

**WORTHINGTON CITY COUNCIL
REGULAR MEETING, JUNE 25, 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; Mike Cumiskey, Public Safety Director; Dwayne Haffield, Director of Engineering; Rick Von Holdt, Fire Chief; Janice Oberloh, City Clerk.

Others present: Justine Wettschreck, Daily Globe; Sumer Anderson; Jim Reese; Rick Von Holdt, Fire Chief

HONORARY COUNCIL MEMBER

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

AGENDA APPROVED WITH CHANGE

Craig Clark, City Administrator, requested that item E.2. *International Union of Operating Engineers (IUOE) Local #49 Agreement* be struck from the agenda as a language concern has been raised by the stewards.

The motion was made by Alderman Ten Haken, seconded by Alderman Nelson and unanimously carried to approve the agenda with the removal of item E.2.

CONSENT AGENDA APPROVED

The City Clerk noted a correction to the City Council Minutes of June 11, 2012 on Page 2 regarding the heading for Public Hearing for TIF District 15, to reflect that Resolution No. 3500 was also adopted authorizing an interfund loan for advance of certain costs in connection with TIF No. 15.

The motion was made by Alderman Woll, seconded by Alderman Woll, seconded by Alderman Kuhle and unanimously carried to approve the consent agenda as follows, with the noted correction.

- City Council Minutes of Regular Meeting June 11, 2012 and Special Meeting June 11, 2012
- Minutes of Boards and Commissions - Water and Light Commission Minutes of June 18, 2012; Planning Commission Minutes of June 5, 2012; Worthington Economic Development Authority Minutes of June 11, 2012; Worthington Regional Economic Development Corporation Private Sector Minutes of April 26, 2012; Worthington Regional Economic Development Corporation Board of Directors Minutes of May 17, 2012
- Municipal Liquor Store Income Statement for the Period January 1, 2012 through May 31, 2012
- On-Sale Club Liquor, Wine License Renewal Application for the Historic Dayton House, 1311 Fourth Avenue
- On-Sale Liquor, Wine, On-Sale Beer, and Off-Sale Beer License applications for the

- Boondoks, Sumer Anderson, 107 12th Street
- On-Sale Beer License for the Nobles County Fair Association at 1600 Stower Drive
- Bills payable and totaling \$1,355,758.63 be ordered paid

MEMORANDUM OF UNDERSTAND BETWEEN THE CITY OF WORTHINGTON AND LAW ENFORCEMENT LABOR SERVICES (LELS) #4 APPROVED

The motion was made by Alderman Ten Haken, seconded by Alderman Woll and unanimously carried to approve a Memorandum of Understanding between the City of Worthington and the LELS #4, which adds a provision to their contract related to extended sick leave bank and paid time off privileges at the time of retirement, and to authorize the Mayor to execute the MOU.

The provision had previously been approved by Council but was not transferred to the LELS #4 contract at renewal.

FIRE STATION CHANGE ORDER REQUESTS GC-FIVE AND GC-SIX APPROVED

Staff was requesting Council approval of the following change orders to the Fire Station project:

GC-Five - Unidentified conditions necessitated the removal and replacement of Second Avenue pavement at the intersection with Ninth Street to match the planned curb grades needed to maintain drainage. The Changer Order results in a \$10,914.00 addition to the project.

GC-Six - Staff recommended deletion of the provision of Landscaping and Planting on the site as defined in the Civil Engineering Construction Documents, Drawing Sheet A1.1 and in Specification Sections 329200 Turf and Grasses and 325800 Landscaping. The City will provide the Landscaping and Planting on site saving approximately \$8,000.00. The Change Order results in a \$20,000 deduct to the project.

The motion was made by Alderman Nelson, seconded by Alderman Ten Haken and unanimously carried to approve Change Orders GC-Five and GC-Six as presented.

RESOLUTION NO. 3501 ADOPTED APPROVING PROPOSED CHANGE OF CONTROL OF KNOLOGY, INC.

Knology of the Plains, Inc., a wholly-owned subsidiary of Knology, Inc., currently owns, operates and maintains a cable television system in Worthington and holds a cable television franchise granted by the City. In late April, the City received a request from Knology to approve a proposed change of control of Knology consisting of the acquisition of Knology and its subsidiaries by WideOpenWest Finance, LLC (“WOW”). The transaction is labeled as a merger and will result in Knology no longer being a public traded company, but a privately held, wholly owned subsidiary of

WOW. Federal law and the franchise agreement require that the City take action to consider the request. Knology's current franchise agreement expires on or about October 26, 2013, but the merger is scheduled to close by the end of June 2012. Staff worked with Moss & Barnett, the City's outside legal counsel specializing in cable communications, regarding the proposal and the legal, technical, and financial qualifications of WOW. Moss & Barnett provided a detailed report and were recommending Council approval of a resolution regarding the proposed change of control that addresses the franchise renewal as well as the condition that the City's costs associated with the review of WOW's qualifications shall be fully reimbursed by the applicants. In response to an inquiry by Council, Craig Clark, City Administrator, noted he had been informed by Counsel that the City can't require the renewal of the franchise agreement to coincide with the change of control.

The motion was made by Alderman Woll, seconded by Alderman Ten Haken and unanimously carried to adopt the following resolution approving the change of control of Knology, Inc.:

RESOLUTION NO 3501

APPROVING PROPOSED CHANGE OF CONTROL OF KNOLOGY, INC.

(Refer to Resolution File for complete copy of Resolution)

ORDINANCE NO. 1056 ADOPTED AMENDING TITLE XV OF THE CITY CODE OF THE CITY OF WORTHINGTON TO REZONE PROPERTY FROM "R-3" - LOW DENSITY PRESERVATION RESIDENTIAL TO "B-3 -GENERAL BUSINESS - 1314 BURLINGTON AVENUE

Pursuant to published notice, this was the time and date set for the third reading of a proposed ordinance to rezone the property located at 1314 Burlington Avenue and legally described as follows from "R-3" - Low Density Preservation Residential to "B-3" - General Business:

The following legally described area, presently included in the "R-3" district, shall henceforth be included in the "B-3" district:

West ½ of Lots 15 & 16, Block 13, Moulton's Resurvey and Subdivision of Clary's Addition, City of Worthington, Nobles County, Minnesota.

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

ORDINANCE NO. 1056

AN ORDINANCE TO AMEND TITLE XV OF THE CITY CODE OF WORTHINGTON, NOBLES COUNTY, MINNESOTA, TO REZONE PROPERTY FROM "R-3" (LOW DENSITY PRESERVATION RESIDENTIAL) TO "B-3" (GENERAL BUSINESS)

(Refer to Ordinance File for complete copy of Ordinance)

SECOND READING PROPOSED ORDINANCE TO VACATE PART OF PLATTED PUBLIC UTILITY EASEMENTS IN PRAIRIE EXPO FIRST ADDITION

Pursuant to published notice, this was the time and date set for the second reading of a proposed ordinance vacating part of platted public utility easements in Lot 1, Block 2, Prairie Expo First Addition as follows:

The following described portion of the platted public utility easement in Lot 1, Block 2, Prairie Expo First Addition, City of Worthington, Nobles County, Minnesota, be vacated:

The east 10.00 feet of the north 280.00 feet of the south 290.00 feet of Lot 1, Block 2, Prairie Expo First Addition, City of Worthington, Nobles County, Minnesota.

Section II.

The following described portion of the platted public utility easement in Lot 2, Block 2, Prairie Expo First Addition, City of Worthington, Nobles County, Minnesota, be vacated:

The west 10.00 feet of the north 280.00 feet of the south 290.00 feet of Lot 2, Block 2, Prairie Expo First Addition, City of Worthington, Nobles County, Minnesota.

The motion was made by Alderman Woll, seconded by Alderman Nelson and unanimously carried to give a second reading to the proposed ordinance.

SECOND READING PROPOSED ORDINANCE AMENDING TITLE XV OF THE WORTHINGTON CITY CODE TO REZONE - 1415 FOURTH AVENUE

Pursuant to published notice this was the time and date set for the second reading of a proposed ordinance that would rezone the property located at 1415 Fourth Avenue from "R-4" - One Family Detached Residential Districts to Planned Unit Development (PUD) District #11. The property is legally described as follows:

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.

The motion was made by Alderman Nelson, seconded by Alderman Ten Haken and unanimously carried to give a second reading to the proposed ordinance.

WORTHINGTON FIRE DEPARTMENT REQUEST FOR CONTROL BURN TRAINING EXERCISE APPROVED

The Worthington Fire Department was seeking Council authorization to conduct a control burn training exercise on a dilapidated barn structure on County Road 5 within the City limits. The physical description of the property is Parcel # 31-3824-000, Section 19, Township 102N, Range 39W, 11.83 Acre Tract in NW 1/4 of SW 1/4, and owned by Paul Larson, Jackson, MN. Mr. Larson who contacted the Worthington Fire Department upon notification by the City’s Community Service Officer that the property was a nuisance. Council requested that Craig Clark, City Administrator, investigate whether the City would be required to carry additional insurance for the training.

The motion was made by Alderman Woll, seconded by Alderman Kuhle and unanimously carried to approve the Worthington Fire Department request to conduct a control burn training.

PLANS APPROVED FOR APRON A RECONSTRUCTION PROJECT WORTHINGTON AIRPORT

Although the Airport Apron A reconstruction project was bid last year, the FAA was ultimately unable to fund the project. This year, funding of the project is identified to be from the City’s federal entitlement balance and the state’s apportionment of federal funds. Funding is not certain until bids are received and an agreement is offered. Based on funding status, it was determined the project should be rebid this year. Mead and Hunt has completed an update of the plans and specifications for the project as authorized by Council.

Current project estimate including engineering but excluding contingencies is \$640,000. The 2012 Airport budget includes a total of \$657,752 for the project, but identifies 95% of the project costs as being federally funded, with local costs of 5%. The Airport Improvements Program (AIP) has been reauthorized with 90% federal funding rather than 95%. The current airport reserve for capital improvements is projected to be adequate for the increased local share of the proposed project but will not be adequate for the Taxiway C extension project in the future, which would need to be delayed and/or partially financed with an internal loan repaid from multiplane hangar lease revenues. The lease revenues add \$18,000 annually to the reserve.

The motion was made by Alderman Kuhle, seconded by Alderman Woll and unanimously carried to approve the plans and specifications for the Apron A project and authorize the advertisement for bids to be received on July 23, 2012

2012 STORM SEWER IMPROVEMENTS PROJECT APPROVED WITH AUTHORIZATION TO ADVERTISE FOR BIDS

The 2012 Storm Sewer Fund budget includes \$135,000 for reconstruction of storm sewer on 9th Avenue from Clement Street to an easement and alley corridor located approximately 200 feet west of Clement Street, to replace an aged, undersized clay pipe that can no longer be maintained. The replacement sewer will be sized to meet current design standards. The estimated project cost including engineering and contingencies is the budgeted amount.

The motion was made by Alderman Woll, seconded by Alderman Kuhle and unanimously carried to approve the plans for the 2012 Storm Sewer Projects and authorize advertisement for bids to be received on July 23, 2012 and considered for award at the July 23, 2012 Council meeting.

COUNCIL COMMITTEE REPORTS

Mayor Oberloh - no report but expressed concern regarding the truck for sale ad recently posted by Worthington Public Utilities.

Alderman Ten Haken - Distributed maps of MnDOT District 7's 2013-2016 Highway Construction Program and 2012 Construction Projects.

Alderman Kuhle - nothing to report.

Alderman Nelson - nothing to report.

Alderman Woll - nothing to report.

CITY ADMINISTRATOR'S REPORT

Craig Clark, City Administrator, said he had nothing to report at this time.

ADJOURNMENT

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

Janice Oberloh, MCMC
City Clerk