

**WORTHINGTON CITY COUNCIL
REGULAR MEETING
MAY 8, 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; Matt Selof, Community Development Director; Steve Schneider, City Engineer; Todd Wietzema, Public Works Director; Mindy Eggers, City Clerk.

Others Present: Ryan McGaughey, Radio Works; Emma McNamee, The Globe.

The Pledge of Allegiance was recited.

AGENDA APPROVED WITH ADDITIONS/CHANGES

The Mayor stated Items *G.1. Change of Zone - 1381 Knollwood Drive* would be pulled from the agenda and an amended resolution for *Item F.1. Approve the Feasibility Report for the Improvement of Shell Street from Lake Avenue to Ninth Street and Order the Public Hearing for the Proposed Shell Street Improvements* would be added to the agenda.

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

CONSENT AGENDA

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

- Water & Light Commission Meeting Minutes of May 1, 2023
- Planning Commission Meeting Minutes of May 2, 2023
- Traffic & Safety Committee Meeting Minutes of April 25, 2023
- Safe Roads Coalition Meeting Minutes of April 25, 2023
- Housing & Redevelopment Authority Board Meeting Minutes of March 29, 2023
- Prairie Justice Center Operations Committee Meeting Minutes of March 2, 2023
- Application to Block Street(s) - Worthington International Festival/Cultural Awareness Organization
- Application to Block Street(s) - City of Worthington
- Bills Payable Totaling \$1,560,161.86

ORDINANCE NO. 1196 ADOPTED TO AMEND TITLE XV OF THE CITY CODE OF WORTHINGTON, NOBLES COUNTY, MINNESOTA - TEXT AMENDMENT – CITY CODE CHAPTER 97

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

A complete copy of the ordinance was provided in your April 10, 2023 Council Agenda.

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

ORDINANCE NO. 1196

AN ORDINANCE TO AMEND TITLE XV OF THE CITY CODE OF WORTHINGTON, NOBLES COUNTY, MINNESOTA - TEXT AMENDMENT – CITY CODE CHAPTER 97

(Refer to Ordinance File for complete cop of Ordinance)

APPROVED NOMINATING COMMITTEE RECOMMENDATIONS FOR COMMITTEE APPOINTMENT/REAPPOINTMENTS

Steve Robinson, City Administrator, said a Nominating Committee meeting was held on May 3, 2023 and the committee is making the following recommendations for committee appointments/reappointments:

Park & Recreation Advisory Board

Re-appoint Jason Johnson to a second three-year term, term to expire May 31, 2026

Housing & Redevelopment Authority Board

Appoint Mike Kuhle to fill the unexpired term of Mike Johnson, who resigned, term to expire October 31, 2023

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

RESOLUTION NO. 2023-05-13 ADOPTED RECEIVING REPORT AND CALLING FOR HEARING ON PROPOSED IMPROVEMENT

Steve Schnieder, City Engineer, said the feasibility report for the improvement of Shell Street located between Lake Avenue and Ninth Street has been completed.

Mr. Schnieder explained the city share would include all the cost for reconstruction of the center 24-foot of pavement with the cost for reconstructing the remaining width of pavement, curb, gutter,

driveways and sidewalk being assessed to the benefited properties. The street assessment rate would be based on the length of lot frontage on both sides of Shell Street. The water main will be replaced along with new service lines to the residential properties and will be replaced to the curb valve at the sidewalk. The water main reconstruction will not be assessed and the existing sanitary main is in good condition to last the next few years.

He said the estimated project costs of the bituminous and concrete pavement alternatives are \$508,870.00 and \$598,430.00 respectively.

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

RESOLUTION NO. 2023-05-13

A RESOLUTION RECEIVING REPORT AND CALLING FOR HEARING ON PROPOSED IMPROVEMENT

(Refer to Resolution File for complete cop of Resolution)

APPROVED RECOMMENDATION FOR THE REWARD OF CONTRACT FOR THE RECONSTRUCTION OF SECOND AVENUE FROM TENTH STREET TO TWELFTH STREET

Mr. Schnieder said bids were opened for the reconstruction of Second Avenue on May 3, 2023 at 2:00 p.m. Two bids were received and Henning Construction submitted the lowest bid of \$1,227,500.00.

The second bidder was Duininck, Inc. with a bid of \$1,456,460. The engineer's estimate was \$1,150,172.50. The low bid was 6.7%, \$77,327.59 over the estimate. Mr. Schnieder said the funding for the project will come from the Municipal State Aid Street construction allotment with some assessment for sewer services and local funding for water main and storm sewer connections.

The bids were verified and a letter of recommendation was received by Bolton & Menk.

A motion was made by Council Member Cummings, seconded by Council Member Kielblock and unanimously carried to award the contract to Henning Construction, Inc of Adrian, MN, in the amount of \$1,227,500.00.

RESOLUTION NO. 2023-05-14 ADOPTED APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BID

Mr. Schnieder said staff has prepared plans and specifications for the improvement of Lake Street

and Nobles Street. The project will include the mill and overlay of the existing bituminous surface, and the construction of sidewalk ramps connecting to the streets. The starting date is June 1, 2023 with an anticipated substantial completion date of August 18, 2023.

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

RESOLUTION NO. 2023-05-1

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BID

(Refer to Resolution File for complete cop of Resolution)

FIRST READING PROPOSED ORDINANCE TO AMEND TITLE XV OF THE CITY CODE OF WORTHINGTON, NOBLES COUNTY, MINNESOTA, TO REZONE PROPERTY FROM “I” (MAJOR INSTITUTION DISTRICT) TO “R-1” (SINGLE FAMILY DETACHED RESIDENTIAL DISTRICT) - 1477 KNOLLWOOD DRIVE

Matt Selof, Community Development Director, said the City of Worthington is considering a change of zone for property located at 1477 Knollwood Drive from ‘I’ Institutional to ‘R-1’ Single Family Detached Residential. The legal description of the subject property is as follows:

That part of the Southeast Quarter of the Southwest Quarter of Section 27, Township 102, Range 40, City of Worthington, Nobles County, Minnesota, described as follows:

Commencing at the south quarter corner of said Section 27; thence on an assumed bearing of North 0 degrees 00 minutes 00 seconds East, along the north-south quarter line of said Section, a distance of 489.80 feet to an iron monument, said iron monument being the point of beginning of the tract to be described; thence continuing North 0 degrees 00 minutes 00 seconds East, along said north-south quarter, a distance of 118.00 feet to an iron monument; thence South 90 degrees 00 minutes 00 seconds West a distance of 416.00 feet to an iron monument; thence South 0 degrees 00 minutes 00 seconds West a distance of 77.52 feet to an iron monument; thence North 90 degrees 00 minutes 00 seconds East a distance of 89.98 feet to an iron monument; thence South 0 degrees 00 minutes 00 seconds West a distance of 69.00 feet to an iron monument; thence North 85 degrees 00 minutes 00 seconds East a distance of 327.27 feet to the point of beginning, subject to easements now of record in said county and state.

AND

That part of the Southeast Quarter of the Southwest Quarter of Section 27, Township 102, Range 40, City of Worthington, Nobles County, Minnesota, described as follows:

Commencing at the south quarter corner of said Section 27; thence on an assumed bearing of North 0 degrees 00 minutes 00 seconds East, along the north-south quarter line of said Section, a distance of 431.17 feet to an iron monument; said iron monument being the point of beginning of the tract to be described; thence continuing North 0 degrees 00 minutes 00 seconds East, along said north-south quarter, a distance of 58.63 feet to an iron monument; thence South 85 degrees 00 minutes 00 seconds West a distance of 327.27 feet to an iron monument; thence South 0 degrees 00 minutes 00 seconds West a distance of 30.11 feet to an iron monument; thence North 90 degrees 00 minutes 00 seconds East a distance of 326.06 feet to the point of beginning, subject to easements now of record in said county and state.

Mr. Selof said the City Planning Commission voted unanimously to recommend approval of the requested change of zone at their May 2, 2023 meeting.

Their recommendation was based on the following:

1. The subject property is currently zoned 'I' Major Institution District. The property was previously operated by a non-profit and was zoned accordingly for its use. The house eventually sold and is being used as a single-family dwelling.
2. With the pending request for a change of zone with the adjacent property to the north, Staff feels it is an appropriate time to correct the zoning of this property as well. Given the current use and surrounding zoning, staff has determined that 'R-1' Single-Family Detached Residential is the best zoning designation for this property.
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. The surrounding zoning and land uses are as follows:

North: Pending change of zone to 'R-4'.

South: 'R-1' Single-Family Detached Residential. Single-family homes are located to the south.

East: 'R-4' Medium Density Residential. Apartments are located to the east.

West: 'R-1' Single-Family Detached Residential. Single-family homes are located to the west.

4. With any land use decision, staff finds it is prudent to consider a property's stated future land use as established by the City's Comprehensive Plan. The City's Comprehensive Plan identifies the subject property as medium density residential. Single-family is generally not considered medium density, however, it is residential and meets the general residential intent for the area as designated by the Comprehensive Plan.

The motion was made by Council Member Janssen, seconded by Council Member Kielblock and unanimously carried to approve the first reading of the proposed ordinance.

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

PROPERTY FROM “T-Z” (TRANSITION ZONE DISTRICT) TO “B-3” (GENERAL BUSINESS DISTRICT) - 1530 AIRPORT ROAD

Mr. Selof said the City of Worthington is considering a change of zone for property located at 1530 Airport Road (Prairie Justice Center) from ‘TZ’ Transition Zone to ‘B-3’ General Business District. If approved, this would allow for subdivision of the property. The legal description of the subject property is as follows:

Lots 14, 15, 16, and 17, County’s Auditor’s Plat of the Southwest Quarter of the Southwest Quarter of Section 12, Township 102 North, Range 40 West, Worthington Township, Nobles County, Minnesota.

He explained at the May 2, 2023 meeting the City Planning Commission voted unanimously to recommend approval of the requested change of zone. Their recommendation was based on the following:

1. The subject property is currently zoned ‘TZ’ Transition Zone. City Code Section 155.103 identifies this zoning district as being “primarily for those annexed unplatted areas within the City that have not been zoned for development and are undergoing a transition from, in most cases, agricultural to urban uses.” It goes on to say that, “it is the expressed intent of this district to allow only crop farming or similar agricultural uses...”
2. The subject property is currently owned by Nobles County and contains the Prairie Justice Center, which includes the County Courthouse, Sheriff’s Department, County Jail, and the Worthington Police Department. At the time it was constructed, the City made some minor amendments to City Code to allow for this use in the ‘TZ’ Transition Zone with issuance of a conditional use permit.

Nobles County is pursuing a C.I.C. Plat (Common Interest Community or Condo Plat) for a portion of the building as part of a grant they are receiving for a mental health facility. At the same time, they are considering splitting off two other areas of the property. In order to accomplish this, and meet the minimum lot size requirements, the property must be rezoned.

A preliminary and final plat request will be brought forth at a later date (dependent on the outcome of this request).

3. Unfortunately, none of the current zoning districts quite fit the current use of the property. Therefore, ‘B-3’ General Business District is the next best option, which would allow the property to retain its current use (under the existing conditional use permit). The planned subdivision would also meets lot size requirements, while maintaining the ability to construct an impound lot/building in the future (something that is of great interest to both Nobles County and the City of Worthington).
4. 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. The surrounding zoning and land uses are as follows:

North: 'TZ' Transition Zone is located northeast, directly north is outside of city limits. A warehouse and one single-family home are located on the north side of Airport Road.

South: 'TZ' Transition Zone with later changes to a PUD with commercial development.

East: 'TZ' Transition Zone. The Airport is located directly east.

West: 'R-1' Single-Family Detached Residential. Single-family homes are located to the west.

5. With any land use decision, staff finds it prudent to consider a property's stated future land use as established by the City's Comprehensive Plan. The City's Comprehensive Plan identifies the subject property as public/semi-public. The current use of the property fits this goal.

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

FIRST READING PROPOSED ORDINANCE TO AMEND TITLE XV OF THE CITY CODE OF WORTHINGTON, NOBLES COUNTY, MINNESOTA, TO REZONE PROPERTY FROM "R-2" (SINGLE FAMILY, LOW DENSITY RESIDENTIAL DISTRICT) TO "R-4" (MEDIUM DENSITY RESIDENTIAL DISTRICT)

Mr. Selof said staff is considering a change of zone for property located along the north and south side of Cecilee Street from 'R-2' Single Family, Low Density Preservation Residential to 'R-4' Medium Density Residential. The area included in this request encompasses only the newer addition to the street. If approved, this may allow two-family units on certain lots. The legal description of the subject property under consideration is as follows:

Lots 3 through 10, Block 2, and lots 2 through 7, Block 3, Cecilee Addition, City of Worthington, Nobles County, Minnesota.

The City Planning Commission voted 5-1 to recommend approval of the requested change of zone at its May 2, 2023 meeting.

Their recommendation was based on the following:

1. The subject properties are currently zoned 'R-2' Single Family, Low Density District. As such, they are currently subject to the following regulations:

Minimum Front Setback: 20 Feet.

Minimum Rear Setback: 20 Feet.

Minimum Side Setback: 8 Feet.

There are also lot coverage requirements, height restrictions, and other requirements that are generally consistent across residential zoning districts.

2. The 'R-2' district primarily permits single-family homes but may permit two family dwellings or larger if the lot meets the size requirements. In the 'R-2' district a lot must be a minimum of 11,000 square feet for a two-family dwelling.

Mr. Selof said staff has received a request to construct a two-family dwelling (duplex) on a lot that is 10,368 square feet. Presently, the request must be denied. To construct a duplex there are two options, 1) obtain a variance or, 2) get a change of zone approved. Staff supports the idea of a change of zone and believes it is in the best interest of the City.

3. In 2021, a change of zone was approved for the two corner lots on Cecilee/Grand from 'R-2' to 'R-4' Medium Density Residential in order to allow for duplexes to be built. Staff is now proposing to extend that 'R-4' district.
4. The R-4' District carries the following requirements:

Minimum Front Setback: 15 Feet.

Minimum Rear Setback: 20 Feet.

Minimum Side Setback: 10 (a variable side setback is allowed for lots less than 100 feet wide – for most of these lots that brings the setback down to 9 feet on either side).

Minimum required lot size for two-family: 9,000 Square Feet.

He said staff is proposing to maintain Lot 1, Block 4 as 'R-2' on the south side of Cecilee. This provides the future street right-of-way as a break point between the two zoning districts.

The existing homes on the older part of Cecilee are generally built approximately at the 20-foot front setback. This will leave some potential for a little variation in front setbacks where the two zoning districts would intersect. However, the setbacks are just the minimum requirements; there could end up being some variation regardless of whether it's all consistent zoning or not.

5. 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. The surrounding zoning and land uses are as follows:

North: 'R-4' Medium Density Residential and 'B-3' General Business District. Empty land and a movie are located to the north.

South: 'R-4' Medium Density Residential. Empty Land is located to the south.

East: 'R-2' Single Family, Low Density Residential. Single-family homes are located to the east.

West: 'R-4' Medium Density and 'R-2' Single Family, Low Density. Empty land and single-family homes are located to the west.

6. With any land use decision, Staff finds it prudent to consider a property's stated future land use as established by the City's Comprehensive Plan. The City's Comprehensive Plan identifies the subject property as medium density residential.

As proposed, the change of zone would be in line with the goals of the Comprehensive Plan.

Council Member Ernst asked if this change was needed to move forward so a duplex can be built. Mr. Selof said the "R-4" district would be the classification that would allow it.

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

COUNCIL COMMITTEE REPORTS

Mayor Von Holdt - No report.

Council Member Janssen - No report.

Council Member Ernst - No report.

Council Member Kielblock - Said there will be meetings scheduled for discussion on the Comprehensive Plan.

Council Member Kolpin - Attended a Childcare Task Force meeting, two different grants have been secured.

Council Member Cummings - Toured Water World, the plastering is being completed and the pool will be filled starting Friday and passes are now available. Looking to schedule a membership mixer at the new facility.

CITY ADMINISTRATOR REPORT

Mr. Robinson said staff has been successful in hiring an Assistant City Engineer and they will be starting on June 5th.

Todd Wietzema, Public Works Director, said Ash Borer has been found in Olson park. The tree has been removed. Approximately 150 Ash trees will be removed per year over the next few years. New trees in ten different varieties are being planted to replace the Ash trees.

ADJOURNMENT

The motion was made by Council Member Kolpin, seconded by Council Member Cummings and unanimously carried to adjourn the meeting at 6:14 p.m.