

**WORTHINGTON CITY COUNCIL
REGULAR MEETING
MARCH 13, 2023**

The meeting was called to order at 5:30 p.m., in City Hall Council Chambers by Mayor Rick Von Holdt with the following Council Members present: Chad Cummings, Chris Kielblock, Larry Janssen, Alaina Kolpin. Amy Ernst (excused).

Staff present: Steve Robinson, City Administrator; Steve Schnieder, City Engineer; Hyunmyeong Goo, Assistant City Engineer; Matt Selof, Community Development Director; Todd Wietzema, Public Works Director; Cory Greenway, Field House Manager; Mindy Eggers, City Clerk.

Others Present: Emma McNamee, The Globe; Ryan McGaughey, Radio Works, Tony Vetsch, Cristina Adame, Honorary Council Member; and various members of the community.

The Pledge of Allegiance was recited.

INTRODUCTIONS AND OPENING REMARKS

Mayor Von Holdt welcomed Cristina Adame.

AGENDA APPROVED WITH ADDITIONS/CHANGES

Mayor Von Holdt said *Item H.2. Conditional Use Permit - Certain Property East of County Road 57/West Gateway Drive* would be moved directly after *Item E. 2 Application for New Off-Sale Beer License - Corky's Corner*.

A motion was made by Council Member Kieblock, seconded by Council Member Cummings and unanimously carried to approve the agenda with the noted change.

CONSENT AGENDA

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

- Special City Council Meeting Minutes of March 2, 2023
- Regular City Council Meeting Minutes of February 27, 2023
- Planning Commission Meeting Minutes of March 7, 2023
- Water & Light Commission Meeting Minutes of March 6, 2023
- LEC Joint Powers Board Meeting Minutes of March 2, 2023
- Safe Roads Coalition Meeting Minutes of February 28, 2023
- Economic Development Authority Meeting Minutes of February 27, 2023
- Seasonal Renewal On-Sale Application - Nobles County Fair Association/Worthington Speedway

- Renewal Application for On-Sale Application - Worthington Area Youth Baseball Association
- Bills Payable Totaling \$1,335,246.67

CITIZEN REQUEST TO ADDRESS CITY COUNCIL REGARDING AMENDMENT TO ORDINANCE 90.03 (B) - DOMESTICATED ANIMALS

City resident Tony Vetsch addressed Council regarding the ordinance that allows chickens within City limits. Mr. Vetsch asked Council to consider altering the ordinance to allow people to keep hens on their property. Mr. Vetsch said many cities in Minnesota allow residents to have chickens but have different restrictions, limits and permitting requirements.

Mr. Vetsch said he would like to propose that the city would allow six or ten hens that would be kept in a chicken coop in the back yard with a neighbors approval. He would also like to have it be a free permitting process.

Council Member Cummings said he would like to have staff look into it a little bit more before making any kind of decision. He would also like to hear from other constituents.

Steve Robinson, City Administrator, said the process for amending an ordinance would require three readings and a final publication before it would become official.

Council directed staff to conduct additional regarding the matter.

APPROVED APPLICATION FOR NEW OFF-SALE BEER LICENSE - CORKY'S CORNER

Mr. Robinson said an application for a new Off-Sale Beer License was submitted by Corky's Corner, 1007 Oxford Street. All the required paperwork has been received and a successful background check was completed. The license period is March 15, 2023 through December 31, 2023.

Council Member Cummings asked if they would take possession of the property by March 15th. Matt Selof, Community Development Director, said they are planning to close on March 23, 2023.

Mindy Eggers, City Clerk, responded the license could be approved contingent on a successful closing before the license is granted.

A motion was made by Council Member Cummings, seconded by Council Member Janssen and unanimously carried to approve the application for the new Off-Sale Beer License submitted by Corky's Corner contingent on the successful closing of the property sale.

CONDITIONAL USE PERMIT - CERTAIN PROPERTY EAST OF COUNTY ROAD 57

WEST GATEWAY DRIVE APPROVED

Matt Selof, Community Development Director, said the Worthington Karen Baptist Church has submitted a request to utilize property located along the north/south segment of West Gateway Drive/County Road 57 to construct and operate a church. The subject property is current zoned 'B-3' General Business district and religious land uses in that district are permitted by conditional use permit only. The legal description of the subject property is as follows:

*That part of Government Lot 4 of Section 26, Township 102, North, Range 40 West, City of Worthington, Nobles County, Minnesota, described as follows:
Commencing at the Center of said Section 26; thence on an assumed bearing of North 0 degrees 21 minutes 04 seconds West, along the west line of said Government Lot 4, a distance of 280.36 feet; thence North 89 degrees 38 minutes 56 seconds East a distance of 50.00 feet to an iron monument located on the east right of way line of County State Aid Highway No. 57, said iron monument being the point of beginning of the tract to be described; thence North 0 degrees 21 minutes 04 seconds West, along said east right of way line, a distance of 256.24 feet to an iron monument; thence North 89 degrees 38 minutes 56 seconds East a distance of 680.00 feet to an iron monument; thence South 0 degrees 21 minutes 04 seconds East a distance of 256.24 feet to an iron monument; thence South 89 degrees 38 minutes 56 seconds West a distance of 680.00 feet to the point of beginning, containing 4.00 acres, SUBJECT TO a utility easement over the north 55 feet thereof, and subject to any other easements now of record in said county and state.*

At its March 7, 2023 meeting, the City Planning Commission voted unanimously to recommend approval of the requested conditional use permit subject to the following conditions:

1. Any exterior trash storage must be screened in accordance with City Code Section 155.043 and;
2. The applicant secures a driveway access permit from Nobles County and;
3. The subject property must maintain compliance with all applicable local, State, and Federal standards and requirements.

Mr. Selof said the Commission did recommend maintaining a shared driveway (as shown on the site plan) with the City's property to the south. However, they elected not to include it as a condition of approval and rather leave to finalize the details through the City's permitting process.

Hai Htoo expressed appreciation on behalf of the Karen congregation for the assistance from the City with the project. He said they are extremely excited to have their own church for worship in the community.

Abebe Abetew a member of the Ethiopian congregation also expressed his appreciation for the help from the City with this project.

Mr. Selof noted pursuant to City Ordinance § 155.186 and § 155.223 (G), an approval will require

a 2/3 vote and any Council member voting against the application must state their reasons for doing so for the record pursuant to Minnesota Statute § 15.99 Subdivision (2)(b).

A motion was made by Council Member Cummings, seconded by Council Member Kielblock and unanimously carried to approve the Conditional Use Permit for Certain Property East of County Road 57/West Gateway Drive.

HEARD JBS FIELD HOUSE UPDATE - CORY GREENWAY

Cory Greenway, JBS Field House Manager provided an update on the facility. He reported there have been over 6,000 daily users, 250 field rentals and collected \$58,000 in rental fees since opening September of 2020.

Mr. Greenway also said the Ice Arena has gone really well also since taking over the management operations in October, 2022.

DISTRICT 518 BALL FIELD MAINTENANCE AGREEMENT APPROVED

Todd Wietzema, Public Works Director, said the City of Worthington currently leases the Middle School Baseball complex from Worthington School District 518. The Public Works Department maintains and schedules all activities for these fields. These duties include:

- Field maintenance
- Cleaning and trash removal
- Minor maintenance of facilities

The proposed fee that District 518 will pay the City of Worthington, is \$10,600.00 which is a 5% increase from 2022.

A motion was made by Council Member Kolpin, seconded by Council Member Kielblock and unanimously carried to approve the agreement for ball field maintenance with District 518.

APPROVED FIELD HOUSE PHASE ONE CHANGE ORDER

Mr. Wietzema explained Tri-State General Contracting the field house project contractor has submitted a Phase One change order. Included in the change order is the following:

- Provide additional card readers and cameras \$10,027.95
- Provide additional electric for batting cages \$2,377.17
- Relocate the fire strobes and horns \$3,291.04
- Relocate netting switches \$1,740.38
- Add additional wireless points \$1,858.19

Total change order \$19,294.73

Mr. Wietzema said the articles in this change order were reviewed and approved by the architect on the project. The change order is an increase of \$19,294.73 increasing our total contract price to \$1,898,260.50.

The motion was made by Council Member Cummings, seconded by Council Member Kolpin and unanimously carried to approve the Phase One Change Order for the Field House.

APPROVED FIELD HOUSE PHASE TWO CHANGE ORDER

Mr. Wietzema said Tri-State General Contracting the field house project contractor has submitted a Phase Two change order. Included in this change order is the following:

- Provide and install sub slab vapor system. \$2,809.89
- Provide additional exterior lighting \$2,669.66
- Provide electric to exterior sign \$4,152.81
- Enclose area under the stairs for storage \$7,258.68
- Reposition electrical outlets \$1,324.58
- Run Fiber line conduit to office \$3,102.20
- Soil correction work \$24,634.21

Total change order \$45,979.03

The articles in this change order were reviewed and approved by the architect on the project.

The change order is an increase of \$45,979.03 which increases our total contract price to \$2,498,815.09.

The motion was made by Council Member Kieblock, seconded by Council Member Kolpin and unanimously carried to approve the Phase Two change order for the Field House.

RESOLUTION NO. 2023-03-08 FOR ESTABLISHMENT OF MUNICIPAL STATE AID STREETS

Steve Schnieder, City Engineer, said the Municipal State Aid Street System (MSAS) is limited to 20% of the street mileage within the city limits. He explained the City has banked 2.22 miles which is available for designation. For the City to receive State Aid funding for these banked miles, they need to be designated as part of the City's system.

The realignment of the MSAS system has been on hold since the reconstruction of Trunk Highway 60, waiting for the State to complete the turnback of the city streets impacted by the reconstruction.

The TH 60 reconstruction along with other changes to the City street system has resulted in traffic patterns changing. The changes include the direct connection of County State Aid Highway 35 to East Avenue at the roundabout. Grand Avenue has been completed from Oxford Street to Darling Drive. The 16th Street railroad crossing has been closed cutting off access to TH 60 to the south. Development has increased along Crailsheim Road, and redevelopment is happening along Humiston Avenue.

The proposal is to extend the MSAS designate on West Lake Avenue over to Crailsheim Road, and designate Clifton Avenue to extend the MSAS system on First Avenue north to Oxford Street.

Mr. Schnieder said once the TH 59 reconstruction is completed Grand Avenue from First Avenue to Darling Drive and west to TH 59 (Humiston Avenue) will also be designated an MSAS route.

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

RESOLUTION NO. 2023-03-08

RESOLUTION IN ESTABLISHMENT OF MUNICIPAL STATE AID STREETS

(Refer to Resolution File for complete copy of Resolution)

CONDITIONAL USE PERMIT - 2385 HIGHWAY 60 APPROVED

Matt Selof, Community Development Director, said Ron Prins, owner of Ron's Repair, located at 2385 Highway 60 has applied for a conditional use permit that would allow for an approximately 150' x 182' expansion to the existing building. Pursuant to Minnesota Statute §462.3595 and as outlined in Worthington City Code Chapter 155 Appendix E, auto/truck repair centers are permitted by conditional use permit only in the 'B-3' General Business District, the zoning designation of the subject property. The legal description of the subject property under consideration is as follows:

*That part of the West Half of the Southwest Quarter of Section 18, Township 102 North, Range 39 West, City of Worthington, Nobles County, Minnesota, described as follows: Commencing at the west quarter corner of said Section 18; thence on an assumed bearing of
of
South 0 degrees 13 minutes 06 seconds East, along the west line of said Section, a distance of 300.62 feet to a Minn. D.O.T. right of way monument; thence continuing South 0 degrees 13 minutes 06 seconds East, along said west line, a distance of 832.74 feet to the point of beginning of the tract to be described; thence South 89 degrees 01 minutes 06 seconds East a distance of 421.85 feet to an iron monument located on the northwesterly line of a Robert J. Boots tract as recorded in Document No. 234855; thence South 47 degrees 53 minutes 04 seconds West, along the northwesterly line of said tract, a distance of 168.51 feet to the most westerly corner of said tract; thence South 42 degrees 06 minutes 56 seconds East, along the*

southwesterly line of said tract, a distance of 200.00 feet to the most southerly corner of said tract; thence North 47 degrees 53 minutes 04 seconds East, along the southeasterly line of said tract, a distance of 200.00 feet to the most easterly corner of said tract; thence South 42

degrees 06 minutes 56 seconds East a distance of 70.00 feet to the northwesterly right of way line of Minnesota Trunk Highway No. 60; thence South 47 degrees 53 minutes 04 seconds West, along said northwesterly right of way line, a distance of 200.00 feet; thence South 47 degrees 51 minutes 57 seconds West, along said northwesterly right of way line, a distance of 596.18 feet; thence North 0 degrees 13 minutes 06 seconds West, along said northwesterly right of way line, a distance of 67.19 feet; thence South 47 degrees 52 minutes 09 seconds West, along said northwesterly right of way line, a distance of 44.34 feet to the west line of said Section 18; thence North 0 degrees 13 minutes 06 seconds West, along said west line, a distance of 683.04 feet to the point of beginning, containing 5.365 acres, subject to easements now of record in said county and state.

AND

A tract of land lying in the Southwest Quarter of Section 18, Township 102, Range 39, described as follows: Commencing at the northwest corner of the Southwest Quarter of Section 18, Township 102, Range 39; thence southerly along said section line for 304.09 feet; thence southeasterly at an angle of 93 degrees 51 minutes 35 seconds for 245.36 feet; thence southeasterly on a 6.86 degree curve for 653.91 feet; thence southeasterly along the tangent line of said curve for 406.31 feet to the northwesterly right-of-way of Highway #60; thence southwesterly at 90 degrees and along said highway right-of-way line for 617.9 feet; thence northwesterly at 90 degrees for 70 feet to the point of beginning; thence southwesterly at 90 degrees and parallel to said right-of-way line for 200 feet; thence northwesterly at 90 degrees for 200 feet; thence northeasterly at 90 degrees for 200 feet; thence southeasterly at 90 degrees for 200 feet to the point of beginning.

The Planning Commission met on March 7, 2023 and voted unanimously to recommend approval of the requested conditional use permit subject to the following conditions:

1. The subject property must maintain compliance with all applicable local, State, and Federal standards and requirements.

The Commission recommended that the applicant not be required to provide a 6-foot tall screening fence as required by City Code Section 97.14 and recommended that the City remove that requirement from City Code with the understanding that screening may be required on a case by case basis through the conditional use permit process.

The recommendation on screening focused primarily on the elevation of the property and its surroundings (for instance the adjacent highway sits high enough that screening would not actually hide vehicles from sight).

Mr. Selof said the applicant's business has been in operation long before that change and is considered a 'grandfathered' use. However, in order to expand the business, a conditional use permit

is required. The new addition will be approximately 150' x 182'. As proposed, the plans meet all setback/coverage requirements for the property. The addition will run right up to an easement held by the City for overhead transmission lines. There are no concerns from City or Public Utilities staff regarding the proximity of the building to the easement.

Mr. Selof said Ron's Repair was approved for a variance in 2004 that allowed him relief of the requirement to hard surface all parking stalls and access drives. This variance was approved until such time the frontage road is curbed and guttered or it becomes a public road, whichever occurs first. Neither has occurred so the variance is still good and no hard surfacing will be required as a result of this expansion. The business does have a concrete apron around the building, which is used for parking.

Mr. Selof explained City Code Section 97.14 requires that auto repair shops may keep no more than six inoperable vehicles on the premises at any one time and that all inoperable vehicles must be screened and stored behind at least a six-foot-tall privacy fence on four sides. The change was implemented in 2020.

He said Ron's repair has a fenced in 'yard' where trucks and trailers awaiting repair or parts are stored. The fence is a chain-link fence, topped with barbed wire, and does not constitute screening.

Mr. Selof said to staff's knowledge, only one auto or truck repair center currently operating in Worthington is screened in accordance with City Code. Within the last year, one conditional use permit was issued for a repair shop planning on relocating and required screening as a condition of that permit. He said it could still be a requirement for a land use conditional use permit but could be removed for existing businesses. Council agreed as the ordinance is not being used to its entire effect.

Mr. Selof said staff has also received feedback from the MnDOT regarding the application, unfortunately after the Planning Commission meeting so they were not able to make any kind of recommendation.

He said as part of this project, they are requesting that the City require approximately 100 feet of curb to be installed along the frontage road (this would follow their right-of-way.) The request is being made by MnDOT to help tighten up access to Ron's Repair and push the access point further back from the intersection. They outlined the following three goals for this:

1. Reduction of conflicts between traffic entering/exiting Ron's and northbound/southbound Armour Road traffic.
2. Reduction of conflicts between trail users and traffic entering/exiting Ron's.
3. Allowing a greater amount of Armour Road traffic to stack in and utilize the existing dedicated right and through/left lanes at TH 60.

Mr. Selof explained installation of a curb would nullify the existing variance which provides relief

from the hardsurfacing requirement for the parking lot, meaning Ron's Repair would now need to hard surface their parking lot. An alternative option – if Council wishes to maintain the variance is to require fencing, landscaping, or some other types of traffic obstruction along that area.

However, MnDOT has indicated they would be happy with anything that helps push the site access further back along the frontage road.

Council Member Cummings stated that it is unfortunate that the Planning Commission was unable to hear the request of MnDOT and unable to make a recommendation. Mr. Robinson said a Special Planning Commission meeting could be held and it could be brought back to the March 27th Council meeting.

A motion was made by Council Member Cummings, seconded by Council Member Kolpin and unanimously carried to table the Conditional Use Permit for Ron's Repair, 2385 Highway 60, having staff schedule a Special Planning Commission meeting and bring it back to the March 27, 2023 Council meeting.

COUNCIL COMMITTEE REPORTS

Mayor Von Holdt - No report.

Council Member Janssen - No report.

Council Member Ernst - No report.

Council Member Kielblock - No report.

Council Member Kolpin - Attended an HRA Meeting, advertisement for bids have been done for the Duplex project on Cecilee Street. Attended a PJC meeting, continuing discussion on the impound vehicle storage and size of building to be built. Attended YMCA Cruise dinner, have heard great comments on the event. The Memorial Auditorium will be hosting the Pirates of Penzance this weekend.

Council Member Cummings - No report.

CITY ADMINISTRATOR REPORT

Mr. Robinson said he attended the last meeting of the Salary Council Board that he was appointed to that determines the salary adjustments of the legislature. The board will convene again two years.

ADJOURNMENT

The motion was made by Council Member Kielblock, seconded by Council Member Janssen and unanimously carried to adjourn the meeting at 6:49 p.m.

Mindy L. Eggers, CMC
City Clerk