

WORTHINGTON CITY COUNCIL

ADDENDUM

5:30 P.M., Monday, April 24, 2023
City Hall Council Chambers

CASE ITEM

F. CITY COUNCIL BUSINESS - PUBLIC WORKS (GREEN)

Case Item(s)

2. Approve MOU with Avera McKennan
3. Bid Recommendation for Airport SRE Roof Project

PUBLIC WORKS MEMO

DATE: APRIL 24, 2023

TO: HONORABLE MAYOR AND CITY COUNCIL

SUBJECT: ADDENDUM

AGENDA CASE ITEMS

F.2. APPROVE MOU WITH AVERA MCKENNAN

The Worthington Municipal Liquor Store has a parking lot reconstruction project scheduled to start this spring. City staff has been in contact with Avera McKennan requesting permission to use the parking lot at Access Family Medical Center, for temporary parking, while the Liquor Store project is being completed. Avera's legal team has written a memorandum of understanding (*Exhibit 2*) between their facilities at 1216 Ryans Road and the City of Worthington. This MOU outlines the legal responsibilities between both parties in case any liability issues arise. Our City Attorney has reviewed the MOU and recommends City Council approve the agreement.

Council action is requested to approve the MOU as presented and allow the Mayor and City Clerk to sign the agreement.

F.3. BID RECOMMENDATION FOR AIRPORT SRE ROOF PROJECT

Worthington City Council at their Mar 27th, 2023 meeting approved plans and authorized staff to advertise for bids, for a Snow Equipment Roof replacement project at the Worthington Municipal Airport. Bids for the project were opened at 1pm on April 19, 2023 and there was only one bidder.

Tri-State General Contracting, Inc.	\$198,041.00
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The estimated cost for the project was \$204,968.00. This bid is \$6,927.00 or 3.3% under the estimate. This project is part of a State of Minnesota Aeronautics Grant and will be contingent on the Worthington Municipal Airport receiving the grant. The State of Minnesota will contribute 70% of the cost for the project, with the City of Worthington being responsible for the remaining 30%. Included is the bid tabulation sheet and a letter of recommendation from our project manager (*Exhibit 3*).

Council Action is requested to accept the bid from Tri-State General Contracting, Inc.
Memorandum of Understanding

Indemnification and Release of Liability

This memorandum of understanding ("MOU") of indemnification and release of liability is entered between the City of Worthington (the "City") and Avera McKennan, a South Dakota nonprofit with a principal address at 1325 S. Cliff Ave., Sioux Falls, SD 57106.

Whereas Avera McKennan owns real estate, a health care clinic building and related parking lot, located at 1216 Ryan's Road, Worthington, MN 56187 (the "Parking Lot");

WHEREAS, the City desires to lease certain space within the Parking Lot of such real estate to serve the needs of the City's retail store nearby; and

WHEREAS, Avera McKennan and the City agree to indemnification and release of liability provisions contained herein.

THEREFORE, in consideration of using such Parking Lot spaces, the City agrees to the following:

1. City declares that it shall be solely responsible for the use of the Parking Lot by City and its invitees. City agrees that Avera McKennan is under no responsibility to protect the vehicles in the Parking Lot as to their contents, external integrity, and individuals. City agrees that Avera McKennan shall not be held liable for any damage, loss or deficiency caused to any vehicle, person, or chattel in the Parking Lot due to City's use of the Parking Lot related to the retail store for any reason, including, and without derogating from the generality of the aforesaid, as a result of fire, smoke, earthquake, hostile activities, war, flood, flooding, theft, break-in, impact by other vehicles.
2. City hereby exempts Avera McKennan from any liability for damage as aforesaid, provided that the damage was not caused due to a negligent act or omission of the Avera McKennan. City agrees to indemnify the Avera McKennan within ten (10) days as of the date of receiving their first demand for any expense and/or damage caused to the Avera McKennan and/or in respect of any sum that the Avera McKennan is obligated or required to pay due to a lawsuit, cost associated with any lawsuit, or damage, loss or deficiency as aforesaid. City specifically agrees not to hold Avera McKennan responsible for any damages to any vehicle, person, or other property resulting from the loss, theft, or damages during any use of the Parking Lot for purposes of visiting City's retail location.
3. City shall be solely liable for any damage caused by the City to the Parking Lot and facilities thereof and/or to Avera McKennan.

AVERA MCKENNAN

CITY OF WORTHINGTON

By: David Flicek, President & CEO

Mayor

City Clerk



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April 20, 2023

RE: City of Worthington
Airport Maintenance Building Roof
Replacement Project
Bid Award Recommendation
SEH No. WORTC 169341

Mr. Todd Wietzema
Director of Public Works
City of Worthington
303 Ninth Street
Worthington, MN 56187

On Wednesday, April 19, 2023 bids were received for above reference project. One bid was received from Tri-State General Contracting, Inc. in the amount of \$198,041.00. A complete tabulation of the bids is attached for your reference.

After reviewing the bids, it is our opinion that Tri-State General Contracting, Inc. has submitted the lowest responsive and responsible bid and they are qualified to complete the work as described in the contract documents. It is our recommendation to award the Airport Maintenance Building Roof Replacement Project to Tri-State General Contracting, Inc. in the amount of \$198,041.00

If you have any additional questions please contact me at 952.215.8118 or bbergstrom@sehinc.com.

Sincerely,

Brian Bergstrom, AIA
Project Manager

Attachment
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Engineers | Architects | Planners | Scientists

Short Elliott Hendrickson Inc., 3535 Vadnais Center Drive, St. Paul, MN 55110

SEH is 100% employee-owned | sehinc.com | 715.236.4000 | 800.903.6970 | 888.908.8166 fax



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**Airport Maintenance Building
Roof Replacement Project
City of Worthington
Worthington, MN**

BIDS RECEIVED

SEH No. WORTC 169341

Bid Date: Wednesday, April 19, 2023 at 1:00 p.m.

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Bidder	Addendum	5% Bid Bond	Base Bid
Tri-State General Contracting	1	X	\$198,041.00

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