

**WORTHINGTON CITY COUNCIL
REGULAR MEETING, AUGUST 9, 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, Alaina Kolpin, Amy Ernst, Larry Janssen.

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

Others present: Ryan McGaughey, Radio Works; Susanne Murphy, Rod Sankey, Camila Wede, Bethani Fellows, Lori Petersen, Salvador Adame, Honorary Council Member; Leah Ward, The Globe.

The Pledge of Allegiance was recited.

OPENING REMARKS

Mayor Kuhle gave a tribute and extended condolences to the family of former Mayor Bob Demuth, Sr.

HONORARY COUNCIL MEMBER

Mayor Kuhle welcomed Salvador Adame as the Honorary Council Member for the months of August, September and October, 2021.

AGENDA APPROVED WITH ADDITIONS/CHANGES

Mayor Kuhle stated that Item *G.1 Updated Position Guidelines* was being pulled from the agenda.

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

PUBLIC HEARING AND FIRST READING PROPOSED ORDINANCE TO AMEND THE WORTHINGTON CITY CHARTER TO EXEMPT ZONING APPLICATIONS FROM CERTAIN REQUIREMENTS OF CHARTER SECTION 4.05

Pursuant to published notice this was the time and date set for a public hearing on amending the Worthington City Charter to Exempt Zoning Applications from certain requirements of Charter Section 4.05.

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

Jason Brisson, Assistant City Administrator/Director of Economic Development said due to the current procedural process required by the City's Charter and Ordinances, City staff is unable to meet the State's 60-Day Requirement for some land use applications. Mr. Brisson explained staff routinely take 60-Day extensions for land use applications, which the City's legal counsel has advised may create legal liability for the City.

Mr. Brisson explained the Charter Commission met and after holding discussion, voted unanimously to approve the resolution requesting the City Council to initiate a charter amendment by ordinance pursuant to Minnesota Statute § 410.12, Subdivision 7 to address this issue. Mr. Brisson said the proposed amendment would exempt zoning ordinances from the three-reading requirement of the Charter to enable City staff to comply with the requirements of Minnesota's 60-Day Rule for zoning applications.

Council Member Cummings asked if staff recommended one or two readings. Mr. Brisson said while two readings would be ok, there would still be a chance of needing the extension. The City's legal counsel recommended one reading. Mr. Robinson reminded Council that to do an extension there has to be just cause.

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

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

CONSENT AGENDA

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

- Special City Council Meeting Minutes of August 2, 2021
- City Council Meeting Minutes of July 26, 2021
- Traffic & Safety Committee Meeting Minutes of July 27, 2021
- Economic Development Authority Minutes of July 26, 2021
- Housing & Redevelopment Authority Meeting Minutes of June 23, 2021
- Prairie Justice Center Joint Operations Committee Meeting Minutes of May 12, 2021
- Application for Parade Permit / to Block Streets - King Turkey Day Inc.
- Applications for Temporary On-Sale Liquor Licenses - King Turkey Day Inc.
- Application for Temporary On-Sale Liquor License - Nobles County Fair Association
- Application for Exemption from Lawful Gambling Permit - St. Mary's Church
- Application to Block Street(s) - United Pentecostal Church
- Bills payable and totaling \$1,929,548.86 be ordered paid

THIRD READING AND ORDINANCE NO. 1172 ADOPTED TO AMEND TITLE XV OF THE CITY CODE OF WORTHINGTON, NOBLES COUNTY, MINNESOTA, TO REZONE PROPERTY FROM "R-2" (ONE FAMILY, LOW DENSITY) TO "R-4" (MEDIUM

DENSITY RESIDENTIAL DISTRICT)

Pursuant to published notice, this was the time and date set for the third reading of a proposed ordinance to Amend Title XV of the City Code of Worthington, Nobles County, Minnesota, to Rezone Property from "R-2" (One Family, Low Density) to "R-4" (Medium Density Residential District)

A complete copy of the ordinance was provided in the July 12, 2021 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. 1172

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

(Refer to Ordinance File for the complete copy of ordinance)

THIRD READING AND ORDINANCE NO. 1173 ADOPTED TO AMEND TITLE XV OF THE CITY CODE OF WORTHINGTON, NOBLES COUNTY, MINNESOTA - TEXT AMENDMENT

Pursuant to published notice, this was the time and date set for the third reading of a proposed ordinance to Amend Title XV of the City Code of Worthington, Nobles County, Minnesota - Text Amendment, Section 155 Appendix D: 4, Required Distance Buffering

The text being deleted is as follows:

Quarrying or operation of any stockpile. Minimum of 200' to any property line except minimum of 50' to street line

A complete copy of the ordinance was provided in the July 12, 2021 council agenda.

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

ORDINANCE NO. 1173

TO AMEND TITLE XV OF THE CITY CODE OF WORTHINGTON, NOBLES COUNTY, MINNESOTA - TEXT AMENDMENT

(Refer to Ordinance File for the complete copy of ordinance)

RESOLUTION NO. 2021-08-46 ADOPTED TO ACCEPT THE CORONAVIRUS LOCAL FISCAL RECOVERY FUND ESTABLISHED UNDER THE AMERICAN RESCUE PLAN ACT

Steve Robinson, City Administrator, said Congress adopted the American Rescue Plan Act (ARPA) in March 2021. He explained the ARPA funds are intended to provide support to state, local, and tribal governments in responding to the impact of COVID-19 and their efforts to contain it in their communities, residents and governments.

The City of Worthington received \$693,048.58 in ARPA funds and this amount represents one-half of the total amount that will be received by the City. The remaining funds will be distributed in approximately twelve months for a total award of \$1,386,097.16.

Mr. Robinson said staff is reviewing US Treasury Department guidance for eligible uses of these funds and will bring recommendations forward to Council for their consideration in the coming weeks.

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

RESOLUTION NO. 2021-08-46

A RESOLUTION TO ACCEPT THE CORONAVIRUS LOCAL FISCAL RECOVERY FUND ESTABLISHED UNDER THE AMERICAN RESCUE PLAN ACT

(Refer to Ordinance File for the complete copy of resolution)

SECOND AMENDMENT TO YMCA SUBLEASE REGARDING THE EXPANDED OUTDOOR AQUATIC CENTER APPROVED

Mr. Robinson said the City of Worthington and YMCA entered into a sublease in October 2008 for the City's Aquatic Center located within the YMCA facility. In May 2011 the sublease was amended further clarifying the fiscal responsibilities of both parties for property and casualty insurance. The first amendment to the sublease stipulated that annual insurance costs would be shared equally between the YMCA and City of Worthington.

With the addition of the expanded outdoor aquatic center it is anticipated that insurance premiums will increase. The proposed second amendment to the sublease, stipulates that the City of Worthington shall reimburse the YMCA for 50% of the premium the YMCA pays to the insurer insuring the building and 100% of the premium referable to the outdoor facility. The City of

Worthington will be solely responsible for any increase in the premium for the outdoor facility.

A motion was made by Council Member Cummings, seconded by Council Member Ernst and unanimously carried to approve the second amendment to the YMCA sublease regarding the expanded outdoor aquatic center.

RESOLUTION NO. 2021-08-47 ADOPTED ACCEPTING A DONATION OF FUNDS - AKC REUNITE

Troy Appel, Public Safety Director, said the Police Department received a \$7,500 donation from the American Kennel Club (AKC) Reunite Adopt a K9 Cop matching fund program. The funds will be included in a future purchase of a dog for our canine program.

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

RESOLUTION NO. 2021-08-47

A RESOLUTION ACCEPTING A DONATION OF FUNDS - AKC REUNITE

(Refer to Resolution File for the complete copy of resolution)

FIRST READING PROPOSED ORDINANCE TO AMEND TITLE XV OF THE CITY CODE OF WORTHINGTON NOBLES COUNTY, MINNESOTA TO ESTABLISH A "R-8" NEW RESIDENTIAL DISTRICT

Matt Selof, City Planner, said pursuant to the authority granted by Minnesota Statute § 462.357 and Worthington City Code Section § 155.223, the City of Worthington is considering a text amendment to City Code Section § 155.071 for the purpose of creating a new 'R-8' residential zoning district intended to "encourage the remodeling and enhancement of the older residential sections of the community" and text amendments to Chapter 155, Appendices A, E, and F to provide density, area, bulk, and schedule of use regulations for the proposed new residential district.

At the August 3rd Planning Commission meeting they considered the proposed text amendment and after holding a public hearing, the Commission voted unanimously to recommend the City Council approve the proposed text amendment.

Mr. Selof said staff determined that a new zoning district versus a PUD is the best course of action to address side setback concerns for older areas of the City where lots are smaller and zoning does not allow for expansion.

A motion was made by Council Member Kielblock, seconded by Council Member Janssen and

unanimously carried to give a first reading to the proposed ordinance .

RESOLUTION NO. 2021-08-48 ADOPTED VACATING AN EASEMENT IN LOTS 1 AND 2, BLOCK 1, DARLING'S THIRD ADDITION, CITY OF WORTHINGTON, NOBLES COUNTY, MINNESOTA

Mr. Brisson said the former Shopko property is currently comprised of two tax parcels, Nobles County parcels 31-1526-600 and 31-1526-700. Mr. Brisson explained at the time the former Shopko building was constructed, the properties were separately owned, and the former Shopko building was constructed nearer to the south property line than would be permitted by the City's Zoning Ordinance. The State Building Code requires that no structure may be developed within 60 feet of the former Shopko building. To permit this development, the City entered into an agreement to vacate the easement. The agreement established a 60-foot easement along the south building line of the former Shopko building to prevent any buildings from being constructed in violation of the State Building Code. If a new building was erected to the south of the former Shopko site, was attached or within 60 feet of the building, and was sprinklered according to the State Building Code, the easement would automatically cease and be vacated.

He said staff has been approached by a developer who is interested in purchasing the former Shopko site and redeveloping the property to construct and operate a new location for their business. They are under contract with the property's broker and discovered this easement during their title search. To simplify the sale process, the developer has inquired whether the City would be willing to vacate this easement agreement. Since the easement was established in 1985, no buildings meeting the requirements contained within have been constructed. The property also has come under common ownership and, pursuant to City Code Section § 155.204 (B), the two tax parcels would be prohibited from being sold separately due to parcel 31-1526-700's lack of access to City right-of-way pursuant to City Code Sections § 154.05.

Mr. Brisson said staff finds that vacating the easement will not interfere with the City's ability to protect the public interest.

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

RESOLUTION NO. 2021-08-48

A RESOLUTION VACATING AN EASEMENT IN LOTS 1 AND 2, BLOCK 1, DARLING'S THIRD ADDITION, CITY OF WORTHINGTON, NOBLES COUNTY, MINNESOTA

(Refer to Resolution File for the complete copy of resolution)

RENTAL HOUSING INSPECTION PROGRAM

Mr. Brisson said back in February, the City Council passed a motion to start the process to suspend enforcement of the City's current Rental Housing Registration and Inspection program, repeal City Code Section § 150.10, and layoff the Code/Enforcement Officer/Housing Inspector. The action was due to challenges caused by the COVID-19 pandemic and the Program's historic ineffectiveness at achieving its stated policy goals. At that time, Council directed staff to develop a revised program for future consideration. Staff has researched rental housing programs and other cities and has identified five general policy alternatives:

- Option 1: Rescind existing Ordinance, permanently decommission program
- Option 2: Resume program as currently structured utilizing existing Ordinance
- Option 3: Prepare new ordinance and implement new program with complaint-based structure (Chicago model)
- Option 4: Prepare revised ordinance and implement revised Worthington program, maintaining required periodic inspection structure (Minneapolis model without tiers)
- Option 5: Prepare new ordinance and implement new tiered program with required periodic inspection structure (Minneapolis model)

Mayor Kuhle asked if the program could be done on a complaint basis for the good landlords. Council Member Cummings asked if there would be any way that after passing an inspection 1 or 2 times would allow for a longer period of time between inspections. Council Member Kolpin said it sounds like Option 5 most closely describes what Council is looking for.

Mr. Brisson stated that there are approximately 1500 rentals in Worthington and approximately 750 units were inspected each year. Staff is recommending Option 5 with some changes allowing staff more authority and the ability to inspect non-compliance rentals more often at an increased cost. He said staff is also looking for a sub-committee to help put a program together that can be presented to Council for approval. Council Member Ernst and Janssen volunteered. Honorary Council Member Salvador Adame was also asked to serve on the sub-committee.

COUNCIL COMMITTEE REPORTS

Mayor Kuhle - attended CGMC Conference and heard the local parks and trails prevailed during the pandemic along with childcare as a focus on funding options moving forward.

Council Member Janssen - No report.

Council Member Ernst - attended Memorial Auditorium Advisory Board meeting, there will be a season with live shows.

Council Member Kielblock -attended a Traffic & Safety Committee meeting, the CGMC Conference and a Planning Commission meeting.

Council Member Kolpin - attended a Center for Active Living meeting, looking at lowering the age for membership, will have an open house on King Turkey Day.

Worthington City Council
Regular Meeting August 9, 2021
Page 8

Council Member Cummings - Congratulated the Nobles County Fair Association for a job well done on the fair and concert.

CITY ADMINISTRATOR REPORT

Mr. Robinson said the employee luncheon will be held on tomorrow in the parking lot at City Hall.

He introduced Steve Schneider, Engineer and Public Works Director and Hyunmyeong Goo, Assistant Engineer. They each told a little bit about themselves and Council welcomed them to the City.

ADJOURNMENT

The motion was made by Council Member Kolpin, seconded by Council Member Janssen and unanimously carried to adjourn the meeting at 8:18 p.m.

Mindy L. Eggers, MCMC
City Clerk