commission Minutes of November 5, 2007.

RESOLUTION NO. 3313 ADOPTED AUTHORIZING NECESSARY ACTION TO FORCE ABATEMENT OF PUBLIC NUISANCE AT OXFORD MOTEL, 1801 OXFORD STREET

Joe Parker, City Administrator, presented the case. At their August 13, 2007 meeting, City Council adopted Resolution No. 3290 declaring public nuisance at the Oxford Motel, 1801 Oxford Street, and granting 90 days to abate the nuisance or present a plan to representatives of the City of Worthington for abatement of the nuisance. The 90 days have lapsed and no plan has been received nor has the nuisance been abated. City Attorney, Dave Von Holtum, was requesting that Council now adopt a resolution authorizing the City Attorney, or authorized representative, to take necessary action to force abatement.

Discussion was held on the process necessary to force an abatement, recouping funds spent on demolition if the City is forced to abate the nuisance themselves, and concerns of demolition costs being greater than the value of the property.

The motion was made by Alderman Ten Haken, seconded by Alderman Wood and unanimously carried to authorize the City Attorney, or authorized representative, to take necessary action to force abatement of the nuisance at the Oxford Motel, 1801 Oxford Street, by adopting the following resolution:

RESOLUTION NO. 3313

AUTHORIZING THE CITY ATTORNEY TO EMPLOY SUCH LEGAL PROCEEDINGS AS MAY BE NECESSARY TO CAUSE ABATEMENT OF PUBLIC NUISANCE AT THE PROPERTY LOCATED AT 1801 OXFORD STREET AND KNOWN AS THE OXFORD MOTEL

(Refer to Resolution File for complete copy of Resolution)

**APPLICATION FOR RENEWAL OF PREMISE PERMIT FOR LAWFUL GAMBLING
ACTIVITY APPROVED**

The American Legion Post 5 submitted an application for renewal of their Premise Permit for Lawful Gambling Activity for the period April 1, 2008 through March 31, 2010.

The motion was made by Alderman Wood, seconded by Alderman Kuhle and unanimously carried to approve the renewal of Premise Permit for Lawful Gambling for the American Legion Post 5 by the following resolution:

RESOLUTION

REGARDING GAMBLING PERMIT

RESOLVED, the City of Worthington agrees to approve the gambling permit for the American Legion Post 5, to conduct lawful gambling at 1906 Oxford Street, Worthington, Minnesota, for the premise permit period of April 1, 2008 through March 31, 2010.

Council members Wood and Kuhle moved the approval of the foregoing gambling permit at the regular November 26, 2007 Council meeting and the same was approved upon unanimously yeas and nays of all members present.

**RESOLUTION NO. 3314 ADOPTED - CITY COUNCIL/WORTHINGTON WATER &
LIGHT COMMISSION JOINT RESOLUTION AUTHORIZING THE TRANSFER OF
EXCESS UTILITY FUNDS TO THE GENERAL FUND OF THE CITY AND PROVIDING
FOR THE TRANSFER BACK OF SUCH FUNDS**

At their November 19, 2007 meeting, the Water and Light Commission approved a loan agreement to the City of Worthington in the amount of \$1,224,000.00 for purchase of land north of Interstate 90 for the purpose of economic development. The proposed resolution authorizes that transfer of funds and provides for the transfer back of the funds.

The motion was made by Alderman Ten Haken, seconded by Alderman Wood and unanimously carried to following joint resolution:

RESOLUTION NO. 3314

A JOINT RESOLUTION AUTHORIZING THE TRANSFER OF EXCESS UTILITY FUNDS TO THE GENERAL FUND OF THE CITY AND PROVIDING FOR THE TRANSFER BACK OF SUCH FUNDS

(Refer to Resolution file for complete file of Resolution)

LICENSE RENEWAL APPLICATIONS APPROVED

The motion was made by Alderman Kuhle, seconded by Alderman Wood and unanimously carried to approve the following license application renewals:

On-Sale Beer

- 2008-6 A & T Tap, 107 12th Street
- 2008-7 Michael's Restaurant, 1305 Spring Avenue
- 2008-9 Pizza Hut #2747, 1551 N. Humiston Avenue
- 2008-10 La Azteca Restaurant, 223 Tenth Street

Off-Sale Beer

- 2008-5 A & T Tap, 107 12th Street
- 2008-6 La Azteca Grocery Store, 219 Tenth Street
- 2008-7 Wal-Mart Super Center #2820, 1055 Ryan's Road
- 2008-8 Food N Fuel, 907 Diagonal Road
- 2008-9 Video Lupita, 1305 East Avenue
- 2008-10 El Horizonte Store, 100 E. 12th Street
- 2008-11 Worthington Travel Plaza, 2411 Hwy. 60 NE
- 2008-12 Travel Express, 2021 Hwy. 59 N.
- 2008-13 Hy-Vee Food Store, 1635 Oxford Street
- 2008-14 Nobles County Co-op Oil, 1710 N. Humiston Avenue

Dance

- 2008-1 Worthington Eagles Aerie 3282, 205 Oxford Street

FIRST READING PROPOSED ORDINANCE TO VACATE EASEMENT

Staff was requesting that Council give a first reading to a proposed ordinance vacating part of a platted public utility easement in Block "1", Country Village Apartments Subdivision. The ordinance was submitted for a first reading at the November 13, 2007 regular City Council meeting but the publication requirements were not met. The City attorney recommended the ordinance be resubmitted for a first reading.

The motion was made by Alderman Wood, seconded by Alderman Kuhle and unanimously carried to give a first reading to a proposed ordinance vacating that portion of the platted public utility easement in Block "1", Country Village Apartments Subdivision, City of Worthington, Nobles

County, Minnesota described as follows:

The south 10.00 feet of Block "1", Country Village Apartments Subdivision, City of Worthington, Nobles County, Minnesota, except the east 10.00 feet thereof.

FIRST READING PROPOSED ORDINANCE AMENDING TITLE V, CHAPTER 54, SECTION 54.04 (C) RELATING TO STORM WATER UTILITY RATES

Staff was requesting that Council give a first reading to a proposed ordinance relating to storm water utility rates. The ordinance was submitted for a first reading at the November 13, 2007 regular City Council meeting but the publication requirements were not met. The City attorney recommended the ordinance be resubmitted for a first reading.

The motion was made by Alderman Ten Haken, seconded by Alderman Wood and unanimously carried to give a first reading to the proposed ordinance amending Title V, Chapter 54, Section 54.04 (C) of the Worthington City Code as follows:

(C) The annual fee per acre for residential is \$192.48.

COALITION OF GREATER MINNESOTA CITIES REQUEST FOR ASSISTANCE

Mayor Oberloh had requested that this item be added to the agenda, and referred to a letter he received from the Coalition of Greater Minnesota Cities (CGMC) asking for our assistance with a lawsuit they intend to file against the Minnesota Pollution Control Agency regarding the upcoming unfunded phosphorous level mandate. The CGMC was requesting a contribution of at least \$1000. Alderman Ten Haken suggested that we invite someone from the CGMC to visit with Council to discuss the issue. Council agreed and also thought Dwayne Haffield, Director of Engineering, and representatives from the two watersheds should attend. This item will be added to the agenda for the December 10th regular City Council Meeting.

PUBLIC HEARING DATE SET FOR SCDP APPLICATION

On November 20th the Minnesota Department of Employment and Economic Development announced that the merged application of the Cities of Worthington, Round Lake and Wilmont has been selected to submit a final SCDP application. Prior to submission of the final application, the lead applicant (the City of Worthington) must hold a public hearing for public comment on the proposed projects.

Based on Staff's recommendation, the motion was made by Alderman Ten Haken, seconded by Alderman Kuhle and unanimously carried to set the date for the public hearing as December 10, 2007 at the regular City Council meeting.

COUNCIL COMMITTEE REPORTS

Mayor Oberloh - Attended several housing meetings during the past weeks including one with area Representatives. Rick Goodeman will probably meet with City officials to determine what the City's position is in the housing situation.

Alderman Ten Haken - Visited with Representative Rod Hamilton who related that in every important issue before the legislature is the disparity in dollars between the metro and outstate areas, and trying to gain more of those dollars should be high on our priority list. The Chamber of Commerce is sponsoring a bus ride on Thursday along the Highway 60 route proposed by MnDOT. Attended an Event Center meeting, the committee had sent out letters looking for parties interested in partnering with the event center - they received four responses. The next step would be to issue a request for proposal from those parties. Hopefully would have those responses in 30-45 days.

Alderman Wood - The college is experiencing a housing shortage also and is working with the HRA.
Alderman Kuhle - Attended a housing meeting, visited with Lisa Hughes from the South West Housing Partnership - we need to find a way to get housing in town, for all companies. She can sell Worthington to prospective businesses and people until it comes the available housing.

Alderman Petrich - Agrees with Alderman Kuhle on the housing issue. Reported the Water & Light Commission is looking at a 5% increase in the electric rates.

CITY ADMINISTRATOR REPORT

City Administrator, Joe Parker, asked if Council was interested in going to a consent agenda format based on the examples provided recently with the regular agendas. Council agreed they would like more time to decide. Alderman Ten Haken suggested that instead of separate samples, perhaps the items that would be addressed as consent agenda items could just be marked as such on the regular agenda.

BILLS PAYABLE

The motion was made by Alderman Kuhle, seconded by Alderman Wood and unanimously carried that bills payable and totaling \$726,019.51 be ordered paid.

ADJOURNMENT

The motion was made by Alderman Ten Haken, seconded by Alderman Petrich and unanimously carried to adjourn the meeting at 7:32 p.m.

Janice Oberloh
City Clerk