

**WORTHINGTON CITY COUNCIL
REGULAR MEETING, MARCH 13, 2006**

The meeting was called to order by Mayor Alan E. Oberloh at 7:00 p.m., in the City Hall Council Chambers with the following Aldermen present: Roger E. Nelson, Bob Petrich, Lyle Ten Haken, and Mike Woll. Absent (Excused): Leland Hain.

City Staff present: Mike Cumiskey, Police Chief; Brad Chapulis, Director of Community/Economic Development; Dwayne Haffield, Director of Engineering; Mark Shepherd, City Attorney; David Hoffman, Police Detective; Jim Laffrenzen; Supt. of Public Works; and Karen Buchman, City Clerk.

Others present: Mike Kuhle, Mike Hoeft, Gary Prins, and Simon Koster for presentation of Nobles County Freedom Veterans' Memorial Park; Ryan McGaughey; Daily Globe; and Larry Lang.

NOBLES COUNTY FREEDOM VETERANS MEMORIAL PARK PRESENTATION

Mike Kuhle, on behalf of the group present, made a presentation on the Nobles County Veterans Memorial Park - recognizing our veterans. They showed the location and concept, gave a history of the project to date, a list of committee members, gave a review of the budget and funding sources, and noted the support is tax deductible. They gave a cost estimate for the granite pavers that people can purchase to outline the base of the memorial and sidewalk leading back to the street. Council was given an opportunity to ask questions. They plan to start hitting the advertising hard the rest of this month and in April and hope to start grading work this fall with completion of the project in 2007.

PUBLIC HEARING FOR MICHAEL'S RESTAURANT

Pursuant to notice this was the time set for a public hearing on Michael's Restaurant. The motion was made by Alderman Woll, seconded by Alderman Petrich and unanimously carried to open the hearing. The Mayor asked Mark Shepherd, City Attorney to give the presentation. Mark stated that Mr. Thomas O'Meara was notified by certified mail that the City's Liquor Committee had recommended to Council to suspend his license to sell alcoholic beverages at Michael's Restaurant for a period of 60 days from and after March 14, 2006 at 12:01 a.m. and to impose a fine in the sum of \$1,000 subject to his right of a hearing. The basis for the suspension and fine is the licensee's repeated and willful violation of Minn. Stat. 340A.415 in that the licensee has purchased liquor at retail for the purpose of reselling such liquor. Mr. O'Meara requested a hearing, but called the City Clerk this morning stating that due to the weather would be unable to attend. A little background was presented by the City Attorney and Police Chief on the problems experienced with the liquor license at Michael's. A year ago in January Mr. O'Meara was before Council for the same violation and paid the cost of the hearing, and paid the state to have his name removed from the tax delinquent list. He was back on the list in June of 2005 and the state again fined him after Mike Polla, Special Investigator with the Alcohol and Gaming Enforcement Division visited the establishment in December and found him to be in violation. Following the presentation the Mayor asked for any testimony. None was received from the audience, but Council had several questions.

Council felt that due to the repeated offense, a suspension and fine was appropriate. Following discussion the motion was made by Alderman Woll, seconded by Alderman Ten Haken and unanimously carried to close the hearing. The motion was made by Alderman Ten Haken, seconded by Alderman Woll and unanimously carried to suspend the license of Mr. Thomas O'Meara, Michael's Restaurant for a period of 60 days from and after March 14, 2006 at 12:01 a.m., and to impose a fine in the sum of \$1,000.

AGENDA APPROVED

The motion was made by Alderman Petrich, seconded by Alderman Ten Haken and unanimously carried to accept the agenda as presented.

MINUTES

The motion was made by Alderman Woll, seconded by Alderman Petrich and unanimously carried to approve the regular City Council minutes of February 27, 2006 as previously distributed.

MINUTES OF BOARDS AND COMMISSIONS

The motion was made by Alderman Woll, seconded by Alderman Ten Haken and unanimously carried to accept for review the Water and Light Commission minutes of March 6, 2006; Memorial Auditorium Advisory Board minutes of February 2, 2006; Worthington Housing & Redevelopment Authority minutes of February 9, 2006; and Planning Commission/Board of Appeals minutes of March 6, 2006.

FINANCIAL STATEMENTS

The motion was made by Alderman Woll, seconded by Alderman Ten Haken and unanimously carried to accept the Municipal Liquor Store Income Statement for the period January 1, 2006 through February 28, 2006; Prairie View Golf Links Statement of Revenues vs. Expenditures for the period January 1, 2006 through February 28, 2006; and General Fund Statement of Revenues vs. Expenditures - Budget and Actual for the Twelve Months of January 1, 2005 through December 31, 2005.

AWARD BIDS FOR BIOSCIENCE INDUSTRIAL PARK SANITARY SEWER AND WATER MAIN IMPROVEMENTS

Bids were opened at 2:00 p.m., on March 10, 2006 for the project consisting of the construction of the sanitary sewer and water distribution systems for the Bioscience Industrial Park. The following bids were received:

<u>Bidder</u>	<u>Base Bid</u>	<u>Add Alternate</u>	<u>Total</u>
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Midstates Utilities	\$309,375.00	\$90,092.00	\$399,467.00
Quam	\$315,792.08	\$85,968.91	\$401,760.99
Svoboda	\$305,567.50	\$96,495.95	\$402,063.45
Larson	\$342,303.00	\$93,095.00	\$435,398.00
H & W Construction	\$362,736.60	\$98,761.00	\$461,497.60

Upon staff recommendation the motion was made by Alderman Woll, seconded by Alderman Ten Haken and unanimously carried to award the Base Bid and Add Alternate to the low qualified bidder, Midstates Utilities of Slayton, Minnesota.

APPROVED ACQUIRING PROPERTY FOR UNNAMED STREET EXTENSION

An unnamed street will extend from South Crailsheim Road through the plat of Park View Acres. The street right-of-way is to be improved by installation of sanitary sewer and water main extensions as well as by street and storm sewer construction. In order to proceed with initial sewer and water extensions, the permanent street right-of-way should be acquired. The proposed street right-of-way is located over the north 70 feet of Lot 9, Park View Acres which is currently being purchased by Virginia Drost. The proposed compensation is based on the appraisal completed for the City in 2004. The appraised value of the land is \$11,000 per acre, or a total of \$16,500 for all of Lot 9 except the east 15 feet included in the Crailsheim Road. The appraised value assumes that the existing water main assessments were paid by the "seller." The balance of the assessments as to Lot 9 is \$2,496.09 yielding a net acquisition price of \$14,004 for the full lot. Whereas only the north 70 feet will be acquired at this time, the net price would be \$6,535.20. The motion was made by Alderman Woll, seconded by Alderman Nelson and unanimously carried to authorize the acquisition of the following described property for \$6,535.20 subject to its ownership being transferred to Virginia Drost:

The north 70 feet of Lot 9, Plat of Park View Acres, Nobles County, Minnesota excepting therefrom the easterly 15 feet thereof taken for highway purposes.

It should be noted that the southerly portion of Lot 9 and a portion of Lot 8, currently owned by Al Drost, will also need to be acquired for construction of a storm water retention basin. Acquisition of this additional property is not included in the current recommendation so as not to delay addressing the more immediate need to secure right-of-way for the sanitary sewer and water extensions.

RESOLUTION NO. 3102 ADOPTED, APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS

Council is requested to approve the plans and specifications for the 2006 Sewer and Water Extensions and Improvements Project and authorize the advertisement for bids to be received on April 7, 2006 and considered for award at the April 10, 2006 Council meeting. The 2006 Sewer and Water Extensions & Improvements project includes 4 schedules of sanitary sewer or water main extensions and 1 schedule of

storm sewer reconstruction as follows:

Schedules 1 and 3 - Castlewood Drive Water Main and Sanitary Sewer Extensions

Schedules 2 and 4 - Unnamed Street Water Main and Sanitary Sewer Extensions

Schedule 5 - Tower Street Storm Sewer Reconstruction

The motion was made by Alderman Ten Haken, seconded by Alderman Petrich and unanimously carried to approve the 2006 Sewer and Water Extensions and Improvements Project and adopt the following resolution:

RESOLUTION NO. 3102

APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS

(Refer to Resolution file for complete copy of Resolution)

AUTHORIZED PROFESSIONAL SERVICES FOR INITIAL PHASE OF FLOOD STUDY

Efforts initiated a few years ago to remodel the city's flood conditions and flood plane was disrupted by the discovery of irregularities in the city's aerial mapping. Although the errors were ultimately resolved, the flood study was not resumed. Barr Engineering has submitted a proposal for the services needed to resume the study. The \$5,000 fee is only for the review and coordination components of the first phase of the flood study. Although it is not believed the mapping revisions will have a significant impact on the work previously completed, additional fees will be required to revise existing studies if needed. Also, this phase of the flood study will provide the foundation for further study and evaluation of flooding issues. A usable model will provide basis for initiating study into means to reduce flooding risks. Proposals for study into flood mitigation and channel maintenance will be able to be developed following completion of the initial phase. The model could also provide a basis for seeking adoption of a revised formal flood mapping if desired by the City. Following discussion the motion was made by Alderman Woll, seconded by Alderman Petrich and unanimously carried to accept the proposal from Barr Engineering.

APPROVED FINAL PLAT - WORTHINGTON BIOSCIENCE INDUSTRIAL PARK ADDITION

The City of Worthington is seeking final plat approval for certain property located directly north of the Prairie Holdings Center, 1520 Prairie Drive. The plat consists of 25 lots on 56.09 acres of land. Upon recommendation of the Planning Commission who considered the proposed final plat at their March 6, meeting, the motion was made by Alderman Petrich, seconded by Alderman Woll and unanimously carried to approve the Worthington Bioscience Industrial Park Addition's final plat as presented.

2006 SUMMER RECREATION FEES APPROVED

The City's summer recreation programs, adult softball and outdoor swimming pool are managed by a contract with the Worthington Young Mens Christian Association (YMCA). Each season the City and YMCA staff evaluate the costs associated with each recreational program and establishes a fee structure for Council's consideration and approval. The motion was made by Alderman Ten Haken, seconded by Alderman Woll and unanimously carried to approve the following 2006 summer recreational fee schedule:

ACTIVITY	2005 FEE	INCREASE	2006 FEE
Fun and Adventure	\$ 31.00	\$ 1.00	\$ 32.00
Tennis	\$ 23.00	\$ 1.00	\$ 24.00
Track	\$ 23.00	\$ 1.00	\$ 24.00
Girl's Softball	\$ 26.00	\$ 1.00	\$ 27.00
Rookie Baseball	\$ 28.00	\$ 1.00	\$ 29.00
Junior Baseball	\$ 33.00	\$ 1.00	\$ 34.00

The adult softball program had 13 teams participate in 2005, versus 15 in 2004. The fee was increased from \$200 per team to \$225 in 2004. The teams also pay an additional association fee of \$130. The association fee is used to pay for umpires, softballs, chalk for marking base lines, etc. Staff recommends no increase in 2006.

ACTIVITY	2005 FEE	INCREASE	2006 FEE
Adult Softball	\$ 225/Team	-0-	\$ 225/Team

The City and School District 518 have a cooperative agreement whereby the District provides maintenance and utilities at the middle school baseball diamond where the VFW, American Legion and Cubs baseball teams play their home games. The City is responsible for preparing the fields prior to each game and removing the garbage. The fee was increased from \$300 to \$325 per team in 2004. The fee continues to cover the City's costs. Staff recommends no increase for 2006.

ACTIVITY	2005 FEE	INCREASE	2006 FEE
VFW, Legion, Cubs Baseball	\$325/Team	-0-	\$ 325/Team

A girls traveling softball team was organized for 2003, however the team did not play in 2004 or 2005. The team utilizes the Centennial softball diamond. If a team were to organize for 2006, it is staff's recommendation that the fee be set at the same level as the VFW, American Legion and Cubs.

ACTIVITY	2005 FEE	INCREASE	2006 FEE
Traveling Girls Softball Team	\$ 325	-0-	\$ 325

The City maintains the soccer fields located at Buss Field on Sherwood Street which are utilized by the

Worthington Soccer Teams. The City mows the fields and is responsible for the utilities for the restroom facility. The soccer teams are responsible for the preparation of the fields for play, scheduling games, contracting for the removal of garbage, providing the cleaning supplies and cleaning of the restrooms. They have supplied covered player's benches, provided maintenance to the fields by filling holes and leveling low areas with black dirt and goals. As with the baseball program, there will be seasons when all the costs for maintaining the fields will exceed revenues and other seasons when the fee will cover all costs, as was the case in 2004. Staff recommends the 2006 fee remain at the 2005 flat fee of \$2,000.

ACTIVITY	2005 FEE	INCREASE	2006 FEE
Worthington Soccer Association	\$ 2000	-0-	\$ 2,000

2006 SWIMMING POOL FEE SCHEDULED APPROVED

Pool revenues have remained at approximately \$30,000 for the past several years. It is staff's opinion that pool usage and revenue has peaked, due to the limited play activities we have at the pool. The motion was made by Alderman Petrich, seconded by Alderman Ten Haken and unanimously carried to approve the fees recommended as follows:

2006 Proposed Swimming Pool Fee Structure:

	2005 Fee	Proposed Increase	2006 Fee
Individual Season Pass	\$ 50.00	\$ 2.00	\$ 52.00
Family Season Pass: <i>(Family members are husband/wife/parent/guardian, & children under age 18)</i>			
First Family Member	\$ 50.00	\$ 2.00	\$ 52.00
Second Family Member	\$ 20.00	\$ 1.00	\$ 21.00
Third Family Member	\$ 20.00	\$ 1.00	\$ 21.00
Family Cap	\$ 90.00	\$ 4.00	\$ 94.00
Young Family/No Slide Season Pass	\$ 60.00	\$ 2.00	\$ 62.00
<i>(For families with all non-swimming children under age 5, wading pool use only)</i>			
Private Parties (No Change)			
1-15 people			\$ 90.00
16-50 people			\$155.00
Over 50 people			\$ 2.50 per person
Daily Fees: (No Change)			
Young Family			\$ 2.50 per person

(Non-swimming parents with children under 5 years of age who use wading pool use only)

Youth 18 years and under	\$ 3.50 per person
Adults	\$ 4.50 per person

PARK CONCESSION PERMIT FEES APPROVED

The City issues permits to sell concessions in the City’s park system. The permit assures that each vendor has obtained the proper licensing and insurance to operate the concession. Fees for the concession permits were raised in 2005 and therefore, no increase in fees for 2006 is recommended. The motion was made by Alderman Woll, seconded by Alderman Nelson and unanimously carried to approve the fees for 2006 as presented:

PERMIT TYPE	2006 Fee
One day permit (non-profit)	\$ 40.00
One day permit (profit making)	\$ 50.00
Annual non-profit <i>(generating revenue for city supported recreational activity)</i>	\$ 50.00
Annual non-profit <i>(General group)</i>	\$ 55.00
Annual profit making permit	\$ 150.00
Historical Permit <i>(Chautauqua Park-popcorn wagon)</i>	\$ 130.00
Annual mobile (non profit) <i>(allows utilization of all parks where off street parking is available, with the exception of Centennial Beach/Shelter)</i>	\$ 250.00
Annual mobile permit (profit making) <i>(allows utilization of all city parks where off street parking is available, with the exception of Centennial Beach/Shelter)</i>	\$ 350.00

NOTE: All permits require a \$ 100.00 clean-up deposit which is refunded if all trash/garbage is removed and disposed of in a proper manner.

WEED INSPECTOR APPOINTED

The City Council is required to appoint a weed inspector annually if the inspector is someone other than

the Mayor. The weed inspector is responsible for inspecting the property, contacting the property owner, and following up with on site inspection to insure the violation has been resolved. The inspector authorizes the mowing and/or spraying of property if necessary, and keeps records of the costs to be billed to the property owner. The motion was made by Alderman Ten Haken, seconded by Alderman Woll and unanimously carried to appoint Myra Onnen as the City weed inspector for 2006.

AUTHORIZED UTILIZATION OF EMERGENCY STORM EXPENSE FUND FOR TREE STUMP REMOVAL

While Public Works personnel have been trimming trees upon the public right-of-way, it became apparent that trees are continuing to show the effect of the August 2004 wind storm. Personnel encountered trees that were split and/or damaged to a point where removal was the only option. The MN Dept. of Natural Resources Forestry personnel made staff aware this problem could occur as trees that did not show physical damage at the time of inspection, would show damage later due to stress. Personnel will have removed approximately 80 trees by the end of the season. The 2006 budget did not include funding for removal of 80 tree stumps. They anticipated a limited number of trees (20-25) which could be removed "in house." Staff received a quote of \$8,000 for removal of approximately 80 stumps, and are seeking authorization to fund the stump removal cost from the Emergency Storm Expense Fund. The fund was established in June of 2004 to cover damage to trees caused by unusual summer and winter events with monies collected by way of a \$1.00 surcharge per month on all residential utility bills. The surcharge will remain until the designated fund balance of \$200,000 is achieved. The balance as of December 31, 2005 was \$14,262.00. The motion was made by Alderman Petrich, seconded by Alderman Woll and unanimously carried to authorize utilization of Emergency Storm Expense Funds for tree stump removal.

APPROVED APPROPRIATING FUNDS FROM POOL RESERVES FOR SWIMMING POOL REPAIRS

Quotes were received for brush blasting all painted surfaces within the main and wading pool, remove and replace caulk as needed, patch wading pool wall, application of two coats white swimming pool epoxy paint including marking and painting of racing lanes and warning stripe within the deep end. It also included repairing of spaulded areas upon the main floor. Total cost was estimated to be \$30,400 based upon last fall's inspection. Staff recently inspected the pool and noticed additional spaulding upon the main floor. Based upon the quoted price of \$8.00 per square foot to repair spaulding areas, an additional \$7,000 of repairs will most likely need to be completed. The motion was made by Alderman Woll, seconded by Alderman Ten Haken and unanimously carried to appropriate \$7,000 from the swimming pool reserves to fund the additional pool repairs.

ORDINANCE NO. 984 ADOPTED, REZONE PROPERTY FROM "R-3" to "B-3"

Pursuant to published notice this was the time set for the third reading of the proposed ordinance to rezone

property from "R-3" Low Density Preservation Residential to "B-3" General Business. The motion was made by Alderman Ten Haken, seconded by Alderman Woll and unanimously carried to give a third reading and adopt the following ordinance:

ORDINANCE NO. 984

AN ORDINANCE TO AMEND TITLE XV OF THE CITY CODE OF WORTHINGTON, NOBLES COUNTY, MINNESOTA, TO REZONE PROPERTY FROM "R-3" (LOW DENSITY PRESERVATION RESIDENTIAL) TO "B-3" (GENERAL BUSINESS)

(Refer to Ordinance file for complete copy of Ordinance)

FIRST READING PROPOSED ORDINANCE - VACATE A PORTION OF ALLEY

The motion was made by Alderman Ten Haken, seconded by Alderman Nelson and unanimously carried to vacate a portion of the public right of way (alley) located directly north of the Worthington High School Athletic Complex between Oslo Street and the north/south alley formerly known as 13th Street.

RESOLUTION NO. 3103 ADOPTED, DESIGNATING POLLING PLACES FOR THE 2006 ELECTIONS

Every polling location used in Minnesota for federal, state or local elections need to be equipped with an assisted voting technology machine that allows voters with disabilities the opportunity to cast their vote in private. The City will be sharing polling places for our election precincts in order to reduce the costs of the equipment. The motion was made by Alderman Ten Haken, seconded by Alderman Petrich and unanimously carried to adopt the following resolution which implements the designation of our polling places for our election precincts:

RESOLUTION NO. 3103

RESOLUTION TO SHARE AND DESIGNATE POLLING PLACE LOCATIONS IN THE CITY OF WORTHINGTON, NOBLES COUNTY, MINNESOTA

(Refer to Resolution file for complete copy of Resolution)

ON-SALE BEER LICENSE APPLICATION APPROVED

In December 2005 the City Council approved an On-Sale Beer License application for the American Legion, 1906 Oxford Street. Following approval and before their license was issued the American Legion called to withdraw their application and their money was returned. They have now come back to request

a license as they have had several requests for Sunday events. The motion was made by Alderman Nelson, seconded by Alderman Petrich and unanimously carried to approve the following On-Sale Beer License Application for the period March 14, 2006 through December 31, 2006:

2006 - 14 American Legion Post #5, 1906 Oxford Street

CITY COUNCIL MEETING OF MARCH 27, 2006

Due to a possible lack of a quorum and few agenda items, it was suggested to cancel the March 27, 2006 Council meeting. The motion was made by Alderman Nelson, seconded by Alderman Woll and unanimously carried that the meeting is scheduled as usual.

RESOLUTION ADOPTED, MVEST CONSTITUTIONAL AMENDMENT

A proposed resolution to amend MVEST Constitutional Amendment language was presented. After discussion the motion was made by Alderman Ten Haken, seconded by Alderman Woll and unanimously carried to adopt the following resolution:

RESOLUTION

MVEST CONSTITUTIONAL AMENDMENT

WHEREAS, current language in the MVEST Constitutional Amendment can be interpreted to allow as much as 100% of the MVEST funds to be spent on transit while at the same time seems to restrict transportation funding to 60% of the revenue; and

WHEREAS, the City of Worthington elected officials do not support the MVEST in its current form.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WORTHINGTON, NOBLES COUNTY, MINNESOTA:

1. That the City of Worthington elected officials support at a minimum a "STATUTORY FIX" to this problem prior to submitting the amendment for a vote.
2. That the City of Worthington elected officials prefer that the amendment be rewritten to clarify the confusing language as a part of the amendment; and
3. That the City of Worthington elected officials have a concern that the MVEST amendment seems to leave a \$300 million hole in the future general fund budget. Should the MVEST amendment pass as is the State Legislature should clearly define how it will fill this budget shortfall.

COUNCIL REPORTS

Mayor Oberloh reported on some good meetings attended in St. Paul on Wednesday and Thursday of last week. They made the rounds and on Thursday testified at Legislature on remediation of Campbell Soup property.

Alderman Petrich reported on Don Habicht, General Manager of Utilities' retirement. Council discussed a possible worksession with the Water and Light Commission. He also reported on a GTS of our underground lines and we are in good shape.

Alderman Nelson reported on a meeting with the Airport Advisory Board adding the terminal remodeling looks very nice. An open house will be planned after completion of the project.

Alderman Woll discussed the local option ½ cent sales tax - extension. Woll and Nelson addressed concerns about use it or lose it. Alderman Woll also noted that Glen Thuringer did a good job testifying on Bio Science Funding.

Alderman Ten Haken reported on SRDC meeting. They are about finished with their building to be shared with the SW MN Housing Partnership. The SRDC adopted the MVEST as is. There will be an SRDC meeting on transit at 9:30 a.m. Wednesday in the Farmers Room. He attended a recent City/County/School District meeting and they discussed items of school budget issues/cuts. He also noted the County is getting a new payroll system and mentioned a possible city piggyback with them. Alderman Nelson addressed the school district cuts and one item that might pertain to the city is that the Community Center may get bumped out of the West Elementary location.

BILLS PAYABLE

The motion was made by Alderman Woll, seconded by Alderman Ten Haken and unanimously carried that bills payable and totaling \$178,999.60 be ordered paid.

ADJOURNMENT

The motion was made by Alderman Petrich, seconded by Alderman Nelson and unanimously carried to adjourn the meeting at 9:15 p.m.

Karen Buchman
City Clerk