

**WORTHINGTON CITY COUNCIL  
REGULAR MEETING, JANUARY 23, 2012**

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

Staff present: Brad Chapulis, Director of Community/Economic Development; Dwayne Haffield, Director of Engineering; Jim Laffrenzen, Public Works Superintendent; Janice Oberloh, City Clerk.

Others present: Ana Anthony, Daily Globe; Rosie Rogers, Marge Larson and Jose Lamas, Worthington HRA.

**AGENDA APPROVED WITH ADDITIONS**

Staff was requesting the addition of the following items to the agenda:

- Additional item to the consent agenda under Administration of “Modifications to the Street Supervisor Job Description”
- Addition of item G.2. “Change Order No. 1 to Former YMCA Demolition Contract”

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

**CONSENT AGENDA APPROVED**

The motion was made by Alderman Woll, seconded by Alderman Wood and unanimously carried to approve the consent agenda as follows:

- City Council Minutes of Annual Meeting January 9, 2012
- Cable 3 Joint Powers Board Minutes of December 8, 2011; Memorial Auditorium Advisory Board of Directors Minutes of January 4, 2012
- Application for Exemption from Lawful Gambling Permit for Nobles County Chapter Pheasants Forever, CEO Scott Rall, to conduct raffles at their event March 30, 2012, at the Long Branch Saloon, 206 Tenth Street
- Set the official time and date of the regular City Council meetings as 7:00 p.m. on the second and fourth Mondays of each month, except that in the event that legal holiday falls on the second or fourth Monday, the Regular City Council meeting will be held on the following day (Tuesday)
- Approved the 2012 Pay Equity Report for 2011 Data, to be submitted to the State by January 31, 2012
- Approved modifications to the Street Supervisor Job Description that reduces some of the required criteria to desired criteria
- Bills payable and totaling \$865,022.59 be ordered paid

**SPORTS AUTHORITY REQUEST APPROVED FOR FINANCIAL PARTICIPATION FOR PROFESSIONAL SERVICES TO FACILITATE DEVELOPMENT OF A MASTER PLAN FOR PUBLIC ATHLETIC AND RECREATION FACILITIES**

The Sports Authority Group is working to move forward with a needs assessment and master plan for public athletic and recreation facilities and determined to hire a consultant to facilitate the process of developing a plan at an estimated cost of \$30,000. Members of the group include Minnesota West, ISD 518, the Chamber's Convention and Visitors Bureau and the City of Worthington. The other entities have taken a position of support for hiring a consultant, and staff was requesting approval from City Council for up to \$10,000 toward the project.

The motion was made by Alderman Kuhle, seconded by Alderman Wood and unanimously carried to approve financial participation up to \$10,000, with at least 3 other co-participating entities, for hiring a consultant to move forward with the conceptual plan for public athletic and recreation facilities.

**ORDINANCE NO. 1050 ADOPTED AMENDING CHAPTER 111 SECTION 111.33 OF THE WORTHINGTON CITY CODE PERTAINING TO PERSONS UNDER THE AGE OF 21**

Pursuant to published notice, this was the time and day set for the third reading of a proposed ordinance amending Chapter 111, Section 111.33 of the Worthington City Code, Nobles County, State of Minnesota. The ordinance amends the code to allow minor persons to attend events in licensed establishments with a responsible adult, and cleans up some other minor language.

The motion was made by Alderman Woll, seconded by Alderman Wood and unanimously carried to give a third reading to, and subsequently adopt the following ordinance:

ORDINANCE NO. 1050

AN ORDINANCE TO AMEND CHAPTER 111, SECTION 111.33 PERTAINING TO RESTRICTIONS UPON PERSONS UNDER THE AGE OF 21

(Refer to Ordinance File for complete copy of Ordinance)

**NOMINATING COMMITTEE RECOMMENDATIONS FOR APPOINTMENTS / REAPPOINTMENTS TO COMMITTEES**

The motion was made by Alderman, Kuhle, seconded by Alderman Woll and unanimously carried to approve the Nominating Committee recommendations for committee appointments / reappointments as follows:

Airport Advisory Board	Reappoint Rolf Carlson for a five-year term
Golf Advisory Board	Reappoint Dale Carlson for a three-year term
Housing & Redevelopment Authority	Appoint Lyle Ten Haken to fill unexpired term of Joann Nelson Appoint Mike Kuhle for a five-year term to replace Larry Janssen
Memorial Auditorium Advisory Board	Appoint Matt Oleske for a three-year term to replace Mary Luke
Park & Recreation Advisory Board	Appoint Jacoba Nagel to fill unexpired term of Lynette Faragher
Water & Light Commission	Appoint Kevin Donovan to replace Robert Demuth, Sr.

**2012 INDUSTRIAL WASTEWATER TREATMENT FACILITY FUND BUDGET APPROVED**

The motion was made by Alderman Kuhle, seconded by Alderman Woll and unanimously carried to approve the 2012 Industrial Wastewater Treatment Facility Fund Budget as presented.

Dwayne Haffield, Director of Engineering, noted there had been no concerns expressed by JBS regarding the proposed budget.

**RESOLUTION NO. 3488 ADOPTED INITIATING EMINENT DOMAIN PROCEEDINGS**

Dwayne Haffield, Director of Engineering, reported that no progression has been made in negotiations with owners of two parcels of land deemed necessary to acquire by the City of Worthington to proceed with the North TH 59 Initial Infrastructure Project. In order to maintain the project schedule, it is recommended that eminent domain proceedings be initiated at this time. Property negotiations are expected to continue and hopefully will result in settlements with one or both of the property owners. The properties in question are legally described as:

LEGAL DESCRIPTION OF ACQUISITION:

Fee Title Acquisition -

The South 200 feet of the North 885 feet of the East 876.1 feet of the Northeast Quarter of Section 14, Township 102 North, Range 40 West, Nobles County, Minnesota.

Permanent Easement Description -

A permanent easement, over, under and across the North 25.00 feet of the South 225 feet of the North 885 feet of the East 876.1 feet of Section 14, Township 102 North, Range 40 West, Nobles County, Minnesota.

LEGAL DESCRIPTION OF ACQUISITION:

A tract of land in the NE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 14, Township 102 North, Range 40 West, in the City of Worthington, Nobles County, Minnesota, described as follows:

Commencing at the Southwest corner of the NE $\frac{1}{4}$  of said Section 14; thence North 89 degrees 30 minutes 04 seconds East, along the south line of the NE $\frac{1}{4}$  Quarter of said Section 14, a distance of 1766.76 feet; thence North 00 degrees 01 minutes 08 seconds West, a distance of 700.00 feet; thence North 89 degrees 58 minutes 52 seconds East, a distance of 428.53 feet; thence North 33 degrees 34 minutes 41 seconds East, a distance of 403.18 feet; thence North 20 degrees 11 minutes 21 seconds East, a distance of 319.53 feet; thence North 07 degrees 39 minutes 37 seconds East, a distance of 109.92 feet to the point of beginning; thence continuing North 07 degrees 39 minutes 37 seconds East, a distance of 192.50 feet to the west right of way line of Minnesota Trunk Highway No. 59; thence South 00 degrees 03 minutes 03 seconds West, along said highway right of way line, a distance of 190.80 feet; thence North 89 degrees 57 minutes 43 seconds West, a distance of 25.49 feet to the point of beginning.

Containing 0.056 acres or 2,439.36 sf.

The motion was made by Alderman Wood, seconded by Alderman Kuhle and unanimously carried to adopt the following Resolution authorizing initiation of eminent domain proceedings:

RESOLUTION NO. 3488

RESOLUTION DETERMINING THE NECESSITY FOR AND AUTHORIZING THE ACQUISITION OF CERTAIN PROPERTY BY PROCEEDINGS IN EMINENT DOMAIN

(Refer to Resolution File for complete copy of Resolution)

**CHANGE ORDER #3 TO BIOSCIENCE TRAINING AND TESTING CENTER PROJECT APPROVED**

Staff presented Change Order #3 to the Bioscience Training and Testing Center for Council approval. The net amount of the change order is \$12,873.90 for the following changes:

1. Install tile and site drain on east side of building and add transfer air ducts between rooms #101/#102 and #125/#118 per COP #1A dated 12/12/2011 - \$1,575.90
2. Provide additional electrical and data wiring per COP #20 dated 10/14/2011 -

- \$9,545.00
3. Provide additional weed killer and grading at site per Proposal dated 10/14/2011 - \$518.00
  4. Revise door hardware on doors #132A and #136A per COP #21 dated 10/24/2011 - \$1,235.00

The motion was made by Alderman Wood, seconded by alderman Kuhle and unanimously carried to approve Change Order #3 to the Bioscience Training and Testing Center in the net change amount of \$12,873.90.

### **CHANGE ORDER #1 TO FORMER YMCA DEMOLITION CONTRACT APPROVED**

Staff presented Change Order #1 to the former YMCA demolition contract for Council consideration. The change order resulted when the demolition contractor encountered tiles containing asbestos that were sandwiched between two layers of concrete in the entry area of the former YMCA, which must be disposed of in accordance with MPCA standards. Based on the per load cost of \$670 for the additional 25 to 20 loads, the estimate for the change order is between \$10,050-\$13,400, provided the materials are dumped in the landfill in Austin, MN (Nobles County will not take the loads once the asbestos is identified).

The motion was made by Alderman Woll, seconded by Alderman Kuhle and unanimously carried to approve Change Order #1 to the former YMCA demolition contract at an estimated cost of \$10,050-\$13,400.

### **COUNCIL COMMITTEE REPORTS**

Mayor Oberloh - has done quite a few interviews and talked with several people, legislative and media, about the constitutional amendments that are coming up that would greatly affect greater Minnesota cities.

Alderman Kuhle - attended a Cable 3 meeting - talked about location and whether future programming would be curriculum based or community based - they're looking for input. Also attended a Freedom Veterans Memorial Park meeting - they have a healthy fund balance and are considering installing an interactive kiosk at the park.

Alderman Nelson - attended a Convention and Visitors Bureau meeting - they approved \$2,500 for the sports complex, and to continue future support of the project.

Alderman Wood - the Housing and Redevelopment Authority is moving forward with the interview process in the search for an Executive Director.

Alderman Woll - attended a couple of Health Insurance Board meetings - they're looking at rates and the self-insured component. The renewal numbers came in better than expected. A sub-committee is working on putting together an rfp for the next renewal.

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**ADJOURNMENT**

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

Janice Oberloh, MCMC  
City Clerk