

**WORTHINGTON CITY COUNCIL
REGULAR MEETING, OCTOBER 12, 2022**

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, Larry Janssen, Alaina Kolpin.

Staff present: Steve Robinson, City Administrator; Hyunmyeong Goo, Assistant Engineer; Matt Selof, City Planner; Todd Wietzema, Public Works Director; Angela Thiner, Acting City Clerk.

Others present: Marj Fogelman, Rod Sankey, Don Linssen, Bill Wolterstorff, Terry Jansen, Randy Jansen, Tammy Anderson, Michael Vosburgh, Leisa Aanenson, John Aanenson, Adam Adolph, Wyatt Adolph, Benjamin Dickman, Jim Laffrenzen, Leah Broussard, Anacary Escalante, Robyn Reese, Luz Larreynaga, Angel Larreynaga, McNay Nkashama

Wyatt Adolph let The Pledge of Allegiance.

AGENDA APPROVED WITH ADDITIONS/CHANGES

The Mayor stated the following item would be added to the agenda under Administration G. 6.Council Compensation City Ordinance 30.06.

A motion was made by Council Member Kielblock, seconded by Council Member Ernst and unanimously carried to approve the agenda as presented with the noted addition.

HELD PUBLIC HEARING ON PROPOSED ASSESSMENTS AND ADOPTED RESOLUTION NOS. 2022-10-73 THROUGH 2022-10-76

Pursuant to published notice, this was the time and date set for a public hearing on proposed assessments.

The motion was made by Council Member Janssen, seconded by Council Member Cummings and unanimously carried to open the hearing.

Hyunmyeong Goo, Assistant City Engineer, presented information on the proposed assessments and what the payment options would be for each of them. Mr. Goo noted the resolution pertaining to miscellaneous charges also adopts the assessments as amended.

The recommended terms for the proposed assessments are listed below.

2022 MISCELLANEOUS UNPAID CHARGES

- > Removal of Ice and Snow
 - > Removal of Solid Waste
 - > Removal of Noxious Weeds and Vegetation
- 4.0%1 ; 1 year

SANITARY SEWER IMPROVEMENT NO. 30 *

> Cherrywood Addition
4.0%2 ; 15 years

WATER MAIN IMPROVEMENT NO. 111 *

> Wagner Addition
4.0%2 ; 15 years

PAVING IMPROVEMENT NO. 116 *

> Cherrywood Addition
4.0%2 ; 15 years

PAVING IMPROVEMENT NO. 117 *

> Wagner Addition
4.0%2 ; 15 years

PAVING IMPROVEMENT NO. 118 *

> Homewood Hills Addition
4.0%2 ; 15 years

Council Member Cummings stated he had received many complaints regarding the Homewood Hills project. Council Member Ernst asked how complaints were addressed when they were brought forward. Mr. Goo stated that after following up on the complaints, Engineering staff determined the rideability complaint was valid and Homewood Hills residents were given a deduction. He noted that the decision of the deduction was made by the former Engineer. Steve Robinson noted the deduction was \$23,000 distributed across the entire project based on property owners abutting frontage. In response to a question from Council Member Ernst, Steve Robinson stated the work was examined by experts and there were no grounds to have it completely torn out. In response to questions from Council Member Cummings, Mr. Goo stated the structural integrity of the concrete was sound.

Mayor Kuhle asked if there was any testimony. Comments were received. Those in attendance from the Homewood Hills neighborhood expressed their concern over paying for unsatisfactory work. All felt that it was a deeper issue than the rideability, The construction was not done properly leaving many with greater issues than they had prior to the work being done with many noting safety/ADA compliancy is also a concern. Mr. Robinson stated homeowners with specific concerns should go to city Staff for further investigation.

A motion was made by Council Member Cummings, seconded by Council Member Kielblock and unanimously carried to close the hearing.

A motion was made by Council Member Cummings, seconded by Council Member Kolpin and unanimously carried to adopt the Resolutions as presented with the exception of Homewood Hills Paving Improvement No. 117:

RESOLUTION NO. 2022-10-73

A RESOLUTION ADOPTING THE SPECIAL ASSESSMENT FOR 2022 MISCELLANEOUS UNPAID CHARGES

(Refer to Resolution File for complete copy of Resolution)

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

RESOLUTION NO. 2022-10-74

A RESOLUTION ADOPTING THE SPECIAL ASSESSMENT FOR STORM SEWER IMPROVEMENT NO. 30

(Refer to Resolution File for complete copy of Resolution)

RESOLUTION NO. 2022-10-75

A RESOLUTION ADOPTING THE SPECIAL ASSESSMENT FOR WATER MAIN IMPROVEMENT NO. 111

(Refer to Resolution File for complete copy of Resolution)

RESOLUTION NO. 2022-10-76

A RESOLUTION ADOPTING THE SPECIAL ASSESSMENT FOR PAVING IMPROVEMENT NO. 116

(Refer to Resolution File for complete copy of Resolution)

RESOLUTION NO. 2022-10-77

A RESOLUTION ADOPTING THE SPECIAL ASSESSMENT FOR PAVING IMPROVEMENT NO. 117

(Refer to Resolution File for complete copy of Resolution)

**HELD PUBLIC HEARING ON PROPOSED TEXT AMENDMENT TO CITY CODE
CHAPTER 51 AND 54 - STORMWATER REGULATIONS**

Pursuant to published notice, this was the time and date set for a public hearing on proposed text amendment to City Code Chapters 51 and 54 - Stormwater Regulations.

The motion was made by Council Member Janssen, seconded by Council Member Cummings and unanimously carried to open the hearing.

Hyunmyeong Goo stated the City of Worthington is proposing a text amendment to City Code Chapter's 51 and 54 to comply with the changes the MS4 permit from the State of Minnesota. The proposed changes will bring the City's ordinance into compliance with the requirements of the MS4 permit. The City is not proposing any changes over and above what is required from the State.

Mayor Kuhle asked if there was any public testimony. None was received.

A motion was made by Chris Kielblock, seconded by Alaina Kolpin and unanimously carried to close the public hearing.

A motion was made by Council Member Ernst, seconded by Council Member Cummings and unanimously carried to give a first reading to the proposed ordinance to amend title V, Chapter 51 of the City Code.

A motion was made by Alaina Kolpin, seconded by Chad Cummings and unanimously carried to give a first reading to the proposed ordinance amend title V, section 54.10 of the City Code.

CONSENT AGENDA

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

- Special City Council Meeting Minutes of September 21, 2022
- Regular City Council Meeting Minutes of September 26, 2022
- Planning Commission Meeting Minutes of October 4, 2022
- Water & Light Commission Meeting Minutes of October 3, 2022
- Economic Development Authority Meeting Minutes of September 26, 2022
- Planning Commission Meeting Minutes of September 6, 2022
- Convention and Visitors Bureau Board Meeting Minutes of August 31, 2022
- Housing and Redevelopment Authority Meeting Minutes of August 24, 2022
- Application for Parade Permit/to Block Streets - City of Worthington
- Bills Payable Totaling \$3,083,733.63

APPOINTMENT OF WORTHINGTON FIRE DEPARTMENT FIRE CHIEF

Mr. Robinson said the City's Personnel Policy for Firefighters and Standard Operating Guidelines for the Worthington Fire Department note that City Council shall appoint a person fully qualified to serve as the Fire Chief, taking into account the recommendation of the Fire Department personnel.

Members of the fire department met on September 27, 2022 and have forwarded the recommendation to appoint Pat Shorter as the Chief for a second term. Mr. Shorter has served on the department for 25.5 years.

Mr. Robinson said the Chief shall have general supervision of the department at all times and have control over all apparatus, equipment and supplies and command over all persons who are employees of the department. The Chief reports to the City Administrator.

Pat Shorter was present and thanked Council for the opportunity and looked forward to serving. Mr. Shorter noted there has been a big boost in morale within the Fire Department adding 17-18 fire fighters have been EMR certified while roughly 12 more are in need.

A motion was made by Council Member Cummings, seconded by Council Member Kielblock and unanimously carried to appoint Pat Shorter as the Worthington Fire Department Fire Chief.

CONSIDERATION OF STREET CLOSURE APPROVED

Steve Robinson, City Administrator, explained every year on Halloween, large numbers of children and adults participate in festivities on Smith Avenue. For the safety of the public, the Worthington Police Department is recommending a temporary closure of Smith Avenue and a portion of Clary Street. WPD will have officers and a stand in the area to provide safety items to the children.

The motion was made by Council Member Kielblock, seconded by Council Member Ernst and unanimously carried to approve the street closure of Smith Avenue and a portion of Clary Street, on October 31, 2022 (Halloween) from 5:00 p.m. to 8:00 p.m.

THIRD READING AND ADOPTED ORDINANCE NO. 1187 TO AMEND TITLE XV OF THE CITY CODE OF WORTHINGTON, NOBLES COUNTY, MINNESOTA CHAPTER 155 APPENDIX A: TABLE 1: SCHEDULE OF DENSITY, AREA AND BULK REGULATIONS

Pursuant to published notice this was the time and date set for the second reading of a proposed ordinance to Amend Title XV of the City Code Chapter 155 Appendix A: Table 1: Schedule of Density, Area and Bulk Regulations.

A complete copy of the ordinance was provided in your September 12, 2022 Council Agenda.

The motion was made by Council Member Cummings, seconded by Council Member Janssen and unanimously carried to give a third reading and subsequently adopt the following ordinance:

ORDINANCE NO. 1187

AN ORDINANCE TO AMEND TITLE XV APPENDIX A: TABLE 1: SCHEDULE OF DENSITY, AREA, AND BULK REGULATIONS OF THE CITY CODE OF WORTHINGTON, NOBLES COUNTY, MINNESOTA

(Refer to Ordinance File for complete copy of Ordinance)

SET DATE AND TIME FOR CITY OF WORTHINGTON BOARD OF CANVASS APPROVED

Steve Robinson stated in Section 2.05 of the Worthington City Charter states that “The City Council shall meet within three days after any city election and canvass the returns and declare the result thereof.” Minnesota Statute sets the time period for the canvass of ballots as between the third and 10th day following the general election. The general election is on Tuesday, November 8th, which means the Charter requires the canvass to be held on or between Wednesday, November 9th through Friday, November 11th. State Statute would require the canvass to be between Friday, November 11th and Friday, November 18th. Staff is suggesting the City's Board of Canvass be scheduled for Monday, November 14, 2022, 9:00 a.m., in City Hall Council Chambers.

A motion was made by Council Member Ernst, seconded by Council Member Jansen and unanimously carried to set the Board of Canvass for Monday, November 14th, 10:30 a.m., in City Hall Council Chambers.

INFORMATIONAL ITEM - NOBLES COUNTY BOARD OF CANVASS

Steve Robinson noted The Nobles County Auditor-Treasurer’s Office would hold the County Board of Canvass for the November 8,2022 General Election on Monday, November 14th at 3:00 p.m.

COUNCIL COMPENSATION CITY ORDINANCE 30.06 DISCUSSED

Steve Robinson stated the topic of adjusting the City Council extra meeting pay has been brought up. He noted the current rate is \$50 per diem and was last adjusted in 2002. One suggestion has been to increase the amount to \$50 per meeting. Mr. Robinson stated that under State Statute, action on salaries for Mayor and Council would have to be taken prior to the municipal General Election.

Mayor Kuhle stated that salaries for the Council and Mayor haven’t been adjusted in the last 18-20 years. He added Council and the Mayor put a lot of time in attending various meetings and he feels an increase in extra meeting pay is warranted.

Council Member Ernst stated she would like Staff to move forward with beginning the process of adjusting the extra meeting pay compensation.

Council Member Janssen stated he was in favor of Council Members being paid per meeting.

Council Member Ernst stated she was in favor of Council Members being paid per meeting and would like to see the amount increase to \$75 per meeting.

Council Member Kielblock stated he was in favor of Council Members being paid per meeting and would like to see the amount increase to \$75 per meeting noting that in the future he would like to see a comparison with other communities.

Council Member Kolpin stated she was in favor of Council Members being paid per meeting and would like to see the amount increase to \$75 per meeting.

Council Member Cummings stated he was in favor of Council Members being paid per meeting but added he thought \$50 was fine.

FIRST READING OF A PROPOSED ORDINANCE TO AMEND TITLE XV OF THE CITY CODE OF WORTHINGTON, NOBLES COUNTY, MINNESOTA, TO REZONE PROPERTY FROM “B-3” (GENERAL BUSINESS DISTRICT) TO “R-5” (MULTI-FAMILY, MEDIUM and HIGH DENSITY DISTRICT)

Mr. Selof said Eric Bruns has requested a change of zone for property located at 1923 Dover Street (currently Red Carpet Inn) from it’s current ‘B-3’ General Business District designation to ‘R-5’ Multi-Family, Medium and High Density District. The legal description of the subject property is as follows:

The north 95 feet of Lot 3, and all of Lots 4, 5, and 6, Block 6, Clifton Addition, City of Worthington, Nobles County, Minnesota, AND That part of the west 40 feet of Clifton Avenue abutting Block 6, Clifton Addition to the City of Worthington, Nobles County, Minnesota, which lies north of the easterly projection of the south line of said Block 6, and south of the easterly projection of the south line of Lot 7 of said Block 6, AND That part of the alley between Lot 7 and Lots 4 through 6, Block 6, Clifton Addition to the City of Worthington, Nobles County, Minnesota, lying east of the southerly projection of the west line of Lot 7 of said Block 6, City of Worthington, Nobles County, Minnesota.

The Planning Commission voted unanimously to recommend approval of the requested change of zone at their October 4th, 2022 meeting.

Their recommendation was based on the following:

1. Exhibit 1A shows the subject property’s current zoning designation as ‘B-3’ General Business District along with a small portion of it being zoned ‘R-3’ Low Density Preservation District. The applicant is seeking to rezone the property to ‘R-5’ Multi-Family, Medium and High Density District.

2. The applicant is planning to convert the 37 rooms to apartment units and offering monthly leases. At this time there is no intention to allow for yearly leases. At its September 6, 2022 meeting the Planning Commission discussed the definition of 'apartment hotels' in City Code as it pertains to commercial vs. residential zoning. The interpretation of Code at that time was that 'extended stay' would be permitted in the 'B-3' district but apartments would need to be zoned residential. Since the applicant plans to advertise the building as apartments a change of zone is required.
3. Staff finds that with changes of zone and other land use requests, the surrounding zoning and land uses should be considered to reduce future land use conflicts. As shown in Exhibit 1A and 1B the surrounding zoning and land uses are as follows:

North: 'B-3' General Business District. A drainage area sits directly north of the property.

East: 'B-3' General Business District. The property abuts South Clifton Ave on the east, across from that is a restaurant and highway.

South: 'R-3' Low Density Preservation Residential District. Single-family homes sit south of the property.

West: 'R-3' Low Density Preservation Residential District. Single-family homes site directly west of the property.
4. Well not required by State or local requirements, staff finds it prudent to consider a property's stated future land use as established by the City's Comprehensive Plan. As shown in Exhibit 1C the comprehensive plan identifies the subject property as community commercial. It should be noted, at the time the Comprehensive Plan was adopted, Highway 60 was located right about where South Clifton Ave is, that meant the plan accounted for highway frontage where the subject property is located now. With Highway 60 having been shifted over east, it may be appropriate to consider allowing great residential use in this area.

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

APPROVED REQUESTED SUBDIVISION - 370 COUNTY ROAD 5

Matt Selof stated at their October 4, 2022, meeting, the Planning Commission voted to recommend approval of Jonathon and Keturah Scribner's request of subdivision of property they own located at 370 County Road 5. The requested subdivision would split the property into 2 lots. Mr. Selof explained the applicant is planning to construct a 4-unit residential building with the potential to build more.

In response to questions from Council, Mr. Selof stated the County Engineer is not in favor of adding another access point off of County Road 5, however he would not deny it. Mr. Robinson added the character of the area has evolved to more residential in nature.

With there being no further discussion, a motion was made by Council Member Kielblock, seconded by Council Member Ernst and unanimously carried to approve the change of zone as presented.

ADOPTED RESOLUTION NO. 2022-10-76 ESTABLISHING FINES AND FEES RELATING TO RENTAL INSPECTIONS AND REGISTRATION

Matt Selof stated City Code Chapter 150 Section (D) states “The City Council Shall adopt a schedule of fees and administrative fines to defray the cost of inspection, enforcement, and administration of the provisions of this section.”

A copy of the proposed fees and fines were presented. There are two goals the City is hoping to accomplish by implementing fees and fines:

1. Defray the cost of inspections.
2. Better enforce the provisions of Chapter 150 to ensure all rental properties in the City are safe and healthy to live in.

Steve Robinson stated Jorge Lopez is the current consultant initiating the program.

A motion was made by Council Member Ernst, seconded by Council Member Cummings and unanimously carried to approve the Resolution Establishing Fines and Fees Relating to Rental Inspections and Registration.

COUNCIL COMMITTEE REPORTS

Mayor Kuhle - Attended Joint City, County, School meeting on September 30th. MN West had a 3.8% increase in local enrollment and a 2.6 decrease in enrollment as an organization

Council Member Janssen - No report.

Council Member Ernst - No report.

Council Member Kielblock - No report.

Council Member Kolpin - Attended a Childcare Meeting. Josh Schuetz and Angie Kopplow applied for \$300,000 funding grant. Attended PJC Joint Powers Board meeting, they are pursuing renting space for impounded vehicles.

Council Member Cummings -Attended a PJC Joint Powers Board Meeting. They are working on a contract for a rental building to secure forfeiture vehicles. Attended TurkeyFest in Cuero TX with over 220 individuals from Worthington. Cuero was very impressed with the WHS Band.

CITY ADMINISTRATOR REPORT

Mr. Robinson reminded Council of the CGMC Conference in November.

Worthington City Council
Regular Meeting, October 12, 2022
Page 10

ADJOURNMENT

The motion was made by Council Member Kielblock, seconded by Council Member Cummings and unanimously carried to adjourn the meeting at 8:52 p.m.

Angela Thiner

Assistant City Clerk

