

**WORTHINGTON CITY COUNCIL
REGULAR MEETING, APRIL 10, 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: Leland Hain, Roger E. Nelson, Bob Petrich, Lyle Ten Haken, Mike Woll, and Honorary Council person Jayne Johnson.

City Staff present: Mike Cumiskey, Public Safety Director; Dwayne Haffield, Director of Engineering; Brian Kolander, Finance Director; and Karen Buchman, City Clerk.

Others present: Darrell Stitt, KWOA Radio; Ryan McGaughey, Daily Globe; Robert Westphal and Larry Reusch, St. Matthew's Lutheran Church Representatives.

INTRODUCTION OF HONORARY COUNCIL PERSON

Mayor Oberloh introduced Jayne Johnson as the Honorary Council Person for the months of March and April.

AGENDA APPROVED

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

MINUTES APPROVED

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

MINUTES OF BOARDS AND COMMISSIONS

The motion was made by Alderman Petrich, seconded by Alderman Nelson and unanimously carried to accept for review the Water and Light Commission minutes of April 3, 2006; Downtown Parking Advisory Board of April 4, 2006; and Planning Commission/Board of Appeals minutes of April 4, 2006.

FINANCIAL STATEMENTS

The motion was made by Alderman Nelson, seconded by Alderman Petrich and unanimously carried to accept the Municipal Liquor Store Income Statement for the period January 1 through March 31, 2006; the Prairie View Golf Links Statement of Revenues vs. Expenditures for the period January 1, through March 31, 2006; and the General Fund Statement of Revenues vs. Expenditures - Budget and Actual for the three months ended March 31, 2006.

SPECIAL USE PERMIT - 1505 DOVER STREET APPROVED

Saint Matthew's Lutheran Church submitted an application for a special use permit for its property located at 1505 Dover Street which would allow them to construct an approximate 40' x 80' addition to its existing facility. Religious Institutions are identified as a "special use" in the "R-3" - Low Density Preservation Residential Zoning District, which is the zoning classification of the subject property.

Before voting on the special use permit, Alderman Nelson noted he would abstain from voting. Upon recommendation of the Planning Commission who considered the applicant's request at their April 4 meeting, the motion was made by Alderman Woll, seconded by Alderman Ten Haken and unanimously carried to approve the special use permit subject to the following conditions:

1. The applicant agrees to prohibit simultaneous use of the facility in writing (staff has already received the letter);
2. The applicant properly screens the trash area and the abutting residential property (east);
3. All site improvements are completed as illustrated.

AWARD BIDS FOR 2006 SEWER AND WATER EXTENSIONS AND IMPROVEMENTS

The bids were received at 2:00 p.m., Friday, April 7, 2006 for the 2006 Sewer and Water Extensions and Improvements as follows:

<u>Bidder</u>	<u>Amount</u>
Larson Crane Service, Inc.	\$232,635.00
GM Contracting, Inc.	\$285,610.47
Midstates Utilities	\$325,976.50

The motion was made by Alderman Woll, seconded by Alderman Petrich and unanimously carried to award all schedules of work to the low qualified bidder, Larson Crane Service, Inc., Worthington, MN. Due to anticipated complications/delay in obtaining the right-of-way needed for the unnamed street extensions Larson Crane Service, Inc. has agreed to execute a Supplemental Agreement, if needed, deleting schedules 2 and 4 within one month for not more than \$100 in costs. Costs would be those associated with bonding.

RESOLUTION NO. 3104 AND RESOLUTION NO. 3105 ADOPTED, RECEIVE REPORT AND ORDERING HEARING ON PROPOSED IMPROVEMENT

The Feasibility Report on the improvement of the following streets was presented:

James Boulevard - within Shalom Estates

Lexington Avenue - Sundown Drive to Thompson Avenue

Moon Circle - the entire length

Southeast Neighborhood Streets

Spruce Avenue - South Douglas Avenue to state drainage ditch

Cedar Avenue - South Douglas Avenue to South Clifton Avenue

South Clifton Avenue - East Avenue to Spruce Avenue

South Douglas Avenue - East Avenue to 60 feet south of Spruce Avenue

South Douglas Avenue - 60 feet south of Spruce Avenue to south end

Tower Street - Cynthia Avenue to 11th Avenue

The report provides detailed information on the proposed improvement including location, nature of improvement, cost, and proposed financing. Including all street segments in one improvement project decreases publication costs. Any particular street could be excluded from the improvement at the time it is authorized. The resolution presented proposes that the hearing be held at 7:00 p.m., on April 24, 2006 at the regular City Council meeting.

The motion was made by Alderman Ten Haken, seconded by Alderman Woll and unanimously carried to order preparation of a report on the proposed improvement, and receiving report and ordering hearing on the proposed improvement by adopting the following resolutions:

RESOLUTION NO. 3104

ORDERING PREPARATION OF FEASIBILITY REPORT ON PROPOSED IMPROVEMENT

(Refer to Resolution file for complete copy of Resolution)

RESOLUTION NO. 3105

RECEIVING REPORT AND CALLING FOR HEARING ON PROPOSED IMPROVEMENT

(Refer to Resolution file for complete copy of Resolution)

APPROVED AMENDMENT TO THE SPECIAL SEWER USER AGREEMENT WITH SWIFT AND COMPANY

In 1993 the City entered into two agreements with Monfort, the predecessor of Swift and Company, pertaining to use of the City's Industrial Wastewater Treatment Facility. The first agreement is a User Agreement which defines the flows and loadings that the user may discharge to the treatment facility along with other conditions of use and remedy for non compliant discharges. In addition to establishing a local understanding as to acceptable use of the facility, such an agreement provides the means to control "Significant Industrial Users" as required by federal and state requirements. The Special User Payment Agreement outlines the manner in which user payments are to be made by Swift, f/k/a/ Monfort. These agreements were amended in 2004 to reflect the facility improvements completed at that time.

The flows and loadings allocated to Swift in the Special User Agreement as amended in 2004 are based on the design of the treatment plant. The design is based on the best projections available at the time design is undertaken. Given the reduced loadings and treatment plant performance under high flow conditions, a re-evaluation of plant design was pursued to determine if a revised "basis of design" could be established with lower allowable loadings and higher flows.

Pharmer Engineering, providing the design for the last plant improvements, did develop a new basis of design for two conditions. The first condition is that the treatment plant continues to operate with three of four anaerobic cells in service. These cells or ponds provide the first stage of treatment at the facility. The second condition is with the fourth anaerobic cell in service. The fourth cell cannot be placed in service until it is covered to protect from heat loss and insure stable anaerobic conditions. The Minnesota Pollution Control Agency reviewed the revised basis of design and provided its conditional approval (approval does not imply successful treatment performance).

At this time it is proposed to amend the Special Sewer User Agreement with Swift to reflect revised allowable flows and loadings under the three anaerobic cell condition. The agreement would be amended again if the fourth cell is placed into service. The essence of the proposed second amendment to the Special User Agreement with Swift is replacement of the existing Attachment A with the revised Attachment A. Attachment A is that portion of the agreement which establishes allowable loads and flows. The amendment has been reviewed by the City Attorney and executed by Swift.

The motion was made by Alderman Nelson, seconded by Alderman Ten Haken and unanimously carried to authorize the Mayor and Clerk to execute the Special Sewer User Agreement to allow Swift optimum use of the treatment facility.

APPROVED AMENDMENT TO PROFESSIONAL SERVICES CONTRACT WITH MEAD AND HUNT

Since completion of the reconstruction of the primary runway, the Airport 5 year Capital Improvements Program (CIP) has listed improvements to reconstruct and extend Taxiway C, and reconstruct the connected bituminous apron as the priority project. Initially, all these improvements were listed as a single

project in the City's CIP as well as in the Airport CIP package submitted to the Minnesota Department of Transportation (MnDOT) for state and federal project programming. In recent years these improvements have been listed and submitted as being completed in three phases, as this was seen as the only realistic means of securing federal funding in the foreseeable future. The priority of the phases are: reconstruction of the existing taxiway and a portion of the apron to provide access to the terminal, followed by reconstruction of the remainder of the apron. The lowest priority is extension of the taxiway to the north end of the secondary runway.

In 2004 the city, anticipating the potential for federal funding of the initial phase of the Taxiway C/Apron improvements, authorized a task order with Mead and Hunt to begin preliminary and final design. Mead and Hunt completed the plans for the phase 1 project as originally defined, however, federal funding was not available. The cost estimate for the project as designed was \$2,382,656 with a 95% federal share equaling \$2,263,523. Until recently, federal funding was not anticipated until 2007. In early March the City was advised that the Minnesota Department of Transportation (MnDOT) was able to allocate \$1,373,158 state apportionment to the phase 1 project. This apportionment together with the \$450,000 of entitlement funding accumulated for the City provides total federal funding of \$1,823,158. An additional 4th year of entitlement funds may also be available for funding. Staff and Mead and Hunt have been working on scaling back the project to meet the available federal funding. The base project is proposed to be reduced to reconstruct Taxiway C and only the north 90 feet, more or less, of Apron A. Reconstruction of a portion of Apron A is proposed so as to allow access to Taxiway C during a project to reconstruct the remainder of Apron A. Preliminary estimates indicate that such a project should be within the revised budget. Whereas design is complete for additional work, it is also proposed to include add alternates to complete reconstruction of an additional portion of Apron A and a segment of Taxiway A. Additional services will be required of Mead and Hunt to modify the plans for the revised project. Additional services are also required to modify the plans and reflect recent changes in FAA design requirements.

The motion was made by Alderman Woll, seconded by Alderman Nelson and unanimously carried to approve the proposed amendment to the Task Order for preparation of phase 1 project and authorize the Mayor to execute amendment No. 1 to Task Order No. 3. Although the amendment indicates that the design (project) will be complete within two months, it is anticipated that the project will be ready for advertisement for bids within two months.

STORM WATER UTILITY CREDIT AND CREDIT CHANGE APPROVED

In February 2004 Council adopted policies for adjustment of Storm Water Utility Fees as provided for in the ordinance establishing the storm water utility and approved several credits.

Yourway Transportation facility at 200 Industrial Lane is being completed and is to be subject to Storm Water Utility Fees. The property is eligible for a vacant land credit equaling 3.58 acres (area of Lots 30

through 37). The total area of site is 5.68 acres, yielding a billable area of 2.1 acres.

Also, as a result of sale of a vacant portion of the Nobles County Fairgrounds property, the green space credit of this property should be formally reduced by .4 acres. The credit will become 28.7 acres. The billable area does not change.

The motion was made by Alderman Ten Haken, seconded by Alderman Woll and unanimously carried to approve the credit for Lots 24 through 37, Block 1, Worthington Industrial Park and the revised credit of 28.7 acres for Parcel 31-0649-500.

ORDINANCE NO. 985 ADOPTED, VACATING A PORTION OF ALLEY IN THE CITY OF WORTHINGTON

Pursuant to published notice this was the time scheduled for the proposed ordinance 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. The motion was made by Alderman Nelson, seconded by Alderman Woll and unanimously carried to give a third reading to and adopt the following Ordinance:

ORDINANCE NO. 985

AN ORDINANCE TO VACATE A PORTION OF ALLEY IN THE CITY OF WORTHINGTON, NOBLES COUNTY, MINNESOTA

(Refer to Ordinance file for complete copy of Ordinance)

SECOND READING PROPOSED ORDINANCE ESTABLISHING ENFORCEMENT PROVISIONS IN CITY PARKS

The motion was made by Alderman Petrich, seconded by Alderman Woll and unanimously carried to give a second reading to the proposed ordinance to amend Title IX of the City Code by amending Chapter 93 Parks and Recreation, Section 93.20 Enforcement.

SECOND READING PROPOSED ORDINANCE ESTABLISHING GUIDELINES FOR DISPOSITION OF ABANDONED PROPERTY

The motion was made by Alderman Ten Haken, seconded by Alderman Woll and unanimously carried to give a second reading to the proposed ordinance to establish guidelines for the disposition of abandoned property held by the Police Department.

ON-SALE BEER LICENSE APPLICATION FOR NOBLES COUNTY SPEEDWAY APPROVED

The motion was made by Alderman Nelson, seconded by Alderman Woll and unanimously carried to approve the following on-sale beer license application for the period May 1 through September 30, 2006:

No. 2006 - 14 Nobles County Speedway, Inc. 1600 Stower Drive, Worthington

COUNCIL COMMITTEE REPORTS

Mayor Oberloh - no special meetings, but noted League Annual Conference scheduled for June 28-30, 2006 at St. Cloud. For any Council members interested in attending contact Karen or Janice and they will make registrations. He also asked that if any Council or staff have any agenda items for the Council/Staff retreat to get them to Karen so that we can forward them to Ron Wood the facilitator for this years retreat.

Alderman Hain - no report.

Alderman Petrich - reported that some applications have been received for Don Habicht's position, but the position doesn't close until April 12, 2006. He attended a DPAD meeting last week, with another one scheduled for next month - they will discuss the possibility of self policing, by members of the business district.

Alderman Nelson - touched on Airport remodeling project, and grant funding received. He also reminded Council of the joint Council/HRA meeting scheduled for 7:00 a.m., April 12.

Alderman Woll - reported on the upcoming Hwy 59 Advisory Committee meeting to be held in Council Chambers on Tuesday, April 11. Also, asked about Heron Lake Watershed Board.

Alderman Ten Haken - attends the Joint Powers Transit Board with Alderman Nelson and at the April 17 Board meeting they will be reviewing the one bid received for taxi services, which is from the current provider, but it looks to be an enhanced agreement.

BILLS PAYABLE

The motion was made by Alderman Woll, seconded by Alderman Nelson and unanimously carried that bills payable and totaling \$592,852.39 be ordered paid.

ADJOURNMENT

The motion was made by Alderman Woll, seconded by Alderman Petrich and unanimously carried to adjourn the meeting at 7:35 p.m.

Karen Buchman
City Clerk

