

**WORTHINGTON CITY COUNCIL  
REGULAR MEETING, MARCH 14, 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, Alaina Kolpin, Larry Janssen. Excused Absence: Chris Kielblock, Amy Ernst.

Staff present: Steve Robinson, City Administrator; Steve Schnieder, City Engineer; Matt Selof, City Planner; Todd Wietzema, Public Works Director; Hyunmyeong Goo, Assistant City Engineer; Pat Shorter, Fire Chief; Mindy Eggers, City Clerk.

Others present: Emma McNamee, The Globe; Ryan McGaughey, Radio Works; John Landgaard, Superintendent, ISD 518; Randy Donahu, Action Radio Comm.; Zawdee Plopsepoeliberty, Lizbeth Lerma, Honorary Council Member;

The Pledge of Allegiance was recited.

Mayor Kuhle welcomed Lizbeth Lerma as the Honorary Council Member for the months of February, March and April.

**AGENDA APPROVED WITH ADDITIONS/CHANGES**

Mayor Kuhle stated *Engineering Item H.4. Approve Plans for Tap Trail Improvements, SP 177-591-000 Minn, Project No. TA 5322 (046) at Cecilee Street and Prairie Elementary* would be added to the agenda.

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

**CONSENT AGENDA**

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

- City Council Meeting Minutes of February 28, 2022
- Planning Commission Meeting Minutes of February 16, 2022
- Planning Commission Meeting Minutes of January 4, 2022
- Planning Commission Meeting Minutes of December 7, 2021
- Planning Commission Meeting Minutes of November 2, 2021
- Housing & Redevelopment Authority Meeting Minutes of January 26, 2022
- Bills payable and totaling \$1,936,665.00 be ordered paid

**MEMORANDUM OF UNDERSTANDING FOR FY 2022 ASSISTANCE TO FIRE FIGHTERS REGIONAL GRANT PROGRAM**

Pat Shorter, Fire Chief, said local area Fire Departments have discussed emergency radios at length the last few months. Mr. Shorter explained most of the area departments use the EFJohnson Brand Radios but they have become obsolete for the State ARMER radio system. There are no longer updates for the software nor are there replacement parts being made for these radios. The battery life on these radios also drains quickly and no longer holds an adequate charge to make it through a fire call. There is an AFG regional grant that can be applied for that can help offset the cost of the radios but does require a 5% match. Recently the ARPA funding has been approved to be used as an appropriate use of funds. The Cities of Adrian, Bigelow, Brewster, Ellsworth, Lismore, Round Lake, Rushmore, Wilmont, and Worthington have been identified as eligible jurisdictions able to collectively implement the objectives and goals of the AFG grant program.

Mr. Shorter said the City of Brewster is willing to serve as the host agency for purposes of submitting the AFG application on behalf of the parties, administrating the grant, including asset accountability and reporting requirements for those assets acquired under the AFG in the event of approval; and procuring and disbursing all equipment received under the AFG in the event of approval. Grant writer Karin Anderson, who has worked with the City of Brewster in the past and has worked with regional grants is willing to write the grant, the fee would be \$2,500.00. The cost would be split between all of the agreeing departments/cities.

The cost per department would be \$277.78 if all 9 departments agree to be part of it. The grant, however, would not be awarded until late this year or early next year. The 5% match would not have to be paid until grant awards are made.

Council action is requested on the MOU for FY 2022 Assistance to Firefighters Regional Grant program.

**RESOLUTION NO. 2022-03-08 ADOPTED REESTABLISHING PRECINCTS AND POLLING PLACES WITHIN THE CITY OF WORTHINGTON**

Steve Robinson, City Administrator, said Minnesota Statute requires that the City Council designate polling places for each precinct.

The polling places for the 2022 primary election and the 2022 general election will be as follows:

- Ward 1 - Precinct 1 - Lakeside Church - 1000 Linda Lane
- Ward 1 - Precinct 2 - Lakeside Church - 1000 Linda Lane
- Ward 1 - Precinct 3 - Lakeside Church - 1000 Linda Lane
- Ward 1 - Precinct 4 - American Reformed Church - 1720 N. Burlington
- Ward 1 - Precinct 5 - American Reformed Church - 1720 N. Burlington
- Ward 2 - Precinct 1 - YMCA - 1501 Collegeway

Ward 2 - Precinct 2 - Nobles County Public Works - 960 Diagonal Road  
Ward 2 - Precinct 3 - Nobles County Public Works - 960 Diagonal Road  
Ward 2 - Precinct 4 - Solid Rock Church - 1730 Diagonal Road  
Ward 2 - Precinct 5 - Solid Rock Church - 1730 Diagonal Road

The City of Worthington combines polling places as set forth above for each of the following contiguous precincts:

Ward 1 - Precinct 2 and Ward 1 - Precinct 3  
Ward 1 - Precinct 4 and Ward 1 - Precinct 5  
Ward 2 - Precinct 2 and Ward 2 - Precinct 3  
Ward 2 - Precinct 4 and Ward 2 - Precinct 5

Mr. Robinson said that no redistricting is required according to the Census numbers.

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

RESOLUTION NO. 2022-02-08

A RESOLUTION REESTABLISHING PRECINCTS AND POLLING PLACES WITHIN THE CITY OF WORTHINGTON

(Refer to Resolution File for complete copy of Resolution)

### **MIDDLE SCHOOL BALLFIELDS LEASE AGREEMENT**

Mr. Robinson said city staff will once again be leasing the Middle School baseball fields from ISD 518 and assume maintenance responsibilities for the 2022 season. Staff has turf maintenance experience and the equipment to groom and maintain the fields. The City will be reimbursed from the school district \$10,100.00 for the services noted below:

- Pay the electric service bills during the term of the lease,
- Maintain the premises including the restroom/concession building,
- Sweep the parking lot as needed,
- Mow, water, fertilize, aerate and weed the turf areas,
- Apply Agri-lime and chalk as needed,
- Perform start-up and shutdown of the irrigation system,
- Make minor repairs to the facilities and premises,
- Schedule all activities and events during the term of the lease, and
- Provide equipment and personnel to perform the above,

The school district will provide the agri-lime and chalk; pay one-third the cost of grass seed and fertilizer and be responsible for major repairs.

WAYBA has agreed to pay one-half of the City's share of grass seed and fertilizer and maintain the concession area.

The lease shall commence on March 15, 2022, and ending on October 31, 2022, and will have the option to automatically renew each year. Lessor and Lessee will have a sixty (60) day release upon written notice prior to renewal.

Todd Wietzema, Public Works Director, said that it worked very well last year and benefitted all organizations involved.

A motion was made by Council Member Janssen, seconded by Council Member Cummings and unanimously carried to approve the Middle School Ball Fields Lease and Maintenance Agreements as presented.

**RESOLUTION NO. 2022-02-09 ADOPTED ELECTING THE STANDARD ALLOWANCE AVAILABLE UNDER THE REVENUE LOSS PROVISION OF THE CORONAVIRUS LOCAL FISCAL RECOVERY FUND ESTABLISHED UNDER THE AMERICAN RESCUE PLAN ACT**

Mr. Robinson said by electing the standard allowance under the revenue loss provision the City of Worthington can use the City's full award for government services along with streamlined reporting requirements under the American Rescue Plan Act.

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

RESOLUTION NO. 2022-02-09

A RESOLUTION ELECTING THE STANDARD ALLOWANCE AVAILABLE UNDER THE REVENUE LOSS PROVISION OF THE CORONAVIRUS LOCAL FISCAL RECOVERY FUND ESTABLISHED UNDER THE AMERICAN RESCUE PLAN ACT

(Refer to Resolution File for complete copy of Resolution)

**APPROVED 2022 PRIVATE DOCKS ON PUBLIC PROPERTY**

Todd Wietzema, Public Works Director, said in accordance with the city policy adopted in 2013 regarding the issuance of permits for private docks to be located on public property, the City Council shall annually:

- Set the number of private docks allowed on public property. In 2021 council allowed all permits on the condition that they meet our dock policy. In 2021 the City issued 8 permits for docks on public property. Owners who currently have a valid dock permit will have first option on renewal for the following year unless City Council reduces the permits available. If Council reduces the number of permits, all permit applications from existing permit holders will be reviewed by the Council.

And

- Set the annual permit fee. The 2021 fee was \$175.00 and Mr. Wietzema noted with the increase of costs and fuel price increases, it is proposed to raise the annual fee to \$200.00.

The 2021 Dock Permit holders were:

1. 200 Lake Street Dave Holinka
2. 214 Lake Street Bruce Pass
3. 620 Lake Street David Schaap
4. 117 Lake Avenue Tim Crooks
5. 721 Lake Avenue Steve Prins
6. 916 West Lake Avenue John Sieve
7. 1977 South Shore Drive Bradly Shwartz
8. 713 May Street Brian Standafer

Council action is requested to set the number of dock permits issued for 2022 and the fee charged for each dock permit.

A motion was made by Council Member Cummings, seconded by Council Member Kolpin and unanimously carried to approve the 2022 Private Docks on Public Property with no restrictions on the number of docks allowed providing they meet all of the required criteria and to raise the fee to \$200.00.

### **APPROVED BALLFIELD MAINTENANCE AGREEMENT WITH MN WEST**

Mr. Wietzema said the City of Worthington and MN West have partnered to bring forward a proposed maintenance agreement to have City Public Works staff do annual maintenance on the athletic fields located on the MN West Worthington campus. The fields included would be the baseball, softball, and football practice fields. The maintenance duties that Public Works staff would be responsible for include mowing, dragging, lining, fertilizing, aerating, and general cleanup. The proposed suggested fee that MN West will pay the City of Worthington for these services is \$11,567.00.

A motion was made by Council Member Cummings, seconded by Council Member Janssen and unanimously carried to approve the Ballfield Maintenance Agreement with MN West.

**APPROVED AGENCY AGREEMENT AND ADOPTED RESOLUTION NO. 2022-03-10 WITH THE MINNESOTA DEPARTMENT OF TRANSPORTATION FOR FEDERAL PARTICIPATION IN ADVANCE CONSTRUCTION OF CONTRACT NUMBER 1049757**

Steve Schneider, City Engineer, said the City is planning for the construction of two federally funded trail projects in 2022. One is a trail connecting the Cecilee Street neighborhood with the trail along Trunk Highway 60 to access the JBS pork processing plant. The other trail will connect the Sunset Bay neighborhood with the Prairie Elementary School. Mr. Schneider explained the funding for these trails includes federal Transportation Alternative Project (TAP) Funding and to receive the federal funding, the State of Minnesota needs to be the fiscal agent. The federal funding is for fiscal year 2023. The State will advance funding for this project and will convert to "real" funds in federal fiscal year 2023 when the funds become available.

A motion was made to approve the agreement for the MnDOT Contract Number 1049759 and to adopt the following resolution:

RESOLUTION NO. 2022-03-10

A RESOLUTION FOR THE STATE OF MINNESOTA AGENCY AGREEMENT CONTRACT NUMBER 1049759

(Refer to Resolution File for complete copy of Resolution)

**RESOLUTION NO. 2022-03-11 ADOPTED FOR AGREEMENT TO STATE TRANSPORTATION FUND LOCAL BRIDGE REPLACEMENT PROGRAM GRANT TERMS AND CONDITIONED GRANT AGREEMENT NUMBER 1046914 SAP 177-597-001 AND APPROVED LOCAL BRIDGE REPLACEMENT PROGRAM GRANT AGREEMENT WITH THE MINNESOTA DEPARTMENT OF TRANSPORTATION**

Mr. Schnieder said Council awarded the contract for the replacement of bridge number L331 10 on Fox Farm Road on February 28, 2022. The funding for the bridge replacement is provided through state general obligation bonds for the Local Bridge Replacement Program. He explained in order for the City to receive the funds, an agreement is needed committing the city to the use of the funds for the project, to pay any cost over the amount of \$188,890.00 as provided in the agreement, to return any funding amount that is not used, and to retain ownership and maintain the bridge for a period of 37.5 years.

A motion was made by Council Member Kolpin, seconded by Council Member Cummings and unanimously carried to approve the Local Bridge Replacement Program Grant Agreement with the Minnesota Department of Transportation and adopt the following resolution:

RESOLUTION NO. 2022-03-11

RESOLUTION TO ADOPT AGREEMENT TO STATE TRANSPORTATION FUND LOCAL BRIDGE REPLACEMENT PROGRAM GRANT TERMS AND CONDITIONED GRANT AGREEMENT NUMBER 1046914 SAP 177-597-001

(Refer to Resolution File for complete copy of Resolution)

**AUTHORIZE ADVERTISEMENT FOR BIDS - OLSON PARK TRAIL IMPROVEMENTS**

Mr. Schneider said on December 28th 2021, Council approved a proposal from Short Elliott Hendrickson Inc. for design and bidding services for Olson Park Trail improvements, Olson Park pedestrian bridge replacement, and Sunset Park boat landing parking lot improvements.

SEH has now completed 95% design and construction documents. Plans and documents will be reviewed and endorsed by engineering staff.

Council action is requested to authorize SEH to advertise for bids when the final plans are approved and submitted.

Mr. Schnieder said at this time the pedestrian bridge replacement and Sunset Park boat landing parking lot will be reviewed at a later date. Mr. Wietzema said staff was not comfortable with the parking lot plans and the bridge plans have not been completed.

A motion was made by Council Member Cummings, seconded by Council Member Kolpin and unanimously carried to authorize the advertisement for bids for the Olson Park Trail improvements.

**APPROVED PLANS FOR TAP TRAIL IMPROVEMENTS, SP 177-591-001- MINN. PROJ. NO. TA 5322 (046) AT CECILEE STREET AND PRAIRIE ELEMENTARY**

Mr. Schnieder said the plans have been completed and the Minnesota Department of Transportation has approved plans and specifications for the construction of trails at Prairie Elementary and Cecilee Street. The estimated total cost of the project, including engineering and contingencies, is \$187,000. The funding for this project will be federal funds \$135,000 and local funding \$52,000. Mr. Schnieder explained the primary purpose of this project is to provide a trail to connect neighborhoods to the school and work. The planned completion date for this project is September 1, 2022.

A motion was made by Council Member Kolpin, seconded by Council Member Cummings and unanimously carried to approve the plans and authorize advertisement for bids to be received on Wednesday, April 20, 2022 at 1:30 p.m. and considered at the Council meeting on Monday, May 9, 2022 after review by the State of Minnesota.

**CONDITIONAL USE PERMIT - 1117 MARINE AVENUE**

Matt Selof, City Planner, said Wold Architects/Independent School District 518 has applied for a conditional use permit to expand their current administrative building located at 1117 Marine Ave. The proposed expansion would add another approximately 4,419 square feet of office space. Pursuant to Minnesota Statute § 462.3595 and as outlined in Worthington City Code §155.086 (C), and Appendix E, Public Institutional and Cultural uses are permitted by conditional use permit only in ‘R-3’ Low Density Preservation Residential District, the zoning of the subject property. The legal description of the subject property is as follows:

*Lots 8, 9 and 10, Block 1, Refsell’s Addition, City of Worthington, Nobles County, Minnesota.*

The City Planning Commission voted unanimously at its March 1st, 2022 meeting to recommend approval of the requested conditional use permit subject to the following conditions:

1. The submitted site plan and any changes follow the ‘R-3’ zoning district requirements;
2. The subject property must maintain compliance with all applicable, Local, State, and Federal standards and requirements.

A motion was made by Council Member Cummings, seconded by Council Member Janssen and unanimously carried to approve the Conditional Use Permit for 1117 Marine Avenue.

### **HELD DISCUSSION ON DOWNTOWN RETAIL OVERLAY DISTRICT**

Mr. Selof said City Code §155.086 (4) (C) lays out the Retail Shopping Overlay District downtown. The section of code is as follows:

(C) Retail Shopping Overlay District.

- (1) This overlay district is intended to preserve the concentration of retail shopping activities at ground level along Tenth Street from Second Avenue to Fifth Avenue.
- (2) Only one Retail Shopping Overlay District shall be allowed.
- (3) Ground level uses permitted in this district shall be as designated in Table 5 of this title for non-residential use groups (A, B, C, D, E, F). Any use permitted in the underlying zoning district, as indicated on the official zoning map, may be allowed as a conditional use in accordance with §§ 155.185 and 155.186 of this chapter.
- (4) Non-ground level uses permitted in this district shall be those uses allowed and regulated in the underlying zoning district as indicated on the official zoning map.

Mr. Selof said the Planning Commission held a discussion at its March 1, 2022 meeting regarding whether this overlay district was still necessary. The consensus was that this district is unnecessary and should be removed. Staff concurs and feels the permitted uses downtown are better addressed through the ‘B-2’ zoning district. If certain land uses are not suitable for the downtown area it should be addressed through the zoning district rather than a separate overlay district.



Council Member Cummings said he agrees the overlay should be removed, as it stands it does not allow certain businesses to be located in the downtown area.

The consensus of Council was direct staff to move forward with the process to remove the overlay district.

### **COUNCIL COMMITTEE REPORTS**

Mayor Kuhle - Attended the CGMC Legislative Action Day last week with Steve and Chad. Legislature is working on grants that target childcare businesses that can help make it more affordable for them.

Council Member Janssen - No report.

Council Member Ernst - No report.

Council Member Kielblock - No report.

Council Member Kolpin - The Center for Active Living has had a significant increase in membership. They will be doing some new activities in the next couple of months as well.

Council Member Cummings - Attended the YMCA Cruise Dinner, great time and serves as the biggest fundraiser of the year for the YMCA. Also attended the CGMC Legislative Action Day last week and had the opportunity to meet with our representatives Hamilton and Weber.

### **CITY ADMINISTRATOR REPORT**

Mr. Robinson said there was a meeting with the County to focus on a Healthy Homes concept that would allow agencies in the County to work together and have a central reporting location that could address issues within homes.

The new Engineering Technician started today and the City received 21 applications for the Public Works positions.

### **ADJOURNMENT**

A motion was made by Council Member Kolpin, seconded by Council Member Janssen and unanimously carried to adjourn the meeting at 7:54 p.m.

Mindy L. Eggers. MCMC  
City Clerk