

**WORTHINGTON CITY COUNCIL
REGULAR MEETING, MARCH 28, 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; Brad Chapulis, Director of Community/Economic Development; Dwayne Haffield, Director of Engineering; Mike Cumiskey, Public Safety Director; Jim Laffrenzen, Public Works Superintendent; Janice Oberloh, City Clerk.

Others present: Jim Nickel, Glenn Thuringer, Jeff Luce, Kari Lucern, Daily Globe; Jim Bunner, KWOA.

HONORARY COUNCIL MEMBER

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

AGENDA APPROVED

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

CONSENT AGENDA APPROVED

The motion was made by Alderman Woll and seconded by Alderman Wood to approve the consent agenda.

Alderman Nelson requested a correction to the March 14th regular City Council minutes to correct a typo. Mayor Oberloh noted concern regarding information in the Water and Light Commission Minutes of March 14, 2011 regarding hiring for the Water Department.

Following discussion, the motion was unanimously carried to approve the consent agenda as follows:

- City Council Minutes - Regular meeting March 14, 2011; Special Meeting of March 22, 2011
- Minutes of Boards and Commissions - Water and Light Commission Minutes of regular meeting March 14, 2011; Memorial Auditorium Advisory Board Minutes of December 7, 2010, January 4, 2011, February 1, 2011 and March 1, 2011
- Application to Block Street:
 - Solid Rock Assembly Church, to block South Shore Drive from Linda Lane to Flower Lane on May15, 2011 from 11:30 a.m. to 12:45 p.m. for their annual motorcycle rally
- Nominating Committee recommendations for appointments/reappointments to various City

Committees:

- | | |
|--------------------------------|---|
| Airport Advisory Board - | Appoint Gary Ewert for a five year term to replace Rodney Elsing, which term will expire October 2015 |
| | Reappoint Rich Lowe for a five year term, which term will expire October 2015 |
| Econ. Dev. Revolv. Loan Fund - | Reappoint Royce Boehrs for a three year term, which term will expire January 2014 |
| | Reappoint Kenton Meier for a three year term, which term expires January 2014 |
| | Reappoint Jim Mahoney for a three year term, which term expires January 2014 |
| Charter Commission | Reappoint Chuck Moore for a four year term, which term will expire February 2015 |
| | Reappoint Jerry Eykyn for a four year term, which term will expire February 2015 |
| | Reappoint Darlene Macklin for a four year term, which term will expire February 2015 |
| | Reappoint Royce Boehrs for a four year term, which term will expire February 2015. |
| | Reappoint Alan Oberloh for a four year term, which term will expire February 2015 |
| Memorial Auditorium - | Reappoint Diane Graber for a three year term, which term will expire August 2013 |
| Park & Recreation Board - | Reappoint Sara Ricker for a three year term, which term will expire April 2014 |
| | Reappoint Lynette Faragher for a three year term, which term will expire April 2014 |

Reappoint Shawn Fritz for a three year term, which term will expire April 2014

Police Civil Service -

Appoint Jenny Anderson Martinez for a three year term to replace Jerry Eykyn, which term will expire December 2013

Planning Commission -

Reappoint Dana Oberloh for a three year term, which term will expire April 2014

Reappoint Dale Ryen for a three year term, which term will expire April 2014

Traffic & Safety Committee:

Appoint Mark Nelson for a three year term to replace Steve Robinson, which term will expire October 2013

Water & Light Commission:

Reappoint Gary Hoffmann for a three year term, which term will expire April 2014

Reappoint Jim Elsing for a three year term, which term will expire April 2014

- Appointment of Cameron Johnson and Keith Wilson to represent the City of Worthington on the Joint Airport Zoning Board
- Bills payable and totaling \$462,410.46 be ordered paid

PRESENTATION ON AGING COMMUNITIES

Council received a presentation on aging communities from Jess Luce, Leadership Fellow with the Bush Foundation. Mr. Luce included information on Baby Boomer effects, demographic changes, Communities for a Lifetime concepts, and resource and contact information. Council thanked Mr. Luce for his presentation.

TEMPORARY ON-SALE LIQUOR LICENSE APPROVED - WORTHINGTON REGIONAL ECONOMIC DEVELOPMENT CORPORATION

Council considered an application for a temporary on-sale liquor license from Worthington Regional Economic Development Corporation (WREDC) for a reception to be held at Memorial Auditorium as part of their upcoming Bioscience conference. Discussion was held on the requirements for the license and liquor liability insurance.

The motion was made by Alderman Woll, seconded by Alderman Ten Haken and unanimously carried to approve the temporary on-sale liquor license for Worthington Regional Economic Development Corporation for one day, Wednesday, April 6, 2011.

PARKING LOT LEASE BETWEEN CITY OF WORTHINGTON AND NOBLES COUNTY APPROVED

Nobles County currently leases the parking lot located on the southeast corner of Ninth Street and Fourth Avenue to provide off-street parking for employees and patrons of the County government facility. While the lease was set to expire on April 1, 2011, staff received confirmation from Nobles County that they desired to continue to lease the lot. Certain aspects of the lease had been renegotiated including the following:

- Section 1 - Nobles County would be responsible for reconstruction or resurfacing of the parking lot (previously was City).
- Section 2 - Term of the lease would be five years (previously 10) at a rental rate of \$1,000 annually (previous rate was \$3,000 annually).
- Section 3 - allows for renewal of the lease after the initial 5 year lease (based on change of term in Section 2). If the lease was renewed after five years (2016), the rent would increase in accordance with the changes in the Consumer Price Index.
- Language clarification in item 7 that parking of abandoned or junk vehicles in violation of City Code is prohibited.

Council questioned the reduction in the lease amount from \$3,000 annually to \$1,000 annually. Craig Clark, City Administrator, responded that it was based on making the County responsible for reconstruction or resurfacing of the parking lot instead of the City. Council expressed concern that if the County would walk away the City would then be responsible for the resurfacing or reconstruction, or possibly even removal of the lot.

Following discussion, the motion was made by Alderman Wood, seconded by Alderman Nelson and unanimously carried to approve the lease as written except that the rental rate in Section 1 be \$1,000 payable on the first day of April, 2011, and annually thereafter on the first day of April, with an additional \$3,000 payable on the first day of April, 2011 and annually thereafter on the first day of April, to an escrow account held by the City for use at the discretion of the City for the reconstruction, resurfacing, or removal of the parking lot, and to authorize the Mayor and Clerk to execute the lease following approval by the Nobles County Board of Commissioners.

ORDINANCE 1039 ADOPTED AMENDING TITLE XV OF THE CITY CODE OF WORTHINGTON, NOBLES COUNTY, MINNESOTA, TO REZONE PROPERTY FROM "M-1" (LIGHT MANUFACTURING) AND "M-2" (GENERAL MANUFACTURING) TO "B-2" (CENTRAL BUSINESS)

Pursuant to published notice, this was the time set for the third reading of a proposed ordinance amending Title XV of the Worthington City Code by rezoning the following legally described property from "M-1" (light manufacturing) and "M-2" (general manufacturing) to "B-2" (central business):

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 southwesterly line of the northeasterly 30.00 feet of said Lot 12; thence south 42°09'27" east, along said southwesterly 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 southwesterly 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.

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

ORDINANCE NO. 1039

AN ORDINANCE TO AMEND TITLE XV OF THE CITY CODE OF WORTHINGTON, NOBLES COUNTY, MINNESOTA, TO REZONE PROPERTY FROM "M-1" (LIGHT MANUFACTURING) AND "M-2" (GENERAL MANUFACTURING) TO "B-2" (CENTRAL BUSINESS)

(Refer to Ordinance File for complete copy of Ordinance)

RESOLUTION ADOPTED AUTHORIZING EXECUTION OF HEAT AGREEMENT

The motion was made by Alderman Wood, seconded by Alderman Woll and unanimously carried to adopt the following resolution, which reimburses \$7,590 for traffic enforcement during the HEAT wave periods set b the MN Department of Public Safety:

RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT

Be it resolved that the Worthington Police Department enter into a grant agreement with the Minnesota Department of Public Safety, Office of Traffic Safety for the project entitled Highway Enforcement of Aggressive Traffic (HEAT) during the period from October 1, 2010 through September 30, 2011.

The Public Safety Director, Michael J. Cumiskey, of Worthington is hereby authorized to execute such agreements and amendments as are necessary to implement the project on behalf of the Worthington Police Department and to be the fiscal agent and administer the grant.

REQUEST TO REPLACE UTILITY TRUCK APPROVED

Staff is requesting Council approval to replace a 1997 Chevrolet utility truck in need of a replacement transmission, battery and bench seat. The box on the truck is also in need of replacement and the brakes are at 50%. Staff noted that the cost of immediate repairs (transmission and battery) to the vehicle is within \$550 of the Kelly Blue Book value of \$3,675, and additional repairs would exceed the value of the vehicle.

Staff received the following quotes for the chassis:

K & S Motors	\$20,495 with trade
Kruse Motors	No Quote
Scholtes Motors	No Quote
Nelson Auto Center	\$20,473 without trade-state contract

The following quotes were received for a box/hoist:

Crysteel	\$10,699.34 state contract
Northern Truck Equip	\$14,000.00 (minimum-could not compete against state contract)

Staff received a quote from Dyke's Auto to purchase the current unit for \$1,500. Staff was recommending purchasing the replacement vehicle from Nelson Auto Center and the box and hoist from Crysteel Distributing. The unit would be funded by use of designated reserves (\$25,916.00), proceeds from the sale of the current unit (\$1,500), and operating budget funds or park equipment reserve funds (\$5,125.84 maximum).

The motion was made by Alderman Nelson, seconded by Alderman Ten Haken and unanimously carried to approve the replacement of the utility truck as proposed.

PROPOSAL APPROVED FOR PROFESSIONAL SERVICES FOR RIGHT-OF-WAY ACQUISITION FOR TH 59 NORTH INFRASTRUCTURE IMPROVEMENTS

The City is in position to receive Transportation Economic Development grant funding for the initial TH 59 North Commercial/Industrial Park infrastructure improvements, and as such, property acquisitions must meet certain standards. A proposal from Bolton and Menk had been received for preparation of two property descriptions for acquisitions related to the project. These land surveying services were not included in the original design. The fee for the two legal description is \$600 (\$300 per description). Staff was also recommending the placement of two permanent iron survey markers at the corners of the two tracts of land. Bolton and Menk noted in their proposal that they could perform placement at a cost of and additional \$600.

Staff had also received proposals from Evergreen Land Services (ELS) and WSB and Associates for services associated with necessary property acquisitions for the project. ELS is the firm that

completed the Ray Drive acquisitions, and WSB is the firm currently working for MnDOT on the TH 60 right-of-way acquisitions. The fees for the ELS proposal were \$10,600, while the WSB fees were proposed to be \$11,700. Staff was recommending acceptance of the Evergreen proposal.

The motion was made by Alderman Woll, seconded by Alderman Nelson and unanimously carried to approve the proposal for professional services from Bolton and Menk and from Evergreen Land Services at a combined total of \$11,800.

The \$11,800 will need to be financed as part of the total project.

COUNCIL COMMITTEE REPORTS

Mayor Oberloh - Was in St. Paul on Wednesday and Thursday and sat in on several good discussions. Also extended an invitation to the Governor to come to Worthington.

Alderman Ten Haken - nothing to report but thanked those who went up to St. Paul.

Alderman Kuhle - Had a Cable 3 Joint Powers meeting - looking to be a stronger voice for Worthington.

Alderman Nelson - Had a Highway 60 Aesthetics meeting - things are going pretty well in the Morningside area - bridge design is about done, and they also discussed round-a-bouts.

Alderman Wood - Water and Light Commission met today and discussed the Owatonna survey which showed we're the lowest electrically (the Missouri River survey should be out in a couple months) and also talked about land acquisition in the well area. Provided a brief update of the Lewis and Clark project.

Alderman Woll - Former YMCA / Senior Center site received notification they are within the 60 to 120 day window for availability for redevelopment. Reported on his breakout session in St. Paul on consolidation and efficiency. Commented on Vocal Essence project in the school now. Also noted he had received several phone calls regarding the Clean Water Partnership's request for funding.

CITY ADMINISTRATOR'S REPORT

Craig Clark, City Administrator, reported that the Minnesota Senate moved their tax bill which says the 2011 LGA will be at the 2009 level - 2012 will be at the 2010 level. Mr. Clark reminded Council of the special meetings on the 31st and the 5th for work session items. Also thought the St. Paul trip went well.

ADJOURNMENT

The motion was made by Alderman Ten Haken, seconded by Alderman Wood and unanimously carried to adjourn the meeting at 9:00 p.m.

Janice Oberloh
City Clerk