

**WORTHINGTON CITY COUNCIL
REGULAR MEETING, FEBRUARY 14, 2011**

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: Lyle Ten Haken, Mike Kuhle, Scott Nelson, Ron Wood, Mike Woll. Honorary Council Member Martin Rickers.

Staff present: Craig Clark, City Administrator; Dwayne Haffield, Director of Engineering; Janice Oberloh, City Clerk; Mark Shepherd, City Attorney (7:27 p.m.).

Others present: Tom Jansa, Dakota Golf Management; Jim Bunner, KWOA; Brittany Workman, Daily Globe.

HONORARY COUNCIL MEMBER

Mayor Oberloh introduced Martin Rickers as the Honorary Council Member for the months of February, March and April 2011.

AGENDA APPROVED WITH CHANGE

Staff requested an addition to the agenda of item E.8. (Administration), *Board of Review*. The motion was made by Alderman Ten Haken, seconded by Alderman Wood and unanimously carried to approve the agenda with the requested addition.

CONSENT AGENDA APPROVED

The motion was made by Alderman Woll, seconded by Alderman Kuhle and unanimously carried to approve the Consent Agenda as follows:

- City Council Minutes of Regular Meeting January 24, 2011.
- Minutes of Boards and Commissions: Water and Light Commission Minutes of Regular Meeting February 7, 2011; Airport Advisory Board Minutes of February 3, 2011; Worthington Economic Development Authority Minutes of January 24, 2011; Park & Recreation Advisory Board Minutes of December 2, 2010.
- Application for Exemption from Lawful Gambling Permit as follows:

Organization:	Nobles County Pheasants Forever, Chapter 14
CEO:	Scott Rall
Type of Activity:	Raffles
Date of Event:	March 25, 2011
Location:	Long Branch Saloon, 206 Tenth St., Worthington, MN

- Bills payable and totaling \$859,095.16 be ordered paid.

REMAINING 2011 PRAIRIE VIEW GOLF LINKS FEES APPROVED

Council discussed remaining proposed 2011 rates for Prairie View daily green fees, golf carts, driving range, the Prairie Card, and the annual golf cart rental with Tom Jansa of Dakota Golf Management, Inc. The proposed fee schedule reflected a general increase of \$1.00 for the various rates, and included the addition of the “Prairie View Card” option.

Following discussion, the motion was made by Alderman Woll, seconded by Alderman Wood and unanimously carried to approve the remaining 2011 rates for Prairie View Golf Links as follows:

	Daily Green Fees		
	2010	2011	w/Prairie Card (\$60 cost)
9 Holes	\$ 14.00	\$ 15.00	\$ 8.00
18 Holes	\$ 21.00	\$22.00	\$11.00
2 nd 9	\$ 8.00	\$ 7.00	\$ 3.00
Weekend 9		\$17.00	\$ 9.00
Weekend 18		\$24.00	\$12.00

	Golf Carts		
	2010	2011	w/Prairie Card (\$60 cost)
9 Holes	\$10.00	\$10.00	\$ 7.00
18 Holes	\$14.00	\$15.00	\$10.00

	Driving Range		
	2010	2011	w/Prairie Card (\$60 cost)
Warm up		\$ 3.50	\$ 2.00
Regular	\$ 4.81	\$ 5.00	\$ 3.00
Reg. w/Range Pass		\$ 1.00	

The Prairie Card

With the Prairie Card, golfers are eligible for substantial discounts on green fees, golf carts, and driving range. The Prairie Card is non-refundable and may only be used by the purchaser.

	2010	2011	Reg. Rate (proposed)
Card fee		\$60.00	
9 Holes		\$ 8.00	\$15.00
18 Holes		\$11.00	\$22.00

2 nd 9	\$ 3.00	\$ 8.00
Weekend 9	\$ 9.00	\$17.00
Weekend 18	\$12.00	\$24.00
½ Cart - 9 Holes	\$ 7.00	\$10.00
½ Cart - 18 Holes	\$10.00	\$15.00
Range - Warm up	\$ 2.00	\$ 3.50
Range - Regular	\$ 3.00	\$ 5.00

Annual Golf Cart Rental

	2010	2011	Thru 3-31-11
Family	\$350.00	\$390.00	\$350.00
Single		\$330.00	\$300.00
9 Hole Weekday		\$250.00	\$225.00

PURCHASE AGREEMENT FOR PARCELS #31-3935-000 AND #39-3936-000 APPROVED

Staff presented an agreement for the purchase of parcels #31-3935-000 and #39-3936-000, currently owned by Rickbeil’s Incorporated for the agreed on purchase price of \$23,640. The agreement also includes the following provisions:

- Buyer agrees to pay cost associated with closing.
- Successful vacation of 1st Avenue and 9th Street as previously mentioned.
- Participation of seller in the rezoning process (completed).
- Lease back of the existing structure for \$1.00 until April 30, 2011 and optional lease back until September 30, 2011 for \$50.00 per month.

Funds would come from the Firehall legacy dollars.

The motion was made by Alderman Ten Haken, seconded by Alderman Wood and unanimously carried to approve the purchase agreement for Parcels #31-3935-0200 and #39-3936-000 at a purchase price of \$23,640.

RESOLUTION NO. 3459 ADOPTED HWY. 59 NORTH COMMERCIAL AND INDUSTRIAL PARK INTERSECTION IMPROVEMENTS

Staff presented a resolution committing the City of Worthington to matching \$1.4 million in funds for the 59 North Commercial and Industrial Park Intersection. The City is required to commit 30 % to the project with 70%, or \$3.3 million, provided by the State of Minnesota as a grant. In order to move forward with the grant award, the City must complete the following prior to June 30, 2011:

1. ROW Acquisition Update
2. Mn/DOT District approval
3. City Resolution committing necessary funding
4. Update on environmental approval

The funds will come from the hospital legacy dollars. Alderman Wood requested that Council meet to discuss the water retention/storage issue prior to any decision on it.

The motion was made by Alderman Wood, seconded by Alderman Kuhle and unanimously carried to adopt the following resolution committing \$1.4 million to the project:

RESOLUTION NO. 3459

HWY. 59 NORTH COMMERCIAL AND INDUSTRIAL PARK INTERSECTION IMPROVEMENTS

(Refer to Resolution File for complete copy of Resolution)

COOPERATIVE USE AGREEMENT BETWEEN CITY OF WORTHINGTON AND INDEPENDENT SCHOOL DISTRICT 518 FOR TENNIS COURT FACILITY APPROVED

Council reviewed a previously requested use agreement outlining the provisions of the City's partnership with School District 518 for the joint tennis court project. The agreement states ISD 518 is responsible for the maintenance of the facility, and is good for 10 years.

Following discussion of the provisions of the agreement, the motion was made by Alderman Kuhle, seconded by Alderman Woll and unanimously carried to approve the cooperative use agreement between the City of Worthington and ISD 518 for the Tennis Court Facility, and to authorize the Mayor and Clerk to execute the document.

2011 INDUSTRIAL WASTEWATER FACILITY FUND BUDGET APPROVED

Staff presented the proposed 2011 Industrial Wastewater Facility Fund Budget, Equipment Revolving Schedule and Capital Improvement Program for approval, noting that no comments were received from Swift within the 30 day required period.

The motion was made by Alderman Wood, seconded by Alderman Kuhle and unanimously carried to approve the 2011 Industrial Wastewater Facility Fund Budget.

BOARD OF REVIEW DATE AND TIME

The City received notice that the County Assessor's Office had set the time and date for the 2011 Local Board of Review as 9:00 a.m. on Monday, May 2, 2011 in the Nobles County Boardroom.

The motion was made by Alderman Wood, seconded by Alderman Kuhle and unanimously carried to confirm the time and date for the 2011 Local Board of Review as 9:00 a.m. on Monday, May 2, 2011.

RESOLUTION ADOPTED AUTHORIZING EXECUTION OF QUIT CLAIM DEEDS AND TEMPORARY EASEMENTS

MnDOT is acquiring portions of various parcels required for the TH 59/60 improvements project, and as such, are seeking release of any City easement interests in the parcels. MnDOT is also seeking temporary easements from the City over the areas adjacent to these parcels which are within construction easements and have utility and/or drainage easements.

The motion was made by Alderman Woll and seconded by Alderman Ten Haken to adopt the resolution authorizing execution of quit claim deeds and temporary easements.

In response to a question from Alderman Kuhle, Dwayne Haffield, Director of Engineering, said the City does still have an interest in the parcels but MnDOT would be responsible for payment for the first utility relocations. They will also ultimately take over the right-of-way and long term, the City will need to operate under permits from here on after. Mr. Haffield said it's not as desirable as having our own control but we're not really in a position to not relinquish that.

Council requested that we get some kind of assurance that we won't have a lot of increased costs. Alderman Wood noted the quit claim deed does not define what a "valuable consideration" is. Mr. Haffield responded does not exist in these documents but it does exist in MnDOT's right-of-way relocation policy - releasing these does not alter their obligation to honor their first relocation requirements.

Following further discussion, the motion was unanimously carried to adopt the following resolution:

**RESOLUTION
AUTHORIZING EXECUTION OF QUIT CLAIM DEEDS
AND TEMPORARY EASEMENTS**

WHEREAS, The State has requested the City to Quit Claim their interest in the following:

Parcel 13 as shown on Minnesota Department of Transportation Right of Way Plats numbered 53-33, 53-35, & 53-44,

Parcel 14 as shown on Minnesota Department of Transportation Right of Way Plat numbered 53-34,
Parcel 36 as shown on Minnesota Department of Transportation Right of Way Plats numbered 53-36 & 53-37,
Parcel 39 as shown on Minnesota Department of Transportation Right of Way Plat numbered 53-37,
Parcel 40 as shown on Minnesota Department of Transportation Right of Way Plat numbered 53-37,
Parcel 41 as shown on Minnesota Department of Transportation Right of Way Plats numbered 53-37 & 53-39,
Parcel 63 as shown on Minnesota Department of Transportation Right of Way Plat numbered 53-32;

AND WHEREAS, the State has also requested the City grant Temporary Easements, as marked on the right of plats by the temporary easement symbol and expiring December 1, 2015, for the following:

Parcel 13 as shown on Minnesota Department of Transportation Right of Way Plats numbered 53-33, 53-35, & 53-44,
Parcel 14 as shown on Minnesota Department of Transportation Right of Way Plat numbered 53-34,
Parcel 36 as shown on Minnesota Department of Transportation Right of Way Plats numbered 53-36 & 53-37,
Parcel 39 as shown on Minnesota Department of Transportation Right of Way Plat numbered 53-37,
Parcel 40 as shown on Minnesota Department of Transportation Right of Way Plat numbered 53-37,
Parcel 41 as shown on Minnesota Department of Transportation Right of Way Plats numbered 53-37 & 53-39.

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

1. The Mayor and Clerk are authorized to execute Quit Claim Deeds for said Parcels 13, 14, 36, 39, 40, 41, and 63.
2. The Mayor and Clerk are authorized to execute Temporary Easements pertaining to said Parcels 13, 14, 36, 39, 40, and 41.

Adopted by the City Council of the City of Worthington, Minnesota, this the 14th day of February, 2011.

FIRST READING PROPOSED ORDINANCE - APPLICATION TO REZONE CHANGE OF ZONE

Staff was requesting approval of a change of zone application from the City of Worthington and Rickbeil's Inc. for their properties between the northern half of the former Chicago Rock Island and Pacific Railroad Company right-of-way and 10th Street from 2nd Avenue to the Union Pacific Railroad Company right-of-way. The Planning Commission considered the application at its February 1, 2011 meeting and were unanimously recommending approval of the change of zone. The properties would be rezoned from the current "M-1" Light Manufacturing and "M-2" -General Manufacturing designations to "B-2"-Central Business District. The legal description of the property is as follows:

The following legally described area, presently included in the "M-1" and "M-2" districts, shall henceforth be included in the "B-2" district:

All of Block 3, Original Plat, City of Worthington, Nobles County, Minnesota.

Together with,

That part of Auditor's Subdivision of Block 2, Original Plat, City of Worthington, Nobles County, Minnesota, and that part of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ and Government Lots 4 and 5 of Section 23, Township 102N, Range 40W, City of Worthington, Nobles County, Minnesota, and that part of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and Government Lots 1 and 2 of Section 26, Township 102N, Range 40W, City of Worthington, Nobles County, Minnesota, described as follows:

Beginning at the most northerly corner of Auditor's Subdivision of Block 2, Original Plat, City of Worthington, Nobles County, Minnesota, according to the recorded plat thereof; thence on an assumed bearing of south 42°09'26" east, along the northeasterly line of said Auditor's Subdivision, a distance of 220.00 feet; thence north 47°52'16" east a distance of 313.00 feet; thence south 42°07'44" east a distance of 50.87 feet; thence south 43°45'51" west a distance of 92.95 feet; thence south 44°03'32" west a distance of 80.89 feet; thence south 42°04'02" east a distance of 0.50 feet; thence south 47°56' west a distance of 557.55 feet to the southeasterly extension of the northeasterly line of Lot 12 of said Auditor's Subdivision; thence north 42°09'27" west, along said southeasterly extension, a distance of 18.80 feet to the most easterly corner of said Lot 12; thence continuing north 42°09'27" west, along the northeasterly line of said Lot 12, a distance of 140.02 feet to the most northerly corner of said Lot 12; thence south 47°52'26" west, along the northwesterly line of said Lot 12, a distance of 30.00 feet to the southwestery line of the northeasterly 30.00 feet of said Lot 12; thence south 42°09'27" east, along said southwestery line, a distance of 140.02 feet to the southeasterly line of said Auditor's Subdivision; thence south 47°52'16" west, along said southeasterly line, a distance of 448.53 feet to the east line of Government Lot 2 of said Section 26; thence south 0°29'15" east, along said east line and the southeasterly line of said Auditor's Subdivision, a distance of 8.02 feet; thence south 47°52'27" west, along said southeasterly line, a distance of 69.96 feet to the northeasterly line of the southwestery 6.00 feet of Lot 19 of said Auditor's Subdivision; thence northwesterly, along said northeasterly line, along a non-tangential curve, concave to the northeast, having a radius of 1141.83 feet, a central angle of 13°48'33", the chord of said curve bears north 31°44'19" west, a chord distance of 274.53 feet, an arc distance of 275.20 feet to the northwesterly line of said Auditor's Subdivision; thence north 47°52'26" east, along said northwesterly line, a distance of 922.17 feet to the point of beginning.

Together with,

That part of the Southeast Quarter of the Southeast Fractional Quarter of Section 23, Township 102 North, Range 40 West of the 5th P.M., bounded as follows: Beginning at the point of intersection of the southeasterly extension of the southwesterly line of Tenth Street and the southeasterly line of First Avenue; thence northeasterly along said southeasterly line of First Avenue, a distance of 90 feet; thence southeasterly, along a line at right angles to the last described course, an approximate distance of 46 feet to a point distant 9 feet northwesterly, as measured at right angles, from the center line of a Spur Track (I.C.C. No. 158) of the Chicago, St. Paul, Minneapolis and Omaha Railway Company, as said track is now located and established; thence southwesterly, along a line parallel with said Spur Track center line, a distance of 90 feet, more or less, to the point of intersection of said southeasterly extension of the southwesterly line of Tenth Street; thence northwesterly, along said extension of the southwesterly line of Tenth Street, to the point of beginning.

and

That part of the Southeast Quarter of the Southeast Fractional Quarter of Section 23, Township 102 North, Range 40 West of the 5th P.M., bounded as follows: on the northwest by the southeasterly line of First Avenue; on the southwest by a line drawn at right angles to said southeasterly line of First Avenue from a point on said southeasterly line which is distant 313 feet northeasterly, as measured along said southeasterly line, from the southeasterly extension of the southwesterly line of Ninth Street; on the southeast by a line drawn parallel with and distance 50 feet northwesterly, as measured at right angles, from the center line of the main track of the Chicago, St. Paul, Minneapolis and Omaha Railway Company, as now located and established; and on the northeast by the southeasterly extension of the southwesterly line of Tenth Street. Except easements of record.

Along with approval of the application, staff was requesting a first reading of the proposed ordinance amending the City Code for the change of zone.

The motion was made by Alderman Kuhle, seconded by Alderman Wood and unanimously carried to approve the application and give a first reading to the proposed ordinance.

COUNCIL COMMITTEE REPORTS

Mayor Oberloh - Attended the CGMC's Legislative Action Day at the Capitol last Wednesday; they watched the Governor's State of the State address then completed legislative visits in the evening. Impressed with the Governor's speech in the evening.

Alderman Ten Haken - Was asked to attend a redistricting meeting in Marshall but didn't attend due to the weather and bad roads. It appears that Representative Rod Hamilton's district will shrink a bit. Worthington is gaining property but not the rest of the district. Also reported on the flood mitigation meeting he attended, noted disappointment at the presentation.

Alderman Kuhle - Attended an Airport Board meeting - working on a bigger hangar for Jim Arnt, which he'll pay for. They are also working on a marketing promotion for the airport. The Cable 3 Board has approved their new website. Added that he attended the LMC training session.

Alderman Nelson - Attended the LMC conference - worked on real life situations and difficult situations. Thanked the City for sending him. Met with Craig, Darlene, and Joni Harms about the CVB.

Alderman Wood - Met with Representative Hamilton on some issues. Noted that the Water and Light Commission is concerned about the Lewis and Clark project and how they're going to keep moving it along. Substation tie transmission is moving forward. Also stated the Highway 60 street lighting additional costs were a surprise.

Alderman Woll - nothing to report.

CITY ADMINISTRATOR'S REPORT

Craig Clark, City Administrator, reminded Council of the special meeting tomorrow morning set for 7:00 a.m.

CLOSED SESSION UNDER MINN. STAT. § 13D.05, SUBD. 3.(A) - PERFORMANCE EVALUATION - CITY ADMINISTRATOR

The motion was made by Alderman Ten Haken, seconded by Alderman Kuhle and unanimously carried to close the meeting at 8:15 p.m..

The motion was made by Alderman Wood, seconded by Alderman Woll and unanimously carried to reopen the meeting at 9:36 p.m.

ADJOURNMENT

The motion was made by Alderman Wood, seconded by Alderman Ten Haken and unanimously carried to adjourn the meeting at 9:38 p.m.

Janice Oberloh
City Clerk