

**WORTHINGTON CITY COUNCIL
REGULAR MEETING, JUNE 27, 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.

Staff present: Craig Clark, City Administrator; Dwayne Haffield, Director of Engineering; Brad Chapulis, Director of Community/Economic Development; Janice Oberloh, City Clerk; Chris Dybeveck, Police Captain. Jacki Dawson, Police Officer; Joshua McCuen, Police Officer.

Others present: Randy, Engel, Buetow and Associates; Jim Bunner, KWOA; Ana Anthony, Daily Globe; Fire Chief Rick Von Holdt along with several fire fighters.

RECOGNITION

Mayor Oberloh read a letter from Paul Kenney, Chief of Police for the City of Fulda, MN, recognizing and thanking Worthington Police Officer Jacki Dawson for her quick actions June 28, 2011 while in attendance at their Fulda Wood Duck Festival. Officer Dawson observed an individual who was choking and, after confirming such, performed the Heimlich Procedure to the individual, expelling the object that was lodged and saving his life. Council applauded Officer Dawson for her actions.

AGENDA APPROVED WITH ADDITION

Staff requested the addition of item E.6 *Revised Cooperative Use Agreement with School District 518* to the agenda.

The motion was made by Alderman Kuhle, seconded by Alderman Ten Haken and unanimously carried to approve the agenda with the addition of E.6.

CONSENT AGENDA APPROVED

The City Clerk noted a correction to the City Council Minutes of the regular meeting June 13, 2011 under the Bituminous Overlay project, noting that schedule 3 of that project was pulled by Council for later review.

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 regular meeting, June 13, 2011
- Minutes of Boards and Commissions - Water and Light Commission Minutes of June 20, 2011; Economic Development Authority Minutes of June 13, 2011
- Municipal Liquor Store Income Statement for the Period of January 1, 2011 through May 31, 2011

- Bills payable and totaling \$1,288,557.46 be ordered paid

AUTHORIZATION GRANTED FOR BIDDING PHASE FOR NEW FIRE STATION

Council discussed the proposed fire station project with Randy Engel, Buetow and Associates. The project estimate has increased from \$4,420,000 to \$4,800,000 due to an increase in the estimated amount of earthwork for contamination remediation. Some Council members expressed concern over the growing estimate, and asked if any cuts could be made. Speaking on behalf of the Fire Fighters, Kevin Flynn told Council that cutting away from the proposed fire station would make it something that did not meet the needs of the department, and at that point, they would say don't build it. Mr. Flynn noted the construction estimate is \$3.7 million and the rest if soft costs.

Council agreed that without going to bid, they won't know what the actual number will be, and could still say no after bids are obtained.

The motion was made by Alderman Woll and seconded by Alderman Ten Haken to authorize the bidding phase for the proposed Fire Station project, with the following Aldermen voting in favor of the motion: Ten Haken, Nelson, Wood, Woll; and the following Aldermen voting against the same: Kuhle. Motion carried.

Alderman Ten Haken noted his intent is not to rubber stamp the project.

CLASSIFICATION APPROVED AND RESOLUTION ADOPTED APPROVING PUBLIC AUCTION METHOD OF DISPOSAL FOR TAX FORFEITED PROPERTY - PARCEL NO. 31-0964-000

Parcel No. 31-0964-000, a tax forfeited property within the corporate limits of the city of Worthington and previously owned by the Balks, has been classified by Nobles County as "non-conservation" land. Because the property is located in the city, M.S. 282.01 requires that the City must approve the parcel classification and disposal by either public auction, auction to adjacent owners, or request conveyance to the city for public use.

The City has incurred \$53,094 in remediation of nuisance issues, and the property remains on the state petro fund list for environmental remediation. Dwayne Haffield, Director of Engineering, noted that the PCA has ordered corrective action on the property.

The motion was made by Alderman Wood, seconded by Alderman Nelson and unanimously carried to adopt the following resolution approving disposal of the property by public auction:

CITY OF WORTHINGTON RESOLUTION
ON TAX FORFEITURE PROPERTY 31-0964-000

WHEREAS, The City of Worthington has received notification from the Nobles County Auditor-Treasurer that parcel number 31-0964-000 has gone into tax forfeiture as of June 8, 2011; and

WHEREAS, The City has three options under Minnesota Statutes 282.01 to approve of its disposal - by public auction, auction to adjacent owner(s), or conveyance to the City for a public use.

NOW, THEREFORE, BE IT RESOLVED THAT THE City of Worthington approves the property identified as 31-0964-000 for public auction to the highest bidder pursuant to M.S. 282.01.

SECOND READING PROPOSED ORDINANCE AMENDING TITLE XV OF THE CITY CODE OF WORTHINGTON, NOBLES COUNTY, MINNESOTA, TO REZONE PROPERTY FROM "S" (NATURAL FEATURES) TO "R-4" (MEDIUM DENSITY RESIDENTIAL)

Pursuant to published notice, this was the date and time set for the second reading of a proposed ordinance to rezone property from "S" (Natural Features) to "R-4" (Medium Density Residential). as follows:

The following legally described area, presently included in the "S" district, shall henceforth be included in the "R-4" district:

That part of the Northwest Quarter of Section 22, Township 102 North, Range 40 West, City of Worthington, Nobles County, Minnesota, described as follows:

Commencing at the Northwest corner of the East Half of the Northwest Quarter of said Section 22; thence on an assumed bearing of South 0 degrees 15 minutes 59 seconds East, along the west line of the East Half of the Northwest Quarter of said section, a distance of 994.63 feet to the intersection with a line 50.00 feet southeasterly of, as measured at right angles from, the existing centerline of County State Aid Highway No. 10; thence continuing South 0 degrees 15 minutes 59 seconds East, along the west line of said East Half of the Northwest Quarter, a distance of 409.17 feet; thence North 63 degrees 26 minutes 14 seconds West a distance of 19.00 feet to the point of beginning of the tract to be described; thence continuing North 63 degrees 26 minutes 14 seconds West a distance of 120.00 feet to the intersection with the easterly right of way line of County State Aid Highway No. 10, said intersection being 50.00 feet southeasterly of, as measured at right angles from, the existing centerline of said County State Aid Highway No. 10; thence northeasterly, along said easterly right of way line, along a non-tangential curve, concave to the northwest, having a radius of 1482.40 feet, a central angle of 25 degrees 17 minutes 08 seconds, the chord of said curve bears North 13 degrees 55 minutes 12 seconds East, a chord distance of 648.91 feet, an arc distance of 654.21 feet; thence North 0 degrees 15 minutes 59 seconds West, along said easterly right of way line, a distance of 472.38 feet; thence North 89 degrees 44 minutes 01 seconds East a distance of 120.00 feet; thence South 0 degrees 15 minutes 59 seconds East a distance of 473.96 feet; thence southwesterly, along a non-tangential curve, concave to the northwest, having a radius of 1602.40 feet, a central angle of 25 degrees 20 minutes 40 seconds, the chord of said curve bears South 13 degrees 53 minutes 26 seconds West, a chord distance of 703.05 feet, an arc distance of 708.81 feet to the point of beginning, containing 3.18 acres.

The ordinance would allow the owner to rezone 3.18 acres they own at 851 West Oxford Street to

be sold for development.

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

SECOND READING PROPOSED ORDINANCE AMENDING TITLE XV OF THE CITY CODE OF WORTHINGTON, NOBLES COUNTY, MINNESOTA, SECTION 155.190 - INTERIM USE PERMIT

Pursuant to published notice, this was the time and date set for the second reading of a proposed ordinance amending Title XV, Section 155.190 of the City Code - Interim Use Permits. The text change amendment cleans up the language and allows the permit to be used as intended.

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

APPLICATION FOR CONSUMPTION AND DISPLAY PERMIT APPROVED - HY-VEE FOOD STORE, INC.

The motion was made by Alderman Wood, seconded by Alderman Nelson and unanimously carried to approve an application from Hy-Vee Food Store, Inc. for a Consumption and Display permit for use with their Community Room in their new facility. The State of Minnesota Public Safety Department actually issues the license but it must also be approved by the local governing authority.

REVISED COOPERATIVE USE AGREEMENT WITH SCHOOL DISTRICT 518 APPROVED

At their June 13, 2011 regular meeting, Council tabled action on a revised Cooperative Use Agreement with School District 518 due to concern related to the number of years the City's public use would be guaranteed. Council was presented with an again revised Cooperative Use Agreement that removes reference to termination of public use in future years, and included some modifications that eliminate posting requirements and management of the courts.

The motion was made by Alderman Woll, seconded by Alderman Wood and unanimously carried to approve the revised Cooperative Use Agreement with School District 518 for the proposed tennis court facility.

RESOLUTION ADOPTED AUTHORIZING SAFE AND SOBER AGREEMENT

The motion was made by Alderman Wood, seconded by Alderman Woll and unanimously carried to adopt the following resolution authorizing the Safe and Sober agreement:

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 SAFE & SOBER COMMUNITIES during the period from October 1, 2011 through September 30, 2012.

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.

AIRPORT FIXED BASE OPERATOR (FBO) AGREEMENT AMENDED AND AIRPORT HOUSE LEASE APPROVED

Staff presented an amended FBO agreement, which will allow the current FBO, Cameron Johnson, and his family, to move into the airport home. Mr. Johnson plans to do extensive remodeling to the home. Along with the amended agreement, City Attorney Mark Shepherd, also recommended the City develop a lease agreement with certain language changes that would allow the operator the use and control of the house for the conduct of its business and/or residential purposes. The change clarifies the original intent of the home as a residence to have an FBO presence at the airport 24/7.

The motion was made by Alderman Kuhle, seconded by Alderman Ten Haken and unanimously carried to approve the amendment to the current FBO agreement and to enter into a lease agreement with Cameron and Jackie Johnson for the house at 1692 Airport Road and authorize the Mayor and clerk to execute the agreement.

AMENDMENT TO MEMORANDUM OF UNDERSTANDING (MOU) WITH JIM ARNDT APPROVED

Council considered an amended Memorandum of Understanding (MOU) between the City of Worthington and Jim Arndt for the construction of a chemical loading pad/storage building. The original MOU was based on the City paying 100% of the cost with Mr. Arndt paying a monthly rental of \$560.84 over a 25 year period. However, the City has since been successful in obtaining 50% matching grant from the Minnesota Department of Minnesota - Aeronautics, and the amended MOU will reflect the actual costs the City will incur. The new term of the agreement is 11 years rather than 25.

The motion was made by Alderman Wood, seconded by Alderman Ten Haken and unanimously carried to approve the amended Memorandum of Understanding with Jim Arndt.

PUBLIC MEETING FOR REVIEW OF STORM WATER POLLUTION PREVENTION PLAN

Dwayne Haffield, Director of Engineering, presented information on the City's Storm Water Pollution Prevention Plan (SWPPP), noting that, in addition to six mandatory minimum control measures, the SWPPP also requires that the City conduct an annual public meeting to allow comment. Public input is to be considered in determining if the SWPPP requires revision. Mr. Haffield noted a copy of the SWPPP can be viewed at the office of the City Engineer and is also available on the City's website.

CONTRACT AWARDED FOR CLARY STREET OVERLAY PROJECT

Bids were received Friday, June 24, 2011 for the Clary Street overlay project, which consists of the milling and overlay of Clary Street from Park venue to Tower Street and from Oslo Street to Humiston Avenue. The Engineer's bid for the project was \$174,281.75.

The following bid was received:

McLaughlin and Schulz, Inc. \$142,495.50

The motion was made by Alderman Woll, seconded by Alderman Ten Haken and unanimously carried to award the bid for the Clary Street Overlay project to McLaughlin and Schultz as the low qualified bidder in the amount of \$142,495.50.

PROFESSIONAL SERVICES CONTRACT FOR INDUSTRIAL WASTEWATER TREATMENT FACILITY IMPROVEMENT APPROVED

In 2008 an Industrial Wastewater Treatment Facility improvement project was initiated to expand flow capacity and to complete certain planned repair and replacement projects. Due to failure to develop a satisfactory financing plan the project was discontinued, however, the repair and replacements needs remain. The 2011 Industrial Wastewater Treatment Facility Fund budget includes replacement of the check and plug valves in the raw wastewater lift station and replacement of the raw lift station force main. Although not included in the 2008 project, the 2011 budget also includes replacement of the chemical feed line. Estimated cost of the proposed work is \$157,000 to \$187,000.

Dwayne Haffield, Director of Engineering, said staff requested a proposal from Forsgren Associates of Boise, Idaho, as the individual who was the primary designer for the expansion project is now a member of Forsgren. The agreement is for the design and preparation of the technical specifications only, and the remaining documents will be prepared by staff. Estimated fees for the work order and agreement is \$10,280, which does not include engineering, but is part of the total project cost.

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

carried to approve the agreement and authorize the Mayor to execute the document.

CHANGE ORDER NO. 1 TO BIO TECHNOLOGY ADVANCEMENT CENTER PROJECT APPROVED

Council considered Change Order No. 1 to the Biotechnology Advancement Center. The Change Order included seven items, four of which were deducts. Of the remaining three items, two are a result of existing conditions not known prior to construction, and one addresses an omission in the construction plans. The net change in the cost of the change order is an additional \$13,138.

The motion was made by Alderman Woll, seconded by Alderman Wood and unanimously carried to approve Change Order No. 1 in the amount of \$13,138.

AUTHORIZATION TO PROCEED WITH DESIGN PHASE OF YMCA REDEVELOPMENT PROJECT

Council reviewed conceptual design and cost estimates for the proposed Senior Center project at the former YMCA site, created in conjunction with the Senior Center Design Committee. The architect's estimate for the project is \$994,140.74 and will require demolition of several sections of the former Y facility and construction of a 2,880 square foot building addition. The Center would consist of a gymnasium, racquetball courts, multi-programming space, bathrooms, a catering kitchen, and a multi-purpose area that would accommodate approximately 64 persons. The project was scaled back from \$1.6 million to the current just under a million.

Alyssa Campbell, I & S Group (Architects for the project), was present at the meeting to discuss the plans with Council, noting the project includes 10% contingency. Alderman Nelson challenged the project saying he remembers approving \$700,000 and no elevator, and he would like to see the proposed courtyards as an alternate. Aldermen Wood and Woll responded that Council had approved a million, with an additional \$500,000 for operational costs. Brad Chapulis, Director of Community/Economic Development, noted that if the basement level was used for anything other than storage it would require an elevator.

The motion was made by Alderman Wood, seconded by Alderman Woll and unanimously carried to accept the proposed design and authorize the preparation of plans and specifications for the project.

COUNCIL COMMITTEE REPORTS

Mayor Oberloh - nothing to report.

Alderman Ten Haken - Attended a Joint Powers Transit Board meeting - if the state shutdown occurs there will be no subsidy for cab rides - riders will have to pay the full fare of \$5 one-way.

Alderman Kuhle - Attended a Strategic Planning meeting for Cable 3 - they talked about the Franchise renewal and moving the service to a higher level.

Alderman Nelson - Attended a Convention and Visitor's Bureau meeting - they questioned where we were with installation of the handicap accessible dock at Freedom Shore Park. The dock has been ordered but not installed.

Alderman Wood - Nothing to report.

Alderman Woll - Nothing to report.

CITY ADMINISTRATOR REPORT

Craig Clark, City Administrator, reminded Council of the Special Meeting scheduled for 7:00 a.m. on Wednesday, June 29th, and requested that members check their calendars for availability for additional work session meetings. The Clerk will send out an email for possible dates. Mr. Clark also reminded Council of the upcoming International Festival July 8th and 9th.

ADJOURNMENT

The motion was made by Alderman Ten Haken, seconded by Alderman Kuhle and unanimously carried to adjourn the meeting at 9:29 p.m.

Janice Oberloh, MCMC
City Clerk