

**WORTHINGTON CITY COUNCIL  
REGULAR MEETING  
JULY 24, 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; Troy Appel, Public Safety Director; Nate Grimmus, Police Captain; Ivan Martinez, Police Officer; Ernesto Rivera Mercado, Police Officer; Mindy Eggers, City Clerk.

Others Present: Kari Lucin, The Globe; Jenny Nunez, Zuleima Agueroa, Emily Meyer, Jazmine Vess, Hugo Gonzalez, Rucio Cueros, Francesca Rodriguez, Arlene Mercedo, David Rivera Sanchez.

The Pledge of Allegiance was recited.

**AGENDA APPROVED WITH ADDITIONS/CHANGES**

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

**HELD PUBLIC HEARING TO REVIEW STORM WATER POLLUTION PREVENTION PLAN**

Pursuant to published notice this was the time and date for a public hearing for review of the Storm Water Pollution Prevention Plan.

The motion was made by Council Member Kolpin, seconded by Council Member Kielblock unanimously carried to open the hearing.

Steve Schnieder said the City of Worthington is a regulated city under Phase II of the federal program to reduce pollution from Municipal Separate Storm Sewer Systems (MS4s). He explained regulated cities need to be covered under a statewide NPDES permit. The permit requirements include implementation of a Storm Water Pollution Prevention Plan (SWPPP) which is to include the following six mandatory minimum control measures:

- Public Education and Outreach
- Public Involvement and Participation
- Illicit Discharge Detection and Elimination
- Construction Site Storm Water Runoff Control
- Post-Construction Storm Water Management
- Pollution Prevention / Good Housekeeping for Municipal Operations

Mr. Schnieder presented the 2023 Annual Report by power point.

Mayor Von Holdt asked if there was any testimony, none was received.

The motion was made by Council Member Cummings, seconded by Council Member Kielblock and unanimously carried to close the hearing.

A motion was made by Council Member Cummings, seconded by Council Member Kolpin and unanimously carried to approve the Storm Water Prevention Plan as presented.

### **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.

- Regular City Council Meeting Minutes of July 10, 2023
- Planning Commission Meeting Minutes of May 2, 2023
- Convention & Visitors Bureau Meeting Minutes of May 31, 2023
- Heron Lake Watershed Board Meeting Minutes of June 21, 2023
- Application for Parade Permit to Block Streets - King Turkey Day, Inc.
- Applications for Temporary On-Sale Liquor Licenses - King Turkey Day, Inc.
- Dock Permit
- General Fund Statement of Revenue and Expenditures for the Period of January 1, 2023 through June 30, 2023
- Municipal Liquor Store Income Statement for the Period of January 1, 2023 through June 30, 2023
- Olson Park Statement of Revenue and Expenditures - Budget and Actual for the Period of January 1, 2023 - June 30, 2023
- Fieldhouse Statement of Revenue and Expenditures - Budget and Actual for the Period of January 1, 2023 - June 30, 2023
- Bills Payable Totaling \$3,365,904.65

### **INTRODUCTION AND OATH OF OFFICE FOR OFFICERS IVAN MARTINEZ AND ERNESTO RIVERA MERCADO**

Troy Appel, Public Safety Director, said Ivan Martinez and Ernesto Rivera Mercado joined the Worthington Police Department in 2023.

Ivan was born in Sioux City Iowa, where he lived with his family until he was eleven years old. His family then moved to Worthington where he graduated from the Worthington High School in 2019. After high school, he attended and graduated from Minnesota West in 2021, with a degree in Law Enforcement. Ivan started with WPD in March and is currently working full-time shifts for the department.

Ernesto grew up in Puerto Rico where he graduated from high school in 2015. He attended Puerto Rico's Carivab and graduated in 2018 with certification in aircraft mechanics. He worked briefly as an aircraft mechanic until he traveled to Worthington in 2018, because of a family emergency. While in Worthington, Hurricane Maria destroyed much of Puerto Rico, including his family's property. As a result, Ernesto decided to stay in Worthington, where he attended and graduated from Minnesota West, in 2021, with a degree in Law Enforcement. Ernesto started with WPD in March and is currently working full-time shifts for the department.

Following administering of the Police Officer Oath to Officers Martinez and Mercado by the City Clerk, Council offered their congratulations.

**RESOLUTION NO. 2023-07-24 ADOPTED ACCEPTING A DONATION OF FUNDS**

Mr. Appel said New City Buffet generously donated \$500 to the Worthington Police Department.

The donation will be placed in Police Program Reserves and will be utilized to enhance crime prevention programs.

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

RESOLUTION NO. 2023-07-24

A RESOLUTION ACCEPTING A DONATION OF FUNDS

(Refer to Resolution File for complete copy of Resolution)

**RESOLUTION NO. 2023-07-25 ADOPTED ACCEPTING A DONATION OF FUNDS**

Walmart generously donated \$1000 to the Worthington Police Department. The donation will be placed in Police Program Reserves and will be utilized to enhance crime prevention programs.

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

RESOLUTION NO. 2023-07-25

A RESOLUTION ACCEPTING A DONATION OF FUNDS

(Refer to Resolution File for complete copy of Resolution)

**FIRST READING PROPOSED ORDINANCE AMENDING TITLE III, CHAPTER 32.30  
LOCAL SALES AND USE TAX OF THE CITY CODE OF WORTHINGTON, NOBLES**

Steve Robinson, City Administrator, said the Minnesota Department of Revenue has revised the Local Option Sales Tax Agreement between the City and the Department of Revenue concerning the transmittals of sales tax receipts to the City each month. The Agreement was approved by Council on June 12, 2023.

The agreement allows the City 90 days to update the current ordinance in place regarding the collection of the local sales and use tax if needed due to any changes.

Under the Minnesota Statutes, section 297A.99 needs to be added under Section 2 Definitions, sub-section (d) state sales and use tax law rules. The text being added is in red:

**Section 2. Definitions.** For purposes of this chapter, the following words, terms, and phrases have the meanings given them in this section unless the language or context clearly indicates a different meaning is intended.

**(a) City.** "City" means the City of Worthington, Minnesota.

**(b) Commissioner.** "Commissioner" means the Commissioner of Revenue of the state of Minnesota or a person to whom the Commissioner has delegated functions.

**(c) Designated projects.** "Designated projects" means Improvements to the Aquatic Center, Improvements to the Field House, Improvements to the Ice Arena, other Park and Recreation Capital Projects and Improvements, Lake Quality Improvements, and, Improvements to the 10th Street Plaza as authorized by the Minnesota Legislature in Session Laws 2019, First Special Session, Chapter 6 and approved by the voters at the November 6, 2018 referendum.

**(d) State sales and use tax laws and rules.** "State sales and use tax laws and rules" means those provisions of the state revenue laws applicable to state sales and use tax imposition, administration, collection, and enforcement, including Minnesota Statutes, chapters 270C, 289A, 297A, 297A.99 and Minnesota Rules, chapter 8130, as amended from time to time.

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

**RESOLUTION NO. 2023-07-26 ADOPTED APPOINTING A RESPONSIBLE AUTHORITY AND DESIGNEES AND ASSIGNING DUTIES AND DATA PRACTICES POLICY APPROVED**

Mr. Robinson said the League of Minnesota Cities Insurance Trust requires cities annually approve the Data Practices Policy. It is also required that the City appoint a person as the Responsible

Authority to meet the requirements of Chapter 13, collectively cited as the Minnesota Government Data Practices Act (MGDPA).

Staff has requested that Steve Robinson, City Administrator, be appointed the Responsible Authority along with Mindy Eggers, City Clerk, and Troy Appel, Public Safety Director appointed as his designees to assist in meeting the requirements of Minnesota Statutes. The City Clerk will be designated to assist with general data requests in reference to Chapter 13, and the Public Safety Director will be designated to assist with law enforcement data requests in reference to section 13.82 of the MGDPA.

A motion was made by Council Member Ernst, seconded by Council Member Cummings and unanimously carried to adopt the following resolution and approve the Data Practices Policy.

RESOLUTION NO. 2023-07-26

**A RESOLUTION APPOINTING A RESPONSIBLE AUTHORITY AND DESIGNEES AND ASSIGNING DUTIES**

(Refer to Resolution File for complete copy of Resolution)

**AWARD OF QUOTE FOR DEMOLITION OF FORMER LAKESHORE SERVICE STATION APPROVED**

Steve Robinson said quotes for the above project were opened on July 12, 2023 at 2:00 p.m. Three quotes were received and are shown below:

Nienkerk Companies \$58,950.00  
Ideal Landscaping \$64,050.00  
Henning Construction \$64,445.00

The Request for Quotes included unit prices for work that may occur in excess of estimated quantities for the following:

- Excavation and disposal of excess soil,
- Excavation, removal and disposal of contaminated soil,
- Furnish and place additional fill material
- Furnish and place additional top soil, and
- Furnish and install additional turf restoration.

Nienkerk Companies submitted the low quote both in the base work and unit prices. Staff recommended awarding the quote to Nienkerk Companies.

The motion was made by Council Member Cummings, seconded by Council Member Janssen and unanimously carried to award the quote to Nienkerk Companies in the amount of \$58,950.00.

**HELD COUNCIL DISCUSSION REGARDING TEXT AMENDMENT TO CHAPTER 71  
“MOTORIZED GOLF CARTS”**

Mr. Robinson said at the request of City Council, staff was asked to research the City's authority to allow the operation of golf carts on designated streets under the jurisdiction of the City. In March of 2001 Council adopted Ordinance 918 establishing Chapter 71 of the City Code authorizing the permitting of Motorized Golf Carts. The ordinance restricts issuance of permits to Institutions, defined as a facility used exclusively as a residence for at least 15 elderly or disabled persons. The ordinance limited the issuance of only two permits per calendar year and references compliance with applicable Minnesota traffic regulation statutes.

Minnesota Statute 169.045 "Special Vehicle Use on Roadway" grants that home rule charter cities may authorize by ordinance the operation of motorize golf carts on designated roadways under its jurisdiction. The statute, among other provisions, states motorized golf carts may only be operated on designated roadways from sunrise to sunset, unless equipped with original equipment headlights, taillights, and rear-facing brake lights.

Council Member Cummings stated he asked this be brought forward as he has been asked by several citizens about it and the possibility of allowing golf carts on the city streets.

Mr. Robinson said more research into the statute would have to be done. Many things would have to be considered regarding operation requirements, designated roadways, hours of operation, and minimum equipment requirements. North Mankato just passed a golf cart ordinance which has many things in it we would want to consider as well.

Council directed staff to continue to research information regarding motorized golf carts.

**MEMORIAL AUDITORIUM PERFORMING ART CENTER - ISD 518 RENTAL AGREEMENT APPROVED**

Mr. Robinson said for many years, Worthington ISD 518 has utilized the City's Memorial Auditorium Performing Arts Center for school district productions. This agreement reserves the facility for ISD 518's use for a total of 62 days per contract year. Should the usage exceed 62 days per contract year, ISD 518 shall pay a pro-rated amount for the additional days. The current contract expired on June 30, 2023. Memorial Auditorium management and administration staffs from both the City and ISD 518 recommend renewing a three-year agreement, in effect from July 1, 2023 to June 30, 2026.

The proposed agreement includes an approximate four percent (4%) increase for each of the three years of the new contract and provides that the school district shall pay the City the following rental fees:

July 1, 2023 - June 30, 2024 \$35,000 annually

July 1, 2024 - June 30, 2025 \$36,500 annually

July 1, 2025 - June 30, 2026 \$38,000 annually

The fees received from ISD 518 represent fifty percent of Memorial Auditorium's total budgeted

revenue excluding taxes.

The ISD 518 School Board approved the agreement on July 18, 2023 and staff recommends Council approved the agreement.

The motion was made by Council Member Kolpin, seconded by Council Member Ernst and unanimously carried to approve the Memorial Auditorium/ISD 518 Rental Agreement.

**APPROVED RECOMMENDATION FOR THE REWARD OF CONTRACT FOR THE CONSTRUCTION OF SANITARY SEWER AND WATER MAIN ON NORTH HUMISTON AVENUE FROM OXFORD STREET NORTH TO RYAN'S ROAD**

Mr. Schnieder said bids were opened on July 7, 2023 at 2:00 p.m., for the construction of Sanitary Sewer and Water Main utilities along the east frontage of Trunk Highway 59, North Humiston Avenue. There were 2 bids received and are as follows:

Duininck, Inc. - \$797,246.00.  
Henning Construction - \$1,053,853.75.

The engineer's estimate was \$972,835.00 and the low bid was 18% or \$175,589 under the estimate.

The Public Utilities Commission met and discussed the project costs and supports the award of the contract to the lowest responsible bidder.

Mr. Schnieder noted that TIF funding is being used for the construction and City Council needs to award the contract. Staff supports the recommendation from the Public Utilities Commission to award the contract to the lowest responsible bidder Duininck, Inc of Prinsburg MN, in the amount of \$797,246.00.

A motion was made by Council Member Cummings, seconded by Council Member Kolpin and unanimously carried to award the contract to the lowest bidder Duininck, Inc of Prinsburg MN, in the amount of \$797,246.00.

**CONDITIONAL USE PERMIT - 1438 HUMISTON AVENUE APPROVED**

Matt Selof, Community Development Director, said KLJ Engineering, on behalf of Les Schwab Tire Centers, has submitted an application for a conditional use permit to construct an automotive repair facility at 1438 Humiston Avenue. If approved, the existing building would be demolished and replaced with a new facility. Pursuant to Minnesota Statute § 462.3595 and as outlined in Worthington City Code Chapter 155, Appendix E, the City requires that automotive repair services 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:

*A tract of land in the Southwest Quarter (SW1/4) of Section 13, Township 102 North, Range 40 West, Nobles County, Minnesota, described as follows: Beginning at a point on the West line of the SW1/4 of Section 13, Township 102, Range 40 West, 466.5 feet North of the Southwest corner thereof; thence North 00 degrees 00 minutes East, for 470.5 feet; thence South 89 degrees 27 minutes East, for 460.0 feet; thence South 00 degrees 00 minutes West for 468.8 feet; thence North 90 degrees 00 minutes West, for 460.0 feet to the point of beginning, containing an area of 4.96 acres, more or less, now known as Lot 25, Auditor's Plat of Park of W1/2SW1/4 of Section 13, Township 102, Range 40, City of Worthington, Nobles County, Minnesota.*

Mr. Selof said the City Planning Commission voted unanimously to recommend approval of the requested conditional use permit at its July 11, 2023 meeting subject to the following conditions:

1. The applicant obtain approval from the Minnesota Department of Transportation for the change in access from the frontage road.
2. The "Bullpen" shall be constructed of masonry block or similar material and must not be see through.
3. The applicant shall establish vegetative screening along the rear/east side of the property.
4. The subject property must maintain compliance with all applicable local, State, and Federal standards and requirements.

Their recommendation was based on the following:

1. Pursuant to Minnesota Statute § 462.3595, the governing bodies of Minnesota cities may designate certain types of developments as conditional uses:

"The governing body may by ordinance designate certain types of developments, including planned unit developments, and certain land development activities as conditional uses under zoning regulations. Conditional uses may be approved by the governing body or other designated authority by a showing by the applicant that the standards and criteria stated in the ordinance will be satisfied. The standards and criteria shall include both general requirements for all conditional uses, and insofar as practicable, requirements specific to each designated conditional use."

2. Minnesota Statute § 462.3595 also includes the procedural requirements for the issuance of a conditional use permit by a municipality in Subdivision (2). The Statute requires that public hearings on the granting of conditional permits shall be held in the manner provided in section § 462.357, Subdivision 3, which states:

"No zoning ordinance or amendment thereto shall be adopted until a public hearing has been held thereon by the planning agency or by the governing body"



3. The applicant is seeking to demolish the existing building located at 1438 Humiston Avenue and construct a new automotive repair center primarily focusing on tires. The property under consideration is currently zoned 'B-3' General Business District. City Code Chapter 155, Appendix E: Table 5 states that automotive repair services are allowed in the B-3 District by Conditional Use Permit only.

4. As proposed, the plan meets all applicable zoning regulations including setbacks, parking, etc. The canopy shown on the plans is intended to provide space to pull large trailers or other vehicles around the building and replace tires on them. The 'bullpen' is an enclosure where used tires will be stored temporarily before they are discarded. The structure is typically a masonry block enclosure but they do occasionally use privacy fencing instead. It is not determined what species of tree will be used along the backside of the property.

The access points on the frontage road (currently a MnDOT road) are being considered by the Minnesota Department of Transportation during a meeting of their access review committee.

5. Staff finds that with any kind of land use request, the surrounding land uses and zoning should be considered to reduce future land use conflicts. The abutting land uses are as follows:

North – 'B-3' General Business. Space for future development will be located directly north of the site.

South – 'B-3' General Business. Retail sits directly adjacent with a Bank slightly further south.

East – 'R-2' Single Family – Low Density. Single-Family homes are located to the east of the subject property.

West – 'B-3' General Business. A frontage road and 4-lane road separate the subject property from retail and restaurants to the west.

6. With any land use request it is pertinent to consider the future land use as stated by the Comprehensive Plan. Worthington's 2004 plan identifies the subject property as 'Highway Commercial.' The proposed use of the property fits within the definition of Highway Commercial.

A motion was made by Council Member Kielblock, seconded by Council Member Janssen and unanimously carried to approve the Conditional Use Permit for 1438 Humiston Avenue.

### **PRELIMINARY PLAT - 1530 AIRPORT ROAD**

Mr. Selof said Nobles County has submitted a request for approval of a preliminary plat of land located at 1530 Airport Road. The proposed subdivision will split the property into three (3) lots. The legal description of the property under consideration is as follows:

*The Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of Section Twelve (12), Township One Hundred Two (102) North, Range Forty (40) West, EXCEPT the South 1021 feet of the West 461 feet of said Quarter Quarter Section; EXCEPT the East 120 feet of the West 591 feet at the South 170 feet of said Quarter Quarter Section; EXCEPT the North 99 feet of said Quarter Quarter Section; EXCEPT the South 597 feet of the North 696 feet of the East 219 feet of said Quarter Quarter Section; containing 22.72 acres, more or less; SUBJECT to the existing ingress-egress easement affecting the East 10 feet of the West 4 71 feet of the South 170 feet of said Quarter Quarter Section; SUBJECT to easement on the East 10 feet of the West 4 71 feet of the South 170 feet of said Quarter Quarter Section, for the purpose of ingress and egress to, an in favor of, all tracts lying to the West of the above-described premises and in said Quarter Quarter Section; SUBJECT to highway easements of record. TOGETHER with an easement on the East 10 feet of the West 461 feet of said Quarter Quarter Section, for the purpose of ingress and egress to the West side of the above-described tract, which such easement shall not be exclusive. TOGETHER with an easement on the North 60 feet of the South 673 feet of the West 451 feet of the said Quarter Quarter Section, for the purpose of ingress and egress to the West side of the above-described tract, which such easement shall not be exclusive. EXCEPT the South 330 feet thereof; the above tract includes Lot 14 of County Auditor's Plat of the SW 1 / 4 SW 1 / 4 of Section 12-102-40.*

AND

*The South 330 feet of the Southwest Quarter of the Southwest Quarter (SW 1 / 4 SW 1/4) of Section Twelve (12), Township One Hundred Two (102), Range Forty (40) West; EXCEPT the South 1021 feet of the West 461 feet of said Quarter Quarter Section; EXCEPT the East 120 feet of the West 591 feet of the South 170 feet of said Quarter Quarter Section; EXCEPT the North 99 feet of said Quarter Quarter Section; EXCEPT the South 597 feet of the North 696 feet of the East 219 feet of said Quarter Quarter Section; containing 22.72 acres, more or less; SUBJECT to the existing ingress-egress easement affecting the East 10 feet of the West 471 feet of the South 170 feet of said Quarter Quarter Section; SUBJECT to easement on the East 10 feet of the West 4 71 feet of said Quarter Quarter Section, for the purpose of ingress and egress to, and in favor of, all tracts lying to the West of the above-described premises and in said Quarter Quarter Section; SUBJECT to highway easements of record. TOGETHER with an easement on the East 10 feet of the West 461 feet of said Quarter Quarter Section, for the purpose of ingress and egress to the West side of the above described tract, which such easement shall not be exclusive. TOGETHER with an easement on the North 60 feet of the South 673 feet of the West 451 feet of the said Quarter Quarter Section, for the purpose of ingress and egress to the West side of the above-described tract, which such easement shall not be exclusive. Said tract containing 60.04 acres, more or less; the above tract includes Lot 15 of County Auditor's Plat of the SW 1/ 4 SW 1/ 4 of Section 12-102-40.*

AND

*Lot Sixteen (16) and Lot Seventeen (17) of County Auditor's Plat of the Southwest Quarter of the Southwest Quarter {SW 1/4 SW 1/4} of Section Twelve (12), Township One Hundred Two (102) North, Range Forty (40) West, in the City of Worthington, County of Nobles, Minnesota.*

Mr. Selof said the Planning Commission considered the requested plat and voted unanimously to recommend approval of the requested preliminary plat at its July 11, 2023 meeting.

The Commission's recommendation was based on the following considerations:

1. The proposed preliminary plat would create two new lots: Lot 1, which currently contains a pollinator garden would be 1.792 acres and front along Highway 59; Lot 2 would maintain Prairie Justice Center and frontage along Airport Road. This lot is proposed to be 17.211 acres. Lot 3 would front along 27th Street and contain 5.968 acres.

Plans for the newly created lots are undetermined at this time.

2. The subject property is currently zoned 'B-3' General Business District (recently changed). The lots, as proposed, meet all standards for lots within that zoning district.

3. Staff finds that with any kind of land use request, the surrounding land uses and zoning should be considered to reduce future land use conflicts. The abutting 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.

4. The City's Comprehensive Plan designates the future land use of the subject property as public/semi-public. With no formative plans to sell any of the lots, the proposed plat meets the goals of the Comprehensive Plan.

5. No new infrastructure is required to serve the new lots. Should Lot 3 ever be developed, the City will likely need to consider improvements to 27th Street which is currently gravel.

A motion was made by Council Member Cummings, seconded by Council Member Ernst and unanimously carried to approve the preliminary plat - 1530 Airport Road.

**FINAL PLAT - 1530 AIRPORT ROAD**

Mr. Selof said Nobles County requested approval of a final plat of property located at 1530 Airport Road. There are no changes between the preliminary plat and this proposed final plat.

A motion was made by Council Member Kielblock, seconded by Council Member Cummings and unanimously carried to approve the final plat - 1530 Airport Road.

### **CONDITIONAL USE PERMIT AMENDMENT - 700 2<sup>nd</sup> AVENUE**

Mr. Selof said the City of Worthington is seeking an amendment to a conditional use permit issued in June 2021 which allowed for the operation of an indoor recreation facility at 700 2nd Avenue. The City is seeking to amend or remove the requirement of a fence along the southeast property line (along the railroad). The legal description of the subject property under consideration is as follows:

*Lots 3 through 11, Lot 12 except the northeast 30 feet thereof, and Lots 13 through 19; all in Block 2; Auditor's Subdivision of Block 2 (Original Town), City of Worthington, Nobles County, Minnesota.*

The City Planning Commission voted unanimously to recommend approval of the requested amendment to remove the fence requirement entirely at its July 11, 2023 meeting.

Their recommendation was based on the following:

1. On June 14, 2021, the Worthington City Council approved a Conditional use Permit that allows the City of Worthington to operate an indoor recreation facility on the subject property (700 2nd Avenue) and one of the conditions was fencing be provided at a minimum height of four feet six inches (4'6") that would meet the criteria of City Ordinance § 155.043 (C) along the southeast property line of the project area.

Mr. Selof explained as City Staff looked at the site, the decision was made to seek an amendment to remove or change the fencing requirement.

He explained the reasoning for the fence requirement was to prevent uncontrolled access to the railroad tracks by children playing outside. At this time, no outdoor programming has occurred since the Fieldhouse has been opened. The fence would roughly run to the edge of the parking lot, adjacent to a tract of land the City does not own. At the time, the Commission recommended that the fence be brought all the way to the Fire Hall but could not require it since that property was not under consideration during the public hearing. While this does make more sense to run it all the way up the hill, there would still be a gap in the fence where there is a tract of land that is not owned by the City.

While the City is requesting complete removal of the fencing requirement; should the Commission feel it is still important, the City would need to complete the fence and request that it be amended to allow the fence to be squared off with the corner of the building. The space behind the building

is largely occupied by HVAC equipment, which is not a suitable space for children.

Discussion was held by Council with Council Member Cummings pointing out the heavy brush and steep incline that would have to be gone through to even get to the railroad tracks. He also doesn't think that a 4 foot fence would stop anyone from getting over it or going around it if it's just randomly placed in an area.

Council Member Ernst voiced concern that the City needs to be proactive concerning safety. She suggested looking at all city property regarding safety.

The motion was made by Council Member Kolpin, seconded by Council Member Ernst and unanimously carried to approve the Conditional Use Permit Amendment - 700 2<sup>nd</sup> Avenue.

### **PROFESSIONAL SERVICES AGREEMENT - MAXFIELD RESEARCH & CONSULTING**

Mr. Selof said the City's last comprehensive housing study was completed in 2018 by Maxfield Research and Consulting. The study provided valuable information regarding housing demand, housing characteristics, rental market analysis, affordability/development costs, and recommendations.

Developers have indicated to staff that the current study is outdated and they are not able to confidently use the data any longer. The age of the study is cited as one reason for that, the other is the unknown impacts of the pandemic and the rapid inflation that followed. Maxfield recommends an updated study every 5 years.

Maxfield has identified a few options that include an Initial Market Assessment which examines the market rate rental housing demand, a Market Demand Assessment which looks at demand across all housing types, and a Comprehensive Housing Needs Assessment.

Staff recommends proceeding with the initial market assessment first which would provide demand for market rate rental housing and can be completed within 45-50 days. Staff is also recommending moving into the full comprehensive housing study which would take approximately 5-6 months.

The cost of the initial market assessment of \$5,200 would be deducted from the cost of the full study, which is \$17,500. The initial assessment can be started right away and the full comprehensive study would take about 5-6 months and couldn't be started until sometime this fall.

A motion was made by Council Member Kolpin, seconded by Council Member Kielblock and unanimously carried to approve the Professional Services Agreement with Maxfield Research & Consulting.

### **COUNCIL COMMITTEE REPORTS**

Worthington City Council  
Regular Meeting July 24, 2023  
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Mayor Von Holdt - Attended the farm bill discussion with Brad Finstead's staff.

Council Member Janssen - No report.

Council Member Ernst - No report.

Council Member Kielblock - Said the Comprehensive Plan Open House will be held on Tuesday, July 25, 2023 from 5:00 p.m. to 7:00 p.m. at the Fieldhouse.

Council Member Kolpin - No report.

Council Member Cummings - Congratulations the International Festival on a great weekend.

### **CITY ADMINISTRATOR REPORT**

Mr. Robinson said the City has received the first half of the property tax payment and also the first half of the LGA payment.

He introduced Marilyn Cilengi, the new Assistant City Engineer.

### **ADJOURNMENT**

The motion was made by Council Member Kielblock, seconded by Council Member Cummings and unanimously carried to adjourn the meeting at 6:43 p.m.

Mindy L. Eggers, MCMC  
City Clerk