

**WORTHINGTON CITY COUNCIL
SPECIAL MEETING, JUNE 2, 2011**

The meeting was called to order at 7:00 a.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. Ron Wood (excused).

Staff present: Craig Clark, City Administrator; Jim Laffrenzen, Public Works Superintendent; Dwayne Hafffield, director of Engineering; Mindy Eggers, Assistant City Clerk

Others present: March Shepherd, City Attorney; Jim Bunner, KWOA.

OUT OF STATE TRAVEL REQUEST

Mayor Oberloh stated that he has been extended an invitation from St. Paul Mayor Rybak's Office to attend a reception in Washington, D.C. to meet Angela Merkel, Chancellor from Germany. The date of the event is June 7, 2010. A motion was made Alderman Woll, seconded by Alderman Kuhle and unanimously approved to authorize the out of state travel with the expenses coming from the Mayor/Council budget.

REAPPOINTMENT OF RON WOOD TO NOBLES COUNTY JOINT JURISDICTIONAL COMMITTEE

Craig Clark, City Administrator stated that council needs to reappoint Ron Wood to the Nobles County Joint Jurisdictional Committee for a three year term. A motion was made by Alderman Ten Haken, seconded by Alderman Woll and unanimously approved to reappoint Ron Wood to the Nobles County Joint Jurisdictional Committee for a three year term.

ALLEY/UTILITY EASEMENT BETWEEN LEXINGTON AVENUE AND WEST LAKE AVENUE

Dwayne Hafffield, Director of Engineering presented history on the utility easement between Lexington Avenue and West Lake Avenue. Mr. Hafffield explained that the platting goes back to 1949 and construction was started in the early 60's. In 1966 the whole street was vacated with the vacation subject to the residents providing an easement for alley purposes over the south half of the street, so we would have had a documented easement of the south half of the alley but the easement was not able to be recorded because it was not properly notarized. An average utility easement is 30 feet or more for sewer and water and alleys are on average 18 feet. In 1968 College View Heights was platted.

Mark Shepherd, City Attorney explained that a neighborhood dispute has brought this issue forward. Mr. Shepherd indicated that the attorney for the one landowner found a statute that says that a road is considered created by way of use and if a governing body has maintained it for a period of six or more years. The other part of the statute says that a road that is created is only the width that is actually used. The complication is that the city discontinued maintenance in 2004-2005. The

utilities maintains it to have access to the lift station. Mr. Shepherd stated the city could try and reinstate the easement from the people that live there reaffirming the 35 feet. Mr. Shepherd suggested asking the landowners to grant an easement to the city as they had once done for the south half of the vacated street. Mr. Ten Haken stated that if we were to meet with property owners we should have an agreed upon plan. Mr. Haffield suggested asking for a 20 foot alley easement from property owners or maintain it as is.

Mr. Shepherd's recommendation would be to have a meeting with the property owners and suggest that the city take an easement on the south half of the vacated road.

Mr. Ten Haken suggested sending a letter to the property owners telling them that the city will be having Gopher One do a complete locate in the alley and follow up with a public meeting with property owners working towards a resolution to this discrepancy.

ADJOURNMENT

The motion was made by Alderman Woll, seconded by Alderman Kuhle and unanimously carried to adjourn the meeting at 8:31 a.m.

Mindy Eggers,
Assistant City Clerk