

**WORTHINGTON CITY COUNCIL
REGULAR MEETING, MAY 23, 2005**

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 City Council Person, Karen Fury.

City Staff present: Bob Filson, City Administrator; Dwayne Haffield, Director of Engineering; Jim Laffrenzen, Supt. of Public Works; Mark Shepherd, City Attorney; and Karen Buchman, City Clerk.

Others present: Darrell Stitt, KWOA Radio; Ryan McGaughey, Daily Globe; Randy Davis, Cable 3; Mark Thomas and Jerry Vogt, EMC.

HONORARY COUNCIL PERSON

Mayor Oberloh introduced Karen Fury as the Honorary Council Person for the months of May and June.

AGENDA APPROVED

The motion was made by Alderman Ten Haken, seconded by Alderman Hain and unanimously carried to accept the agenda as presented with the addition of G.5 Nominating Committee Recommendation.

MINUTES APPROVED

The motion was made by Alderman Woll, seconded by Alderman Nelson and unanimously carried to approve the Regular City Council minutes of May 9, 2005 as previously distributed.

MINUTES OF BOARDS AND COMMISSIONS

The motion was made by Alderman Hain, seconded by Alderman Petrich and unanimously carried to accept for review the Water and Light Commission minutes of May 16, 2005.

COUNCIL COMMITTEE REPORTS

Mayor Oberloh - had two meetings to note (1)Mn/SP/Nobles County meeting trying to work out issues; and (2)E O Olson to discuss monies available - a meeting with other entities will be scheduled in the near future to discuss a joint project.

Alderman Hain - Golf Board - building project at Prairie View is coming along nicely, they are waiting for state approval for the plumbing permit.

Alderman Petrich - Water and Light Commission - discussed a new utility billing system; GPS system; hiring a consultant for Aquila feasibility study; completion of water tower scheduled for end of June.

Alderman Nelson and Alderman Woll no report

Alderman Ten Haken - SRDC - he was able to showcase Worthington at the last meeting. He noted he sees an opportunity to use some of their services such as for ADI cleanup. He stated that through the SRDC he was appointed to a 9 county transportation committee. He also noted he took a contractor through the ADI building - if interested in any salvage they were going to send him something in writing. Bob Filson said he would check our surplus property policy to see how to proceed.

CITY ADMINISTRATOR REPORT

Bob Filson had Council members check their calendar for June 28 and 29 for availability of going to Apple Valley for an exchange of metro/out state communities. Coalition of Greater MN Cities would like to visit with Council and a worksession prior to the next City Council meeting was scheduled. Rod Hamilton contacted the City and it sounds very hopeful that the ½ cent sales tax will go through. Two following grants were received: the 2 ½ million bonding bill, and a \$28,000 Fire Truck Grant. Budget calendars will be ready for distribution soon.

SECOND READING PROPOSED ORDINANCE TO VACATE PART OF PLATTED UTILITY EASEMENT IN LOT 9, BLOCK 1, DANO ADDITION

The motion was made by Alderman Hain, seconded by Alderman Ten Haken and unanimously carried to give a second reading to the proposed ordinance vacating the west 7 feet of that portion of the easement lying south of the easement along the property's north lot line in Lot 9, Block 1, Dano Addition.

SECOND READING PROPOSED ORDINANCE TO AMEND TITLE XV OF THE CITY CODE OF THE CITY OF WORTHINGTON, NOBLES COUNTY, MINNESOTA

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 XV of the City Code by rezoning 10.776 acres of land directly north of Homewood Hills 9th Addition from the current "TZ" Transitional Zone and "R-1" One Family Detached Residential Districts to a Residential Planned Unit Development (PUD) No. 9.

APPLICATION FOR EXEMPTION FROM LAWFUL GAMBLING APPROVED

The motion was made by Alderman Petrich, and seconded by Alderman Ten Haken to approve the following Application for Exemption from Lawful Gambling as requested. The following Aldermen voted in favor of the motion: Hain, Nelson, Petrich, and Ten Haken; the following Alderman abstained from the vote: Woll. Whereby the Mayor declared, the motion carried.

Organization:
Chief Executive Officer
Types of Games

Historic Worthington, Inc.
Mike Woll
Raffles

Date of Event Friday, July 1, 2005 at the Chamber Office/Central Elementary, 1121 Third Avenue, Worthington, MN

APPLICATION FOR STREET CLOSURE WINDSURFING REGATTA APPROVED

The motion was made by Alderman Petrich, seconded by Alderman Ten Haken and unanimously carried to approve the request to block streets submitted by the Worthington Okabena Windsurfers. They are requesting street closure from 6:00 a.m. on June 10, and ending at 6:00 p.m. on June 12. The following streets are involved: Lake Street from 2nd Avenue to 7th Avenue, on Third and Fourth Avenue they will close the street from Lake Street to the alley.

NOMINATING COMMITTEE RECOMMENDATION

The motion was made by Alderman Hain, seconded by Alderman Woll and unanimously carried to approve the following appointment:

Golf Advisory Board David Saufley to a three-year term expiring March 2008

POLICE DEPARTMENT COMPUTER PURCHASE APPROVED

The Police Department had to order two computer towers for dispatch (approximately \$1,400 for both). The towers were not in the 2005 budget, but had to be ordered as the current towers were both inoperable. The motion was made by Alderman Nelson, seconded by Alderman Hain and unanimously carried to approve the purchase and appropriate the monies out of the Police Department's Alarm Monitoring Reserve which currently has a balance of \$20,000.

DOCK PERMITS APPROVED

The motion was made by Alderman Hain, seconded by Alderman Petrich and unanimously carried to approve the following applications for permit to install a dock on public property:

<u>Applicant</u>	<u>Location</u>
Rolf Carlson	Across the street from 117 Lake Avenue
Dave Holinka	Across the street from 200 Lake Street
Evelyn Lambert	Across the street from 610 West Lake Avenue

AWARD BIDS FOR THE RECONSTRUCTION OF FIRST AVENUE SOUTHWEST TABLED

Bids were received on Friday, May 20, 2005 for the reconstruction of First Avenue Southwest. It was noted the award will need to be subject to certification by the Mn/DOT Office of Equal

Employment Opportunity (EEO) of Disadvantaged Business Enterprise (DBE) participation proposed by the successful bidder. The project consists of the reconstruction of South Shore Drive and First Avenue SW from near the southwest end of the park (former Heles) buildings to near Schaap Drive. Plans approved at the April 25, 2005 Council meeting were based on the concept presented to the Park Board, abutting owners, and Council in 2002 and approved by Council at their July 28, 2003 meeting. The following two bids were received:

<u>Bidder</u>	<u>Amount</u>
Rupp Construction Co., Inc.	\$885,512.81
Worthington Excavating	\$889,929.68

The motion was made by Alderman Ten Haken, seconded by Alderman Woll to delay the award of bid to a later date and open the floor for discussion. Discussion was held as to what constitutes a responsible bidder, and determining who is responsible. Mayor Oberloh asked why we only received two bids? City Engineer Dwayne Haffield noted that it is not a huge project, and that we set it up to be more contractor friendly. Alderman Ten Haken would like us to look at the concept of better defining responsible bidders. Following the discussion the motion stayed on the floor to delay the award and set the date and time of May 31, 2005 at 12:00 noon, City Hall Council Chambers for a special meeting to award bid, with the following Aldermen voting in favor of the motion: Ten Haken, Woll, Petrich and Hain; and the following Alderman voting against the same: Nelson. Whereby the Mayor declared, the motion passed.

APPROVED PLANS FOR THE 2005 INDUSTRIAL WASTEWATER BIOSOLIDS DISPOSAL PROJECT

The previous NPDES discharge permit for the Worthington Industrial Wastewater Treatment Facility (IWWTF) included requirements to undertake three major improvements within specified schedules. The required improvements included facility additions needed to meet a total phosphorus discharge limit; provide facility additions for proper treatment, storage and disposal of biosolids (or sludge, hereinafter referred to as solids or sludge) produced at the facility; and development and initiation of a solids disposal plan.

The first phase of the project to remove and dispose of biosolids from Pond A was completed in 2004. EMC has now completed plans and specifications for continuing with the Pond A solids disposal plan. The plans allow contractors to bid on disposing of all the solids over a two-year period or disposing of approximately one half of the solids in 2005. The alternate bid option is provided to allow competition from those contractors that may not be able to be bonded for a project spanning two years. The total budget for sludge storage pond and Pond A biosolids removal projects, including professional services is \$1.6 million. The balance of the budget remaining after completion of the sludge storage pond project and phase one of the Pond A project is approximately \$713,240. The costs for professional services to be provided through the remainder of the Pond A project is \$218,624 leaving a balance of \$494,616 for the disposal contract. The latest estimated cost

for the remaining disposal contract(s) is \$653,016. It should be noted that the final cost is not only dependant upon the unit prices bid this year (and next if applicable) but also the actual dry weight of solids remaining in Pond A. Based on the current projection, the recommended means of financing any budget shortfall would be through a short term (5 year +/-) internal loan established at the time actual costs are more definable. Repayment of the loan would be through utility revenues (payments from Swift).

The motion was made by Alderman Nelson, seconded by Alderman Woll and unanimously carried to approve the plans and authorize advertisement for bids to be received at 1:30 p.m., June 21, 2005 and considered for award at the June 27, 2005 Council meeting.

RESOLUTION NO. 3044 ADOPTED, APPROVING PLANS AND SPECIFICATIONS FOR 2005 BITUMINOUS IMPROVEMENTS PROJECT

The plans and specifications for the 2005 Bituminous Pavement Improvements project were presented, including the following schedules:

- Schedule 1 General Revenue Street Overlays involves the following street segments
 - Winifred Street-Diagonal Road to south of 10th Avenue & Lake Avenue to 9th Avenue
 - Paulson Avenue - McMillan Street to 11th Street
 - Smith Avenue - Miller Street to Clary Street
 - 13th Street - 2nd Avenue to 3rd Avenue
 - 4th Avenue - 14th Street to Okabena Street
 - Dover Street - Omaha Avenue to Milton Avenue
- Schedule 2 City Hall Park Lot Modifications
- Schedule 3 Liquor Store Parking Lot Reconstruction
- Schedule 4 Surfacing of Un-named Street Adjacent to Homewood Hills Ninth Addition
- Schedule 5 Millard Walker Park Basketball Court Surfacing
- Schedules 6-10 2005 Street Reconstruction Projects as follows
 - Schedule 6 Dover Street from the west line of Virginia Avenue to 168 feet west
 - Schedule 7 Fredrick Avenue from Clary Street to Dover Street
 - Sunset Road from Dover Street to Fredrick Avenue
 - Schedule 8 Morningside Drive - the entire length
 - Schedule 9 Spruce Avenue from Morningside Drive to Douglas Avenue
 - Schedule 10 Virginia Avenue from Oxford Street to Dover Street
- Schedule 11 Fredrick Avenue and Morningside Drive Storm Sewer Improvements

The motion was made by Alderman Hain, seconded by Alderman Woll and unanimously carried to approve the plans and specifications for the 2005 Bituminous Improvements Project and adopt the following resolution:

RESOLUTION NO. 3044

APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS

(Refer to Resolution file for complete copy of Resolution)

RESOLUTION NO. 3045 ADOPTED, PERTAINING TO INTENT TO BOND FOR COSTS INCURRED IN MAKING PUBLIC IMPROVEMENTS

Federal tax regulations require that Local Governments declare the intent to reimburse themselves for prior costs incurred in making public improvements with proceeds from bonds. In other words, the City must state the intent to sell bonds for a project after significant costs have already been incurred for the project. It is typical for the City to temporarily finance improvements with construction fund reserves until an adequate amount of costs from various projects have been incurred to warrant the issuance of a bond. The following improvements and project estimate is included in the resolution:

Project	Maximum Amount of Bonds Expected to be Issued for Project
Dover Street; Fredrick Avenue; Sunset Road; Morningside Drive; Spruce Avenue; Virginia Avenue	\$472,300
The un-named street lying between Lot 10, Block 2, Homewood Hills Ninth Addition and Lot 1, Block 3, Homewood Hills Ninth Addition	\$9,200

The maximum amount listed in the resolution is approximately 10% higher than the project estimates included in the applicable project reports.

The motion was made by Alderman Hain, seconded by Alderman Ten Haken and unanimously carried to adopt the following resolution:

RESOLUTION NO. 3045

RELATING TO FINANCING OF CERTAIN PUBLIC IMPROVEMENTS BY THE CITY OF WORTHINGTON; ESTABLISHING COMPLIANCE WITH REIMBURSEMENT BOND REGULATIONS UNDER THE INTERNAL REVENUE CODE

(Refer to Resolution file for complete copy of Resolution)

BILLS PAYABLE

The motion was made by Alderman Woll, seconded by Alderman Hain and unanimously carried that bills payable and totaling \$700,583.11 be ordered paid.

ADJOURNMENT

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

Karen Buchman
City Clerk