

**WORTHINGTON CITY COUNCIL
REGULAR MEETING, OCTOBER 25, 2010**

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. Honorary Council Member: Bob Tims.

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

Others present: John Landgaard and Mike Marquardt, ISD 518.

HONORARY COUNCIL MEMBER

Mayor Oberloh noted Honorary Council Member Bob Tims was present at the meeting.

AGENDA APPROVED WITH ADDITIONS

Staff requested the following addition to the agenda:

Item E.6. - Re-set Date for Canvass of Ballots - 2010 General Election

The motion was made by Alderman Kuhle, seconded by Alderman Woll and unanimously carried to accept the agenda with the requested addition of Item E.6.

CONSENT AGENDA APPROVED

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

- City Council Minutes - Regular City Council Meeting October 12, 2010 and Special City Council Meeting October 11, 2010
- Minutes of Boards and Commissions - Water and Light Commission Minutes of October 18, 2010; Planning Commission Board of Appeals Minutes of October 5, 2010; Airport Advisory Board Minutes of October 5, 2010; Traffic and Safety Committee Minutes of September 29, 2010; Park and Recreation Advisory Board Minutes of September 28, 2010; Memorial Auditorium Advisory Board Minutes of September 10, 2010.
- Bills payable and totaling \$486,570.21 be ordered paid.

FIRE STATION PROJECT TEAM APPROVED

The motion was made by Alderman Ten Haken, seconded by Alderman Kuhle and unanimously carried to approve the following members to the Fire Station Project Team as presented: Mike Cumiskey, Project Manager; Rick Von Holdt; Alan Oberloh; Craig Clark; Jay Jensen; Mike Phillips;

Kevin Flynn; Dave McNab (to continue only if the project continues with the ambulance areas/helipad as part of the project). The first meeting of the committee is set for 9:30 a.m. on Friday, October 29th. Alderman Ten Haken requested that Administrator Craig Clark and Mayor Oberloh serve as watchdogs for the City on the project.

ORDINANCE NO. 1038 ADOPTED AMENDING TITLE VII, SECTION 72.08 OF THE WORTHINGTON CITY CODE - LIMITED PARKING ZONES

Pursuant to published notice this was the time and date set for the third reading of a proposed ordinance amending Title VII, Section 72.08 of the Worthington City Code - Limited Parking Zones as follows:

72.08 (A) LIMITED PARKING ZONES.

As part of the orderly administration of parking zones, the City Council may place time limitations upon parking in certain designate areas within the city and shall cause such zones to be marked by appropriate signs. Such zones shall be established wherever necessary for the convenience of the public or to minimize traffic hazards and to preserve a free flow of traffic. During the hours specified on the sign, no person shall park a vehicle in any limited parking zone for a longer period than is so specified. The City Council shall set parking fines by resolution.

Fines for parking in violation of this division may be mailed to the City Police Department or delivered to the City Police Department located at 1530 Airport Road or to the office of the City Clerk at 303 Ninth Street during normal business hours.

(B) Fines not paid within two weeks may be enforced by appropriate court proceedings. The driver and the owner of any vehicle parked in violation of this section are jointly and severally liable for the fines levied hereunder.

('69 Code, § 5.16, Subd. 12) (Ord. 618, eff. 3-24-80; Am. Ord. 790, passed 6-28-93)

Penalty, see § 70.99

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

ORDINANCE NO. 1037

AN ORDINANCE TO AMEND TITLE VII OF THE CITY CODE OF THE CITY OF WORTHINGTON, NOBLES COUNTY, MINNESOTA - LIMITED PARKING ZONES

(Refer to Ordinance File for complete copy of Ordinance)

RESOLUTION NO. 3448 ADOPTED - ADOPTING 2010 ADMINISTRATIVE OFFENSES PENALTIES

The motion was made by Alderman Ten Haken, seconded by Alderman Wood and unanimously carried to adopt the following resolution updating the administrative fine amounts to include the fine or 72.08 Limited Parking Zones:

RESOLUTION NO. 3448

ADOPTING 2010 ADMINISTRATIVE OFFENSES PENALTIES

(Refer to Resolution File for complete copy of Resolution)

FUNDING APPROVED FOR JOINT CITY OF WORTHINGTON - DISTRICT 518 TENNIS COURT PROPOSAL

Council considered a proposal for a joint City of Worthington - District 518 Tennis Court Project that includes eight new tennis courts with lights and outlets, a walking pathway, and a storage building that would contain restrooms and a concession stand. The estimated cost of the project is \$800,000. John Landgaard, District 518 Superintendent, noted the proposal included funding from several sources, with the commitment from the School District and the City both at \$250,000 to \$300,000. The School District would be responsible for the maintenance and upkeep. They would like to see the new complex located at one of their school facilities, and the Centennial and Pleasant Courts repaired. Craig Clark, City Administrator, noted he had not yet received estimates on refurbishing the existing courts. Discussion was held on how this would fit into a master plan for a broader sports complex and which location would be the most suitable. Mike Marquardt, Tennis Coach, discussed his plan for the courts stating he would not want to see unsupervised usage as it usually leads to damage. Alderman Kuhle noted he was supportive of the idea but would rather look at the master plan before approving funding. Alderman Ten Haken noted he would like to see the figure lower than what was presented.

Following further discussion, the motion was made by Alderman Woll and seconded by Alderman Wood to not focus on location but commit up to \$300,000 for the complex as discussed as well as appropriately rebuild the Pleasant and Centennial courts. The following Aldermen voted in favor of the motion: Kuhle, Nelson, Wood, Woll; with the following Aldermen voting against the same: Ten Haken. Motion carried.

SECOND READING PROPOSED ORDINANCE AMENDING TITLE V, CHAPTER 54, SECTION 54.04 (C) OF THE WORTHINGTON CITY CODE - ANNUAL FEE PER ACRE

Pursuant to published notice, this was the time and date set for the second reading of a proposed ordinance amending Title V, Chapter 54, Section 54.04 (C) of the Worthington City Code - Annual Fee per Acre (Storm Water Rates) as follows:

(C) The annual fee per acre for residential is \$219.00.

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

DATE RE-SET TO CANVASS ELECTION RETURN FROM THE 2010 GENERAL ELECTION

At their October 12, 2010 meeting, Council set the date to canvass the ballots from the 2010 General Election as 6:30 p.m. on Monday, November 8, 2010. However, the City Charter states the “City Council shall meet within three days after any city election and canvass the returns and declare the result thereof,” which means the canvass must be done no later than Friday, November 5th.

The motion was made by Alderman Ten Haken, seconded by Alderman Kuhle and unanimously carried to set the date to canvass ballots from the 2010 General Election as 6:30 a.m. on Friday, November 5th, at the scheduled special City Council meeting.

PROFESSIONAL SERVICES AGREEMENT WITH BOLTON AND MENK, INC APPROVED FOR INITIAL TH 59 NORTH INFRASTRUCTURE IMPROVEMENTS

Council considered design costs of the initial infrastructure improvements for the TH 59 north industrial and commercial park area. Dwayne Haffield, Director of Engineering, noted the improvements would include realignment of County Ditch 12, beginning intersection improvements by setting up multiple lanes including turn lanes, and extension of sewer and water to a point. The following proposals were received from three of four firms solicited, with the fourth declining to participate:

SEH, Inc.	\$368,300
Wenck Associates, Inc.	\$331,000
Bolton & Menk, Inc.	\$280,120

The selection committee determined that Bolton & Menk was well qualified to complete the work, although a third party will be looked at for bridge design. Mr. Haffield noted County Ditch 12 is a large decision process and should be based on the master plan - we will be jumping from the master plan to implementation of its first phase. The fees included in the contract are not to exceed \$246,120 for preliminary and 95% design, an estimated \$12,000 for final design and funding assistance, and an estimated \$22,600 for the additional preliminary services associated with the

County Ditch 12 improvement plan. The services solicited did not include assistance with selection of a proposed County Ditch 12 improvement plan. However, based on the magnitude of decisions, the large dollar amounts involved and the impact on the community, it was decided to negotiate the additional services. The City Attorney has reviewed the contract.

The motion was made by Alderman Ten Haken, seconded by Alderman Woll and unanimously carried to approve amending the budget to increase the total amount available for design to \$305,000 for the contract with Bolton and Menk, and to authorize the Mayor to execute the contract.

RESOLUTION ADOPTED VACATING PORTIONS OF AN EASEMENT - STERLING DRUG

Plans for the new Sterling Drug site include parking lot lighting along Fifth Avenue and Sixth Avenue. The lighting along the Sixth Avenue side will need to be placed within the existing landscaping, located in landscape easement areas, due to space limitations. Council expressed concern over whether the lights would be compatible with the existing lights. Alderman Ten Haken stated he would abstain from the vote on this issue as the lights will be purchased from his business, and noted that the lights under consideration were not necessarily compatible with the existing lights.

The motion was made by Kuhle, seconded by Alderman Woll and, with Alderman Ten Haken abstaining, was unanimously carried to adopt the following resolution vacation portions of the easement with the condition the lights are compatible to the existing lights:

RESOLUTION

VACATING PORTIONS OF AN EASEMENT

WHEREAS, The owner of Lots 11 and 12, Block 23, Plat of Worthington desires to place light poles within a landscape easement over a part of said property, and

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

1. That the following described portions of the easement described in Document No. 271761, recorded in the office of the County Recorder, Nobles County Minnesota, be hereby vacated and released:

The southeast 1.75 feet of the northwest 5.00 feet of the southwest 2.50 feet of the northeast 35.40 feet of Lot 12, and the southeast 1.75 feet of the northwest 5.00 feet of the southwest 2.50 feet of the northeast 28.40 feet of Lot 11, all in Block 23, Plat 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.

EASEMENT GRANTED TO MnDOT FOR OUT-TAKE DITCH IMPROVEMENTS NEAR CSAH 35 AND TH 59/60

The Highway 60 project includes the improvement of the state out-take ditch from near the CSAH 35 and TH 59/60 intersection into the former East Lake Okabena lake bed. MnDOT is securing full rights to work on the ditch. The City has interest in that portion of the former Rock Island Railroad right-of-way that extends over the existing ditch easement. The State is seeking an easement from the City even though it intends that the ditch be turned over to the City following its improvement. The appraised damage to the City is \$1,200. Staff presented a proposed Offer to Sell and Memorandum of Conditions, for the amount of \$1,200 and an easement to MnDOT.

The motion was made by Alderman Woll, seconded by Alderman Nelson and unanimously carried to authorize the Mayor to execute the offer to sell.

LEASE AGREEMENT WITH LINCOLN PIPESTONE RURAL WATER ASSOCIATION APPROVED

Council considered a proposed lease agreement between the City of Worthington and Lincoln Pipestone Rural Water (LPRW), who proposes to provide water service to the Blue Line Truck Stop located north of Interstate 90 on TH 60. Due to MnDOT restrictions and the location of County Ditch 12, the waterline will be placed through airport property. Placement of the water main is considered a concurrent use of airport property, compatible with airport purposes, and allowed by a lease. The proposed lease is for 50 years, with automatic 10 year renewals thereafter, and includes several restrictions on and requirements of the tenant. The \$500 lease payment is intended to cover the costs for administering the lease, and the tenant must pay all crop damages resulting from installation and maintenance of the water line to the City's farm tenants. The lease is subject to LPRW furnishing an acceptable legal description consistent with the map provided.

Council questioned whether the lease could contain language stating that if the City should annex the area where the Blue Line is located we would not have to "purchase" anything back from LPRW. Dwayne Haffield, Director of Engineering, responded that issue has been addressed separately by agreement between Worthington Public Utilities and LPRW, which limits our loss to the assessment charge between LPRW and its customers for the distribution system.

The motion was made by Alderman Ten Haken, seconded by Alderman Wood and unanimously carried to approve the Lease Agreement with Lincoln Pipestone Rural Water, with the assurances in place.

AMENDMENT # 1 TO TASK ORDER #2 EXECUTED WITH PRE-APPROVAL OF CHANGE ORDER - RUNWAY 17-35 RECONSTRUCTION AND RUNWAY 11-29 MAINTENANCE PROJECT

Dwayne Haffield, Director of Engineering, reported the Runway 11-29 Maintenance Project and the Runway 17-35 Reconstruction Project were being wrapped up, but there have been increased problems with the lighting, particularly the NAVAID. The project can't be finalized until the NAVAID can be tested, which means repairing or replacement of the control panel. There was some electrical work included in the project, particularly with 17-35, but it did not include replacing the relay panel that controls all the lighting and NAVAID at the airport. The project is 95% funded by a federal Airports Improvement Program grant, and is projected to be more than \$60,000 under budget. The total estimated cost of the relay cabinet, including \$17,883 for design, is \$52,883. FAA staff have determined the work is within the scope of the original grant and eligible for inclusion in the grant, which means we would pay 5% of those costs.

The motion was made by Alderman Kuhle, seconded by Alderman Woll and unanimously carried to approve Amendment #1 to Task Order #2, and to pre-approve a change order to include the replacement of the control panel, subject to the work being \$40,000 or less.

COUNCIL COMMITTEE REPORTS

Mayor Oberloh - nothing to report.

Alderman Ten Haken - nothing to report.

Alderman Kuhle - nothing to report.

Alderman Nelson - There will be a Highway 60 Landscape Committee open house at the Chamber of Commerce tomorrow from 5:00 to 7:00 p.m. They will be looking for feedback from the public on the railroad bridge overlay and the retaining wall.

Alderman Wood - Had a Water and Light meeting, and for the first time it looks like some of the rates for the pass through's aren't going to be as they were for the last two years.

Alderman Woll - nothing to report.

CITY ADMINISTRATOR'S REPORT

Craig Clark, City Administrator, reminded Council of the upcoming budget meetings on the 4th and 5th of November. Also, the League of Minnesota Cities regional meeting he attended in Walnut Grove had a session on consolidation of services. We're doing a much better job than some communities at working together with other entities on projects that were identified.

ADJOURNMENT

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

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carried to adjourn the meeting at 8:52 p.m.

Janice Oberloh
City Clerk