

**WORTHINGTON CITY COUNCIL  
REGULAR MEETING, APRIL 13, 2020**

The meeting was called to order at 7:11 p.m. via conference call by Mayor Mike Kuhle with the following Council Members present via conference call: Chad Cummings, Amy Ernst, Alan Oberloh, Larry Janssen, Mike Harmon.

Staff present: Participating remotely, Steve Robinson, City Administrator; Jason Brisson, Assistant City Administrator/ Economic Development Director; Mindy Eggers, City Clerk. Participating via conference call: Dwayne Haffield, Director of Engineering.

Others present: Participating via conference call, Justine Wettschreck, Radio Works, John Landgaard, District 518, Gail Holinka, Tyler Knutson, Comfort Inn & Suites, Dave Mallack, Worthington Hotel Group, LLC.

The Pledge of Allegiance was recited.

**AGENDA CLOSED / APPROVED**

A motion was made by Council Member Cummings, seconded by Council Member Ernst and unanimously carried to approve the agenda as presented by roll call vote: Ayes: Cummings, Ernst, Janssen, Harmon, Oberloh. Nays: None.

**CONSENT AGENDA APPROVED**

The motion was made by Council Member Oberloh, seconded by Council Member Harmon and unanimously carried to approve the consent agenda as presented by roll call vote: Ayes: Cummings, Ernst, Janssen, Harmon, Oberloh. Nays: None.

- City Council Minutes of Regular Meeting of March 23, 2020
- City Council Special Meeting Minutes of March 18, 2020
- Water & Light Commission Minutes of March 16, 2020
- Economic Development Authority Minutes of March 23, 2020
- Housing & Redevelopment Authority Minutes of February 27, 2020
- YMCA Board of Directors Minutes of February 24, 2020
- Proclamation - National Service Recognition Day
- Application for Exempt from Gambling Permit - Worthington Okabena Windsurfers
- 2020 Private Dock Applications
- Declare City Street Sweeper as Surplus Property
- Set Public Meeting for Review of Storm Water Pollution Prevention Plan
- Bills payable and totaling \$1,441,755.26 be ordered paid

**THIRD READING AND ORDINANCE NO. 1160 TO AMEND WORTHINGTON CITY CODE TITLE XV, CHAPTER 153 (SIGNS) TO ALLOW SCOREBOARDS IN RESIDENTIAL, INSTITUTIONAL AND NATURAL FEATURES AND HAVE CERTAIN RESTRICTIONS ON ALL SCOREBOARDS**

Pursuant to published notice, this was the time and date set for the third reading of a proposed ordinance to amend Worthington City Code Title XV, Chapter 153 (Signs) to Allow Scoreboards in Residential, Institutional and Natural Features Districts and have Certain Restrictions on all Scoreboards

A motion was made by Council Member Cummings, seconded by Council Member Oberloh and unanimously carried to give a third reading and subsequently adopt the following ordinance by roll call vote: Ayes: Cummings, Ernst, Janssen, Harmon, Oberloh. Nays: None.

ORDINANCE NO. 1160

AN ORDINANCE AMENDING THE WORTHINGTON CITY CODE TITLE XV, CHAPTER 153 (SIGNS) TO ALLOW SCOREBOARDS IN RESIDENTIAL, INSTITUTIONAL AND NATURAL FEATURES AND HAVE CERTAIN RESTRICTIONS ON ALL SCOREBOARD

(Refer to Ordinance File for a complete copy of Ordinance)

#### **EVENT CENTER REQUEST APPROVED**

Steve Robinson stated that the City owned Worthington Event Center has been closed since March 17, 2020 as a result of Governor Walz's Emergency Executive Orders 20-04 and 20-18 in response to the COVID-19 pandemic. This government action prevents the Operator from earning or collecting revenue.

Mr. Robinson explained the Event Center Management Agreement between the City and Worthington Hotel Group, LLC stipulates that the Manager shall pay for all utility charges in connection with the facility. Even though the facility is closed it continues to generate utility expenses of approximately \$3,000 per month. The expenses minus the revenue have become a financial burden on the Manager.

Staff is proposing that the City reimburse them for all Event Center utility expenses, retroactive to March 2020, and going forward until such a time when the Center is able to host events and collect rental fees. Staff is also proposing to suspend collection of the ten percent of gross sales Management Fee for 2020.

A motion was made by Council Member Oberloh, seconded by Council Member Janssen and unanimously approved to reimburse the Manager of the Event Center for the utility expenses until they are able to host events and also suspend the collection of the ten percent of the gross sales for the 2020 by roll call vote: Ayes: Cummings, Ernst, Janssen, Harmon, Oberloh. Nays: None.

#### **RESOLUTION NO. 2020-04-16 GRANTING BLANKET APPROVAL TO PLACE OBSTRUCTIONS ON SIDEWALKS IN THE DOWNTOWN AREA**

Dwayne Haffield, Director of Engineering, stated under the direction of Council, staff has prepared a resolution granting a blanket approval, or permit to place obstructions on sidewalks in the area bound by the center lines of 9th Street, 11th Street, 2nd Avenue and 5th Avenue. The resolution has been reviewed by the City Attorney's Office, the City's insurance agent and a League of Minnesota City's Risk Management Attorney. The approval is proposed to terminate on November 1, 2020 and then Council can evaluate the approval for re-authorization in future years or integrate similar conditions into an updated right-of-way ordinance.

Mr. Haffield explained the conditions stated in the resolution differ from those discussed as acceptable at the March 18th meeting as follows:

Although Council indicated the approval should be through this calendar year, a November 1st date is suggested.

Item 3. was added by staff in consideration of requests received early during the expired 1999 approval for items that would have been easily overlooked by pedestrians such as small pots/planters. The item was appended through the City Attorney's review.

Item 5. was recommended by the League's Risk Management Attorney.

Item 10. was added by the City Attorney's Office.

Mr. Haffield said Council should note that Items 4. and 5. require that a business interface with the Clerk's Office in person or through the mail to be compliant with the conditions of the blanket approval. If the proposed resolution is adopted, staff will provide mailed notice of the adoption of the resolution to property owners and identifiable tenants. Placing obstructions in the right-of-way that are not compliant with the conditions is a violation of the nuisance code.

A motion was made by Council Member Oberloh, seconded by Council Member Janssen and unanimously carried to adopt the following resolution granting a blanket approval to place obstructions on sidewalks in the downtown area by roll call vote: Ayes: Cummings, Ernst, Janssen, Harmon, Oberloh. Nays: None.

RESOLUTION NO. 2020-04-16

RESOLUTION GRANTING APPROVAL TO PLACE OBSTRUCTIONS ON PUBLIC  
SIDEWALKS IN THE DOWNTOWN AREA

(Refer to resolution File for Complete copy of Resolution)

**RESOLUTION NOS. 2020-04-17 AND 2020-04-18 RECEIVING REPORT AND ORDERING  
HEARING ON PROPOSED IMPROVEMENTS FOR WAGNER ADDITION STREET AND**

**WATER IMPROVEMENTS**

Dwayne Haffield, Director of Engineering stated a feasibility report on the improvement of that part of Sterling Avenue within the plat of Wagner Addition by surfacing and the improvement of the area within Wagner Addition by extension of the municipal water distribution system. He stated the report has been prepared by staff pursuant to Council action on August 26, 2019. The feasibility report provides detailed information on the proposed improvements including location, need for improvement, costs, and proposed financing.

Mr. Haffield said staff recommends that Council receive the report and pass the resolutions receiving the report and calling for hearings on the improvements with recommendations that the hearings be set for 7:00 pm at the May 11, 2020 Council meeting.

A motion was made by Council Member Cummings, seconded by Council Member Ernst and unanimously carried to adopt the following resolutions receiving report and ordering public hearing on Monday, May 11, 2020, 7:00 p.m. at the regular City Council meeting on proposed improvements - Wagner Addition Street and Water Improvements by roll call vote: Ayes: Cummings, Ernst, Janssen, Harmon, Oberloh. Nays: None.

RESOLUTION NO. 2020-04-17

RECEIVING REPORT AND CALLING FOR HEARING ON PROPOSED IMPROVEMENT

(Refer to resolution File for Complete copy of Resolution)

RESOLUTION NO. 2020-04-18

RECEIVING REPORT AND CALLING FOR HEARING ON PROPOSED IMPROVEMENT

(Refer to resolution File for Complete copy of Resolution)

**CONDITIONAL USE PERMIT APPROVED - 1517 OXFORD STREET (ZOMBIE MARTIAN ROBOT ARCADE - JOHN RUIZ)**

John Ruiz submitted a request for a conditional use permit to allow a 1600 square foot arcade lounge at 1517 Oxford Street, currently owned by Doug Bahr. Jeremiah Cromie, City Planner, stated, an arcade lounge is permitted in a "B-3" General Business District, the subject zoning of this property, with the issuance of a conditional use permit. The legal description of the property under consideration is as follows:

West 36 feet of Lot 5, All of Lot 6 and East 36 feet of Lot 7, Block 1, North-Worthington, City of Worthington, Nobles County, Minnesota

The Planning Commission considered the conditional use permit at its April 7, 2020 meeting. After holding a public hearing, the Commission voted unanimously to recommend the City Council approve the conditional use permit subject to the following conditions:

1. The site and applicant comply with all applicable local, state and federal regulations.

The motion was made by Council Member Oberloh, seconded by Council Member Harmon and unanimously carried to approve the Conditional Use Permit for the property located at 1517 Oxford Street and to include striping for the parking lot stalls by roll call vote: Ayes: Cummings, Ernst, Janssen, Harmon, Oberloh. Nays: None.

**CONDITIONAL USE PERMIT APPROVED - 700 SECOND AVENUE (CITY OF WORTHINGTON)**

Jeremiah Cromie, City Planner, stated the City of Worthington submitted a request for a conditional use permit for property owned by the City at 700 2nd Avenue to operate a recreational field house. Recreational uses like a field house 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), Worthington, Nobles County, Minnesota. He explained the Planning Commission considered the application at its April 7, 2020 meeting. After holding a public hearing, the Commission voted unanimously to recommend the City Council approve the conditional use permit subject to the following conditions:

1. The site plan be in accordance; with Exhibit 2C.
2. The property complies with City Code Section 155.042: Parking and Loading;
3. The property screens any outdoor trash area in compliance with City Code;
4. The property complies with all applicable local, state and federal regulations; and
5. The site provides a required 60 parking spaces.

The motion was made by Council Member Janssen, seconded by Council Member Harmon and unanimously carried to approve the Conditional Use Permit for the property located at 700 Second Avenue.

**CONDITIONAL USE PERMIT APPROVED - 1790 COLLEGEWAY (MIDWEST PROPERTIES OF WORTHINGTON LLC)**

KC Properties (Midwest Properties of Worthington LLC) received approval for a conditional use permit for a 16-unit, approximately 8,250 square foot memory care expansion of the Golden Horizons

Assisted Living Facility at the August 9th, 2019 City Council meeting. The original site plan approved and they have submitted an application for an updated conditional use permit as their site plan has changed. The amended site plan has a shed relocated to a space that was not indicated on the original approved site plan and the dumpster has been turned around. The rest of the expansion is mostly in the original footprint that was approved.

The Planning Commission considered the application at its April 7, 2020 meeting. After holding a public hearing, the Commission voted unanimously to recommend City Council approve the conditional use permit subject to the following conditions:

1. The property is developed in accordance with the submitted site plan in Exhibit 3B;
2. The applicant agrees in writing to rescind the previous conditional use permit; and
3. The subject property maintain compliance with all applicable Local, State and Federal Requirements.

The motion was made by Council Member Ernst, seconded by Council Member Harmon and carried to approve the conditional use permit for the property located at 1790 Collegeway (Midwest Properties of Worthington LLC). Those voting in favor of the motion by roll call vote: Cummings, Ernst, Janssen, and Harmon. Those voting against the same motion by roll call vote: Oberloh, he stated he did not like the project before and will not vote for it again.

**APPROVED ANNEXATION - CERTAIN PROPERTY LOCATED APPROXIMATELY 120 FEET WEST OF STERLING STREET, NORTH OF WESTERLY EXTENSION OF SUTHERLAND STREET (PARCEL 20-0182-000)**

The City of Worthington is considering annexing approximately 49 acres it owns west of Glenwood Heights First Addition. This has been better known as the “Dugdale” property. The City is considering annexing this land to ensure public infrastructure can serve a proposed 54- residential lots on the subject property in addition to being under control by City rules and regulations. The legal description of the subject property can be found below:

That part of the Northeast Quarter of Section 28, Township 102 North, Range 40 West, Nobles County, Minnesota, described as:

Commencing at the Northeast corner of said Section 28; thence South 89 degrees 22 minutes 48 seconds West, (Minnesota County Coordinate System - Nobles County Zone - HARN NAD83 - 1996), along the north line of the Northeast Quarter of said Section 28, a distance of 885.79 feet; thence South 00 degrees 39 minutes 16 seconds East, a distance of 856.00 feet to the west right-of-way line of Crailsheim Drive (County State Aid Highway No. 10); thence continuing South 00 degrees 39 minutes 16 seconds East, a distance of 450.96 feet to the northeasterly corner of Glenwood Heights First Addition, according to the plat thereof on file and of record with the Nobles County Recorder, Minnesota; thence South 89 degrees 20

minutes 44 seconds West, along the northerly line of said Glenwood Heights First Addition, a distance of 219.69 feet; thence North 45 degrees 39 minutes 16 seconds West, along said northerly line, a distance of 459.69 feet to the most northerly corner of said Glenwood Heights First Addition, said point being the point of beginning; thence South 44 degrees 20 minutes 44 seconds West, along said northerly line, a distance of 130.00 feet; thence South 19 degrees 15 minutes 07 seconds West, along said northerly line, a distance of 77.30 feet; thence South 42 degrees 53 minutes 58 seconds West, along said northerly line, a distance of 93.17 feet; thence South 57 degrees 21 minutes 04 seconds West, along said northerly line, a distance of 142.63 feet to the northwesterly corner of said Glenwood Heights First Addition; thence South 18 degrees 09 minutes 16 seconds East, along the westerly line of said Glenwood Heights First Addition, a distance of 130.84 feet; thence South 09 degrees 25 minutes 19 seconds West, along said westerly line, a distance of 78.97 feet; thence South 18 degrees 09 minutes 16 seconds East, along said westerly line, a distance of 132.99 feet; thence North 66 degrees 50 minutes 00 seconds East, along said westerly line, a distance of 185.98 feet; thence North 60 degrees 45 minutes 04 seconds East, along said westerly line, a distance of 164.63 feet; thence South 32 degrees 17 minutes 32 seconds East, along said westerly line, a distance of 120.25 feet; thence South 16 degrees 24 minutes 31 seconds East, along said westerly line, a distance of 72.67 feet; thence South 20 degrees 40 minutes 38 seconds East, along said westerly line, a distance of 156.13 feet; thence South 00 degrees 39 minutes 16 seconds East, along said westerly line, a distance of 713.27 feet to the southwest corner of said Glenwood Heights First Addition; thence South 88 degrees 59 minutes 50 seconds West, along the westerly extension of the southerly line of said Glenwood Heights First Addition, a distance of 107.17 feet; thence South 00 degrees 13 minutes 12 seconds East, a distance of 120.01 feet to the southeast corner of the West Half of the Northeast Quarter of said Section 28; thence South 88 degrees 59 minutes 15 seconds West, along the East - West center line of said Section 28, a distance of 1325.82 feet to the Center of said Section 28; thence North 00 degrees 25 minutes 04 seconds West, along the North - South center line of said Section 28, a distance of 1775.28 feet to the southwest corner of the North 856.00 feet of the Northeast Quarter of said Section 28; thence North 89 degrees 22 minutes 48 seconds East, along the south line of the North 856.00 feet of the Northeast Quarter of said Section 28, a distance of 1085.48 feet to the point of intersection with a line which bears North 45 degrees 39 minutes 16 seconds West from the point of beginning; thence South 45 degrees 39 minutes 16 seconds East, a distance of 178.64 feet to the point of beginning.

EXCEPT

That land presently situated within the boundaries of the City of Worthington.

Jason Brisson, Assistant City Administrator/Director of Economic Development, stated the Planning Commission considered the proposed annexation at its April 7, 2020 meeting. The Commission voted unanimously to recommend the City Council approve the annexation by passing the Joint Resolution for an amendment to the Orderly Annexation Agreement amendment. The Planning Commission's

recommendation was based on the following considerations:

1. The 1972 Orderly Annexation Agreement and amendment in 2017 between the City of Worthington and the Worthington Township Board established a process to annex areas that are currently abutting the city limits with or without obtaining private petitions. If the City and the Township Board agree that an area within the Orderly Annexation Boundary is urban in nature or soon to become so, both agencies must sign an amendment to the original agreement ordering immediate annexation of the subject property. The amendment was approved by the Worthington Township Board at their March 10, 2020 meeting.
2. The property abuts access off of Campbell Boulevard, Sterling Avenue and Buchanan Court and Sutherland Drive will be extended to serve the development. City utilities will have to be extended to serve the property and stormwater for the area is in the master plan although there may need to be some modifications depending on findings in the area.
3. According to the City's Comprehensive Plan, the subject property is located in an area identified as Future Residential Growth Area. The purpose of this district is to identify this area for future residential growth and to prevent conflicting land use and development patterns prior to annexation. Based on the findings of the Comprehensive Plan, the Orderly Annexation Agreement Amendment includes wording to zone the property "R-1" - Single Family Detached Residential and "R-2"- One Family, Low Density residential upon annexation. The surrounding properties in City limits are zoned either "R-1", "R-2", or Planned Unit Development. The planned unit development next to this property mainly has "R-1" requirements and the "TZ" transition zone shown has been officially rezoned to "R-1".

The motion was made by Council Member Cummings, seconded by Council Member Ernst and unanimously carried to approve the Annexation - Certain Property Located Approximately 120 Feet West of Sterling Street, North of Westerly Extension of Sutherland Street (Parcel 20-0182-000) by roll call vote: Ayes: Cummings, Ernst, Janssen, Harmon, Oberloh. Nays: None.

#### **APPROVED GRANT REQUEST - WORTHINGTON BOY SCOUT UNIT 134**

Mr. Brisson explained the Worthington Boy Scouts of America (BSA) Troop 134 wish to apply for a \$10,000 grant with the Nobles County United Way. The grant funds will be used to replace 10 camping tents, defray the costs of long-term summer scout camp, and establish a small equipment replacement fund. The BSA Troop does fund-raise throughout the year to provide scholarships for some campers but still needs to secure additional funds to continue the program. The Worthington Troop is not a separate entity from the Boy Scouts of America organization and is requesting the City to act as the fiscal agent on its behalf.



A motion was made by Council Member Cummings, seconded by Council Member Ernst and unanimously carried to approve the grant request from the Worthington Boy Scouts Unit 134 by roll call vote: Ayes: Cummings, Ernst, Janssen, Harmon, Oberloh. Nays: None.

### **CITY OWNED PROPERTY DEVELOPMENT DISCUSSION (PARCEL 31-3845-000)**

Jason Brisson, Assistant City Administrator/Economic Development Director, stated that when the City purchased the approximate 11.3 acre property from Kelly Properties of Worthington Inc. to construct a spec building for a movie theater operator, some general concepts for the development of the rest of the property were discussed. He said the spec building is being constructed on the north section of the property. Cecilee Street would be extended through to Grand Avenue with residential lots on the north and south on the south section and the property left over would be designated for medium-density based on the property's zoning. He explained staff has discussed the site with interested developers who have inquired about utilizing the property north of Cecilee Street for multifamily housing. This would give the multifamily development more room for parking, stormwater treatment, and the ability to construct more units. One additional concept is where no single-family lots are created on the north side of Cecilee. Mr. Brisson said staff is not requesting any formal action at this time but would like to gauge Council's interest in alternative development plans that may vary from the original concept. He explained depending on the concept that is explored, a change of zone would be required for the property on the north side of Cecilee.

Discussion was held that the original intention was to move Cecilee through with single family lots but multi-family lots were not considered in that area. Council Member Oberloh stated that he would like to see a housing study to see what the exact housing needs are in our community. Council Member Cummings stated that multi family housing may be an option between Darling Drive and Cecilee, that would not take away the single family home options in that area. Council Member Janssen stated that he agreed with the single family home option and asked if private developers had been contacted.

Mr. Brisson stated that staff showed them many properties and the developer kept coming back to the same area.

Council agreed that a work session meeting should be held to discuss further.

### **COUNCIL COMMITTEE REPORTS**

Mayor Kuhle - Attended a meeting this morning at JBS, wants to commend them and is very impressed on the great job they are doing sanitizing the plant and implementing safety measures that each employee have to pass daily. Wanted to stress that residents should consider using masks when in public.

Council Member Janssen - No report.

Council Member Oberloh - Said that all essential community businesses are doing the same thing as JBS and should also be commended.

Council Member Cummings - Reminded people to keep supporting the small businesses in our community that are suffering, there are many emotions right now and wants everyone to stick up for our community.

Council Member Ernst - No report.

Council Member Harmon - Attended a Utility meeting on the 6<sup>th</sup>, MN Pollution Control Agency working on renewing our license. Very impressed with JBS on the safety measures they are taking to keep their employees safe.

### **CITY ADMINISTRATOR'S REPORT**

The interior walls are going up in the movie theater. The footings and foundation are almost completed at Centennial Park. The footings and foundation is completed at the Buss Field. The Tenth Street Plaza plans will be complete this spring. As of 8:00 p.m. this evening there has been another COVID-19 case in Nobles County.

### **ADJOURNMENT**

The motion was made by Council Member Oberloh, seconded by Council Member Janssen and unanimously carried to adjourn the meeting at 8:47 p.m.

Mindy L. Eggers, MCMC  
City Clerk