

**WORTHINGTON CITY COUNCIL
REGULAR MEETING, OCTOBER 12, 2009**

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; Brad Chapulis, Director of Community/Economic Development; Dwayne Haffield, Director of Engineering; Jim Laffrenzen, Public Works Superintendent; Janice Oberloh, City Clerk; Mike Cumiskey, Public Safety Director; Randy Liepold, Jason Beckmann, and Brett Wiltrout, Public Safety Department.

Others present: Laura Grevas, Daily Globe; Jim Dolan and Mike Willets, MMUA.

RESOLUTION NO 3410 ADOPTED - ADOPTING THE SPECIAL ASSESSMENT FOR PAVING IMPROVEMENT NO. 108

Pursuant to published notice, this was the date and time set for a public hearing regarding Paving Improvement No. 108 as follows:

- 27th Street - from Trunk Highway 59 to 2570 feet west
Includes sanitary sewer and water main extensions to 2570 feet west and street improvement to 1300 feet west

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

Dwayne Haffield, Director of Engineering, noted that as no one was present at the hearing he would be very brief.

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

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

The motion was made by Alderman Ten Haken, seconded by Alderman Woll and unanimously carried to adopt the following resolution adopting the special assessment for Paving Improvement No. 108 as presented with a 15 year payback at 4.5% interest:

RESOLUTION NO. 3410

ADOPTING THE SPECIAL ASSESSMENT FOR PAVING IMPROVEMENT NO. 108

(Refer to Resolution File for complete copy of Resolution)

RESOLUTION NO. 3411 ADOPTED - ADOPTING THE SPECIAL ASSESSMENT FOR 2009 MISCELLANEOUS UNPAID CHARGES

Pursuant to published notice, this was the date and time set for a public hearing adopting the special assessments for the 2009 miscellaneous unpaid charges.

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

Dwayne Haffield, Director of Engineering, noted a list of amendments to the 2009 proposed assessment rolls, explaining that some were to correct typographical errors, and some were to reflect recent payments. The unpaid charges included the following:

- Removal of Ice and Snow
- Removal of Noxious Weeds and Vegetation
- Removal of Solid Waste
- Removal of Diseased Elm Trees

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

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

The motion was made by Alderman Woll, seconded by Alderman Wood and unanimously carried to adopt the following resolution adopting the special assessment for 2009 miscellaneous unpaid charges as amended, at a payback of 1 year at 4.5% interest:

RESOLUTION NO. 3411

ADOPTING THE SPECIAL ASSESSMENT FOR 2009 MISCELLANEOUS UNPAID CHARGES

(Refer to Resolution File for complete copy of Resolution)

AGENDA APPROVED

The motion was made by Alderman Ten Haken, seconded by Alderman Kuhle and unanimously carried to accept the agenda as presented.

CONSENT AGENDA APPROVED

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

to approve the consent agenda as follows:

- City Council Minutes - Regular Meeting of September 28, 2009; Special Meeting of October 8, 2009.
- Minutes of Boards and Commissions - Water and Light Commission Minutes of October 5, 2009; Park and Recreation Advisory Board Minutes of October 1, 2009.
- Bills payable and totaling \$1,919,892.69 be ordered paid.

RENEWAL CONTRACT WITH MINNESOTA MUNICIPAL UTILITIES ASSOCIATION (MMUA) APPROVED

At their September 28, 2009 regular meeting, Council had voted to table this item for additional information. Mike Willets and Jim Dolan, MMUA, were present at this meeting to answer any additional questions Council may have.

Following discussion on the benefits received from the program, the motion was made by Alderman Wood, seconded by Alderman Woll and unanimously carried to renew the Safety Contract with the Minnesota Municipal Utilities Association for 2010, at a cost of \$19,614.25 to the City.

FEDERAL ENGINEERING REPORT ACCEPTED

Due to a mandate by the Federal Communications Commission that agencies operating radio systems below 512 MHz must modify their radio systems to a narrowband technology before January 1, 2013, the Minnesota Department of Public Safety retained Federal Engineering to study the county radio systems and report on methods to achieve this narrowbanding and increased interoperability. Mike Cumiskey, Public Safety Director, reviewed the report with Council.

The motion was made by Alderman Ten Haken, seconded by Alderman Wood and unanimously carried to accept the report from Federal Engineering regarding the Nobles County radio system.

NATIONAL K-9 TRIAL PERFORMANCE RECOGNITION

Council congratulated the K-9 team of Officer Randy Liepold and Laika for their awards received at the USPCA National Police Dog Trials September 26-October 2, 2009. The team placed 13th out of 94 teams overall; 5th in regional team competition, and 4th overall individually for top search score.

INSTALLATION OF DOGGIE WASTE BAG STATIONS APPROVED

The motion was made by Alderman Wood and seconded by Alderman Nelson to approve a request from the Lake Okabena Lake Association for them to install six doggie waste stations in various city

parks with two installed in each of the following locations: Olson Park, Centennial Park and Chautauqua Park with the following Aldermen voted in favor of the motion: Kuhle, Nelson, Wood, Woll; and the following Aldermen voting against the same: Ten Haken. Motion carried.

INSTALLATION OF PERMANENT DOG PARK FENCE APPROVED

Staff received a low quote of \$4,655 for installation of a vinyl coated chain link fence at the dog park. Jim Laffrenzen, Public Works Superintendent, told Council that \$1,700 received from the sale of the chain link fence at the outdoor pool, together with \$700 raised by an interested group, would be applied to the cost. The remaining \$2,255 could come from Park reserves.

The motion was made by Alderman Woll, seconded by Alderman Wood and unanimously carried to approve the installation of a permanent fence at the dog park using Park reserves in the amount of \$2,255, \$1,700 from the sale of the outdoor pool fence, and \$700 funds raised by an interested group.

FUNDING APPROVED TO PURCHASE CARDTROL AT WORTHINGTON REGIONAL AIRPORT

The motion was made by Alderman Kuhle, seconded by Alderman Woll and unanimously carried to authorize up to \$16,500 for purchase of a cardtrol unit, and possible additional equipment for it, at the Worthington Regional Airport to meet the June 1, 2010 deadline. Funds would come from the use of reserves, which would be replenished when the 2010 levied funds become available.

CONTRACT AWARDED FOR 2009 CASTLEWOOD AREA SEWER AND WATER EXTENSIONS PROJECT

The following bids were received October 12, 2009 for the proposed 2009 Castlewood Area Sewer and Water Extensions project, which consists of sanitary sewer, water main, and storm sewer improvements as approved at the improvement hearing September 14, 2009:

	<u>Schedule 1</u>	<u>Schedule 2</u>	<u>Schedule 3</u>	<u>Total Schedules 1-3</u>
Engineer's Est.	\$22,279.30	\$20,378.25	\$95,297.30	\$137,954.85
Holtmeier Const., Inc.	\$12,412.00	\$11,038.00	\$55,820.50	\$ 79,270.50
Kuechle Underground In.	\$17,347.90	\$15,168.00	\$71,454.50	\$103,970.40
Minnesota Dirt Work In.	\$19,144.00	\$14,989.00	\$72,441.50	\$106,574.50
Larson Crane Service In.	\$16,555.00	\$14,956.50	\$82,808.50	\$114,320.00

The motion was made by Alderman Wood, seconded by Alderman Woll and unanimously carried to award the bid for the 2009 Castlewood Area Sewer and Water Extensions project to Holtmeier Construction, Inc. as the low qualified bidder.

FIRST READING PROPOSED ORDINANCE AMENDING TITLE XV , SECTION 154.36 OF THE CITY CODE OF THE CITY OF WORTHINGTON - CONSTRUCTION OF IMPROVEMENTS

The motion was made by Alderman Woll, seconded by Alderman Ten Haken and unanimously carried to give a first reading to a proposed ordinance amending Title XV, Section 154.36 of the Worthington City Code as follows:

Section I.

That Worthington City Code Title XV, Section 154.36 (A) shall be amended to read as follows:

(A) Before any final plat or minor subdivision is approved by the City Council or recorded, the subdivider shall make and install the applicable improvements listed in division (E) of this section. In lieu of completion prior to final approval, the City shall require a contract secured by a cash deposit, certified check, or bond in an amount and with surety and conditions satisfactory to it, to assure the City that such improvements will actually be constructed and installed according to the approved specifications within one year approval. *The City Council may, on an annual basis and upon a showing of good cause, agree to an extension of the aforesaid contract for up to a period no longer than one year at a time as to all or any portion of the required improvements.*

No building permits will be issued for construction within the subdivision prior to the completion of ~~construction~~ of the improvements in divisions (E)(1) through (5) ~~(8)~~ below *or prior to the receipt of the security required above so as to assure completion. No occupancy permit will be issued within the subdivision prior to the completion of the improvements in divisions (E)(6) & (7) below.*

A final plat or minor subdivision shall be exempt from the requirements of division (A) if the improvements are otherwise financed pursuant to the terms of the Workforce Housing Program, which was adopted by the City Council on November 10, 2008.

Section II.

That Worthington City Code, Title XV, Section 154.36 (E) shall be amended to read as follows:

(E) The following developer installed improvements are required:

- (1) Grading and installation of asphaltic aggregate or other approved base courses of all streets, and installation of concrete curb and gutter.
- (2) Residential streets must be designed for five-ton axle load and commercial industrial streets for ten-ton axle load.

- (3) Width of street surface between curbs shall be not less than 36 feet in residential or secondary streets, and 44 feet in through streets.
- (4) Grading of lots to the extent of being salable and usable.
- (5) ~~Installation of storm sewers and sanitary sewers with proper inlets, manholes and sanitary sewer connections to each property line.~~
- (5) *Installation of storm sewers with proper inlets and manholes.*
- (6) *Installation of sanitary sewers with proper manholes and sewer service connections to each property line.*
- (7) Installation of water lines including fire hydrants, leads and valves.
- (8) Permanent reference monuments in the subdivision at all property corners.
- (9) Public sidewalks along both sides of streets designated as collector and arterial streets.
- (10) Street trees having a trunk diameter of not less than two inches measured two feet above grade, at least one per lot and at least every 100 feet along all streets, to be installed by the subdivider. Existing trees which meet the standards of this section may be used to satisfy these requirements. Only long-lived shade trees approved by the City Forester shall be planted. Trees shall be placed in accordance with typical layout details on file in the City Engineer's office.

**CHERRYWOOD ADDITION DEVELOPMENT AGREEMENT AMENDMENT
APPROVED WITH CONTINGENCY**

Johnson Builders and Realtors submitted a request for additional time to complete the public improvements for the subdivision known as Cherrywood Addition, citing the downturn in real estate market as the reason why none of the improvements have commenced as required with Council's approval of the final plat in October 2008. JBR had submitted an irrevocable letter of credit in the amount of \$153,000 to assure completion of the improvements. The current ordinance, as written, would not allow for such an extension.

The Planning Commission considered the request and was recommending approval of the one-year extension subject to the following conditions:

1. The adoption of the proposed text amendment (which Council considered earlier this evening); and
2. The irrevocable letter of credit is renewed for an additional year.

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

to approve the amendment to the development agreement, subject to second and third readings and subsequent adoption of the proposed text amendment ordinance, and renewal of the irrevocable letter of credit for an additional year.

COUNCIL COMMITTEE REPORTS

Mayor Oberloh - met with Glenn Thuringer and a representative of MFG - it was a positive meeting. Wind Energy Services is planning an open house in the spring. Attended a League of Minnesota Cities meeting with Alderman Ten Haken and Craig Clark, also a good meeting. Questioned what the City had in place should the flu become a real issue. Discussion followed.

Alderman Ten Haken - Attended a Joint City/County/School meeting on the 28th, it was determined the legislative booklet should be brought up to date. Also, contacted the Chamber as a result of the meeting to have their Governmental Affairs Committee contact each of the 19 candidates for Governor and request that they put Worthington on their circuit. The School District has shown an increase in students the past few years - but our community needs to be careful about handling this type of expenditures. The Event Center Committee met October 5th, the sales tax continues to be collected and seems to be on target with expectations. They are exploring any and all options for an event center, which has slowed down due to the economy. Assured the public the money being collected for the event center is not being used for anything else.

Alderman Kuhle - had an Okabena/Ocheda/Bella Clean Water Partnership Joint Powers Board meeting last week, paid for the filter strips installed last year. The also discussed the possibility of the listing of Lake Okabena and Lake Ocheda on the impaired waters list.

Alderman Nelson - nothing to report.

Alderman Wood - they've started to work on the punch list at the YMCA, indicating the project is coming to an end. Various grand openings will occur over the next three weeks. The HRA met last week and are requesting a joint meeting with City Council, set up for October 28th, to discuss potential housing projects to be sure they are not in conflict with the Housing Study. Council will be having a presentation Wednesday morning on the Bio Science Park and the incubator building - we do have some potential tenants. Golf Advisory Board is pleased the Golf Study report is in. The Board has a rate schedule and wants to get it approved as early as possible before the first of the year.

Alderman Woll - will be participating with County representatives in a tour of St. Peter's efforts on a joint Community Center and Library. They will also meet with Mankato people on their Event Center and Library facility.

CITY ADMINISTRATOR'S REPORT

Craig Clark, City Administrator, noted his items had already been reported.

CLOSED SESSION UNDER MINN. STAT. § 13d.05, SUBD. 3 (B) - ATTORNEY CLIENT PRIVILEGE - TENTH AVENUE GRAIN FACILITY

Mayor Oberloh announced a closes session under Minn. Stat. § 13D.05, Subd. 3 (B) Attorney-Client privilege, for the purpose of discussion litigation strategy via conference call with James Malter, Malter Shepherd and Von Holtum Law Office, regarding the Tenth Avenue grain facility. Upon roll call, the following were present for the session: Janice Oberloh, Lyle Ten Haken, Mike Kuhle, Brad Chapulis, Scott Nelson, Ron Wood, Mike Woll, Craig Clark, Alan Oberloh.

The motion was made by Alderman Kuhle, seconded by Alderman Ten Haken and unanimously carried to close the meeting at 8:34 p.m.

The motion was made by Alderman Ten Haken, seconded by Alderman Kuhle and unanimously carried to reopen the meeting at 8:54 p.m.

ADJOURNMENT

The motion was made by Alderman Wood, seconded by Alderman Ten Haken and unanimously carried to adjourn the meeting at 8:55 p.m.

Janice Oberloh
City Clerk