

**WORTHINGTON CITY COUNCIL  
REGULAR MEETING, MAY 10, 2021**

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, Larry Janssen, Alaina Kolpin and Amy Ernst.

Staff present: Steve Robinson, City Administrator; Todd Wietzema, Public Works Director; Jason Brisson, Assistant City Administrator/Director of Economic Development; Jeff Faragher, Acting City Engineer; Mindy Eggers, City Clerk.

Others present: Ryan McGaughey, The Globe; John Landgaard, District 518 Superintendent; Sal Bagley, Wold Architects & Engineers; Ken Kuhn, Cemstone.

The Pledge of Allegiance was recited.

**AGENDA APPROVED WITH ADDITIONS/CHANGES**

Mayor Kuhle stated there was one addition and a change to the agenda. *Item E.2. Commercial/Industrial Reserve Park Stormwater* would be added and will move *Item H.1. to E.3. Conditional Use Permit (Wold Architects & Engineers)*.

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

**CONSENT AGENDA APPROVED**

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

- City Council Minutes of Regular Meeting of April 26, 2021
- Water & Light Commission Minutes of May 3, 2021
- Park & Recreation Advisory Board Minutes of April 30, 2021
- LEC Joint Powers Board Minutes of February 17, 2021
- Application for Parade Permit or to Block Streets - Solid Rock Church
- Application for Temporary On-Sale Liquor License - Worthington Okabena Windsurfers
- Application for On-Sale Beer License - Nobles County Fair Association/Nobles County Speedway
- Bills payable and totaling \$1,031,399.33 be ordered paid

**MOVIE THEATER OPENING SCHEDULE UPDATE**

Todd Frager joined by phone to give the Council an update on the proposed opening of the theater. Mr. Frager said he is very excited for the theater to open and thinks it will be very popular but also

wants to make sure that everything is done as it should be and a summer opening is currently being planned. He said he works with the company Brightstar and they will be handling the install of the equipment. Mr. Frager said in talking with the rep from Brightstar on May 4<sup>th</sup>, he was told that it appears all materials with limited color choices will be available this summer. The final details of the deliveries and scheduling should be available May 14<sup>th</sup>. He said that typically all of the supplies are all shipped in order of installation. He assured Council he will keep them posted on any changes that may arise.

### **COMMERCIAL/INDUSTRIAL RESERVE PARK**

Jason Brisson, Assistant City Administrator/Community Development Director, said in working on the permit process for Cemstone Concrete Materials, our engineering consultant Bolton & Menk, Inc., informed staff that there were several options to ensure the development complies with the applicable stormwater requirements. Mr. Brisson said the park was built in 2012 and designed under the former MPCA NPDES permit which had a lower treatment that was amended in 2018 and increased the required treatment volume to even be above the current MPCA requirement. Bolton & Menk have come up with 3 options for the City to consider, they are as follows:

#### **Option 1: Use Existing Pond and Not Provide Additional Treatment**

Travis Winter, described verbal direction as a development permitted under the old rules are still valid today with no additional treatment. However, a letter has been requested from Todd Smith with the MPCA, but it has not yet been received. The City could take the same approach and not require the development area to meet the current stormwater ordinance standard. This is a legitimate approach but it should be reviewed to ensure it doesn't violate the MS4 permit requirements.

#### **Option 2: Onsite Treatment for the Additional Required Volume**

Mr. Winter explained in looking at Cemstone's plan, they are showing impervious coverage of 55%, 204,646 square feet. Ponding assumptions were for 85% impervious coverage – so really we assumed the site would develop 314,925 cu ft. The regional pond was originally designed to accommodate 13,122 cu ft of water quality volume. The 1.1" standard would require the site treat 18,679 cu ft of water quality volume. To bring the site into compliance, Cemstone would need to provide  $18,679 - 13,122 = 5,558$  cu ft onsite. The regional pond treats about 70% of Cemstone's requirement, which leaves about 1.4 acres of impervious left to be treated. According to the MPCA, bioretention basins costs about \$15 to \$60 per cubic foot of water quality volume. We can also assume a range of \$60,000 to \$100,000 per acre of impervious area treated. This puts the costs to Cemstone at about \$85,000 – \$140,000 for their BMP. Exhibit

#### **Option 3: Modify Outlet of the Regional Pond**

Mr. Winter's explained this approach involves the City providing additional treatment for the entire

park development area. We haven't had time to verify the original design, but we believe it was assumed a 0.5" water quality volume during design in 2012. The City's current standard is 1.1". The 0.5" water quality volume over the 197 acre drainage area (assuming 85% impervious) equates to a 304,014 cu ft requirement. The 1.1" standard results in a water quality volume of 668,831 cu ft. We would have to increase the outlet elevation from 1568 to 1570.75 (2.75'). This is a pretty substantial change. From what we can tell, the drain tile appears to be working well, so maybe the risk is low. But increasing the filtered volume (really the depth) can start to impact the drawdown time and potential for clogging. The 100-year HWL does go up, but only by about 0.1'. Given the large volume in the pond, this isn't a substantial increase, but the pond is likely to use the EOF during the 100-year event. I presume this is the low cost option, a structure modification may be in the range of \$10,000 to \$20,000. This would have to be done for both regional ponds to meet the WQV requirement for the entire industrial park. We have not performed this assessment for the southern regional pond yet.

Mr. Robinson stated if the City proceeds with Option 1 or 3 there would be no impact on construction for Cemstone.

Council Members agreed to have staff follow up with Options 1 and 3 before moving forward.

### **CONDITIONAL USE PERMIT (WOLD & ARCHITECTS AND ENGINEERS)**

Jason Brisson, Assistant City Administrator/Director of Community Development, said Wold Architects and Engineers has applied for a conditional use permit for the construction of an approximately 45,200 square foot community education facility with a planned approximately 3,600 square foot future addition. The development will also include an approximately 4,000 square foot storage shed. The property is located west of North Crailsheim Road, north of Fox Farm Road and is currently owned by Independent School District 518. Mr. Brisson explained pursuant to Minnesota Statute § 462.3595 and as outlined in Worthington City Code Chapter 155, Appendix E, the City requires that public institutional and cultural land uses, including private elementary, junior high or high school offering courses in general education and similar public cultural uses, require a conditional use permit in the 'R-1' – One Family Detached Zoning District, the zoning designation of the subject property. The legal description of the subject property under consideration is as follows:

That part of the Southeast Quarter of Section 21, Township 102 North, Range 40 West, Nobles County, Minnesota, described as follows:

Commencing at the Southeast corner of said Section 21; thence on an assumed bearing of South 89 degrees 22 minutes 38 seconds West, along the south line of said section, a distance of 395.48 feet to the point of beginning of the tract to be described; thence North 0 degrees 37 minutes 22 seconds West a distance of 33.00 feet to the Southeast corner of a Nobles County Sight Easement as recorded in Document No.

184052; thence North 34 degrees 13 minutes 33 seconds West, along the northeast line of said sight easement, a distance of 104.74 feet to the easterly line of a Nobles County Highway Easement as recorded in Document No. 335990; thence North 22 degrees 10 minutes 02 seconds East, along the easterly line of said highway easement, a distance of 95.56 feet; thence North 25 degrees 01 minutes 46 seconds East, along the easterly line of said highway easement, a distance of 100.13 feet; thence North 22 degrees 10 minutes 02 seconds East, along the easterly line of said highway easement, a distance of 100.00 feet; thence North 27 degrees 52 minutes 40 seconds East, along the easterly line of said highway easement, a distance of 100.50 feet; thence North 25 degrees 01 minutes 46 seconds East, along the easterly line of said highway easement, a distance of 100.13 feet; thence North 22 degrees 10 minutes 02 seconds East, along the easterly line of said highway easement, a distance of 200.00 feet; thence North 16 degrees 27 minutes 24 seconds East, along the easterly line of said highway easement, a distance of 100.50 feet; thence North 38 degrees 51 minutes 59 seconds East, along the easterly line of said highway easement, a distance of 52.20 feet; thence North 22 degrees 10 minutes 02 seconds

East, along the easterly line of said highway easement, a distance of 179.11 feet; thence northeasterly, along the easterly line of said highway easement, along a tangential curve, concave to the northwest, having a radius of 1562.40 feet, a central angle of 4 degrees 04 minutes 55 seconds, the chord of said curve bears North 20 degrees 07 minutes 33 seconds East, a chord distance of 111.29 feet, an arc distance of 111.31 feet to the east line of said section; thence North 0 degrees 19 minutes 45 seconds West, along said east line, a distance of 1519.91 feet to the East Quarter corner of said section; thence South 89 degrees 00 minutes 31 seconds West, along the east-west quarter line of said section, a distance of 2637.81 feet to the Center of said section; thence South 0 degrees 18 minutes 39 seconds East, along the northsouth quarter line of said section, a distance of 2662.26 feet to the South Quarter corner of said section; thence North 89 degrees 22 minutes 38 seconds East, along the south line of said section, a distance of 2243.05 feet the point of beginning, containing 155.29 acres, subject to easements now of record in said county and state.

Mr. Brisson said the City Planning Commission voted unanimously to recommend approval of the applicant's land use application subject to the following conditions at their May 4, 2021 meeting:

1. The proposed storage shed must comply with the height requirements for accessory buildings in residential districts as established in City Ordinance § 155.075 (E);
2. A trash enclosure that meets the minimum standards established in City Ordinance § 155.043 (G) will be provided for the development;
3. The development must be constructed according to the submitted civil site plans and;
4. 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 Ernst and unanimously carried to approve the Conditional Use Permit (Wold Architects and Engineers)

**WORKFORCE HOUSING PROGRAM FORGIVABLE LOAN SUBORDINATION REQUEST (UNITED WHOLESALE MORTGAGE)**

Steve Robinson, City Administrator, said the City of Worthington approved a forgivable loan in the amount of \$24,701.00 to Wegan Bune and Lamrot M. Yitbarek on August 27, 2018 to assist with the financing of infrastructure improvements at 2217 Eleanor Street through its Workforce Housing Program. Mr. Robinson explained the loan terms include an interest rate of 5% and the loan is forgiven by 20% for each year the owner complies with the terms of the loan. The current outstanding balance on the loan is \$15,536.97.

The homeowners will be refinancing their loan to take advantage of the decrease in mortgage rates and a representative from Pillar Title Services of Roseville, MN contacted the City requesting a subordination from the City on its current loan because the City currently has a mortgage on the property in second position behind the private lender. If the City subordinates their loan, the City will again be in second position and the private lender will be in first position with their mortgage.

A motion was made by Council Member Ernst, seconded by Council Member Kolpin and unanimously carried to approve the subordination agreement.

**POSITION RE-CLASSIFICATION - ASSISTANT CITY ENGINEER**

Mr. Robinson explained positions at the City and Public Utilities are classified for salary grade based on nine separate factors. The cumulative score of the factors places the position within one of the 15 non-exempt or 12 exempt salary grades. The Assistant City Engineer is currently classified as Exempt Grade 5 (E-5) which has a salary midpoint of \$40.24/hour.

In reviewing the position factors an adjustment is recommended based on additional requirements added to the position for "Certification" and supervisory responsibilities that have been assumed by the Assistant City Engineer. Staff is recommending that the position be reclassified to Exempt Grade 6 (E-6) which has a salary midpoint of \$43.16.

A motion was made by Council Member Ernst, seconded by Council Member Kielblock and unanimously carried to approve the reclassification of the Assistant City Engineer position.

**SECOND READING PROPOSED ORDINANCE TO AMEND TITLE XV OF THE CITY CODE OF THE CITY OF WORTHINGTON, NOBLES COUNTY, MINNESOTA**

Pursuant to published notice, this is the time and date set for the second reading of a proposed ordinance to amend Title XV of the City Code of the City of Worthington, Nobles County Minnesota

which will amend the development requirements of Planned Unit Development (PUD #10) Cherrywood Addition.

A complete copy of the ordinance was provided in your April 26, 2021 council agenda.

A motion was made by Council Member Kielblock, seconded by Council Member Cummings and unanimously carried to approve the second reading of the proposed ordinance.

**SECOND READING TO AMEND TITLE XV OF THE CITY CODE OF WORTHINGTON, NOBLES COUNTY, MINNESOTA, TO REZONE PROPERTY FROM “T-Z” (TRANSITION ZONE) TO “M-2” (GENERAL MANUFACTURING DISTRICT)**

Pursuant to published notice, this is the time and date set for the second reading of a proposed ordinance to amend Title XV of the City Code of the City of Worthington, Nobles County Minnesota to rezone property from “T-Z” (Transition Zone) to “M-2” (General Manufacturing District)

A complete copy of the ordinance was provided in your April 26, 2021 council agenda.

A motion was made by Council Member Cummings, seconded by Council Member Kolpin and unanimously carried to approve the second reading of the proposed ordinance.

**NOMINATING COMMITTEE RECOMMENDATIONS FOR COMMITTEE APPOINTMENTS/REAPPOINTMENTS**

Mr. Robinson said the Nominating Committee met on April 22, 2021 and have made the following recommendations for committee appointments:

Planning Commission

Appoint Erin Schutte Wadzinski to a first three-year term, term to expire March 31, 2024 replacing Alaina Kolpin, who has been appointed to City Council

Charter Commission

Appoint Chris Heinrichs to a first four-year term, term to expire March 31, 2025 replacing Alicia Paulsen who has moved out of city limits

A motion was made by Council Member Ernst, seconded by Council Member Kolpin and unanimously carried to approve the Nominating Committee recommendations for appointments/reappointments.

**2021 WORTHINGTON SOCCER LEAGUE AGREEMENT APPROVED**

Todd Wietzema, Public Works Director, explained city staff met with the members of the Worthington Soccer League (WSL) and informed the city of their intent to continue with the adult soccer league for the 2021 season. The Park and Recreation Advisory Board has discussed and unanimously approved the proposed 2021 agreement.

The annual fee for 2021 will be \$200.00 per/team instead of the set fee that has been charged in the past. Mr. Wietzema said the reason for this year's change was the uncertainty of the number of teams due to Covid 19 and last years cancelled season. He explained under the agreement, WSL may utilize the outdoor soccer fields at Buss Field for the purpose of playing organized soccer games. The WSL shall also be responsible for cleanup of the facilities in a timely manner and may use the restroom facilities at Buss Field.

A motion was made by Council Member Kielblock, seconded by Council Member Janssen and unanimously carried to approve the proposed 2021 Worthington Soccer League Agreement.

**RESOLUTION NO. 2021-05-26 ADOPTED RECEIVING REPORT AND CALLING FOR HEARING ON PROPOSED IMPROVEMENT**

Jeff Faragher, Acting Engineer, said a feasibility report has been received on the proposed improvement of Cherrywood Lane from South Crailsheim Road (C.S.A.H. 10) for the complete length (378 feet east). Staff prepared the report pursuant to Council action at the February 22, 2021 City Council meeting. Mr. Faragher explained the improvement was initiated by a petition submitted by the developer. The feasibility report provides detailed information on the proposed improvements including location, need for improvement, costs, and proposed financing. The total cost of the improvement would be \$66,525.00. If approved the hearing would be set for 7:00 p.m. at the June 14, 2021 Council meeting.

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

RESOLUTION NO. 2021-05-26

RESOLUTION RECEIVING REPORT AND CALLING FOR HEARING ON PROPOSED IMPROVEMENT

(Refer to Resolution File for complete copy of Resolution)

**CONDITIONAL USE PERMIT (CEMSTONE CONCRETE MATERIALS)**

Mr. Brisson said Cemstone Concrete Materials has applied for a conditional use permit for the construction of an approximately 10,335 square foot ready-mix concrete plant. The subject property for the proposed facility is located approximately 1,650 feet west of North Humiston Avenue, south

of Twenty-Seventh (27th) Street and is currently owned by the Worthington Economic Development Authority. Pursuant to Minnesota Statute § 462.3595 and as outlined in Worthington City Code Chapter 155, Appendix E, the City requires that heavy manufacturing and manufacturing – primary production land uses, including manufacturing uses involving primary production of concrete and concrete mixing, require a conditional use permit in the ‘M-2’ – General Manufacturing Zoning District, the proposed zoning designation of the subject property. The legal description of the subject property under consideration is as follows:

That part of the Northwest Quarter of the Northeast Quarter of Section 14, Township 102 North, Range 40 West, Nobles County, Minnesota, described as follows:  
Commencing at the North Quarter corner of said Section 14; thence on an assumed bearing of North 89 degrees 48 minutes 13 seconds East, along the north line of said section, a distance of 1011.76 feet to the west line of the East 755.00 feet of the West 1766.76 feet of the Northeast Quarter of said section; thence South 0 degrees 01 minutes 08 seconds East, along said west line, a distance of 35.00 feet to the Northwest corner of a tract as recorded in Document No. A318277, said Northwest corner being the point of beginning of the tract to be described; thence continuing South 0 degrees 01 minutes 08 seconds East, along the west line of said tract, a distance of 650.00 feet to the Southwest corner of said tract; thence South 89 degrees 48 minutes 13 seconds West, along the south line of the North 685.00 feet of the Northeast Quarter of said section, a distance of 570.00 feet to the west line of the East 1325.00 feet of the West 1766.76 feet of the Northeast Quarter of said section; thence North 0 degrees 01 minutes 08 seconds West, along said west line, a distance of 650.00 feet to the south line of the North 35.00 feet of the Northeast Quarter of said section; thence North 89 degrees 48 minutes 13 seconds East, along said south line, a distance of 570.00 feet to the point of beginning, containing 8.51 acres, subject to easements now of record in said county and state.

The City Planning Commission voted 5-1 to recommend approval of the applicant’s land use application at its May 4, 2021 regular meeting, subject to the following conditions:

1. The proposed driveways must be reduced from their shown 50-foot width to a maximum 32-foot width at the right-of-way;
2. The approval be subject to completion of a change of zone of the subject property from its current ‘TZ’ – Transition Zone District zoning designation to the City’s ‘M-2’ – General Manufacturing District zoning designation;
3. The subject property must maintain compliance with City Zoning Ordinance § 155.044 on performance standards, including subdivision (A)(6) governing noxious, toxic or corrosive concentrations or amounts of dust;
4. The 6-foot coniferous trees shown along the south property line on the development plans must conform to the standards established within Worthington City Ordinance § 155.043 (D)(2) – § 155.043 (D)(4), including:



1. The buffer or greenbelt shall be planted within six months from the date of issuance of a certificate of occupancy and shall thereafter be maintained in healthy condition so as to screen abutting properties;
2. Plant materials shall provide an evergreen screen and shall be planted so as to not extend over the property line from ground level to eight feet in height and in no case shall they be planted closer than four feet from the fence or property line. Multiple rows of deciduous and evergreen trees and shrubs are desirable; and
3. Evergreen trees shall be a minimum of two inches in diameter and shrub material shall be a minimum of 2½ feet in height when planted.
5. The development must be constructed according to the submitted civil, grading, and SWPPP plans shown in Exhibits 2A2, 2A3, and 2A4, respectively, with the above required changes; and
6. The subject property must maintain compliance with all applicable local, State, and Federal standards and requirements.

Council Member Kielblock stated he was the descending vote because he believes there should be screening on both sides.

Mr. Brisson said he found out late today that public utilities is requesting that a 10 foot utility easement be added. Ken Kuhn, Cemstone said he was surprised by this because it was never discussed before. He said he would have to take a look at his plans to figure out how it would affect the project. Council Member Cummings stated this easement should have been brought forward before the plans were done and suggested that staff work with Cemstone on the easement provisions but move forward with the conditional use permit as presented.

A motion was made by Council Member Ernst, seconded by Council Member Cummings to approve the Conditional Use Permit as presented. Council Members voting in favor of the motion: Ernst, Kolpin, Cummings, Janssen. Those voting against the same motion: Kielblock.

**FIRST READING PROPOSED ORDINANCE TO AMEND TITLE XV OF THE CITY CODE OF THE CITY OF WORTHINGTON, NOBLES COUNTY, MINNESOTA - REZONE PROPERTY FROM "R-1" ONE FAMILY DETACHED AND "R-2" ONE FAMILY, LOW DENSITY DISTRICT TO A PLANNED UNIT DEVELOPMENT (PUD) DISTRICT #14**

Mr. Brisson said pursuant to Minnesota Statutes § 462.351 - § 462.365, the City of Worthington Economic Development Authority has applied for the establishment of a Planned Unit Development (PUD) for property it owns located north of a westerly extension of Sutherland Drive, approximately 460 feet west of South Crailsheim Road. The proposed PUD will establish general and specific development requirements for the property, including, but not limited to: minimum square footage, roof pitch, garage size, and exterior building materials. The legal description of the subject property under consideration is as follows:

All of Glenwood Heights Second Addition in the City of Worthington according to the plats thereof on file and of record in the Office of the County Recorder, Nobles County, Minnesota.

The City Planning Commission voted unanimously to recommend approval of the applicant's land use application as requested at its May 4, 2021 regular meeting,

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

### **COUNCIL COMMITTEE REPORTS**

Mayor Kuhle - No report.

Council Member Janssen - No report.

Council Member Ernst - No report.

Council Member Kielblock - No report.

Council Member Kolpin - said the Atrium doors are now unlocked but the Community Room remains closed.

Council Member Cummings - said the Chamber of Commerce is working with a consultant on the process of renaming the organization that includes the Chamber of Commerce, Convention and Visitors Bureau and the WREDC.

### **CITY ADMINISTRATOR REPORT**

Mr. Robinson said that he had nothing to report.

### **CLOSED SESSION UNDER MINN. STAT §13D.05, SUBD. 3 (A) PERFORMANCE EVALUATION - CITY ADMINISTRATOR**

Mayor Kuhle announced that Council would be going into closed session under Minn. Stat § 13D.05, Subd. 3(a) Performance Evaluation of the City Administrator. Those not entitled to stay left the meeting.

The motion was made by Council Member Janssen, seconded by Council Member Cummings and unanimously carried to close the meeting at 8:42 p.m.

The meeting was reopened at 9:18 p.m.

### **ADJOURNMENT**

The motion was made by Council Member Ernst, seconded by Council Member Janssen and unanimously carried to adjourn the meeting at 9:19 p.m.