

**WORTHINGTON CITY COUNCIL  
REGULAR MEETING, JUNE 11, 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: Lyle Ten Haken, Mike Kuhle, Scott Nelson, Mike Woll. Honorary Council Member: Amy Woitalewicz. Aldermen absent: Ron Wood (excused).

Staff present: Craig Clark, City Administrator; Brad Chapulis, Director of Community/Economic Development; Mike Cumiskey, Public Safety Director; Josh McCuen, Police Officer; Jim Laffrenzen, Public Works Superintendent; Dwayne Haffield, Director of Engineering; Janice Oberloh, City Clerk.

Others present: Justine Wettschreck, Daily Globe; Gerald Mulder, Ken Moser, Jim Perras, Brian Gebauer, Lisa Graphenteen, Scott Johnson, Jacoba Nagel, Sara Ricker, Al Joens, Joe and Marianne Bigner, Matt Jirele, Bob Jirele, Roger Nelson, Bobbie Korthals, Bill Keitel, Jerry Perkins, Terry Perkins, Joey Wendinger.

**HONORARY COUNCIL MEMBER**

Mayor Oberloh introduced Amy Woitalewicz as the Honorary Council Member for the months of June, July, and August, 2012.

**PUBLIC HEARING - RECOMMENDATION FROM CHARTER COMMISSION TO AMEND THE WORTHINGTON CITY CHARTER TO MODIFY THE TITLE OF ELECTIVE OFFICERS**

Pursuant to published notice, this was the time and date set for a public hearing for a recommendation from the Charter Commission to amend the Worthington City Charter to modify the title of Elective officers from Alderman/Aldermen to Council Member/Council Members throughout the Charter. Council Member is the term used most widely in the state and is the title assumed by the Secretary of State's Office on election ballots unless a specific request for change is made.

The motion was made by Alderman Nelson, seconded by Alderman Ten Haken and unanimously carried open the hearing.

Craig Clark, City Administrator, stated that per MS § 410.12, regulates the process for Charter Cities to adopt amendments to their City Charter. Subdivision 7 of the statute allows for amendment by Ordinance based on recommendation of the City's Charter Commission, which includes that City Council must hold a public hearing on the proposed amendment. Ordinance amendments to the City Charter by this method only require one reading to be enacted if it receives an affirmative vote of all members of the City Council and is approved by the Mayor. The Ordinance would become effective 90 days following the vote if there is no public objection within the first 60 days. Should no public objection to the amendment be received during the hearing, Council will be asked to consider the proposed ordinance later in the meeting.

Mayor Oberloh opened the floor for testimony. None was received.

The motion was made by Alderman Woll, seconded by Alderman Ten Haken and unanimously carried to close the hearing.

**PUBLIC HEARING - RECOMMENDATION FOR CHARTER COMMISSION TO AMEND THE WORTHINGTON CITY CHARTER TO RECOGNIZE HISTORICAL PARTNERSHIPS**

Pursuant to published notice, this was the time and date set for a public hearing regarding a recommendation from the Charter Committee to amend the Worthington City Charter to recognize historical partnerships and provide Council with the ability to authorize expenditures in relation to those partnerships.

The motion was made by Alderman Ten Haken seconded by Alderman Kuhle and unanimously carried to open the hearing.

Craig Clark, City Administrator, noted the amendment would allow for the City Council to approve expenditures related to sending official representatives to Crailsheim, Germany and Cuero, Texas, as well as other minor expenses for the enhancement and support of the historical partnerships. The proposed ordinance would be enacted if it receives an affirmative vote from all members of the Council and is approved by the Mayor. The Ordinance would become effective 90 days following the vote if there is no public objection within the first 60 days. Should no public objection to the amendment be received during the hearing, Council will be asked to consider the proposed ordinance later in the meeting.

Mayor Oberloh opened the floor for testimony. None was received.

The motion was made by Alderman Nelson, seconded by Alderman Woll and unanimously carried to close the hearing.

**PUBLIC HEARING - APPROVAL OF REDEVELOPMENT AND TAX INCREMENT FINANCING PLAN FOR TAX INCREMENT FINANCING (TIF DISTRICT #15) AND RESOLUTION NO. 3499 ADOPTED ESTABLISHING REDEVELOPMENT PROJECT NO. 5 AND TAX INCREMENT FINANCING DISTRICT NO. 15**

Pursuant to published notice, this was the time and date set for a public hearing for approval of the redevelopment and tax increment financing plan for Tax Increment Financing District (TIF) #15.

The motion was made by Alderman Nelson, seconded by Alderman Ten Haken and unanimously carried to open the hearing.

Brad Chapulis, Director of Community/Economic Development, stated that Lexington Hotel Development Group, LLC of Greendale, Wisconsin was requesting tax increment financing (TIF) assistance to assist with the eligible site development expenses related to the construction of a 76 unit Comfort Suites Hotel on the 3 acres it is acquiring in the northeast corner of the intersection of Prairie Drive and US Highway 59.

The proposed development qualifies for tax increment assistance through the establishment of an Economic Development TIF District per Minnesota Statutes. The TIF District is permitted to exist of a maximum of 8 years from collection of the first increment. The assistance would be structured as an interfund loan, with Lexington borrowing approximately \$435,000 from the City/EDA to be repaid through the TIF monies over the life of the District. The loan will have an interest rate of 4%, and an annual debt service of approximately \$63,000, and the agreement includes a minimum assessment and shortfall agreements to assure the annual debt service is covered.

Mr. Chapulis noted that Council must do the following to allow the EDA to financially participate in the project through tax increment financing:

1. Hold the public hearing scheduled;
2. Pass the TIF Plan resolution;
3. Pass the Interfund Loan Authorization Resolution for an amount not to exceed \$435,000.

Approval of the Interfund Loan Authorization would be contingent on execution of all other documents related to the proposed project.

Mayor Oberloh opened the floor for testimony - none was received.

The motion was made by Alderman Nelson, seconded by Alderman Kuhle and unanimously carried to close the hearing.

The motion was made by Alderman Woll, seconded by Alderman Kuhle and unanimously carried to approve the redevelopment and tax increment financing plan for Tax Increment Financing District (TIF) #15 and adopt the following resolutions:

RESOLUTION NO. 3499

RESOLUTION ESTABLISHING REDEVELOPMENT PROJECT NO. 5 AND TAX INCREMENT FINANCING DISTRICT NO. 15 THEREIN AND ADOPTING A REDEVELOPMENT PLAN AND TAX INCREMENT FINANCING PLAN THEREFOR

(Refer to Resolution File for complete copy of Resolution)

RESOLUTION NO. 3500

RESOLUTION AUTHORIZING AN INTERFUND LOAN FOR ADVANCE OF CERTAIN COSTS IN CONNECTION WITH TAX INCREMENT FINANCING DISTRICT NO. 15

(Refer to Resolution File for complete copy of Resolution)

**PUBLIC HEARING - SALE OF LOT 1, BLOCK 2, PRAIRIE EXPO FIRST ADDITION**

Pursuant to published notice, this was the time and date set for a public hearing for the sale of Lot 1, Block 2, Prairie Expo First Addition.

The motion was made by Alderman Ten Haken, seconded by Alderman Woll and unanimously carried to open the hearing.

Brad Chapulis, Director of Community/Economic Development, stated that based on the MOU between the City and Lexington Group for the hotel/event center, the City has informally agreed to sell the property necessary to construct the proposed hotel for 1\$ to Lexington. The actual size of the purchase was to be determined upon the approval of the final site plan for the entire development, which Council approved in May. Lexington was now formally requesting to purchase Lot 1, Block 2, Prairie Expo First Addition for \$1. Tonight's public hearing is required because the sale is below market and the total financial assistance for the hotel project exceeds \$150,000, so the sale, therefore, is considered a public subsidy according to State Statute. Mr. Chapulis noted that approval of the sale would be contingent on the execution of all documents related to the proposed project.

Mayor Oberloh opened the floor for testimony - none was received.

The motion was made by Alderman Nelson, seconded by Alderman Ten Haken and unanimously carried to close the hearing.

The motion was made by Alderman Nelson, seconded by Alderman Woll and unanimously carried to approve the sale of the property identified as Lot 1, Block 2, Prairie Expo First Addition to the Lexington Group for the purchase price of \$1, contingent on execution of all other documents related to the proposed project.

**PUBLIC HEARING - REVIEW OF STORM WATER POLLUTION PREVENTION PLAN**

Pursuant to published notice, this was the time and date set for a public hearing for review of the Cities Storm Water Pollution Prevention plan.

The motion was made by Alderman Woll, seconded by Alderman Ten Haken and unanimously

carried to open the hearing.

Dwayne Haffield, Director of Engineering, noted the hearing is a requirement under our NPDES permit to allow public comment, along with the following six mandatory minimum control measures:

- Public Education and Outreach
- Public Involvement and Participation
- Illicit Discharge Detection and Elimination
- Construction Site Storm Water Runoff Control
- Post-Construction Storm Water Management
- Pollution Prevention / Good Housekeeping for Municipal Operations

Specific activity we did last year included some materials, maintained the storm system map, enforce the storm water ordinance, inspect the system - we've met our minimum requirements of well more than 20% of the outlets, wet basins, dry basins and all the other structural control devices that were inspected. Mr. Haffield noted that last year at this time we were looking at additional requirements once the new statewide permit is issued, but those requirements were held off for a year and received a lot of comments about what they did to communities regarding the additional administration for them.

Mayor Oberloh opened the floor for testimony - none was received.

The motion was made by Alderman Woll, seconded by Alderman Kuhle and unanimously carried to close the hearing.

The motion was made by Alderman Woll, seconded by Alderman Ten Haken and unanimously carried to accept the presentation.

#### **AGENDA APPROVED WITH CHANGE**

Staff requested a change to the agenda to strike items K.1 and K.2 from the agenda as they were a repeat listing of the public hearing items.

The motion was made by Alderman Ten Haken, seconded by Alderman Nelson and unanimously carried to approve the agenda with the requested strike.

#### **CONSENT AGENDA APPROVED**

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

- City Council Minutes of regular meeting May 29, 2012
- Minutes of Boards and Commissions - Park and Recreation Advisory Board Minutes of June 4, 2012; Worthington Housing and Redevelopment Authority Minutes of May 10, 2012; Memorial Auditorium Advisory Board Minutes of May 2, 2012; Worthington Area Convention & Visitors Bureau Minutes of April 30, 2012
- Application to block streets for ISD 518 for their “Meet the Trojan Band - 2012 Parade Show Debut from 6:15 p.m. to 6:45 p.m. on Thursday, June 14, 2012 on Clary Street between Marine Avenue and Church Avenue
- Approved renewals of the following On-Sale Liquor, Club On-Sale Liquor, and Wine licenses for the license period July 1, 2012 through June 30, 2013:

On-Sale Liquor

La Azteca Tiendo Mexicana Inc., 223 Tenth Street  
The Ground Round Grill & Bar, 1290 Ryan’s Road  
Oxford Bowl, 325 Oxford Street  
Hickory Lodge Bar & Grill, 2015 N. Humiston Avenue  
Long Branch Saloon, 206 Tenth Street

Club On-Sale Liquor

Worthington Country Club, 851 W. Oxford Street  
VFW 3958, 1117 Second Avenue  
Worthington Eagles Club FOE Aerie 3282, 205 Oxford Street  
Elks Lodge BPOE Lodge 2287, 1105 Second Avenue

Wine

La Azteca Tiendo Mexicana Inc., 223 Tenth Street  
The Ground Round Grill and Bar, 1290 Ryan’s Road  
Hickory Lodge Bar & Grill, 2015 N. Humiston Avenue  
Long Branch Saloon, 206 Tenth Street

- Memorandum of Understanding for Summer Hours for Local 49
- Bills payable and totaling \$753,977.51 be ordered paid

**RESOLUTION ADOPTED AUTHORIZING TOWARD ZERO DEATHS AGREEMENT**

The motion was made by Alderman Woll, seconded by Alderman Ten Haken and unanimously carried to adopt the following resolution execution of the Towards Zero Deaths Agreement (formerly Safe and Sober) with the Minnesota Department of Public Safety, Office of Traffic Safety if the City is awarded the grant:

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 Toward Zero Deaths during the period from October 1, 2012 through September 30, 2014.

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.

**FIRST READING PROPOSED ORDINANCE AMENDING TITLE XV OF THE CITY CODE OF THE CITY OF WORTHINGTON, NOBLES COUNTY MINNESOTA - CHANGE OF ZONE - 1415 FOURTH AVENUE**

Council considered an application from Southwestern Mental Health, Inc. requesting rezoning of the property it owns at 1415 Fourth Avenue from "R-4" Medium Density Residential to "PUD" Planned Unit Development. The property is legally described as:

All of Block 35, Plat of Worthington (Original Townsite), City of Worthington, Nobles County, Minnesota

The Planning Commission considered the application at their June 5, 2012 meeting and was unanimously recommending Council approval of the change of zone.

The motion was made by Alderman Woll, seconded by Alderman Kuhle and unanimously carried to give a first reading to the proposed ordinance as follows:

The City Council of the City of Worthington, do ordain:

SECTION I.

That Title XV of the City Code be amended by rezoning the following described property from "R-4" One Family Detached Residential Districts to Planned Unit Development (PUD) District #11.

All of Block 35, Plat of Worthington (Original Townsite), City of Worthington, Nobles County, Minnesota.

The above-described property shall be subject to the following zoning/land use regulations:

Permitted Uses - Office Services and all other permitted uses and special uses in the "R-4" - One Family Detached Residential District shall be permissible within this PUD.

Density Area and Bulk Regulations - All development within the PUD must comply with the following the density, area and bulk regulations established for the "R-4" District.

Site Plan - For the purpose of this Ordinance, the information presented in "Exhibit A" shall serve as the approved site plan for the Planned Unit Development. Any delineation from the approved plan shall require approval from the City Council, after receiving a recommendation from the Planning Commission.

### **PRELIMINARY PLAT - CENTRAL SQUARE ADDITION APPROVED**

Southwestern Mental Health, Inc., was seeking preliminary plat approval of Central Square Addition, which is proposed to be a 2 lot planned unit development on approximately 2.4 acres located at 1415 Fourth Avenue.

The Planning Commission considered the request at their June 5, 2012 meeting, and after holding a public hearing, voted unanimously to recommend Council approval of the preliminary plat.

The motion was made by Alderman Ten Haken, seconded by Alderman Kuhle and unanimously carried to approve the preliminary plat - Central Square Addition.

### **MANAGEMENT AGREEMENT FOR EVENT CENTER APPROVED**

Council was asked to consider a proposed management agreement for the Event Center, which included the following proposed changes to the original draft previously reviewed by Council:

- Article 5 - Manager's Duties - This article has been renamed to "Responsibilities in Operation of Event Center" and modified to specifically outline the day-to-day responsibilities for both parties. These modifications were done to assure the event center is exempt from real estate taxes.
- Article 19.1 - Management Fees - This section of Article 19 was modified to require a monthly payment rather than annual payment.
- Article 20 - Common Walkway - This article was created to outline how the parties are to address the link/connection between the hotel and event center should the management agreement be terminated.

The motion was made by Alderman Woll, seconded by Alderman Ten Haken and unanimously carried to approve the Management Agreement for the Event Center, contingent on execution of all other documents related to the proposed project.

### **SITE PREP WORK AWARDED FOR HOTEL / EVENT CENTER PROJECT**

The following bids were received at 2:00 p.m. on Monday, June 11, 2012 for the hotel/event center



project, with work broken into three separate lump sum contracts for each project - excavation, site utilities and paving:

<u>Bidder</u>	<u>Bid Scope Number</u>	<u>Base Bid Event Center</u>
<u>Earthwork/Site Utilities</u>	1	
Duininck, Inc		Combination Bid
Frattalone Cos.		\$247,320.00
Worthington Excavating		\$198,639.00
 <u>Asphalt Paving</u>	 2	
Duininck, Inc.		Combination Bid
McLaughlin & Schulz, Inc.		\$195,920.00
 <u>Site Concrete</u>	 3	
Worthington Excavating		Combination Bid
 <u>Combination Bids</u>		
Duininck, Inc.	1,2	\$1,209,044.30
Worthington Excavating	1,3	\$ 277,479.50

Jim Perras, Consolidated Construction Company, the Construction Manager for the project, was recommending the following awards:

Bid Scope 1 (Earthwork and Site Utilities) and Bid Scope 2 (Site Concrete)

Worthington Excavating, Inc. (Combination Bid)                      \$277,479.50

Bid Scope 2 (Asphalt Paving)

McLaughlin & Schulz, Inc. (Base Bid)    \$195,920.00

The total award recommendations of \$473,399.50 is \$52,101.50 under the bid package 1 budget.

The motion was made by Alderman Nelson, seconded by Alderman Kuhle and unanimously carried

to award the bids as recommended by Consolidated Construction Company.

**BID AWARDED FOR CONTRACT FOR CONSTRUCTION OF SENIOR CENTER  
(FORMER YMCA REDEVELOPMENT PROJECT)**

At their May 29<sup>th</sup> regular meeting, Council was presented with four responsive bids for the reconstruction of the Senior Center. All four bids were over the \$734,552 construction budget, with the low bid of \$859,895 being 17% over estimate. Council tabled action on the bids to allow staff to seek legal counsel on competitive bidding questions and to look for ways to bring the project within budget. Information obtained noted uncertainty of violation of competitive bidding law and the risk of litigation was unclear.

Upon informing the low bidder, Salonek Construction, of the budget, the company, they prepared a list of potential cost savings items. Staff reviewed the list and believes the following items could be eliminated from the project without affecting the purpose and functionality of the facility, and which would result in a cost savings of \$46,250. That amount, together with the \$25,579 in donations the City has received, would reduce the impact on the City budget to \$788,066. Joey Wendinger of INS Group, was present at the meeting to address any concerns by Council.

The motion was made by Alderman Woll, seconded by Alderman Nelson and unanimously carried to proceed with the project as recommended by awarding the contract for the bid amount and issue a change order for the items it would like to eliminate from the list provided by Salonek.

**PARK ADVISORY BOARD RECOMMENDATION FOR PROJECT APPROVED**

At this time Mayor Oberloh stated Council would take item M.1. out of order for consideration to accommodate those in attendance at the meeting for that issue.

The Park Advisory Board was recommending Council approval of a project that would extend the existing multi-use path that currently terminates within 100 feet of the intersections of Seventh Avenue/Eighth Street/ Lake Avenue. The extension would connect at the current termination point and then extend approximately 200 feet from the intersection paralleling Lake Avenue within the right of way abutting Lake Okabena, terminating at that point requiring users to exit off onto Lake Avenue. At the 200 foot point, a pedestrian sidewalk would be installed within the public right of way, which would include the public right of way abutting the property located at 620 Lake Avenue owned by Joe and Marianne Bigner, then connect to an existing sidewalk located at the westerly property line of 620 Lake Avenue. Installation of the sidewalk at 620 Lake Avenue will require removal of two mature trees and the majority of a landscape bed located within the right of way. It will also require the trimming of an evergreen located on the property to a height of seven feet to provide a safe clearance for pedestrians using the sidewalk. The installation of the multi-use path at the Seventh Avenue intersection will require removal of three mature trees, two bushes, the stone

planter and elimination of the gravel parking area. Dependent upon design, the existing bench and trash container may need to be relocated or removed. The engineered cost estimates for the projects are:

Multi use path construction only	\$51,133.39
Addition of sidewalk option	<u>\$27,169.80</u>
Total	\$78,303.19

Funding for the project would come from the hospital dollars allocated to the Park Board for projects.

Mr. and Mrs. Bigner were present at the meeting along with their attorney Andrew Titus to express their opposition to the sidewalk addition to the right of way abutting their property. Mr. Titus and Mr. Bigner noted they already had people wandering on their property and looking in their windows, and installation of a sidewalk there would only increase the problem. A lengthy discussion ensued on available options, safety issues, and whether precedence would be set if the project was completed as proposed. Several residents spoke in favor of the project for safety reasons.

Following discussion, the motion was made by Alderman Woll, seconded by Alderman Ten Haken and unanimously carried to approve the project as recommended by the Park Board.

**COMMUNITY LAND TRUST/WORTHINGTON WORKFORCE HOUSING DISCUSSION**

Lisa Graphenteen, Chief Operating Officer, and Ali Joens, Homeownership Coordinator, with the Southwest Minnesota Housing Partnership, were present at the meeting to provide information to Council on a potential single family housing development with perpetual affordability through the creation of a community land trust (CLT). The discussion included the possibility of amending the City's workforce housing program to identify CLT developments as eligible for program funding. Ms. Graphenteen and Ms. Joens thanked Council for allowing them to present the information.

**ORDINANCE NO. 1052 ADOPTED AMENDING CHAPTER 114 OF THE WORTHINGTON CITY CODE REGARDING CABLE TELEVISION REGULATIONS - DEFINITIONS**

Pursuant to published notice, this was the time and date set for the third reading of a proposed ordinance amending Chapter 114 of the Worthington City Code - Cable Television Regulations - Definitions. The ordinance updates the terms for which gross revenues are calculated to ensure the City has the benefit of the full franchise fee of five percent of the charges imposed by the cable operators, and also updates the definition of subscriber to include each lessee, tenant or occupant of the building and not just the building owner.

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

ORDINANCE NO. 1052

AN ORDINANCE AMENDING TITLE XI, CHAPTER 114, SECTION 114.02 OF THE CITY CODE OF THE CITY OF WORTHINGTON, NOBLES COUNTY, MINNESOTA - CABLE TELEVISION REGULATIONS - DEFINITIONS

(Refer to Ordinance File for complete copy of Ordinance)

**ORDINANCE NO. 1053 ADOPTED GRANTING A FRANCHISE RENEWAL TO MEDIACOM MINNESOTA LLC WITHIN THE CITY OF WORTHINGTON**

Pursuant to published notice, this was the time and date set for the third reading of a proposed ordinance that grants a franchise renewal to Mediacom Minnesota LLC within the City of Worthington. The franchise renewal provides the following modifications to the current agreement but the term remains at 15 years:

- Clarify that the instillation of cable within in new subdivisions is at the sole discretion of the City and required for density of 7 homes per ¼ cable mile and within a twelve month period;
- Add dedicated two-way lines for the Memorial Auditorium, Performing Arts Center at Minnesota West, the City Band Shell and the forthcoming Events Center;
- Ensure local law enforcement can utilize an Emergency Alert System over all cable broadcast channels;
- Provide a PEG fee of \$1.50 per subscriber per month from the current \$.50 indexed for inflation;
- Change the payment of the franchise fee from annually to monthly and within 45 days;
- Increase the penalties for per day violations of provisions of the ordinance;
- Clarify language related to the relocation of the cable utility in the right-of-way;
- Outline procedures for the removal of cable in the right-of-way;
- Increase the system performance standards to deliver a higher quality product to the consumer;

- Include strong customer services standards to regulate the speed with which Mediacom responds to telephone complaints and inquires and related service issues;
- Give purview of cable service rates, late fees, and other policies consistent with other laws;
- Guaranteed access to three local access channels on the cable system should WGTN expand from its current two offerings and
- Other technical and smaller provisions of the agreement.

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

AN ORDINANCE GRANTING A FRANCHISE TO MEDIACOM MINNESOTA LLC PURSUANT TO TITLE XI, CHAPTER 114 TO CONSTRUCT, OPERATE, AND MAINTAIN A CABLE TELEVISION SYSTEM IN THE CITY OF WORTHINGTON; SETTING FORTH CONDITIONS ACCOMPANYING THE GRANT OF THE FRANCHISE

(Refer to Ordinance File for complete copy of Ordinance)

**READING AND ADOPTION OF ORDINANCE NO. 1054 AMEND THE WORTHINGTON CITY CHARTER TO MODIFY THE TITLE OF ELECTIVE OFFICERS**

Minnesota Statute § 410.12, Subd. 7 provides that a Charter City Council may, upon recommendation from the Charter Commission, enact a charter amendment by ordinance. At their May 8, 2012 meeting, the Charter Commission voted unanimously to recommend to City Council amendment to Section 2.01 of the Worthington City Charter to change the title of Alderman to Council Member, which would eliminate the need for a special request every election year to the Secretary of State's Office to add the title of Alderman to the City ballot instead of Council Member, which is the preference in the majority of the State of Minnesota..

As part of the procedure for this type of Charter amendment, the City must publish notice of and hold a public hearing on the proposed amendment, and within one month of the public hearing, the City Council must vote on the proposed charter amendment ordinance. Pursuant to notice, the hearing was held at the beginning of this regular scheduled Council meeting, and no objections to the proposed ordinance were received. While the Worthington City Charter requires three readings for each ordinance before it takes effect, the Statute also holds that such a Charter Amendment Ordinance is enacted if it receives an affirmative vote of all members of the City Council and is approved by the Mayor and published as in the case of other ordinances. Although enacted, the ordinance does not become effective until 90 days after passage and publication, and within 60 days after passage and publication, a petition requesting a referendum on the ordinance may be filed with the City Clerk.

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

ORDINANCE NO. 1054

AN ORDINANCE TO AMEND WORTHINGTON CITY CHARTER CHAPTER TWO, SECTION 2.01, ENTITLED "ELECTIVE OFFICERS"

(Refer to Ordinance File for complete copy of Ordinance)

**READING AND ADOPTION OF ORDINANCE NO. 1055 TO AMEND THE WORTHINGTON CITY CHARTER TO RECOGNIZE HISTORICAL PARTNERSHIPS**

Minnesota Statute § 410.12, Subd. 7 provides that a Charter City Council may, upon recommendation from the Charter Commission, enact a charter amendment by ordinance. At their May 8, 2012 meeting, the Charter Commission voted unanimously to recommend to City Council an amendment to the Worthington City Charter by adding Section 4.17 entitled Cultural Exchanges, which would allow the City Council to authorize and approve expenditures related to sending official representatives to Crailsheim, Germany, and Cuero, Texas, as well as minor expenses for the enhancement and support of the historical partnership.

As part of the procedure for this type of Charter amendment, the City must publish notice of and hold a public hearing on the proposed amendment, and within one month of the public hearing, the City Council must vote on the proposed charter amendment ordinance. Pursuant to notice, the hearing was held at the beginning of this regular scheduled Council meeting, and no objections to the proposed ordinance were received. While the Worthington City Charter requires three readings for each ordinance before it takes effect, the Statute also holds that such a Charter Amendment Ordinance is enacted if it receives an affirmative vote of all members of the City Council and is approved by the Mayor and published as in the case of other ordinances. Although enacted, the ordinance does not become effective until 90 days after passage and publication, and within 60 days after passage and publication, a petition requesting a referendum on the ordinance may be filed with the City Clerk.

The motion was made by Alderman Ten Haken, seconded by Alderman Kuhle and unanimously carried to give a reading to, and subsequently adopt the following Ordinance:

ORDINANCE NO. 1055

AN ORDINANCE TO AMEND WORTHINGTON CITY CHARTER CHAPTER FOUR BY ADDING SECTION 4.17 ENTITLED CULTURAL EXCHANGES

(Refer to Ordinance File for complete copy of Ordinance)

**CONTRACT AWARDED FOR 2012 BITUMINOUS PAVEMENT IMPROVEMENTS PROJECT**

Bids were received at 2:00 p.m. on June 11, 2012 for the 2012 Bituminous Pavement Improvements project, which includes the following schedules of work:

- Schedule 1 - Bituminous Overlays
- Schedules 2 & 3 - Reconstruction of Alleys in Block 28
- Schedules 4 & 5 - Reconstruction of Franklin Street, Sherwood Street, and Trevor Street

Three bids were received as follows:

	<u>Engineer's Estimate</u>	<u>Worthington Excavating, Inc.</u>	<u>McLaughlin &amp; Schulz, Inc.</u>	<u>Rupp Constr. Co., Inc</u>
Total Schedule 1	\$128,480.00	\$139,199.30	\$136,732.90	\$154,048.00
Total Schedule 2	\$ 32,552.20	\$ 39,290.50	\$ 45,990.65	\$ 39,216.00
Total Schedule 3	\$ 35,392.90	\$ 42,065.00	\$ 49,021.30	\$ 41,861.00
Total Schedule 4	\$115,653.00	\$124,256.50	\$140,053.00	\$147,090.00
Total Schedule 5	\$ 71,049.15	\$ 75,747.00	\$ 85,484.50	\$ 84,976.00
Total Schedules 1-5	\$383,127.25	\$420,558.30	\$457,282.35	\$467,191.00

Dwayne Haffield, Director of Engineering, stated Worthington Excavating was the low bid but staff had no recommendations as the bids for the four assessable projects would result in around a 10% to 20% assessment increase if things go well with the project, or worse if there's a problem with the project.. The projects would be fundable because we would be bonding but these were not the kind of numbers that were given to people at the hearing for the project. Mr Haffield added that he didn't think going back out for bids would change anything as the increased costs were in the mixture and the mobilization costs. Council pointed out there was little or no opposition at the hearing to the project.

Following discussion, the motion was made by Alderman Ten Haken, seconded by Alderman Woll and unanimously carried to award the bid for the 2012 Bituminous Pavement Improvements Project to Worthington Excavation, Inc. in the low bid amount of \$420,558.30.

**EXECUTION OF EASEMENTS AUTHORIZED FOR CSAH 10 GRADING AND MULTI USE TRAIL PROJECTS**

At its May 14, 2012 meeting, Council approved of the plans for grading of CSAH 10 and CSAH 35, which provides in part for the roadway modifications and a portion of the grading required for the planned 2013 multi use trail construction from south of the Diagonal Road and Oxford Street intersection to Olson Park. The County needs to keep the culverts and extensions in their right of way, which keeps them their responsibility. The culverts are to be upsized so they need to get the proper recovery area, and were requesting that Council authorize execution of the two easements required from the City to complete the project. The easements are legally described as follows:

RECREATIONAL TRAIL EASEMENT:

Slope Easement

A tract of land in the Northeast Quarter of Section 28, Township 102 North, Range 40 West, in the City of Worthington, Nobles County, Minnesota described as follows:

Commencing at an existing iron stake with Survey Cap PS 6700 at the southeast corner of Lot 1, Block 3, Auditor's Plat of Blocks 1, 2, 3 and 4 of Green Thumb Addition; thence South 00 degrees 39 minutes 12 seconds East, along the prolongation of the east line of said Lot 1, Block 3, a distance of 238.00 feet; thence South 89 degrees 20 minutes 48 seconds West, parallel with the south line of said Lot 1, Block 3, a distance of 363.70 feet to the east right-of-way line of C.S.A.H. No. 10; thence South 00 degrees 39 minutes 12 seconds East, along said east highway right-of-way line, a distance of 189.00 feet to the point of beginning; thence continuing South 00 degrees 39 minutes 12 seconds East, along said east highway right-of-way line, a distance of 263.69 feet; thence South 15 degrees 17 minutes 24 seconds East a distance of 138.51 feet; thence North 00 degrees 39 minutes 12 seconds West, parallel with said east highway right-of-way line, a distance of 397.71 feet; thence South 89 degrees 20 minutes 48 seconds West, parallel with the south line said Lot 1, Block 3, a distance of 25.00 feet to the point of beginning.

Said easement contains 0.26 acres of land (11,576 square feet)

Permanent Easement

A tract of land in the Northeast Quarter of Section 28, Township 102 North, Range 40 West, in the City of Worthington, Nobles County, Minnesota described as follows:

Commencing at an existing iron stake with Survey Cap PS 6700 at the southeast corner of Lot 1, Block 3, Auditor's Plat of Blocks 1, 2, 3 and 4 of Green Thumb Addition; thence South 00 degrees 39 minutes 12 seconds East, along the prolongation of the east line of said Lot 1, Block 3, a distance of 238.00 feet; thence South 89 degrees 20 minutes 48 seconds West, parallel with the south line of said Lot 1, Block 3, a distance of 363.70 feet to the east right-of-way line of C.S.A.H. No. 10; thence South 00 degrees 39 minutes 12 seconds East, along said east highway right-of-way line, a distance of 452.69 feet to the point of beginning; thence continuing South 00 degrees 39 minutes 12 seconds East, along said east highway right-of-way line, a distance of 382.55 feet; thence North 89 degrees 31 minutes 35 seconds East, a distance of 100.00 feet; thence North 15 degrees 17 minutes 24 seconds West, a distance of 395.70 feet to the point of beginning.

Said easement contains 0.44 acres of land (19,125 square feet)



HIGHWAY EASEMENT:

Permanent Easement

A tract of land in the Northeast Quarter of the Northeast Quarter of Section 28, Township 102 North, Range 40 West, Nobles County, Minnesota described as follows:

Commencing at the Northeast corner of said Section 28; thence South 89 degrees 22 minutes 52 seconds West, along the north line of the Northeast Quarter of said Section 28, a distance of 885.79 feet; thence South 00 degrees 39 minutes 12 seconds East, a distance of 856.00 feet to an iron survey monument on the west right-of-way line of County State Aid Highway No. 10; thence continuing South 00 degrees 39 minutes 12 seconds East, along said west right-of-way line, a distance of 272.75 feet to the point of beginning; thence continuing South 00 degrees 39 minutes 12 seconds East, along said west right -of-way line, a distance of 150.00 feet; thence South 89 degrees 20 minutes 48 seconds West, a distance of 40.00 feet; thence North 00 degrees 39 minutes 12 seconds West, a distance of 150.00 feet; thence North 89 degrees 20 minutes 48 seconds East, a distance of 40.00 feet to the point of beginning.

The permanent easement contains 0.14 acres more or less.

The motion was made by Alderman Woll, seconded by Alderman Ten Haken and unanimously carried to authorize the Mayor and Clerk to execute the easements.

**COUNCIL COMMITTEE REPORTS**

Mayor Oberloh - nothing to report.

Alderman Ten Haken - nothing to report.

Alderman Kuhle - nothing to report.

Alderman Nelson - nothing to report.

Alderman Woll - nothing to report.

**CITY ADMINISTRATOR'S REPORT**

Craig Clark, City Administrator, noted had nothing to report.

**ADJOURNMENT**

The motion was made by Alderman Ten Haken, seconded by Alderman Woll and unanimously carried to adjourn the meeting at 9:45 P.M.