

**WORTHINGTON CITY COUNCIL
REGULAR MEETING, SEPTEMBER 10, 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, Ron Wood, Mike Woll.

Staff present: Craig Clark, City Administrator; Brian Kolander, Finance Director; Brad Chapulis, Director of Community/Economic Development; Mike Cumiskey, Public Safety Director; Dwayne Haffield, Director of Engineering; Janice Oberloh, City Clerk.

Others present: Brad Bohn and Arond Peil, Hickory Lodge; Rod Sankey.

HONORARY COUNCIL

Mayor Oberloh noted that we were looking for someone to participate in the Honorary Council Member program.

AGENDA APPROVED WITH ADDITIONS

Staff requested the following additions to the agenda:

- E.4. - Second Reading Proposed Ordinance Amending Chapter 93, Section 93.15 (K) of the City Code of the City of Worthington, Nobles County, Minnesota
- G.3.- Call for Hearing on Proposed Assessments

The motion was made by Alderman Kuhle, seconded by Alderman Woll and unanimously carried to approve the agenda with the requested additions.

CONSENT AGENDA APPROVED

Craig Clark, City Administrator, requested a correction to the City Council minutes of the special meeting August 29, 2012 to the minutes of the Special Meeting August 29th to include the elimination of the irrigation of Sailboard Beach from the proposed Park Budget and include funding in the building fund for improvements to the basement area of City Hall.

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

- City Council Minutes of Regular Meeting, August 27, 2012; Special Meeting August 29, 2012; Special Meeting September 4, 2012
- Application to Block Streets from King Turkey Day, Inc. to block additional streets for Turkey Day as follows:
 - Third Avenue from 9th to 10th Street from 12:00 p.m. Friday, September 14th to 5:00 p.m. on Saturday, September 15th

Third Avenue from 10th to 11th Street and 2nd and 4th Avenues from 9th to 10th Street from 6:00 a.m. to 5:00 p.m. on September 15th

- Federal Aviation Administration (FAA) Grant Agreement for the Apron A Reconstruction Project at estimated total project costs of \$679,158 (\$611,241 federal share and \$67,917 local share)
- Bills payable and totaling \$640,236.79 be ordered paid

RESOLUTION ADOPTED APPROVING PROPOSED 2012 TAX LEVIES COLLECTIBLE IN 2013

Following several special City Council meetings for the 2013 budget, staff presented a resolution approving the proposed 2012 Tax Levies collectible in 2013 for Council approval. The levy represents a 2% increase over the previous year's levies, but added value reduces the rate to 1.59%. Also included for Council approval were the Economic Development Authority Tax Levy and the Housing and Redevelopment Authority Tax Levy.

The motion was made by Alderman Wood, seconded by Alderman Nelson and unanimously carried to adopt the following resolutions:

**CITY OF WORTHINGTON, MINNESOTA
PROPOSED RESOLUTION APPROVING 2012 TAX LEVIES COLLECTIBLE IN 2013**

Be it resolved, by the City of Worthington, County of Nobles, State of Minnesota, that the following sums of money are to be levied for the current year, collectible in 2013 upon the taxable property in said City of Worthington, Minnesota for the following purposes:

LIMITED GENERAL PURPOSE TAX:	2012/2013 LEVY	SPECIAL TAX LEVIES:	2012/2013 LEVY
General Fund	965,125	G.O. Debt Service Funds including Improvement Bonds	
Recreation Fund	755,556	(MS 275.50 Subd. 5e and MS 429.091	
Economic Development Authority Fund	10,555	PIR Series 2004A \$3,055,000	150,000
Improvement Construction Fund	271,595	PIR Series 2007A \$4,370,000	338,000
Aquatic Center Facility Fund	100,000	PIR Series 2009C \$2,710,000	169,620
Memorial Auditorium Fund	66,185	PIR Series 2010A \$1,915,000	<u>206,000</u>
		SUBTOTAL DEBT SERVICE FUNDS	863,620
		Economic Development Tax Abatement	31,500
GENERAL PURPOSE TAX LEVY-CITY	2,169,016		
EDA TAX LEVY	<u>83,000</u>	TOTAL SPECIAL TAX LEVIES	<u><u>895,120</u></u>

TOTAL GENERAL PURPOSE TAX 2,252,016

SPECIAL TAX LEVIES: (Other than Debt Service)		RECAP OF TAX LEVY TOTALS:	
Housing & Redevelopment	Separate	General Purpose Levy	2,252,016
Authority (MS 462.545 Subd. 6)	Certified Levy	Special Tax Levies	895,120
		TOTAL NET LEVY	<u>3,147,136</u>

RESOLUTION APPROVING 2012 TAX LEVIES COLLECTIBLE IN 2013

BE IT RESOLVED, by the City Council of the City of Worthington and the Economic Development Authority of the City of Worthington, County of Nobles, State of Minnesota, that the following sum of money be levied for the current year, collectible in 2013, upon the taxable property in said City of Worthington, Minnesota, for the following purposes:

SPECIAL TAX LEVY	CERTIFIED LEVY
ECONOMIC DEVELOPMENT AUTHORITY	2012/2013
TAX LEVY	
(Minnesota Statute 469.107, Subdivision 1)	
Special Tax for Operations	\$83,000.00

NET CERTIFIED LEVY \$83,000.00

RESOLUTION APPROVING 2012 TAX LEVY COLLECTIBLE IN 2013

BE IT RESOLVED, by the City Council of the City of Worthington and the Housing and Redevelopment Authority of the City of Worthington, County of Nobles, State of Minnesota, that the following sum of money be levied for the current year, collectible in 2013, upon the taxable property in said City of Worthington, Minnesota, for the following purposes:

SPECIAL TAX LEVY	CERTIFIED LEVY
HOUSING AND REDEVELOPMENT	2012-2013

AUTHORITY TAX LEVY
(Minnesota Statute 469.033, Subdivision 6)

Special Tax for Operations	\$85,093.41
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NET CERTIFIED LEVY \$85,0963.41

COUNCIL APPOINTMENTS TO SOUTHWEST MINNESOTA REGIONAL PUBLIC SAFETY BOARD

The motion was made by Alderman Woll and seconded by Alderman Kuhle to appoint Lyle Ten Haken as the City's representative to the Southwest Minnesota Regional Public Safety Board. Following discussion, Alderman Woll amended his motion to include the appointment of Alderman Wood as the alternate to the Southwest Minnesota Regional Public Safety Board, Alderman Kuhle seconded the amended motion - motion was unanimously carried.

RESOLUTION NO. 3502 ADOPTED AUTHORIZING DISPENSING OF INTOXICATING LIQUOR AT MEMORIAL AUDITORIUM

Council considered a resolution authorizing the City to enter into an agreement with Hickory Lodge Bar and Grill, LLC to dispense intoxicating liquor at the Memorial Auditorium for upcoming events on September 13-15.

Following discussion, the motion was made by Alderman Wood, seconded by Alderman Nelson, and unanimously carried to adopt the following resolution authorizing the Mayor and Clerk to execute an agreement with the Hickory Lodge to dispense liquor at Memorial Auditorium, with the dates of the agreement to extend through December 31, 2012:

RESOLUTION NO. 3502

A RESOLUTION AUTHORIZING THE MAYOR AND CLERK TO EXECUTE AN AGREEMENT WITH THE HICKORY LODGE BAR & GRILL, LLC TO DISPENSE LIQUOR AT MEMORIAL AUDITORIUM

(Refer to Resolution File for complete copy of Resolution)

RESOLUTION ADOPTED AUTHORIZING AGREEMENT FOR CHILD SEXUAL PREDATOR PROGRAM

The motion was made by Alderman Kuhle, seconded by Alderman Ten Haken and unanimously carried to adopt the following resolution authorizing the Multi-Agency Law Enforcement Joint

Powers Agreement for Minnesota Internet Crimes Against Children Task Force:

RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT

Be it resolved that the City of Worthington Police Department enter into a cooperative agreement with the State of Minnesota through its Bureau of Criminal Apprehension.

Michael J. Cumiskey, Public Safety Director, is hereby authorized to execute such agreements and amendments as are necessary to implement this agreement on behalf of the City of Worthington Police Department.

RESOLUTION ADOPTED VACATING PART OF EASEMENT IN McLEAN'S SUB-DIVISION - 956 11TH STREET

The motion was made by Alderman Woll, seconded by Alderman Kuhle and unanimously carried to adopt the following resolution vacating part of an easement in Lot 8, McClean's Subdivision of the Second Addition to the Village of Worthington:

RESOLUTION

VACATING PART OF AN EASEMENT IN McLEAN'S SUB-DIVISION

WHEREAS, The owner of Lot 8, McLean's Sub-Division of Block 47 of the Second Addition to the Village of Worthington, desires to reconstruct a structure located over a portion of a certain easement over part of such property, and

WHEREAS, It has been determined that the existing structure was located over a portion of said easement at the time the easement was obtained by the City, and

WHEREAS, Said portion of the easement is not required by the City.

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

1. That the following described portion of the easement described in Document No. 190839, recorded in the office of the County Recorder, Nobles County Minnesota, be hereby vacated and released:

The north 6.00 feet of the south 10.00 feet of the east 28.00 feet of the west 68.00 feet of Lot 8, McLean's Sub-Division of Block 47 of the Second Addition to the Village of Worthington, now City of Worthington, Nobles County, Minnesota;

2. That the City Clerk is hereby directed to file a certified copy of this resolution in the office of the Recorder in and for the County of Nobles, State of Minnesota.

The vacation will allow the owner of 956 11th Street to reconstruct an attached garage that was partially located on an electric easement. Approval is subject to concurrence of the Water and Light Commission.

RESOLUTION ADOPTED AUTHORIZING EXECUTION OF GRANT AGREEMENT WITH MINNESOTA DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT (DEED) TRANSPORTATION ECONOMIC DEVELOPMENT (TED) PROGRAM FOR TH 59 NORTH INITIAL INFRASTRUCTURE IMPROVEMENT PROJECT

Funding of the TH 59 North Initial Infrastructure Improvement project is to include Minnesota Department of Employment and Economic Development TED grant funding in addition to MnDOT TED, MnDOT District 7 funding and local funding. The agreement for the DEED-TED funding has been developed and staff was requesting Council approval of the agreement by adopting a resolution executing the grant agreement. The grant will fund 50% of the costs for non-trunk highway work up to \$500,000.

The motion was made by Alderman Ten Haken, seconded by Alderman Kuhle and unanimously carried to adopt the following resolution authorizing execution of the DEED-TED grant:

RESOLUTION

BE IT RESOLVED that the City of Worthington act as the legal authority to enter into a grant agreement with the State of Minnesota through its Department of Employment and Economic Development for the Worthington-TED Business Development Project, Grant #BTED-10-0034-0-FY11, and

BE IT FURTHER RESOLVED that the City of Worthington is authorized to execute such grant agreements, and is authorized to take receipt of \$500,000 in grant proceeds for roadway, drainage and utility infrastructure improvements identified in the project plans, and has authorized the Mayor and City Clerk to enter into an agreement with the State of Minnesota for the above-referenced project; and

BE IT FURTHER RESOLVED that the City of Worthington has the legal authority to receive financial assistance, and the institutional, managerial, and financial capability to ensure adequate project administration; and

BE IT FURTHER RESOLVED that the sources and amounts of the local match identified in the development proposal are committed to the project identified.

BE IT FURTHER RESOLVED that City of Worthington has not violated any Federal, State or local laws pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice; and

BE IT FURTHER RESOLVED that upon approval of its development proposal by the state, the City of Worthington may enter into an agreement with the State of Minnesota for the above-referenced project(s), and that City of Worthington, certifies that it will comply with all applicable laws and regulation as stated in all contract agreements;

THEREFORE BE IT RESOLVED that the Mayor and City Clerk are hereby authorized to execute such agreements as are necessary to implement the project(s) on behalf of the City of Worthington.

RESOLUTION 3503 DECLARING COST TO BE ASSESSED AND ORDERING PREPARATION OF PROPOSED ASSESSMENT AND RESOLUTION 3504 CALLING FOR HEARING ON PROPOSED ASSESSMENT ADOPTED

Staff presented a resolution declaring costs to be assessed and ordering preparation of proposed assessment, and a resolution calling for a hearing on proposed assessment for the 2012 Miscellaneous Unpaid Charges which include:

- Removal of Ice and Snow
- Removal of Noxious Weeds and Vegetation
- Removal of Solid Waste

The resolutions call for the hearings to be held at the October 8, 2012 Council meeting.

The motion was made by Alderman Kuhle, seconded by Alderman Wood and unanimously carried to adopt the following resolutions:

RESOLUTION NO. 3503

DECLARING COST TO BE ASSESSED AND ORDERING PREPARATION OF PROPOSED ASSESSMENT

(Refer to Resolution File for complete copy of Resolution)

RESOLUTION NO. 3504

CALLING FOR HEARING ON PROPOSED ASSESSMENT

(Refer to Resolution File for complete copy of Resolution)

CONTRACT AWARDED FOR EVENT CENTER PROJECT

Following the rejection of the two original bids for the masonry work of the Event Center due to deficiencies in each bid, Consolidated Construction requested quotes for the masonry work in accordance with City policy. The following two quotes were received:

<u>Company</u>	<u>Base Quote</u>	<u>Alternate #2</u>
M & L Masonry	\$71,600	\$7,600
Simon Brick & Stone	\$71,790	\$8,368

Dwayne Haffield, Director of Engineering, noted that M & L Masonry had been one of the original bidders on the masonry but had reworked their numbers. Consolidated Construction was recommending award of the contract for masonry work for the Event Center to M & L Masonry.

The motion was made by Alderman Nelson, seconded by Alderman Wood and unanimously carried to award the masonry contract for the Event Center to M & L Masonry with the low qualified quote of \$71,600

COUNCIL COMMITTEE REPORTS

Mayor Oberloh - nothing to report.

Alderman Ten Haken - nothing to report.

Alderman Kuhle - nothing to report.

Alderman Nelson - attended his first HRA meeting with Mike and Lyle - looks like good candidates there. Attended the open house at the Adult Day Care Center - very impressive.

Alderman Wood - nothing to report.

Alderman Woll - inquired about the housing request at the college - request will be coming forward in a couple of weeks.

CITY ADMINISTRATOR'S REPORT

Craig Clark, City Administrator, reported that he will be attending a LMC regional meeting on Thursday, and reminded Council of King Turkey Day coming up.

ADJOURNMENT

The motion was made by Alderman Wood, seconded by Alderman Kuhle and unanimously carried to adjourn the meeting at 7:29 p.m.