

**WORTHINGTON CITY COUNCIL
REGULAR MEETING, JULY 25, 2022**

The meeting was called to order at 7:00 p.m., in City Hall Council Chambers by Mayor Mike Kuhle with the following Council Members present: Chad Cummings, Alaina Kolpin, Larry Janssen, Amy Ernst and Chris Kielblock.

Staff present: Steve Robinson, City Administrator; Matt Selof, City Planner; Todd Wietzema, Public Works Director; Steve Schnieder, City Engineer; Mindy Eggers, City Clerk.

Others present: Julie Buntjer, The Globe; Ryan McGaughey, Radio Works; Rick Von Holdt, Honorary Council Member.

The Pledge of Allegiance was recited.

INTRODUCTIONS AND OPENING REMARKS

Mayor Kuhle presented Rick Von Holdt with a certificate for serving as the Honorary Council Member for the months of May, June and July. Mr. Von Holdt said he was grateful for the opportunity to serve.

AGENDA APPROVED WITH ADDITIONS/CHANGES

The Mayor stated that Administration *Item G.3. Approve Adjusted Aquatic Center Change Order* would be added to the agenda.

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

PUBLIC HEARING AND RESOLUTION NO. 2022-07-44 ADOPTED APPROVING NOBLES HOME INITIATIVE APPLICATION FOR TAX ABATEMENT- MARCO RAMOS

Pursuant to published notice this was the time and date for a public hearing on a Nobles Home Initiative application for tax abatement.

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

Matt Selof, City Planner, said staff has reviewed the Nobles Home Initiative (NHI) application submitted by Marco Ramos. The applicant is seeking approval of tax abatement for the construction of a single-family home on Lots 6 and 7, Block 3, Cecilee Street Addition (one home on two lots)

Mayor Kuhle asked if there was anyone who wished to present testimony. None was received.

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

The motion was made by Council Member Ernst, seconded by Council Member Kielblock and unanimously carried to adopt the following resolution approving the Nobles Home Initiative application submitted by Marco Ramos.

RESOLUTION NO. 2022-07-44

A RESOLUTION APPROVING TAX ABATEMENT FOR CERTAIN PROPERTY PURSUANT TO MINN STAT 469.1813

(Refer to Resolution File for complete copy of Resolution)

CONSENT AGENDA

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

- City Council Meeting Minutes of July 11, 2022
- Park & Recreation Advisory Board Meeting Minutes of July 20, 2022
- LEC Joint Powers Committee Meeting Minutes of July 18, 2022
- Planning Commission Meeting Minutes of July 12, 2022
- Cross Cultural Advisory Committee Meeting Minutes of June 21, 2022
- Heron Lake Watershed District Meeting Minutes of June 15, 2022
- Joint Powers Transit Authority Meeting Minutes of April 21, 2022
- Municipal Liquor Store Income Statement for the Period of January 1, 2022 through June 30, 2022
- General Fund Statement of Revenues and Expenditures - Budget and Actual for the Period January 1, 2022 through June 30, 2022
- Bills payable and totaling \$2,875,632.88 ordered paid

POSITIONS RE-CLASSIFICATION - ASSESSMENT ACCOUNTANT

Steve Robinson, City Administrator, 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 Assessment Accountant is currently classified as Non-Exempt Grade 8 (N-8) which has a salary midpoint of \$30.68/hour.

Mr. Robinson said the position guidelines have not been updated since 1988 and in reviewing the minimum requirements for education and experience, it was determined that the Assessment Accountant position was incorrectly classified as Salary Grade N-8. It should have been classified

as Salary Grade N-7.

The following are recommended changes to the essential duties along with minimum qualifications for education and experience that have been reviewed by Engineering, Administration and Personnel Staff and make the following recommendations:

- Title:
 - **Current:** Assessment Accountant
 - **Recommended:** Assessment Clerk

Minimum Qualifications

- Education:
 - **Current:** The current minimum requirements are a two-year college degree in accounting.
 - **Recommended:** High School graduate and diploma (one-year) in Administrative Assistant or closely related technical field such as paralegal or bookkeeping or combination of education and experience.
- Experience:
 - **Current:** The current minimum requirements three or more years of public accounting and/or Civil Engineering Technology. Computer keyboard experience.
 - **Recommended:** Three (3) years' experience in advanced administrative assistant position working in paralegal, bookkeeping or related fields.

Desired Qualifications

- Education:
 - **Current:** Two-year college degree in accounting
 - **Recommended:** AAS (two-year) in Administrative Assistant or a closely related technical field.
- Experience:
 - **Current:** Five or more years of special assessment accounting and civil engineering technology. Ability to read and interpret legal descriptions and produce map drawings
 - **Recommended:** Five or more years of experience in advanced administrative assistant position working with special assessment accounting, paralegal or bookkeeping fields.

Staff is recommending the position be reclassified to Non-Exempt Grade 6 (N-6) which has a salary midpoint of \$27.86. This position is currently open and is planned to be filled in the coming weeks.

A motion was made by Council Member Cummings, seconded by Council Member Kolpin and unanimously carried to approve changing the position title and the salary grade of the Assessment Clerk position from N-8 to N-6 salary grade effective immediately.

AUTHORIZATION TO PERFORM CRIMINAL HISTORY EMPLOYMENT CHECKS
APPROVED

Mr. Robinson said staff requested authorization to perform criminal history employment checks in accordance with Minnesota Statutes 299C.61 and 299C.62 for all City employees subject to the Child Protect Act. The employee checks will be limited to those that are employed in association with the Fieldhouse and other recreation facilities that may be owned or managed by the City. The Minnesota Bureau of Criminal Apprehension (BCA) is the only agency authorized to perform these background checks. The BCA's usual fee is \$10 per individual.

A motion was made by Council Member Ernst, seconded by Council Member Kielblock and unanimously carried to approve the Criminal History Employment checks by the BCA.

RESOLUTION NOS. 2022-07-45, 2022-07-46, 2022-07-47, 2022-07-48, 2022-07-49, 2022-07-50 ADOPTED ACCEPTING A DONATION OF PERSONAL PROPERTY

Todd Wietzema, Public Works Director, said the Park and Recreation Advisory Committee has received request from six parties to place benches in city parks and along the bike trails. The request are as follows:

- King Turkey Day, Inc to place two benches at 10th Street Plaza in memory of Danny Huls.
- Oberloh Family to place two benches at the Chautauqua Park Bandshell, in memory of Ervin and Delia Oberloh.
- Chris Thier to place a bench at the Chautauqua Park Bandshell, in memory of James Cook.
- Friends of Albert to place two benches at the Chautauqua Park Bandshell, in memory of Albert Matthiesen.
- Worthington Concert Association to place a bench at the Chautauqua Park Bandshell, celebrating their history.
- Hass and Lang Families to place a bench along the Crailsheim Road Trail, remembering the Lang and Hass Family Bakery.

Mr. Wietzema said the donations meet all the requirements as set forth in the Park Donation policy adopted by City Council.

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

RESOLUTION NO. 2022-05-45

A RESOLUTION ACCEPTING A DONATION OF PERSONAL PROPERTY

(Refer to Resolution File for complete copy of Resolution)

RESOLUTION NO. 2022-05-46

A RESOLUTION ACCEPTING A DONATION OF PERSONAL PROPERTY
(Refer to Resolution File for complete copy of Resolution)

RESOLUTION NO. 2022-05-47

A RESOLUTION ACCEPTING A DONATION OF PERSONAL PROPERTY
(Refer to Resolution File for complete copy of Resolution)

RESOLUTION NO. 2022-05-48

A RESOLUTION ACCEPTING A DONATION OF PERSONAL PROPERTY
(Refer to Resolution File for complete copy of Resolution)

RESOLUTION NO. 2022-05-49

A RESOLUTION ACCEPTING A DONATION OF PERSONAL PROPERTY
(Refer to Resolution File for complete copy of Resolution)

RESOLUTION NO. 2022-05-50

A RESOLUTION ACCEPTING A DONATION OF PERSONAL PROPERTY
(Refer to Resolution File for complete copy of Resolution)

APPROVED BOLTON & MENK TASK ORDER #16

Mr. Wietzema said the 2022 CIP budget included funds reserved for the Liquor Store parking lot reconstruction. To have an accurate budget number to include in the 2023 annual budget, staff received an estimate for professional services from the engineering firm Bolton & Menk. This scope of services will include:

- Topographic surveys of the site
- Final design plans
- Project meetings
- Bidding assistance and award recommendation

This task order will not include construction services. The proposed fee for these services should not exceed \$20,000.00

A motion was made by Council Member Kolpin, seconded by Council Member Ernst and unanimously carried to approve Bolton & Menk Task Order# 16.

APPROVED ADJUSTED AQUATIC CENTER CHANGE ORDER

Mr. Wietzema said at the council work session on July 20th, a proposed change order was presented from Tri-State General Contracting, to install drain tile at the new aquatic center project was reviewed. The proposed change order was in the amount of \$162,674.50.

Staff was directed to have discussions with the contractors and pool designers to help offset the cost of this proposed change order. After discussions Tri-State General Contracting has proposed a new change order in the amount of \$152,406.66, a reduction of \$10,267.84. SEH and USA Aquatics, has agreed to reduce their contract amount by \$12,500.00. The total increased cost to the project, to install this proposed drain tile and lift pumps after the reductions will be \$139,906.66.

A motion was made by Council Member Cummings, seconded by Council Member Ernst and unanimously carried to approve the Change Order in the amount of \$152,406.66.

APPROVED AWARDING THE CONSTRUCTION CONTRACT FOR THE STATE AID STREET BITUMINOUS OVERLAY PROJECTS

Steve Schnieder, City Engineer, said bids were opened on July 13, 2022 for the Bituminous Overlay Projects on the following Municipal State Aid Streets:

- Clary Street - from North Fredrick Avenue to McMillan Street
- Fifth Avenue - from Tenth Street to Eleventh Street
- Fourteenth Street - from Second Avenue to First Avenue

The only bid received was from Duininck, Inc. in the amount of \$241,034.95. The engineer's estimate was for \$290,273.42. The bid was \$49,238.47, 17% lower than the estimated cost.

Council Member Ernst asked why the entire Clary Street wasn't being redone. Mr. Schnieder said that it is because it is an overlay project and Frederick to Clary wasn't assessed as needing the overlay. He said that it could be evaluated again to see if that area is in need of the overlay and if so a change order may need to be done.

Mayor Kuhle said he is concerned about projects being completed because it's almost August and they haven't started. Mr. Schnieder said it is an overlay project and they are fast moving projects.

Council Member Kielblock asked how we could get projects started sooner. Mr. Schnieder replied considering the budget cycle of the City it does make it a little harder to get things started sooner.

The motion was made by Council Member Kielblock, seconded by Council Member Ernst and

unanimously carried to award the contract to the lowest responsible bidder, Duininck, Inc. in the amount of \$241,034.95.

FIRST READING OF A PROPOSED ORDINANCE TO AMEND TITLE XV OF THE CITY CODE OF WORTHINGTON, NOBLES COUNTY, MINNESOTA, TO REZONE PROPERTY FROM "T-Z" (Transition Zone) TO "R-4" (Medium Density Residential District)

Mr. Selof said Jonathon and Keturah Scribner have requested a change of zone for property located at 370 County Road 5 from it's current 'TZ' Transition Zone designation to 'R-4' Medium Density Residential. The legal description of the subject property is as follows:

That part of the NW 1/4 SW 1/4 of Section 19, Township 102N, Range 39W, Nobles County, Minnesota, described as follows, to-wit: Commencing at a point on the west line of said NW 1/4 SW 1/4 of Section 19, Township 102N, Range 39W, a distance of 571 feet and 4 inches south of the northwest corner of said NW 1/4 SW 1/4 of Section 19, thence running south along the west line thereof a distance of 242.5 feet; thence east at right angles, to the east line of the NW 1/4 SW 1/4 of said Section 19; thence north along the east line thereof of a distance of 242.5 feet; thence west at right angles, to the west line thereof and the point of beginning.

The Planning Commission voted unanimously to recommend approval of the requested change of zone at their July 12th, 2022 meeting.

Their recommendation was based on the following:

1. The subject property is located on the east side of County Road 5 and north of County Road 35. It currently contains one house and about 7 acres of farm ground. Exhibit 1B shows the property is currently zoned 'TZ' Transition Zone District. The applicant is seeking to rezone the property to 'R-4' Medium Density Residential.
2. The applicant is seeking a change of zone in order to pursue subdivision of the property. While nothing has formally been requested, the property owner hopes to split the 'homestead' portion off from the farm ground. With it's current 'TZ' zoning designation neither lot would meet the minimum size requirements unless rezoned. City Code § 154.31 (C) says "The area surrounding the subdivision can be planned and developed in coordination and compatibility with the proposed subdivision." Since the proposed subdivision will raise questions about future development in the area, it will go through Planning Commission and City Council for approval contingent on this change of zone.
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. As shown in Exhibit 2A and 2B the surrounding zoning and land uses are as follows:

North: 'TZ' Transition Zone. Single-family homes and farmland.

East: Farmland outside of city limits.

South: 'R-4' Medium Density Residential and 'M-1' Light Manufacturing district. A couple of single-family homes, and a potential multi-family housing development sit to the south.

West: 'M-1' Light Manufacturing district. Farmland, a single-family home, a water tower, and storage garages site west of the subject property.

4. Well not required by State or local requirements, staff finds it prudent to consider a property's stated future land use as established by the City's Comprehensive Plan. The comprehensive plan identifies the subject property as "General Industrial". While the proposed change of zone does not follow the future land use plan, staff is of the opinion that since the city deviated from this goal earlier in 2022 (when it approved a change of zone for the neighboring property) it would be better to maintain consistency in the area.

Mr. Selof noted the proposed subdivision (reason for requesting this change of zone) will be brought back to Council for consideration in August.

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

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

Mr. Selof said the City of Worthington is considering a text amendment to Chapter 155 Appendix E: Table 5 Schedule of Use Regulations. This proposed amendment would change the following uses to be permitted by conditional use permit only in the 'B-2' Central Business District: "Parking lots", "Parking", "Terminals", and "Cleaning".

Mr. Selof explained it was considered at the Planning Commission meeting on July 12th, 2022. After holding a public hearing, the Commission voted unanimously to recommend the City Council approve the proposed text amendment. The Commission's recommendation was based on the following:

1. On June 13th, 2022 City Council approved an ordinance that removed the "Retail Shopping Overlay District" from City Code. As part of that process, some downtown business owners requested that the city ensure that parking, terminals, and cleaning uses would not be permitted by-right. Council followed this request and directed staff to amend the underlying 'B-2' Central Business District. Part of this request came from the idea that it would be possible for someone to buy a building on 10th Street, tear it down, and use it for parking.

2. City Code 155.223 requires changes to zoning regulations or district boundaries to go through Planning Commission prior to City Council approval. Additionally, staff would like to ensure the Commission is aware of changes to made to zoning regulations.
3. 'Parking' or 'Parking Lots' as a land use includes only cases where parking is the primary use of the property (does not exist to serve one specific business or other usage). 'Cleaning' includes businesses focused on cleaning with harsher/tougher chemicals, and 'Terminals' include ambulance/taxi service, bus, and rail service.
4. The proposed change will require a conditional use permit for parking, cleaning, and terminals. This will require Planning Commission and City Council approval should anyone wish to pursue these in the 'B-2' district.

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

AUTHORIZATION TO PROCEED WITH COMMUNITY ENGAGEMENT ANALYZE PARKING REGULATIONS

Mr. Selof said city staff would like to begin the process of reviewing the city's parking regulations.

He explained staff would like to begin with surveying business owners, local developers, and the general public to determine whether changes to parking regulations should be pursued. The exact strategy is still being worked out but staff would like authorization from Council to proceed with the understanding that eventually staff's findings will be presented to Council for discussion.

The consensus from Council was to have staff proceed with analyzing the current parking regulations.

COUNCIL COMMITTEE REPORTS

Mayor Kuhle - Attended an E.O. Olson meeting, designated \$31,162.00 for the continued carp control project and \$85,000.00 for the Sunset boat landing parking lot and the fish cleaning station.

Council Member Janssen - No report.

Council Member Ernst - No report.

Council Member Kielblock - No report.

Council Member Kolpin - Attended a City, County, College, School meeting, the college reported they are expecting a 2% decrease in enrollment. Still working on locations for a childcare center but an individual is currently trying to open one at this time. The LEC committee is still looking for parking for seized vehicles and is considering leasing space at this time due to construction costs.

Council Member Cummings - The Lake Association Committee went to Redwood Falls to see the dredge project the community is doing. In some places the water went from 2 ½ feet to 22 feet after the dredging process was completed. The carp project in Lake Okabena has recently caught 306 carp

of which 12% were tagged, the data from them will be recorded.

CITY ADMINISTRATOR REPORT

Mr. Robinson said staff is looking at budget meetings the week of August 29th.

ADJOURNMENT

A motion was made by Council Member Cummings, seconded by Council Member Kielblock and unanimously carried to adjourn the meeting at 7:49 p.m.

Mindy L. Eggers. MCMC
City Clerk