

**WORTHINGTON CITY COUNCIL
REGULAR MEETING, MARCH 14, 2005**

The meeting was called to order by Mayor Alan E. Oberloh at 7:00 p.m., in the Nobles County Board of Commissioners Room with the following Aldermen present: Roger E. Nelson, Bob Petrich, Lyle Ten Haken, and Mike Woll. Honorary Council Person: Jorge Lopez. Absent (Excused): Leland Hain.

City Staff present: Bob Filson, City Administrator; Dwayne Haffield, Director of Engineering; Brad Chapulis, Director of Economic/Community Development; Mike Cumiskey, Director of Public Safety; Jim Laffrenzen, Supt. of Public Works; and Karen Buchman, City Clerk.

Others present: Ryan McGaughey, Daily Globe; Randy Davis, Cable 3; Jerry Vogt, EMC Industrial Wastewater Treatment Plant.

INTRODUCTIONS

Mayor Oberloh welcomed Jorge Lopez as the Honorary Council Person for the months of March and April.

AGENDA APPROVED

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

MINUTES APPROVED

The motion was made by Alderman Woll, seconded by Alderman Petrich and unanimously carried to approve the regular City Council minutes of February 28, 2005 as previously distributed.

MINUTES OF BOARDS AND COMMISSIONS

The motion was made by Alderman Ten Haken, seconded by Alderman Nelson and unanimously carried to accept for review the Water and Light Commission minutes of March 7, 2005; Worthington Hospital Board minutes of February 28, 2005; Housing and Redevelopment Authority minutes of February 10, 2005; and Planning Commission/Board of Appeals minutes of March 1, 2005.

FINANCIAL STATEMENTS

The motion was made by Alderman Petrich, seconded by Alderman Nelson and unanimously carried to accept the Prairie View Golf Links Statement of Revenues vs. Expenditures for the period January 1, 2005 through February 28, 2005; and Municipal Liquor Store Income Statement for the period January 1, 2005 through February 28, 2005.

MICHAEL'S RESTAURANT

At the January 24, 2005 City Council meeting, a hearing was held regarding the liquor license of Michael's Restaurant. At that time, Mr. O'Meara was allowed to keep his liquor license for Michael's provided he met his remaining past due state sales tax obligations by February 1. Mr. O'Meara did pay the past due tax for Michael's Restaurant and their name was removed from the state tax delinquent list. Discussion followed pertaining to the type of penalty to charge on our end, whether it be a suspension or civil fine. It was determined to charge a civil penalty. A suggestion was the hard cost of \$866.50 to cover the cost of the hearing for the City Attorney's fee, and Mayor and City Council extra meeting compensation. Following discussion the motion was made by Alderman Woll, and seconded by Alderman Petrich to request Mr. O'Meara of Michael's Restaurant to pay a civil fine in the amount of \$400.00 to help defray the cost of the January 24, 2005 hearing. The following Aldermen voted in favor of the motion: Petrich, Ten Haken, and Woll; the following Alderman voting against the same: Nelson. Whereby the Mayor declared, the motion passed.

RESOLUTION PERTAINING TO HAZARD MITIGATION PLANNING APPROVED

A letter was received from the Southwest Regional Development Commission which noted that the Nobles County All Hazard Plan was sent to the State Department of Homeland Security for review. The plan was tentatively approved with one small change needed to receive a passing score and final approval. The change was that a resolution from each of the cities adopting the plan be included. The motion was made by Alderman Petrich, seconded by Alderman Ten Haken and unanimously carried to adopt the following resolution to participate in a Hazard Mitigation Planning Process:

RESOLUTION

CITY OF WORTHINGTON, MINNESOTA

RESOLUTION TO PARTICIPATE IN A HAZARD MITIGATION PLANNING PROCESS

WHEREAS, the County of Nobles is participating in a hazard mitigation planning process as established under the Disaster Mitigation Act of 2000; and

WHEREAS, the Act establishes a framework for the development of a county hazard mitigation plan; and

WHEREAS, the Act as part of the planning process requires public involvement and local coordination among neighboring local units of government and businesses; and

WHEREAS, the plan must include a risk assessment including past hazards, hazards that threaten the county, maps of hazards, an estimate of structures at risk, estimate of potential dollar losses for each hazard, a general description of land uses and development trends; and

WHEREAS, the plan must include a mitigation strategy including goals and objectives and an action plan identifying specific mitigation projects and costs; and

WHEREAS, the plan must include a maintenance or implementation process including plan updates, integration of plan into other planning documents and how the county will maintain public participation and coordination; and

WHEREAS, the draft plan will be shared with Minnesota Division of Emergency Management for coordination of state agency review and comment on the draft; and

WHEREAS, approval of the all hazard mitigation plan will make the county eligible to receive Hazard Mitigation Grant Program (HMGP) project grants; and

WHEREAS, this resolution does not preclude the city from preparing its own plan sometime in the future should it desire to do so.

NOW THEREFORE BE IT RESOLVED, that the City of Worthington supports the Nobles County hazard mitigation planning effort, wishes to join with the county in preparing the plan and recognizes that the plan will apply within the city.

CITY COUNCIL MEETING OF MARCH 28, 2005

An informational item included in the agenda was that the City Council meeting of March 28, 2005 is tentatively scheduled to be held in our newly renovated City Hall Council Chambers. At that time the sound system should be up and running, but live televising will not be ready until June or July.

RESOLUTION NO. 3035 ADOPTED, AUTHORIZING ENTERING INTO A JOINT POWERS AGREEMENT

The Worthington Police Department and the Nobles County Sheriff's Office have been sponsoring developmental meetings to create a drug task force in southwestern Minnesota. Last year, the Mayor and Council were informed that it would be beneficial for us to seek the creation of a drug task force to cover southwestern Minnesota. The creation of the joint drug task force will give us the benefits of being able to work directly with other jurisdictions and it will give officers from all entities involved the ability to work in all of the jurisdictions signed into the agreement; in short, the drug task force would allow us to combat drugs on a coordinated, regional level.

The motion was made by Alderman Nelson, seconded by Alderman Woll and unanimously carried to approve the agreement with some minor changes to be made by City Attorney Mark Shepherd, and adopt the following resolution:

RESOLUTION NO. 3035

A RESOLUTION RELATING TO COUNTY AND CITY PARTICIPATION IN NARCOTICS CONTROL PROGRAM

(Refer to Resolution file for complete copy of Resolution)

2005 SUMMER RECREATION FEES APPROVED

The City's summer recreation programs, adult softball and outdoor swimming pool are managed by a contract with the YMCA. They are responsible for the promotion, collection of fees for the programs, and hiring of staff. They schedule the usage and preparation of the baseball fields at the Worthington Middle School for the local VFW, American Legion and Worthington Cubs baseball teams and a traveling girls softball team who utilize the Centennial Park softball diamonds at no additional cost.

Each year City and YMCA management staffs evaluate the costs associated with each recreational program and establish a fee structure for Council's consideration and approval. It was determined that fee increases should not be at a level that would jeopardize recreational programs and result in their being discontinued due to a lack of participation because they cause financial hardship to potential and current participants.

Based on this criterion, staff proposed the following, summer recreational fee schedule, per person, for youth who have completed kindergarten thru sixth grade.

ACTIVITY	2004 FEE	INCREASE	2005 FEE
Fun and Adventure	\$ 30.00	\$ 1.00	\$ 31.00
Tennis	\$ 22.00	\$ 1.00	\$ 23.00
Track	\$ 22.00	\$ 1.00	\$ 23.00
Girl's Softball	\$ 25.00	\$ 1.00	\$ 26.00
Rookie Baseball	\$ 27.00	\$ 1.00	\$ 28.00
Junior Baseball	\$ 32.00	\$ 1.00	\$ 33.00

For the adult softball program, the VFW, Legion and Cubs Baseball, Traveling Girls Softball Team and Worthington Soccer Association they are recommending fees remain at the 2004 level as follows:

ACTIVITY	2004 FEE	INCREASE	2005 FEE
Adult Softball	\$ 225/Team	-0-	\$ 225/Team

ACTIVITY	2004 FEE	INCREASE	2005 FEE
VFW, Legion, Cubs Baseball	\$325/Team	-0-	\$325/Team

ACTIVITY	2004 FEE	INCREASE	2005 FEE
Traveling Girls Softball Team	\$ 325	-0-	\$ 325

ACTIVITY	2004 FEE	INCREASE	2005 FEE
Worthington Soccer Association	\$ 2000	-0-	\$ 2,000

Following a discussion the motion was made by Alderman Woll, seconded by Alderman Nelson and unanimously carried to approve the fees as proposed.

2005 SWIMMING POOL FEE SCHEDULE APPROVED

In 2004, Council approved changes to the fee structure and identification system for persons who pay an annual fee at the outdoor pool. The motion was made by Alderman Woll, seconded by Alderman Nelson and unanimously carried to approve keeping the current 2004 fee structure for the 2005 season as follows:

2005 Swimming Pool Fee Structure:

Individual Season Pass	\$ 50.00
Family Season Pass: (<i>Family members are husband/wife/parent/guardian, & children under age 18</i>)	
First Family Member	\$ 50.00
Second Family Member	\$ 20.00
Third Family Member	\$ 20.00
Family Cap	\$ 90.00
Young Family/No Slide Season Pass.....	\$ 60.00
<i>(For families with all non-swimming children under age 5, wading pool use only)</i>	
Private Parties	
1-15 people	\$90.00
16-50 people	\$155.00
Over 50 people	\$ 2.50 per person
Daily Fees:	
Young Family	\$ 2.50 per person
<i>(Non-swimming parents with children under 5 years of age who use wading pool use only)</i>	
Youth 18 years and under	\$ 3.50 per person
Adults	\$ 4.50 per person

PARK CONCESSION PERMIT FEES APPROVED

Each year the City receives requests from vendors asking to sell concessions within the City's park system. The permit process assures the City that each vendor has obtained the proper licensing and insurance to operate the concession. Due to the operation of the Beach Nook concession, located at Centennial Park beach area, there will not be a concession permit issued for that park facility. Following discussion the motion was made by Alderman Woll, seconded by Alderman Petrich and unanimously carried to approve the following Park Concession permit fees for 2005 which shows a slight increase:

PERMIT TYPE	2004 FEE	INCREASE	2005 FEE
One day permit (non-profit)	\$ 35.00	\$ 5.00	\$ 40.00
One day permit (profit making)	\$ 45.00	\$ 5.00	\$ 50.00
Annual non-profit <i>(generating revenue for city supported recreational activity)</i>	\$ 45.00	\$ 5.00	\$ 50.00
Annual non-profit <i>(General group)</i>	\$ 50.00	\$ 5.00	\$ 55.00
Annual profit making permit	\$ 125.00	\$ 25.00	\$ 150.00
Historical Permit <i>(Chautauqua Park-popcorn wagon)</i>	\$ 125.00	\$ 5.00	\$ 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>	\$ 225.00	\$ 25.00	\$ 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>	\$ 325.00	\$ 25.00	\$ 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

A motion was made by Alderman Ten Haken, seconded by Alderman Woll and unanimously carried to appoint Myra Onnen as the City weed inspector for 2005. The weed inspector inspects property that is in violation of the City's weed ordinance, contacts the property owner regarding the violation and then follows up with an on site inspection to insure the violation has been resolved. The weed inspector authorizes the mowing and/or spraying of the property if necessary, and keeps records of the costs to be billed to the property owner.

AMENDED SERVICE CONTRACT WITH EMC FOR OPERATION OF INDUSTRIAL WASTEWATER TREATMENT FACILITY APPROVED

Council approved two contracts with Environmental Management Corporation (EMC) in May of 2002. One contract was for program management, with the other for operations of the facility which replaced the contract with PeopleService effective early September 2002.

The operations contract establishes the compensation (fees) which are to be paid monthly to EMC

for operation and maintenance (O&M) of the facility. The original contract reflected the treatment facility and its O&M costs as they were prior to the recent major facility improvements. At its April 26, 2004 meeting, Council approved an amendment to the 2002 contract establishing a new fee structure reflecting the change in costs associated with the facility improvements which were initiated in September 2004. An amendment to the contract is now proposed to address two unrelated matters.

The first item concerned the provision in the original contract pertaining to the fee adjustment to be made in the event of an electric rate change. The recent electric rate change prompted implementation of this provision which in turn initiated discussion of the continuing power costs adjustments. It was determined that it would be fairest for all parties if power cost adjustments were reconciled annually in the same manner as maintenance costs. The proposed amendment increases the annual electric budget by \$5,000 and adds a provision to provide for annual reconciliation of power cost adjustments.

The second issue related to changes in the monitoring requirements of the facility's NPDES discharge permit. The permit reissued at the end of 2004, added mercury monitoring, expanded the list of priority pollutants (to match EPA requirements) to be monitored, and temporarily (subject to satisfactory results) increased toxicity testing. The permit also eliminated several stream and process monitoring requirements. The amendment shifts the payment responsibility for the toxicity monitoring to the City (due to potential variations in cost), establishes that EMC will be responsible for mercury monitoring, and decreases annual compensation by \$5,004. The decrease in fees reflects the net difference between the electric cost increase and the decrease in monitoring cost.

Swift is aware of and involved in the development of the amendment. Following discussion the motion as made by Alderman Ten Haken, seconded by Alderman Woll and unanimously carried to approve the amendment as presented and authorize the Mayor to execute the same.

AMENDED POLICY PERTAINING TO PRIVATE FACILITIES IN PUBLIC RIGHT-OF-WAYS APPROVED

The motion was made by Alderman Petrich, seconded by Alderman Ten Haken and unanimously carried to approve the amended expanded policy which establishes that the City will have no responsibility to perpetuate or allow the perpetuation of private subsurface facilities in right-of-ways other than authorized services to/from public utility systems.

APPROVED PLANS FOR 2005 TRUNK WATER MAIN AND 8TH AVENUE STORM SEWER IMPROVEMENTS PROJECT

The proposed 2005 Trunk Water Main and 8th Avenue Storm Sewer Improvements project include three schedules of work. One schedule involves a storm sewer reconstruction project funded by storm water utility revenue and two schedules are trunk water main improvements being funded from the Water Trunk Fund.

The 8th Avenue Storm Sewer Reconstruction was included in the 2005 storm water budget and includes \$110,000 for the project. The project involves replacement of existing pipe and catch basins within the roadbed of 8th Avenue from 9th Street to the westerly (dead) end of 8th Avenue in anticipation of street reconstruction. The current estimated cost, including engineering and contingencies, for the 8th Avenue work is \$103,000. This cost does not include costs for future pavement restoration which would be undertaken at the time of street reconstruction. It is anticipated that any cost reductions in this project may be directed to the Woodcrest Avenue storm sewer project which is to be included in a subsequent sewer and water reconstruction project primarily funded by utility revenues.

Trunk Water Main Improvements - Each of the two segments of the improvements is to be included as a separate schedule of work in the proposed contract.

- The first segment consists of a 12" main from the location of the new Centennial Park water tower along Tenth Avenue and Lake Street to the existing trunk main on Liberty Drive. Total estimated cost for this segment of the improvement is \$126,000, including engineering and contingencies.
- The second segment of the trunk water main improvement provides replacement of a 6" main with a 12" main from the north end of Thompson Avenue along Collegeway to the existing trunk main approximately 700 feet east of Crailsheim Road. Total estimated cost for this segment of the improvement is \$191,000, including engineering and contingencies. The combined estimated costs of the two schedules is \$317,000. The Construction Fund 401 budget includes the transfer of \$328,360 of Trunk Fund (Fund 321) reserves to fund the improvements. Use of Trunk Funds will be per actual costs.

The motion was made by Alderman Woll, seconded by Alderman Petrich and unanimously carried to approve the plans and specifications and authorize an advertisement for bids to be received on April 8, 2005 and considered at the April 11, 2005 Council meeting.

HOSPITAL'S REQUEST TO REINSTALL PRIVATE DRAINAGE FACILITY IN CITY RIGHT-OF-WAY APPROVED

At a June 2004 meeting Council approved the request to place a private irrigation line under Lake Street subject to certain conditions. Council also called for a moratorium on all new installations subject to further investigation. A request was received from the Worthington Regional Hospital asking permission to allow replacement of a segment of an existing "private" storm line which is within the 11th Street and 6th Avenue right-of-ways. The line collects roof drains from the hospital and discharges to the public drainage system where it crosses 6th Avenue. The installation would only replace an existing facility and options are now limited for the hospital, so it may be appropriate to authorize issuance of a permit for replacement of the line subject to certain conditions including those similar to those established as part of the June 2004 approval.

The motion was made by Alderman Woll, seconded by Alderman Ten Haken and unanimously carried to authorize issuance of a permit for replacement of the line subject to certain conditions including those similar to those established as part of the June 28, 2004 approval. The

recommended conditions are:

The storm line include no electrical service or other electrical conductor.

That the line be installed directional boring at as near to its existing location as feasible without damage to existing trees. *This condition reflects the existence of several mature trees within the boulevards as noted in the request.*

That a document be prepared and recorded which states:

That Worthington Regional Hospital, its heirs, assigns, and successors waives any and all claims against the City and other public users of the rights-of-way as to any damage done to the private parties' property located within the right-of-way,

That Worthington Regional Hospital, its heirs, assigns, and successors accept responsibility for any damage done to any City or public utility infrastructure or injury to any individual injured as a result of the existence of the private facility,

The City may terminate the authorization to utilize the right-of-way for placement of the storm water line at any time.

SPECIAL USE PERMIT - 1315 EAST AVENUE APPROVED

Maria Parga submitted an application for a special use permit for property located at 1315 East Avenue which is owned by Santiago & Irene Rivera. If approved, the applicant will be allowed to construct a parking lot with a drive thru window for the retail business abutting the subject property. Parking lots are identified as a "special use" in the "R-3" - Multi-Family Medium Density Residential Zoning District, which is the zoning classification of the subject property.

Upon recommendation of the Planning Commission who held a public hearing on this item at their March 1st meeting, the motion was made by Alderman Ten Haken, seconded by Alderman Petrich and unanimously carried to approve the Special Use Permit subject to the following conditions:

1. The installation of a sidewalk along Sherwood Street;
2. The installation of green space in the public right-of-way along Sherwood Avenue (e.g., Worthington High School) and areas not utilized for loading, parking, sidewalk or driveways.
3. Two parcels commonly owned - condensed into one parcel.

BUDGET AMENDMENT - SMALL CITIES DEVELOPMENT PROGRAM APPROVED

A budget amendment for the Small Cities Development Program was presented. The amendment is necessary to allow funds to be utilized for the demolition of a dilapidated single family dwelling

located within the target area. The revised budget is also being sent to the Department of Employment and Economic Development (DEED) for state approval. If approved by both parties, demolition is anticipated to commence within 30 days. The motion was made by Alderman Woll, seconded by Alderman Petrich and unanimously carried to approve the budget amendment as presented and authorize the Mayor's signature.

BILLS PAYABLE

The motion was made by Alderman Ten Haken, seconded by Alderman Woll and unanimously carried that bills payable and totaling \$490,935.26 be ordered paid with one invoice payment to Joel Krekelberg to be checked.

ADJOURNMENT

The motion was made by Alderman Petrich, seconded by Alderman Nelson and unanimously carried to adjourn the meeting at 7:55 p.m.

Karen Buchman
City Clerk