

**WORTHINGTON CITY COUNCIL
REGULAR MEETING, JUNE 25, 2007**

The meeting was called to order at 7:00 p.m. in the City Hall Council Chambers by Mayor Alan E. Oberloh, with the following Aldermen present: Mike Woll, Ron Wood, Mike Kuhle, Bob Petrich. Aldermen absent: Lyle Ten Haken (excused).

Staff present: Joseph Parker, City Administrator; Brian Kolander, Finance Director; Mike Cumiskey, Public Safety Director; Dwayne Haffield, Director of Engineering; Brad Chapulis, Director of Community/Ec. Development; Janice Oberloh, City Clerk.

Others present: Darrell Stitt, KWOA; Ryan McGaughey, Daily Globe; Wayne Drealan, Turbes Drealan Kvilhaug, Mammen and Co. P.A.; Jan Voit and Karen Boysen, Heron Lake Watershed, Terry and Casey Fletcher, Scott Bradley, Christine Rissel.

AGENDA APPROVED WITH ADDITIONS

Mayor Oberloh requested the addition to the agenda of the following items:

1. Out of state travel to Sioux Center, Iowa
2. Out of country travel to Crailsheim, Germany

The motion was made by Alderman Kuhle, seconded by Alderman Woll and unanimously carried to approve the agenda with the above additions.

MINUTES APPROVED

The motion was made by Alderman Woll, seconded by Alderman Petrich and unanimously carried to approve the City Council Minutes of the Special Meeting May 29, 2007, the City Council Minutes of the Special Meeting June 18, 2007, City Council Minutes of the Rescheduled Regular meeting June 18, 2007, and the City Council Minutes of the Special Meeting June 19, 2007.

MINUTES OF BOARDS AND COMMISSIONS

The motion was made by Alderman Petrich, seconded by Alderman Kuhle and unanimously carried to accept for review the Water and Light Commission Minutes of June 18, 2007 and the Park and Recreation Advisory Board Minutes of June 7, 2007.

2006 COMPREHENSIVE ANNUAL FINANCIAL REPORT ACCEPTED

Wayne Drealan, of Turbes, Drealan, Kvilhaug, Mammen, & Co. PA, reviewed the 2006 Comprehensive Annual Financial Report with Council, noting the City has received awards for the past several years for excellence in financial reporting.

The motion was made by Alderman Wood, seconded by Alderman Petrich and unanimously carried to accept the 2006 Comprehensive Annual Financial Report.

INSTALLATION OF INLET FOR AREA SPRINKLER SYSTEM APPROVED

A request was received for approval of installation of an inlet for an area sprinkler system to the new Woodland Ridge development. Scott Bradley was present at the meeting to explain that the system would be similar to that which had been installed in another area developed by Orville Appel. The system would be bored under the existing bike path from Sunset Bay in Olson Park to the development. At their July 12, 2004 meeting, Council had received a request for installation of a private water line under the roadway right-of-way, and while the request was approved, Council had also voted to place a moratorium on approval of such requests until staff could develop a policy regarding installations.

Dwayne Haffield, Director of Engineering, explained the concerns of installing across a park are not the same as the concerns of installing across a roadway right-of-way because of all the infrastructure located in the roads. The system would, however, need to be registered for location in conjunction with the requirements of the Gopher One-Call system. Mr. Haffield stated that staff is looking for direction on a policy - that the systems need to be managed systems, not private facilities. Mayor Oberloh noted that if the installation was not approved the lawns in the development would be sprinkled with treated water, thereby placing a bigger demand on our filtered water system. Alderman Woll stated that lake water would be the watershed's preferred way.

The motion was made by Alderman Kuhle, seconded by Alderman Woll and unanimously carried to approve the request to install an inlet for an area sprinkler system to Woodland Ridge Addition.

SOUTHWEST INITIATIVE FOUNDATION REQUEST FOR FUNDING

The City had received a request from the Southwest Initiative Foundation for funding in the amount of \$7,500 for the 2008 budget year. The 2007 budget included the same amount.

The motion was made by Alderman Wood, seconded by Alderman Petrich and unanimously carried to approve the request of \$7,500 for the 2008 budget year.

FIRST READING PROPOSED ORDINANCE - CHANGE OF ZONE

At its May 14, 2007 meeting, the City Council approved a request from Jerry and Jari Johnson, owners of the property located at 1308 McMillan Street, to rezone that property from its current "R-3" Low Density Preservation Residential designation to "B-3" - General Business, to allow for expansion of their on-site parking lot. A change of zone requires an ordinance, which in turn, is subject to three readings for

adoption. Because the proposed ordinance was not included in the case item a first reading was not recorded. State statute directs that if an application to rezone is not acted on within 60 days the request is considered approved. Based on a recommendation from the City Attorney, the proposed ordinance should go through the readings for record keeping purposes.

The motion was made by Alderman Petrich, seconded by Alderman Woll and unanimously carried to give a first reading to the proposed ordinance - change of zone.

DATE SET FOR HEARING TO DETERMINE IF PUBLIC NUISANCE EXISTS AT THE LOCATION OF PART OF LOTS 1, 2, & 3, BLOCK 53, CITY OF WORTHINGTON

The motion was made by Alderman Woll, seconded by Alderman Petrich and unanimously carried to set the date as July 23, 2007, during the regular City Council meeting, for a hearing to determine if a public nuisance exists at the property located at part of Lots 1, 2, and 3, Block 53, City of Worthington.

OUT OF STATE TRAVEL APPROVED

Mayor Oberloh had requested this item to be added to the agenda, and was seeking formal approval for a delegation of three Aldermen, the City Administrator, and possibly the press, traveling to Sioux Center, Iowa for the purpose of touring and obtaining information on a new housing development there.

The motion was made by Alderman Petrich, seconded by Alderman Woll and unanimously carried to approve the out of state travel.

TRAVEL TO CRAILSHEIM GERMANY APPROVED

Mayor Oberloh had requested the addition of this item to the agenda and was seeking Council approval of his travel to Crailsheim, Germany July 14 - 23, 2007 to represent the City of Worthington at the 60th anniversary celebration of our sister-city relationship with Crailsheim. A delegation of approximately 40 people will be making the trip. As the official representative of the City, Mayor Oberloh will be reimbursed for his travel expenses.

The motion was made by Alderman Woll, seconded by Alderman Kuhle and unanimously carried to approved Mayor Oberloh's trip to Crailsheim, Germany.

PRESENTATION BY JAN VOIT, HERON LAKE WATERSHED

Jan Voit, Heron Lake Watershed, had requested to make a presentation to City Council regarding the Total Maximum Daily Load (TMDL) grant received by the Watershed. TMDL is the maximum pollutant

load a body of water can receive and still meet pollution control standards. Mayor Oberloh thanked Ms. Voit for her time, and Ms. Voit expressed her appreciation to the Council for allowing her their time and consideration.

CITY ADMINISTRATOR PAYROLL INCREASE APPROVED

A six month performance evaluation of City Administrator, Joe Parker, was reviewed and discussed at a June 18, 2006 Special City Council meeting with Jim Brimeyer of the Brimeyer Group, Inc. Based on that review, the motion was made by Alderman Wood, seconded by Alderman Woll and unanimously carried to adopt the Work Program that resulted from that evaluation review, and to authorize a salary increase to \$88,975 per year.

PROPOSED ORDINANCE REFERRED TO TRAFFIC AND SAFETY COMMITTEE

Mike Cumiskey, Director of Public Safety, presented a proposed ordinance that would limit Class II ATV's on city streets with some reasonable exceptions. The request comes as a result of the State of Minnesota's 2006 classification of ATV's into two classes, which allows Class II ATV's to be driven on city streets. The Police Department has encountered drivers who are seeing this as a possible primary mode of transportation, even if their license has been revoked, suspended, or canceled. The proposed ordinance would only affect the city streets and not the county or state-aid routes, and would eliminate those drivers using Class II ATV's for transportation after their licenses have been suspended, revoked or canceled. Alderman Kuhle suggested the issue be referred to the Traffic and Safety Committee for further review and a possible future recommendation to City Council.

The motion was made by Alderman Kuhle, seconded by Alderman Woll and unanimously carried to refer this issue to the Traffic and Safety Committee.

ACQUISITION OF PROPERTY FOR GRAND AVENUE RIGHT-OF-WAY AUTHORIZED

Dwayne Haffield, Director of Engineering, explained that only one piece of property had yet to be acquired for the plan to extend Grand Avenue from Oxford Street to Darling Drive. Discussions with the property owner have been underway for the past few months. Staff was proposing a payment for the right-of-way at approximately the same per square foot price paid in the settlement of eminent domain proceedings for the right-of-way acquired from Developer's Diversified and the owners of Viking Terrace Apartments, which was about \$.325/square foot, or about \$975. The proposal recommendation called for rounding the purchase offer to \$1,000.

The motion was made by Alderman Woll, seconded by Alderman Wood and unanimously carried to authorize payment of \$1,000 to Ray darling for the acquisition of the east 20 feet of Lot 9, Auditors Plat

of the W ½ SW ¼ Section 13, T102N, R40W, and to authorize payment for costs incurred for preparation of a quit claim deed and researching title as appropriate.

FIRST READING PROPOSED ORDINANCE - FLOOR-TO-AREA RATIO

Currently, the "B-3" - General Business District (the City's primary commercial zoning district) utilizes a floor area ratio of 25%. The Planning Commission, serving as the Zoning Board of Appeals, has reviewed several variance requests for increased floor-to-area percentages for property in the "B-3" districts, hearing increasingly that the 25% is too restrictive. After reviewing the variance requests, seeking advise from the Zoning Task Force, and obtaining additional information from similar communities, the Commission was proposing an amendment to the Zoning Ordinance that would increase the floor-to-area ratio from 25% to 30% in the "B-3" district and allow for an additional 5% for every 1,000 square feet of landscape area established provided the subject property conforms with all other applicable regulations. The Planning Commission held a public hearing on the proposed text change and unanimously recommended approval of the amendment.

The motion was made by Alderman Woll, seconded by Alderman Wood and unanimously carried to give a first reading to the proposed ordinance - floor-to-area ratio.

COUNCIL COMMITTEE REPORTS

Mayor Oberloh - E.O. Olson Committee met regarding a request from the fishing club for repairs on the fish rearing ponds. The ponds have been empty all year as there was a problem with the drain pipe seal. The E. O. Olson Board approved \$3,500 towards the repair, which is proposed to start in September of this year. Also met with the Administrator and Mel Ruppert regarding a potential business.

Alderman Woll - nothing to report. Question on potential disruption of the bike trail in the Woodland Ridge development.

Alderman Wood - reported on the Golf Advisory Board - over 70 youth signed up for the golf program.

Alderman Kuhle - noted an article he read in the Montevideo paper regarding their loss of LGA if the government doesn't go into special session, and wondered what the impact to Worthington would be.

Alderman Petrich - nothing to report.

CITY ADMINISTRATOR REPORT

City Administrator, Joe Parker, reported on a Latino Community forum he attended where housing, employment, and education were discussed. Mr. Parker thought it was a very good meeting. He also noted that, although it is not a City sponsored event, the Whiskey Ditch Motorcycle Rally was a very good event over the weekend and brought a lot of people to town. Also, Mike Flaherty from the Coalition of Greater Minnesota Cities had contacted him asking for a meeting with Council at noon on August 21, 2007

for an update on legislative issues. The meeting was added to the calendar.

BILLS PAYABLE

The motion was made by Alderman Kuhle, seconded by Alderman Wood and unanimously carried that bills payable and totaling \$464,331.08 be ordered paid.

**CLOSED SESSION FOR DISCUSSION OF POSSIBLE LAND ACQUISITION - 17.68 ACRES
IN NE ¼ OF NE¼; ACRES 17.68, COUNTY PARCEL NUMBER 31-3849-000**

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

The motion was made by Alderman Woll seconded by Alderman Kuhle and unanimously carried to reopen the meeting.

The motion was made by Alderman Woll, seconded by Alderman Wood and unanimously carried to pursue the property discussed at a figure of \$150,000, noting the concerns of acquiring other access.

ADJOURNMENT

The motion was made by Alderman Wood, seconded by Alderman Petrich and unanimously carried to adjourn the meeting at 9:11 p.m.

Janice Oberloh
City Clerk