

**WORTHINGTON CITY COUNCIL  
REGULAR MEETING  
APRIL 10, 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.

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; Mindy Eggers, City Clerk.

Others Present: Ryan McGaughey, Radio Works.

The Pledge of Allegiance was recited.

**AGENDA APPROVED WITH ADDITIONS/CHANGES**

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

**CONSENT AGENDA**

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

- Planning Commission Minutes of April 4, 2023
- Convention & Visitors Bureau Minutes of March 29, 2023
- Convention & Visitors Bureau Minutes of February 22, 2023
- Convention & Visitors Bureau Minutes of December 28, 2022
- Convention & Visitors Bureau Minutes of November 30, 2022
- Convention & Visitors Bureau Minutes of October 26, 2022
- Convention & Visitors Bureau Minutes of September 28, 2022
- Economic Development Authority Minutes of March 27, 2023
- YMCA Board of Directors Minutes of March 27, 2023
- YMCA Board of Directors Minutes of February 27, 2023
- YMCA Board of Directors Minutes of January 30, 2023
- YMCA Board of Directors Minutes of December 19, 2022
- YMCA Board of Directors Minutes of November 21, 2022
- YMCA Board of Directors Minutes of October 24, 2022
- YMCA Board of Directors Minutes of September 26, 2022
- YMCA Board of Directors Minutes of August 29, 2022
- YMCA Board of Directors Minutes of June 27, 2022
- YMCA Board of Directors Minutes of May 23, 2022
- YMCA Board of Directors Minutes of April 25, 2022

- YMCA Board of Directors Minutes of March 28, 2022
- YMCA Board of Directors Minutes of February 28, 2022
- YMCA Board of Directors Minutes of January 31, 2022
- YMCA Board of Directors Minutes of December 20, 2021
- YMCA Board of Directors Minutes of November 22, 2021
- YMCA Board of Directors Minutes of October 25, 2021
- YMCA Board of Directors Minutes of September, 2021
- YMCA Board of Directors Minutes of August 30, 2021
- YMCA Board of Directors Minutes of June 28, 2021
- YMCA Board of Directors Minutes of May 24, 2021
- YMCA Board of Directors Minutes of April 26, 2021
- YMCA Board of Directors Minutes of March 29, 2021
- YMCA Board of Directors Minutes of February 22, 2021
- YMCA Board of Directors Minutes of January 25, 2021
- Housing & Redevelopment Authority Special Minutes of March 20, 2023
- Housing & Redevelopment Authority Minutes of March 1, 2023
- Housing & Redevelopment Authority Minutes of February 1, 2023
- Housing & Redevelopment Authority Minutes of December 28, 2022
- Worthington Public Arts Commission Minutes of March 14, 2023
- Approved Girl's Softball Association Agreement
- Approve Dock Permits
- Application to Conduct Off-Site Gambling - Currie Town & Country Boosters, Inc. for April 19, 2023, at the Worthington Event Center
- Bills Payable Totaling \$2,287,487.57

**REVIEW OF POSITION CLASSIFICATION AND COMPENSATION PROFESSIONAL SERVICES AGREEMENT APPROVED**

Steve Robinson, City Administrator, said the City of Worthington Classification and Compensation Plan was originally adopted by City Council in 1988 and amended in 1991. In the current plan, positions are classified into one of 15 non-exempt or 12 exempt salary schedules. The classification is based on the total points assigned from nine separate position factors. These factors consist of:

- Job Complexity,
- Contacts with Others,
- Education,
- Experience,
- Certification Requirement,
- Pressures, Stresses and Hazards,
- Physical Demands,
- Scope of Decisions, and
- Responsibilities for Others.

He explained the current Compensation Plan is in compliance with Minnesota's Department of Employee Relations Pay Equity and the Local Government Pay Equity Act, the City of Worthington is faced with a growing challenge of attracting and keeping a talented workforce. It is also the policy of our organization that employee's salaries are determined on a fair and equitable basis.

In addition to reviewing the compensation plan the employee benefits and performance assessment would also be reviewed

Staff has had discussions with Abdo Solutions who would be able to provide an initial review and possibly lead us through a more comprehensive revision of the compensation plan. Mr. Robinson said the estimated fee for the scope of work outlined to be between \$2,000.00-\$2,200.00. Staff recommends the fee be paid with unallocated ARP funds which has a current balance of \$258,498.

A motion was made by Council Member Kolpin, seconded by Council Member Janssen and unanimously carried to approve the Abdo Solutions Professional Services Compensation Agreement.

#### **APPROVED 2023 WORTHINGTON SOCCER LEAGUE AGREEMENT**

Todd Wietzema, Public Works Director, said the Worthington Soccer League has informed staff of their intent to continue with the adult soccer league for the 2023 season. Mr. Wietzema said the fee for 2023 would be \$250.00 per team which is a 25% increase over what was charged in 2022. In the agreement, the Soccer Association would be able to utilize the outdoor soccer fields at Buss Field for the purpose of playing organized soccer games. They would also be responsible for cleanup of the facilities in a timely manner and may use the restroom facilities at Buss Field.

Mr. Wietzema noted the Park and Recreation Advisory Board, approved the proposed 2023 agreement at their April 5<sup>th</sup> meeting.

A motion was made by Council Member Cummings, seconded by Council Member Ernst and unanimously carried to approve the 2023 Worthington Soccer League Agreement.

#### **LIQUOR STORE PARKING LOT CONSTRUCTION SERVICES PROPOSAL APPROVED**

Mr. Wietzema said Bolton & Menk, the engineers for the liquor store parking lot construction project have submitted Task Order #19 construction services proposal to oversee the projects construction and administration. The proposed cost for the services is estimated to be \$23,500.00.

The costs are based on the Master services agreement that the City of Worthington currently has in place with the firm.

A motion was made by Council Member Ernst, seconded by Council Member Kolpin and unanimously carried to approve Task Order #19.

**RESOLUTION NO'S. 2023-04-10 AND 2023-04-11 ACCEPTING A DONATION OF PERSONAL PROPERTY**

Mr. Wietzema said the Park and Recreation Advisory Committee has received requests from two parties to place benches in city parks. The request are as follows:

- Scott and Melissa Erickson to place a bench in Centennial Park in memory of Norman and Nancy Teerink.
- Denise Schlichte to place a bench at the Chautauqua Park Bandshell, in memory of Dean and Diane Yahnke.

The donations meet all the requirements as set forth in the Park Donation policy and the Park and Recreation Advisory Board recommends the City Council accept the donations.

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

RESOLUTION NO. 2023-04-10

A RESOLUTION ACCEPTING A DONATION OF PERSONAL PROPERTY

(Refer to Resolution File for complete copy of Resolution)

RESOLUTION NO. 2023-04-11

A RESOLUTION ACCEPTING A DONATION OF PERSONAL PROPERTY

(Refer to Resolution File for complete copy of Resolution)

**RESOLUTION NO. 2023-04-12 ADOPTED APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BID**

Steve Schnieder, City Engineer, said the consultants from Bolton & Menk, Inc., prepared plans and specifications for the reconstruction of 2nd Avenue (CSAH 25) from 10th Street to 12th Street. Schnieder said the project would provide a 2-lane roadway with 10-foot parallel parking (50-foot total width) and 10-foot concrete sidewalks on both sides of the street. The project also includes storm sewer reconstruction, the reconstruction of sanitary services and the watermain fire service to the Active Living Center. The sanitary main, water main and water services were previously reconstructed in 2020. The completion date for this project is September 8, 2023.

Mr. Schnieder noted the project has also been approved by Nobles County and the Minnesota Department of Transportation.

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

RESOLUTION NO. 2023-4-12

**A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ORDERING  
ADVERTISEMENT FOR BID**

(Refer to Resolution File for complete copy of Resolution)

**UPDATE ON EAST OKABENA LAKE TRAIL**

Mr. Schnieder said a grant application for Transportation Alternatives funding was submitted to fund the construction of a trail from Second Avenue to Trunk Highway 60. The section of trail will connect the existing trail located on the east side of Okabena Lake by the dam to the existing trail on Trunk Highway 60 at the Nobles Street intersection. The trail will be identified as East Okabena Lake Trail. The trail will go under the Union Pacific Railroad using the existing abandoned trestle by the Field House. It will connect to Sherwood Street going east to the soccer fields and continue east along the north side of the East Okabena Lake bed along Charles Avenue over to Nobles Street, and then connecting to the existing trail along Trunk Highway 60.

Mr. Schnieder said the grant will cover 80% of the construction cost up to \$592,000, with the remaining cost of \$293,000 being covered by local funding. The engineering costs for this project are estimated at \$220,000 which is also a local cost.

**APPROVED FIRST READING PROPOSED ORDINANCE TO AMEND TITLE XV OF THE  
CITY CODE OF WORTHINGTON, NOBLES COUNTY, MINNESOTA - TEXT  
AMENDMENT – CITY CODE CHAPTER 97**

Matt Selof, Community Development Director, said The City of Worthington is considering a text amendment to City Code Section 97.15. The proposed amendment would remove the requirement that auto repair shops must screen all inoperable vehicles behind a 6-foot screening fence.

The Planning Commission held a public hearing and voted unanimously to recommend approval of the proposed text amendment at their April 4, 2023 meeting. The recommendation was based on the following:

1. Planning Commission recently took action on a conditional use permit request for a diesel repair business on March 7 and March 22. The Commission recommended that the business not be required to screen the property with a 6-foot screening fence as required by City Code 97.15. City Council concurred and directed staff to bring forth a text amendment to remove this requirement.

2. City Code Section 97.15 currently states:

“Auto repair shops shall keep no more than six inoperable vehicles on the premises at any one time. All inoperable vehicles must be screened and stored behind at least a sixfoot- tall privacy fence on four sides and shall not be seen from the public right-of-way.

If more than six inoperable vehicles are on the property at one time or any inoperable vehicles are stored outside of the required screening, it shall constitute a junk yard as provided in the City's Zoning Ordinance in § 155.010.”

Mr. Selof said staff recommends the following changes:

“Auto repair shops shall keep no more than six inoperable vehicles on the premises at any one time. All inoperable vehicles must be screened and stored behind at least a six foot tall privacy fence on four sides and shall not be seen from the public right-of-way. If more than six inoperable vehicles are on the property at one time or any inoperable vehicles are stored outside of the required screening, it shall constitute a junk yard as provided in the City's Zoning Ordinance in § 155.010.”

Staff also recommends the following changes to Section 97.11:

“It is unlawful for any person to park, keep, place, or store or permit the parking or storage of a stock car, racing car, or inoperable vehicle on a public street or alley, or on any private lands or premises the person owns, occupies, or controls unless it shall be within a building.; or screened on an auto repair lot in accordance with § 97.15.”

3. The screening requirements in question were adopted in 2020 in an effort to combat an increase in inoperable vehicles and businesses that were beginning to keep a significant number of inoperable vehicles on their lots, giving off the appearance of a junkyard. Among the screening requirements, the City also made all auto repair shops permissible by conditional use only, set a limit on the number of inoperable vehicles, and provided definitions. The City attempted to retroactively require screening but ultimately failed in its goals.

4. Under this proposal only the screening requirement will be removed, all other 2020 changes will be left in place. The Commission and Council will still have the option to require screening as a business expands, relocates, or new auto repair businesses open.

Council Member Cummings said while he agrees that screening does not work in some areas, are the remaining things in the ordinance being enforced. If there is no current license or tabs on a vehicle it should be enforced.

Mr. Robinson said he also would like staff to work with law enforcement to remove abandoned cars. He said he would have to look into the legal aspect of this.

A motion was made by Council Member Kolpin, seconded by Council Member Ernst to approve the first reading of the proposed ordinance. Those voting in favor of the motion: Kolpin, Janssen, Ernst, and Kielblock. Voting against the same motion: Cummings. Motion carried.

### **COUNCIL DISCUSSION – REQUEST TO ALLOW CHICKENS IN THE CITY**

Mr. Selof said on March 13, 2023 City Council heard a request from Worthington resident, Tony Vetsch, to allow chickens within city limits. Council requested that staff do some additional research before bringing the topic back for discussion.

Mr. Selof said the current ordinance is as follows:

#### §90.03 Domesticated Animals

(B) No person shall keep or allow to be kept, maintain or harbor within the city any of the following:

(8) Any animal which would normally be considered a farm animal or barnyard animal unless the animal is kept only temporarily in a stockyard, slaughterhouse, or farm supply merchandiser awaiting transportation or slaughter or for exhibition purposes. By way of example and not limitation, the terms farm animal and barn yard animal shall include cattle, horses, sheep, goats, swine, llamas, alpacas and fowl (including pigeons, ducks, chickens, geese, ostriches, guinea hens, pheasants, quail, partridge, and turkeys) but not including rabbits.

He explained cities vary greatly in whether chickens are allowed or not. Some cities such as Marshall, Willmar (except in agriculture or industrial districts), Hutchinson (except in agriculture districts), Luverne (except for agriculture districts), and Windom (except for agriculture districts) do not allow chickens anywhere in the city.

The following cities allow chickens in some capacity, they are: Albert Lea, Feergus Falls, New Ulm, and Sioux Falls, SD.

He explained if Council would decide to allow chickens in Worthington there are several areas in City Code that would need to be addressed. They are as follows:

- Section 90.03, 90.06, 90.04, and 98.9. These govern animal regulations, enclosures, manure and other things.
- Section 155.010 (zoning) would potentially need amendments to allow for coops to be exempted from the definitions of structures.
- Section 155.043 (zoning) regulates fences and prohibits chicken wire to be used as fences. Changes would be needed to exempt chicken runs from this section.
- Section 155.075 (zoning) regulates accessory structures. Coops would likely need to be defined separately and exempted from this section.
- Section 155.140 through 148 (shoreland regulations) regulate impervious surface coverage. Coops should be factored into this section.

Staff has also identified several other items that need to be taken into consideration by Council which includes permitting, costs, adjacent property owners, department responsibility, and enforcement.

Council Member Kolpin, expressed concern over the city being able to enforce a permitting process and if people would register the chicken coops, she said very few people register their dogs in Worthington, which is also required by City Code. She questions whether or not we have enough employees to enforce anything like this. She also noted that she has heard very little support for this from the public.

Other council members said the majority of the comments they received were against the idea.

Council Member Cummings said he struggled to see the financial advantage of raising chickens, he feels it's more of a hobby and does the entire city have to enforce this? He noted just because it's being done in other places doesn't mean it has to be done everywhere.

Mr. Robinson said nothing had to be done today but if Council would ever decide later, there would be a lengthy list of ordinances that would need to be amended.

#### **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 - The Artrageous Show is at the Memorial Auditorium this weekend.

Council Member Cummings - The Aquatic Center sub-committee is meeting and continues to get things ready for the new outdoor aquatic center.

#### **CITY ADMINISTRATOR REPORT**

Mr. Robinson said staff is working with the Lake Okabena Dam consultant to fill out paperwork to get the project moved up on the priority list. Reminded Council of the Special meeting on April 18<sup>th</sup>. Holding interviews for the Assistant City Engineer position.

#### **ADJOURNMENT**

The motion was made by Council Member Cummings, seconded by Council Member Kielblock and unanimously carried to adjourn the meeting at 6:25 p.m.

Mindy L. Eggers, CMC  
City Clerk