

**WORTHINGTON CITY COUNCIL  
REGULAR MEETING, FEBRUARY 8, 2021**

The meeting was called to order at 7:00 p.m., in City Hall Council Chambers by Mayor Mike Kuhle with the following Council Members present: Chad Cummings, Chris Kielblock, Amy Ernst, Mike Harmon, and Larry Janssen.

Staff present: Steve Robinson, City Administrator; Todd Wietzema, Public Works Director; Jeremiah Cromie, City Planner; Jason Brisson, Assistant City Administrator/Director of Economic Development; Mindy Eggers, City Clerk.

Others present: Justine Wettschreck, Radio Works; Ryan McGaughey, The Globe.

The Pledge of Allegiance was recited.

**INTRODUCTIONS AND OPENING REMARKS**

Mayor Kuhle welcomed Alaina Kolpin as the Honorary Council Member for the months of February, March and April. Alain Kolpin said she was excited to serve and be involved.

**AGENDA APPROVED WITH ADDITIONS/CHANGES**

A motion was made by Council Member Janssen, seconded by Council Member Kileblock and unanimously carried to approve the agenda with no changes.

**CONSENT AGENDA APPROVED**

A motion was made by Council Member Harmon, seconded by Council Member Cummings and unanimously carried to approve the consent agenda as presented.

- City Council Minutes of Regular Meeting of January 25, 2021
- Special City Council Minutes of January 20, 2021
- Economic Development Authority Minutes of January 26, 2021
- Planning Commission Minutes of January 21, 2021
- Prairie Justice Joint Powers Board Minutes of January 20, 2020
- YMCA Board Minutes of June 29, 2020
- YMCA Board Minutes of August 31, 2020
- YMCA Board Minutes of October 26, 2020
- YMCA Board Minutes of November 30, 2020
- YMCA Board Minutes of December 21, 2020
- Center of Active Living Minutes of December 14, 2020
- Application for Exemption from Lawful Gambling Permit - Worthington Okabena Windsurfers
- Application for Exemption from Lawful Gambling Permit - Minnesota Holstein-Friesian Breeder's Association

- Application for Exemption from Lawful Gambling Permit - King Turkey Day, Inc.
- Bills payable and totaling \$762,098.36 be ordered paid

**APPLICATION FOR ON-SALE SUNDAY AND INTOXICATING LIQUOR LICENSES - THE THOMPSON MEXICAN GRILL APPROVED**

Steve Robinson, City Administrator, stated applications for On-Sale Intoxicating and Sunday Liquor have been received from Efrain Patino, The Thompson Mexican Grill, located at 320 Tenth Street. All of the required paperwork has been received and the license would be in effect from February 22, 2021 through June 30, 2021.

A motion was made by Council Member Ernst, seconded by Council Member Janssen and unanimously carried to approve the On Sale Intoxicating and Sunday Liquor Licenses for The Thompson Mexican Grill.

**2021 PAY EQUITY REPORT FOR 2020 DATA**

Mr. Robinson said the Minnesota Department of Management and Budget (MMB) mandate that Cities, Counties and School Districts complete a pay equity implementation report once every three years. The City's last reported in January 2018 for 2017 data. He explained the current report on the 2020 data was recently submitted. MMB's preliminary review of the recent pay equity report found it to be out of compliance. Staff has had discussions with MMB representatives and have determined that the City will be in compliance on or around May 1, 2021 due to staff changes that have already been implemented.

A motion was made by Council Member Harmon, seconded by Council Member Kielblock and unanimously carried to approve the 2021 Pay Equity Report for 2020 Data.

**RESOLUTION NO. 2021-02-03 ADOPTED APPROVING THE ALTERNATIVE DISSEMINATION OF BID SOLICITATIONS, REQUESTS, PROPOSALS AND REQUESTS FOR INFORMATION**

Mr. Robinson explained Minnesota Statute 331A.03 allows the City to disseminate (advertise) solicitations for bids, requests for proposals and requests for information by using the City's website as an alternative to publishing in the official newspaper. In accordance with the statute, the City must continue to publish in the official newspaper in addition to the alternative method for an initial period of six months after it has approved designation of alternative means for dissemination. However, after the six month period, the alternative method alone satisfies the legal requirements of publication for solicitation except for projects pursuant to Minnesota Statutes 412.311 Subd 1 and 429.041 Subd 1.

A motion was made by Council Member Ernst, seconded by Council Member Cummings and unanimously carried to adopt the following Resolution:

RESOLUTION NO. 2021-02-03

A RESOLUTION APPROVING THE ALTERNATIVE DISSEMINATION OF BID SOLICITATIONS, REQUESTS FOR PROPOSALS AND REQUESTS FOR INFORMATION

(Refer to Resolution File for complete copy of Resolution)

**RESOLUTION NO. 2021-02-04 ADOPTED SUPPORTING LOCAL ROAD IMPROVEMENT PROGRAM GRANT**

Mr. Robinson said, Nobles County is in the process of planning for roadway improvements of County State Aid Highway 10 (Crailsheim Road) between Collegeway and Fox Farm Road. The improvements include construction of turning lanes, curb and gutter, storm sewer, increase of pavement strength and pedestrian access. There is State bond funding available through the local road improvement program to help pay for the construction costs. Nobles County is preparing a grant application for approximately \$800,000 to cover the cost of the project. Nobles County is requesting a resolution of support from the City for support of the project which would help make the application more competitive.

A motion was made by Council Member Janssen, seconded by Council Member Kielblock and unanimously carried to adopt the following resolution:

RESOLUTION NO. 2021-02-04

A RESOLUTION SUPPORTING LOCAL ROAD IMPROVEMENT PROGRAM GRANT

(Refer to Resolution File for complete copy of Resolution)

**TRAVEL AUTHORIZATION APPROVED**

Mr. Robinson explained the City undertook an assessment to determine the integrity of the two underground pipes from the outlet overflow from Lake Okabena last year. The inspection tool utilized pipe penetrating radar which identified defects in the pipe structure and voids outside of the pipe walls. This work led to the pipe rehabilitation project that is currently underway. Mr. Robinson said this project was selected for presentation at the North American Society for Trenchless Technology's annual conference to be held in Orlando, Florida March 28-31, 2021 and he has been invited to co-present the session. A scholarship has been awarded that will cover the registration fees and hotel accommodations. However, travel expenses to and from the conference are not

covered by the scholarship and need to be approved by City Council.

A motion was made by Council Member Ernst, seconded by Council Member Cummings and unanimously carried to authorize reimbursement of travel to the conference.

**INFORMATIONAL ITEM - 2021 LOCAL BOARD OF APPEAL AND EQUALIZATION**

Mr. Robinson said as an informational item the Nobles County Assessor's Office has notified us that the 2021 Local Board of Appeal /Equalization for the City of Worthington has been scheduled for 9:00 a.m. on Thursday, April 29, 2021 in the Nobles County Commissioner's Room. The meeting will be scheduled for a minimum of ½ hour and a maximum of one hour, and if necessary, will be continued to a future date in City Hall Council Chambers. In order to conduct the meeting there must be a quorum present and at least one Local Board of Appeal and Equalization Trained member in attendance. Currently, Council Members Ernst and Kielblock are certified by the State. Please add the date for the Local Board of Appeal and Equalization meeting for the city of Worthington to your calendars.

**RESOLUTION NOS. 2021-02-05, 2021-02-06, 2021-02-07, 2021-02-08, 2021-02-09, ADOPTED ACCEPTING A DONATION OF PERSONAL PROPERTY**

Todd Wietzema, Public Works Director, stated the Park and Recreation Advisory Committee has received request from five parties to place benches in city parks and along the bike trails. They are as follows:

- Kevin and Pam Fleming to place a bench at the Chautauqua Park Bandshell in memory of Katie Fleming.
- Christa Suss to place a bench in Slater Park, in memory of Mr. and Mrs. E. F. Seleen.
- Roger Johnson, Wally Johnson, Lois Johnson, and Mary Campbell, to place a bench at the Chautauqua Park Bandshell, in memory of Faith Johnson.
- Colleen Bents, to place a bench along the county trail north of Olson Park, in memory of Lois Gruis.
- Jim and Sharon Henderson Family, to place a bench at the Centennial Park boat landing, in memory of Sharon K. Henderson.

Mr. Wietzema said the donations meet all the requirements as set forth in the Park Donation policy adopted by City Council. The Park and Recreation Advisory Board has recommended the City Council accept the donations.

A motion was made by Council Member Cummings, seconded by Council Member Harmon, and unanimously carried to approve the following resolutions:

RESOLUTION NO. 2021-02-05

A RESOLUTION ACCEPTING A DONATION OF PERSONAL PROPERTY

(Refer to Resolution File for complete copy of Resolution)

RESOLUTION NO. 2021-02-06

A RESOLUTION ACCEPTING A DONATION OF PERSONAL PROPERTY

(Refer to Resolution File for complete copy of Resolution)

RESOLUTION NO. 2021-02-07

A RESOLUTION ACCEPTING A DONATION OF PERSONAL PROPERTY

(Refer to Resolution File for complete copy of Resolution)

RESOLUTION NO. 2021-02-08

A RESOLUTION ACCEPTING A DONATION OF PERSONAL PROPERTY

(Refer to Resolution File for complete copy of Resolution)

RESOLUTION NO. 2021-02-09

A RESOLUTION ACCEPTING A DONATION OF PERSONAL PROPERTY

(Refer to Resolution File for complete copy of Resolution)

**CHAUTAUQUA PARK BATHROOM APPROVAL AND AUTHORIZATION TO  
ADVERTISE FOR BIDS APPROVED**

Mr. Wietzema stated one of the approved uses of this new half cent sales tax was for park improvements. The architects with the firm of Short Elliott Hendrickson, Inc. have finalized the plans and construction documents for a new restroom in Chautauqua Park and we are now ready to advertised for bids. The plans have been reviewed by the Park and Recreation Advisory Board and are recommending Council approve the proposed designs and authorize staff to proceed and

advertise for bids. The proposed bidding schedule would be as follows:

- February 17, 2021 - Advertisement for Bids
- March 17, 2021 - Bid Opening
- March 22, 2021 - Council consideration of awarding contract

A motion was made by Council Member Janssen, seconded by Council Member Kielblock and unanimously carried to approve the Chautauqua Park plans and authorize advertisement for bids.

### **FIELDHOUSE CHANGE ORDER NUMBER ONE APPROVED**

Mr. Wietzema stated Tri-State General Contracting, the contractor for the field house project has submitted a First change order proposal. Items included in this change order are:

• Revised unit price for contaminated soils from	\$127.50 to \$122.00 per ton
• Removing and replace the existing roofing	Add \$ 178,546.51
• Provide additional steel framing	Add \$ 19,154.02
• Change a single entrance door to a double door	Add \$ 2,490.99
• Delete exterior paving and markings	Minus \$ (35,050.00)
• Delete handicapped ramp and stairs	Minus \$ (13,902.47)
• Delete storm sewer manhole	Minus \$ ( 4,600.00)
• Delete painting of steel purlins	Minus \$ (2,562.00)
• Delete one window	Minus \$ (450.00)

**Total change order** **\$143,627.05**

Mr. Wietzema explained, the two main components of this change order are new steel roofing and insulation. Mr. Wietzema explained after the project was started, it was discovered that there were some defects with the existing roof. After inspection by staff and representatives from SEH, Architectural Firm, it was recommended that we look at replacement of the entire roof. The rest of items on this change order are smaller changes due to some structural deficiencies and deductions for items not needed anymore due to Stage Two planning. He noted the proposed change order has been reviewed and approved by our architect on the project. The proposed change order is an increase of \$143,627.05 increasing our total contract price to \$1,853,626.05.

A motion was made by Council Member Ernst, seconded by Council Member Harmon and unanimously carried to approve Field House Change Order One.

### **VARIANCE APPEAL - 1123 ELMWOOD AVENUE (DARYLE ALBERSMAN)**

Jeremiah Cromie, City Planner, said Council tabled an appeal of a denied variance at the January 25, 2021 Council meeting. The variance request by Daryle Albersman had requested an 8-foot variance

from the required 10-foot side setback to build an attached 42 foot by 8-foot garage addition at his property at 1123 Elmwood Avenue with the following legal description:

Lot 9, Block 7, Okabena Heights, An Addition, City of Worthington, Nobles County, Minnesota.

Back on January 5, 2021 the Planning Commission, acting as the Board of Zoning Appeals, denied the variance on a 4-2 vote.

Mr. Cromie said at the January 25th Council Meeting, some Council members thought that the property was unique in its relationship to the golf course and building in the back of the property would alter views of the golf course. He explained staff looked at all the houses on Elmwood Avenue that abut the golf course and found only 8 of the 23 properties had a single stall garage. Most properties had their attached garage 10 feet or more off the property line with the exception of 1005 Elmwood which was granted a variance to have a 3-foot setback in 1966 and 1133 Elmwood which was granted a variance to have a 4 foot setback in 1988 as shown in the January 25 Council Meeting.

Mr. Cromie suggested that if they wanted to reduce the side setback requirement, they should likely pass a text amendment instead of a variance and explained the ways to accomplish this. It could be done with a rezoning to a Planned Unit Development (PUD), or a text amendment to reduce the minimum required side yard in an "R-1" district. Staff would likely recommend going the PUD route or changing all residential districts minimum side yard setbacks. He said the smallest residential side yard setback allowed anywhere in the City currently is 5 feet for principal buildings. This is for older lots that have a lot width of less than 80 feet in an "R-3" Low Density Preservation district. They have to have a combined side yard of at least 25% of the lot width and no side yard could have less than 10% of the lot width. A fair amount of lots on Elmwood, including Mr. Albersman's, have a lot width of 70 feet. If he was in an "R-3" district, he could have a 7-foot required side setback on the south side with a required 10.5-foot side setback on the north side due to the existing house and northern property line. If Council desires a PUD or text amendment, staff recommended not going any lower than a 5-foot required side setback to prevent a precedent that may have to be followed for most residential districts.

Mr. Cromie said Planned Unit Developments (PUD) are intended to encourage more efficient use of land and public services and greater amenity by allowing under certain circumstances, a more flexible means of land development and redevelopment than is otherwise permissible under the lot by lot restrictions or each use district. The uniqueness of a planned unit development may necessitate Council action modifying or waiving certain provisions of the zoning code and subdivision regulations. He explained any PUD must be found to agree with the intent of the comprehensive plan. However, the comprehensive plan does not say much specifically about the houses on Elmwood other than they should be single family residential homes and mentions the golf course as a recreational aspect. It also mentions nothing about the sizes of garages.

Council discussed the differences between a text amendment and potential PUD. Mr. Cromie reiterated that a PUD could change a zone in a specific area and would take three readings to be in effect. Mayor Kuhle asked what Council is willing to set as a side setback? He said input should be sought from residents in the neighborhood.

A motion was made by Council Member Janssen, seconded by Council Member Kielblock to deny the variance appeal. Those voting in favor of the motion Janssen and Kielblock. Those voting against the same motion: Cummings, Harmon and Ernst. Motion failed.

A motion was made by Ernst, seconded by Kielblock to approve the variance, those voting in favor of the motion: Amy Ernst. Those voting against the same motion: Cummings, Janssen, Harmon, Kielblock. Motion failed.

Council directed staff to look at a PUD in the upcoming months for property along Elmwood Avenue.

### **PRELIMINARY PLAT CECILEE ADDITION APPROVED**

Mr. Cromie stated the City of Worthington submitted a request for a mostly residential subdivision to be known as Cecilee Addition on an approximate 11.29-acre tract of land the City currently owns east of Grand Avenue and west of the existing Cecilee Street. The plat would create 19 lots for residential development, 1 lot for the existing movie theater site and 1 for a filtration pond. The subject property's legal description is as follows:

That part of the Northeast Quarter of the Southwest Quarter of Section 13, Township 102 North, Range 40 West, City of Worthington, Nobles County, Minnesota, described as follows:  
Beginning at the Southwest corner of the plat of Northland Park Second Addition, according to the recorded plat thereof, thence on an assumed bearing of North 0 degrees 02 minutes 22 seconds East, along the westerly line of said plat, a distance of 216.86 feet; thence North 89 degrees 09 minutes 44 seconds West, along said westerly line, a distance of 17.00 feet; thence North 0 degrees 02 minutes 22 seconds East, along said westerly line, a distance of 128.55 feet to the Northwest corner of said Northland Park Second Addition; thence North 89 degrees 09 minutes 44 seconds West, along the south line of a tract as recorded in Document No. 260443, a distance of 155.00 feet to the Southwest corner of said tract; thence North 0 degrees 02 minutes 22 seconds East, along the westerly line of said tract, a distance of 172.64 feet; thence North 89 degrees 01 minutes 47 seconds West, along said westerly line, a distance of 135.00 feet; thence North 0 degrees 02 minutes 22 seconds East, along said westerly line, a distance of 70.01 feet; thence South 89 degrees 01 minutes 47 seconds West, along said westerly line, a distance of 135.00 feet; thence North 0 degrees 02 minutes 22 seconds East, along said westerly line,

a distance of 438.36 feet to the Northwest corner of said tract as recorded in Document No. 260443; thence North 89 degrees 09 minutes 45 seconds West, along the southerly right of way line of Interstate Highway No. 90, a distance 342.23 feet to the Northeast corner of a tract as recorded in Document No. 260600; thence South 0 degrees 00 minutes 30 seconds West, along the east line of said tract, a distance of 437.57 feet to the Southeast corner of said tract; thence North 89 degrees 01 minutes 16 seconds West, along the south line of said tract, a distance of 158.32 feet to the east line of a tract as recorded in Document No. 285896; thence South 0 degrees 00 minutes 30 seconds West, along the east line of said tract, a distance of 243.82 feet an iron monument; thence continuing South 0 degrees 00 minutes 30 seconds West, along said east line, a distance of 344.84 feet to the south line of the Northeast Quarter of the Southwest Quarter of said Section 13; thence South 89 degrees 06 minutes 50 seconds East, along said south line, a distance of 672.00 feet to the point of beginning, containing 11.29 acres, subject to easements now of record in said county and state.

Mr. Cromie said the Planning Commission originally considered the application at its January 5, 2021 meeting. After holding a public hearing and having discussion about a park, it was voted to table the request to have a joint session with City Council about the potential of a park in the plat. At the January 25<sup>th</sup> Special Council meeting, a park was discussed between commissioners and council members and it was decided that a park did not need to be part of the plat at this time. The Commission then considered the request again at their February 2, 2021 meeting and unanimously voted to adopt the required findings for approval of a subdivision request and recommend the City Council approve the preliminary plat subject to the following conditions:

1. The preliminary plat and all improvements associated with it follow all local, state and federal regulations.

The motion was made by Council Member Ernst, seconded by Council Member Harmon and unanimously carried to approve the preliminary plat for the Cecilee Addition.

### **CONDITIONAL USE PERMIT - CITY OF WORTHINGTON**

The City of Worthington submitted an application for an amended conditional use permit for property owned by the City at 700 2nd Avenue to operate a recreational fieldhouse. The amended plan includes a 50 foot by 17-foot storage room addition to the previously approved recreational fieldhouse site plan. Recreational uses like a fieldhouse are only permitted in the “B-2” Central Business District, the subject zoning of the site, with the issuance of a conditional use permit. The legal description of the property under consideration is as follows:

- Lots 9 through 11, Lot 12 except the northeast 30 feet thereof, and Lots 13 through 19; all in Block 2; Auditor’s Subdivision of Block 2 (Original Town), City of Worthington, Nobles

County, Minnesota.

The planning commission considered the amended conditional use permit at their February 2, 2021 meeting and after holding a public hearing, voted unanimously to recommend approval of the amended conditional use permit to Council with the following conditions:

1. The site plan be in accordance with Exhibit 3B.
2. Any contaminated soil shall be cleaned up from the site in accordance with Minnesota Pollution Control Agency (MPCA) regulations.
3. All other conditions from the previously approved conditional use permit from April 13, 2020 shall still apply except for the site plan.

Mr. Brisson said since the original conditional use has been approved, the City came back with a revised site plan that includes a 50 foot by 17-foot storage room addition that was not included in the approved site plan. The property is zoned “B-2” Central Business District and any recreational land use must obtain a conditional use permit to operate in this district. Mr. Brisson said the proposed amended site plan still meets all required zoning regulations and was mentioned as a site possible for a community center in the comprehensive plan. Staff does not recommend changing the required 60 parking spaces at this time due to the addition only being used for storage. The fieldhouse is in line with the comprehensive plan and the site update would meet all zoning requirements.

The motion was made by Council Member Kielblock, seconded by Council Member Harmon and unanimously carried to approve the conditional use permit as requested.

**FIRST READING PROPOSED ORDINANCE - TEXT AMENDMENT TO AMEND WORTHINGTON CITY CODE TITLE XV, CHAPTER 155 FOR A MAXIMUM LOT COVERAGE**

Mr. Cromie said at the January 5, 2021 Planning Commission meeting, the commission had a discussion and directed staff to prepare a text amendment regarding changing maximum building coverage and structure coverage in residential districts to a simple lot coverage due to the City Attorney’s opinion regarding building and structure coverage. The commission looked at comparable cities maximum building/lot coverage and found Worthington to be on the low end of maximum building/lot coverage.

The Planning Commission held a public hearing on the proposed text amendment at their February 2, 2021 meeting and voted unanimously to recommend approval of the proposed text amendment to Council.

Mr. Cromie explained the text amendment would eliminate the definition for maximum building and structure coverage. It would then create a new definition for maximum lot coverage that would

include all buildings, structures and accessory structures. Driveways, sidewalks, and uncovered patios would not count against a person's maximum lot coverage. Maximum lot coverage would be a percentage of the total lot size. The amendment would have the following maximum lot coverage percentages for residential districts:

- “R-1”: 40% (One Family Detached district)
- “R-2”: 40% (One Family, Low Density District)
- “R-3”: 40% (Low Density Preservation District)
- “R-4”: 40% (Medium Density Residential District)
- “R-5”: 60% (Multi-Family Medium and High-Density District)
- “R-6”: 50% (Mobile Home District)
- “R-7”: 40% (One Family, Incremental Growth District)

The motion was made by Council Member Kielblock, seconded by Council Member Harmon and unanimously carried to give a first reading to the proposed ordinance.

### **PROFESSIONAL SERVICES AGREEMENT - NAGELL APPRAISAL & CONSULTING APPROVED**

Mr. Brisson stated EDA staff has been in negotiations with Cemstone and Duinick Inc. who have both requested to purchase EDA-owned property located south of 27th Street, approximately 1,650 feet west of Highway 59. The Authority directed staff to solicit a proposal for a professional appraisal of the property to determine its fair value at the January 26, 2021 regular EDA meeting. Staff has contacted Nagell Appraisal and Consulting, who has assisted the City with appraisal work in the past. The engagement letter has been received and the fee for the work is \$1,200.00 and can be completed in 3-4 weeks from notification to proceed. Mr. Brisson noted there is adequate Community/Economic Development funds budgeted for reports and studies to cover the proposed cost.

A motion was made by Council Member Cummings, seconded by Council Member Harmon and unanimously carried to approve the agreement and authorize the Mayor to execute the document.

### **COUNCIL COMMITTEE REPORTS**

Mayor Kuhle - Attended CGMC Legislative Day virtually, focusing on LGA

Council Member Janssen - No report.

Council Member Ernst - No report.

Council Member Kielblock - No report.

Council Member Cummings - No report.

Council Member Harmon - Attended the CGMC Legislative Day virtually. The CAL will be submitting an attendance section for their by-laws.

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**CITY ADMINISTRATOR'S REPORT**

Steve Robinson, City Administrator, said this was Jeremiah Cromie's last meeting as he took a new position in central Washington. Everyone thanked him for the great job he has done and wished him well.

**ADJOURNMENT**

The motion was made by Council Member Janssen, seconded by Council Member Kielblock and unanimously carried to adjourn the meeting at 8:49 p.m.

Mindy L. Eggers, MCMC  
City Clerk