

**WORTHINGTON CITY COUNCIL
REGULAR MEETING
OCTOBER 14, 2024**

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: Amy Ernst, Chris Kielblock, Larry Janssen, Dennis Weber and Chad Cummings (excused).

Staff present: Todd Wietzema, Public Works Director; Hyunmyeong Goo, City Engineer; Matt Selof, Community Development Director; Cristina Adame, Communications & Relations; Nate Grimmus, Deputy Chief; Pat Shorter, Fire Chief; Steve Robinson, City Administrator; Mindy Eggers, City Clerk.

Others Present: Sam Martin, The Globe; Muriano Reynaga, Maria Carranza, Jose Mejia, Lesly Felix, Joshua Carlson, Gonzalo Martinez.

The Pledge of Allegiance was recited.

AGENDA APPROVED WITH ADDITIONS/CHANGES

The Mayor stated Community Development Case Item *K.4. Discussion - Zoning for Cannabis Businesses* would be removed from the agenda.

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

HELD PUBLIC HEARING ON PROPOSED ASSESSMENT FOR 2024 MISCELLANEOUS UNPAID CHARGES AND ADOPTED RESOLUTION NO. 2024-10-69

Pursuant to published notice, this was the time and date set for a public hearing on proposed assessments.

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

Hyunmyeong Goo, City Engineer, presented information on the proposed assessments. He noted the proposed assessment rolls were included in the packet.

2024 MISCELLANEOUS UNPAID CHARGES

- > Removal of Ice and Snow
- > Removal of Noxious Weed and Vegetation

3.75%; 1 year

¹ Based on recommended policy for a minimum rate of 3.75% or current rate for improvement assessments, whichever is greater.

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

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

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

RESOLUTION NO. 2024-10-69

A RESOLUTION ADOPTING THE SPECIAL ASSESSMENTS FOR 2024 MISCELLANEOUS UNPAID CHARGES

(Refer to Resolution File for complete copy of Resolution)

HELD PUBLIC HEARING ON PROPOSED ASSESSMENT FOR EIGHTH AVENUE STREET IMPROVEMENT AND ADOPTED RESOLUTION NO. 2024-10- 70

Pursuant to published notice, this was the time and date set for a public hearing on proposed assessments.

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

Hyunmyeong Goo, City Engineer said the recommended terms for the proposed assessments are listed below. The proposed assessment rolls were included in the packet.

PAVING IMPROVEMENT NO. 120

> EIGHTH AVENUE STREET IMPROVEMENT

3.75%; 15 years

² Based on interest rate on PIR bonds.

Mayor Von Holdt asked if there was any testimony.

Josh Carlson said he owns 814 Eighth Avenue and 721 Ninth Street. He asked why the sidewalks were not replaced to the street and also why one of the trees was knocked down by equipment and

not replaced. Mr. Goo replied when the preliminary hearing is held the plans are shown and none of the sidewalks between the sidewalk and street are replaced, he noted homeowners can add them but the city does not replace them. Regrading the tree, he said in areas where the boulevards are not more than 3 feet the trees are not replaced due to spacing issues.

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

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

RESOLUTION NO. 2024-10-70

A RESOLUTION ADOPTING THE SPECIAL ASSESSMENTS FOR EIGHTH AVENUE IMPROVEMENT NO. 120

(Refer to Resolution File for complete copy of Resolution)

CONSENT AGENDA

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

- City Council Meeting Minutes of September 23, 2024
- Water & Light Commission Meeting Minutes of October 7, 2024
- Bills Payable Totaling \$1,915,788.10

APPROVED APPLICATION FOR NEW 3.2% ON-SALE BEER LICENSE - CHINO'S KITCHEN LLC, DBA GOLDEN THAI FOOD

An application for a new 3.2% On-Sale Beer License has been submitted by Chino's Kitchen, LLC dba Golden Thai Food, 1551 N. Humiston Avenue. The license period would be October 25, 2024 through December 31, 2024. All of the required paperwork, fees, and insurance requirements have been received.

The motion was made by Council Member Ernst, seconded by Janssen and unanimously carried to approve the application for the On-Sale Beer License for Chino's Kitchen, LLC dba Golden Thai Food.

APPROVED APPLICATION FOR NEW 3.2% OFF-SALE BEER LICENSE - HOLIDAY STATION STORES, LLC DBA CIRCLE K

An application for a new 3.2% Off-Sale Beer License has been submitted by Holiday Station Stores, LLC dba Circle K, 1408 Oxford Street. The license period would be October 22, 2024 through December 31, 2024. All of the required paperwork, fees, and insurance requirements have been received.

The motion was made by Council Member Kielblock, seconded by Council Member Ernst and unanimously carried to approve the application for the Off-Sale Beer License for Holiday Station Stores, LLC dba Circle K.

APPROVED NOMINATING COMMITTEE RECOMMENDATIONS FOR COMMITTEE APPOINTMENTS/REAPPOINTMENTS

A Nominating Committee Meeting was held on October 9, 2024 and they are making the following recommendations for committee appointments/reappointments:

Charter Commission

Appoint Bryan Namanny to replace and fill the unexpired term of Tom Macklin, who resigned, first term to expire March 31, 2025

Cross Cultural Advisory Committee

Appoint Hai Bleh to replace Abrera Angolie, who's term expired December 31, 2023, term to expire December 31, 2027

Appoint Cassandra Mendez to replace Josee Marroquin, who's term expired August 31, 2024, term to expire August 31, 2025

Memorial Auditorium Advisory Board

Appoint Olivia Ordaz to a first three-year term to replace John Stewart who filled two-terms, term to expire July 31, 2027

Appoint Paul Summers LaRoche to a first three year-term to replace Gretchen O'Donnell who filled two-terms, term to expire July 31, 2027

Appoint Judy Fiola to a first three-year term to replace Betty McAllister who

filled two terms, term to expire July
31, 2027

The motion was made by Council Member Kielblock, seconded by Council Member Janssen and unanimously carried to approve the Nominating Committee Appointments/Reappointments.

RESOLUTION NO. 2024-10-71 APPROVING CHARTER COMMISSION MEMBER APPOINTMENT

Steve Robinson, City Administrator, said Under Minnesota Statutes §410.05, Subdivision 3, the City Council of the City of Worthington must also, by resolution, nominate the eligible individual and submit a petition to the district court to appoint the individual as a member of the Worthington City Charter Commission.

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

RESOLUTION NO. 2024-10-71

A RESOLUTION APPOINTING MEMBER TO THE CHARTER COMMISSION

(Refer to Resolution File for complete copy of Resolution)

APPOINTMENT OF WORTHINGTON FIRE DEPARTMENT FIRE CHIEF

Mr. Robinson said the City's Personnel Policy for Firefighters and Standard Operating Guidelines for the Worthington Fire Department note City Council shall appoint a person fully qualified to serve as the Fire Chief, taking into account the recommendation of the Fire Department personnel.

Members of the fire department met on September 24, 2024 and have recommended to appoint Pat Shorter as the Fire Chief. Mr. Shorter has served on the department for more than 20 years.

The Chief shall have general supervision of the department at all times and have control over all apparatus, equipment and supplies and command over all persons who are employees of the department. The Chief reports to the City Administrator.

A motion was made by Council Member Ernst, seconded by Council Member Kielblock and unanimously carried to appoint Pat Shorter to serve as the Fire Chief.

APPROVED REVISIONS TO WORTHINGTON FIRE DEPARTMENT PERSONNEL POLICY AND STANDARD OPERATING PROCEDURES

Mr. Robinson, said the entirety of the personnel policy and standard operating procedures were last updated in 2009. Administration, along with Fire Department officers and retired former Chief Jeff Flynn, reviewed the current documents and added revisions to incorporate updated policies and procedures. The updates are in accordance with recommendations from the League of Minnesota Cities Insurance Trust and human resources good practices.

The revised documents showing strike-through and added language. Some of the changes include:

- Incorporating standard hiring and employment practices,
- Clarification of NFPA and OSHA Self Contained Breathing Apparatus requirements,
- Attendance requirements and pension eligibility;
- Members of the Fire Department may forward their recommendation of the Chief to the City Administrator for consideration in selecting the most qualified candidate.
- City Council shall consider the City Administrator's recommendation in the annual appointment of the Chief; and
- The duties and minimum requirements of the officer positions.

The motion was made by Council Member Ernst, seconded by Council Member Janssen and unanimously carried to approve the revised documents to be effective January 1, 2025.

PROPOSED BUDGET AMENDMENT (MOBILE COMPUTERS) APPROVED

Nate Grimmus, Deputy Chief, said staff is requesting the approval of a 2024 budget amendment to adjust the Equipment, Revolving Schedule (ERS), regarding the replacement of two mobile, squad computers. All mobile computers are scheduled to be replaced in 2025, however, two computers recently failed and are beyond reasonable repair. The need for the computers is immediate.

The purchase price for the two computers is \$5,530. That amount would come from the Mobile Computer ERS reserve and the balance would remain for the 2025 purchase of the other replacement computers.

A motion was made by Council Member Ernst, seconded by Council Member Kielblock and unanimously carried to approve the requested budget amendment in the amount of \$5,530.00.

RESOLUTION NO. 2024-10-72 AUTHORIZING EXECUTION OF TOWARD ZERO DEATHS GRANT AGREEMENT

Mr. Grimmus said the Minnesota Department of Public Safety, Office of Traffic Safety, has initiated a Toward Zero Deaths Communities grant which runs from October 1, 2024 through September 30, 2025. The grant includes reimbursement funds for officers' overtime during the operational waves, with a focus on traffic safety and impaired driving enforcement. The City of Worthington has collaborated with the counties of Jackson, Cottonwood, Nobles and Rock and the City of Mountain Lake as part of this process.

The motion was made by Council Member Kielblock, seconded by Council Member Janssen and unanimously carried to approve the execution of the Toward Zero Deaths Grant Agreement and adopt the following resolution:

RESOLUTION NO. 2024-10-72

A RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT

(Refer to Resolution File for complete copy of Resolution)

APPROVED PROFESSIONAL SERVICES WORK ORDER TO BUILD A NEW 150'x50' HANGAR AT THE WORTHINGTON MUNICIPAL AIRPORT

Todd Wietzema, Public Works Director, said at the August 26, 2024 meeting, City Council approved a master services agreement with Bolton and Menk for identified airport projects that are initiated within five years of the above date. The approval of the master agreement followed an open consultant selection process as required by the Federal Aviation Administration (FAA).

The master services agreement establishes the terms and conditions that may be common to all airport projects undertaken by the firm. Work Orders address the scope of services and any other specific terms relating to specific projects.

BMI is proposing Work Order No. 1, to do design and bid administration services for a new 150' x 50' multi-bay hangar at the Worthington Municipal Airport. A proposal for Construction Services will follow in a separate work order.

Bolton and Menk's proposed fee for these services shall be completed on a lump sum basis of \$75,000.00. The cost breakdown will be as follows:

- FAA share 95% \$71,250.00
- State Share 2.5% \$1,875.00
- City Share 2.5% \$1,875.00

The motion was made by Council Member Kielblock, seconded by Council Member Janssen and unanimously carried to approve Bolton and Menk's Work Order No. 1 and authorize Mayor and City Clerk to sign the agreement.

RESOLUTION NO. 2024-10-73 ADOPTED VACATING AN EASEMENT IN MOULTON'S RESURVEY AND SUBDIVISION OF CLARY'S ADDITION

Mr. Goo said BAR Service Industries has submitted a request to vacate a utility easement located on the property of 1408 Oxford Street. He explained the easement is a 6-foot wide utility easement that follows a former property line. The easement runs through the existing building and gas pumps/canopy area.

The property is changing ownership and the applicant is seeking to clear up the title, including this easement encroachment. The easement is no longer utilized and is not needed for any future service.

Mr. Goo noted the Water and Light Commission considered the request at their October 7th, 2024 meeting and voted to recommend the City vacate the easement.

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

RESOLUTION NO. 2024-10-73

A RESOLUTION VACATING AN EASEMENT IN MOULTON'S RESURVEY AND SUBDIVISION OF CLARY'S ADDITION

(Refer to Resolution File for complete copy of Resolution)

ORDINANCE NO. 1207 ADOPTED EXTENDING THE CORPORATE CITY LIMITS OF THE CITY OF WORTHINGTON TO INCLUDE 70.00 ACRES OF UNPLATTED LAND ABUTTING THE CITY OF WORTHINGTON AND OWNED BY BEDFORD INDUSTRIES, INC. - PARCEL #20-0093-750

Matt Selof, Community Development Director, said Bedford Industries, Inc. has submitted a petition pursuant to Minnesota Statutes §414.033 subd. 2(3) to annex approximately 70 acres of property they own located east of Paul Avenue and north of I-90. The legal description of the property under consideration is as follows:

That part of the W1/2NW1/4 of Section 14, Township 102N, Range 40W, Nobles County, Minnesota, described as follows: Beginning at the northwest corner of said Section 14; thence on an assumed bearing of south 89°55'59" east, along the north line of said Section, a distance of 1,152.83 feet; thence south 00°11'09" east, a distance of 2,639.30 feet to the East-West Quarter line of said Section; thence south 89°30'06" west, along said East-West Quarter line, a distance of 1,152.83 feet to the West Quarter corner of said Section; thence north 00°11'09" west, along the west line of said Section, a distance of 2,650.67 feet to the Point of Beginning.

The Planning Commission considered the proposed annexation at its October 1, 2024 meeting and considered the proposed annexation and voted unanimously to recommend that City Council approve the annexation. Their recommendation was based on the following considerations:

1. The subject property borders the City along the north side, to the east of Paul Avenue and north of I-90.

2. The subject property is not included in any orderly annexation agreements. As such, the property owner petitioned for annexation under Minnesota Statute 414.033, Subd. 2(3).
3. Bedford Industries, Inc., purchased this land in 2021 for the purpose of future business expansion. The timeline for expansion is still being determined and, in the meantime, they wish to have the land annexed in order to prepare for future development.
4. Future road improvements and utility extensions will be required in the coming years to service this site. The need for this is not immediate and will follow the timeline for development, once that is determined. No other immediate impact to the City will occur.
5. The annexation will not have a significant impact to the City's responsibilities for maintaining adjoining roads.
6. With any annexation, consideration should be given to the City's Comprehensive Plan.

Mr. Selof explained the current 2004 Comprehensive plan shows the subject area as commercial/industrial reserve. The new proposed 2045 Comprehensive Plan is slated to show the subject property as heavy industrial. The proposed annexation is in line with the goals of the current Comprehensive Plan and what will be proposed within the new Comprehensive Plan.

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

ORDINANCE NO. 1207

AN ORDINANCE EXTENDING THE CORPORATE CITY LIMITS OF THE CITY OF WORTHINGTON TO INCLUDE 70.00 ACRES OF UNPLATTED LAND ABUTTING THE CITY OF WORTHINGTON AND OWNED BY BEDFORD INDUSTRIES, INC. - PARCEL #20-0093-750

(Refer to Ordinance File for complete copy of Ordinance)

APPROVED PRELIMINARY PLAT - WORTHINGTON BIO SCIENCE INDUSTRIAL PARK FOURTH ADDITION

Mr. Selof explained the Worthington Economic Development Authority is requesting approval of a preliminary plat of land located south of 27th Street and north of I-90. The proposed subdivision will split the property into one lot, public right-of-way, and three outlots. The legal description of the property under consideration is as follows:

The West 1,766.76 feet of the Northeast Quarter (NE1/4) of Section 14, Township 102 North, Range 40 West of the 5th P.M., except the south 50 rods of the west 36 rods thereof.

and also except: The South 650.00 feet of the north 685.00 feet of the east 755.00 feet of the west 1766.76 feet of the NE 1/4, Section 14, Township 102N, Range 40W, City of Worthington, Nobles County, Minnesota.

and also except: The South 650.00 feet of the north 685.00 feet of the east 1325.00 feet of the west 1766.76 feet of the NE 1/4, Section 14, Township 102N, Range 40W, EXCEPT the East 755.00 feet thereof, City of Worthington, Nobles County, Minnesota.

and also except: all that part of the following described tract:

That part of westerly 1766.76 feet of the northeast quarter (NE1/4) of section 14, township 102 north, range 40 west: which lies southeasterly of a line run parallel with and distant 100 feet northwesterly of the following described line:

Beginning at a point on the east line of said section 14, distant 140 feet north of the east quarter corner thereof; thence run southwesterly at an angle of 75°00' with said east section line for 768.72 feet; thence deflect to the right on a 6°00' curve (delta angle 9°43') for 161.94 feet; thence on tangent to said curve for 336.67 feet and there terminating.

The Planning Commission considered the proposed preliminary plat at its October 1, 2024 meeting and voted unanimously to recommend that City Council approve the preliminary plat. Their recommendation was based on the following considerations:

1. City Code Section 154.11 regulates minor subdivisions. Section (A)(1) states that in order for a minor subdivision to be permitted, “the property to be subdivided shall not have been previously divided in such a manner that the requested subdivision will result in a total of not more than three lots or parcels, including those tracts or parcels previously divided.”

The subject property has undergone two minor subdivisions in the past resulting in the three current lots. In order to divide the parcel any further, the land must be platted.

2. The proposed preliminary plat, would create one lot, three outlots, and public right-of-way for a future extension of Bioscience Drive. Lot 1, Block 1 is proposed to be 15.91 acres in size with frontage on 27th Street and future frontage along Bioscience Drive. Outlot A and C are stormwater ponds/drainage areas. Outlot B is reserved for future development.

3. Future roadways are a significant consideration with this plat. The size of the subject property necessitates additional roadways in the future. The City has considered multiple different layouts including east/west streets and north/south streets. In preparing this plat Staff sought to include practical right-of-way (street extensions) that will not be prohibitive to future development. For the time being, that means only the westerly extension of Bioscience Drive right-of-way is proposed. Future right-of-way will eventually be needed to better service Outlot B and continue to facilitate further development to the west of the subject property. It is anticipated Outlot B will be platted at a later date with additional right-of-way.

4. The subject property is currently zoned 'TZ' Transition Zone; as such, it is subject to a minimum lot size of 10 acres with a minimum lot width of 200 feet. The proposed plat meets these requirements. The 'TZ' zone is intended to be rezoned as development occurs.

5. City Code Chapter 154, Section 30, stipulates standards of design and other requirements. The proposed subdivision meets all requirements except the maximum block length of 1,320 feet. This will, however, be alleviated with a future north south road somewhere in Outlot B.

City Code section 154.34 states: "Except as provided elsewhere in this title, lots with frontage on two parallel street should be avoided where possible." Lot 1, Block 1, as proposed would technically have double frontage. Staff believes that double frontage lots of the size and nature as the one proposed is not problematic and the opportunity exists to split the lot into non-double frontage lots in the future.

It should also be noted that upon construction, Bioscience Drive may be required to have a temporary cul-de-sac at the western edge of the subject property.

6. 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: Farm ground and industrial uses are located to the north.

South: A farm is located to the south along with I-90.

East: Commercial land, with an equipment dealer/rental center (in progress) and hotel, are located to the east. A drainage ditch separates the subject property from these areas.

West: Farm ground, located outside city limits, sits to the west.

7. The City's comprehensive plan does not directly address platting or new roadways but the subject property is located within designated future land use areas and supports the goals of expanding where utility service is available.

The motion was made by Council Member Ernst, seconded by Council Member Kielblock and unanimously carried to approve the preliminary plat.

FINAL PLAT - WORTHINGTON BIO SCIENCE INDUSTRIAL PARK FOURTH ADDITION APPROVED

Mr. Selof said the Worthington EDA has submitted a request to consider approval of the final plat for property located south of 27th Street and north of I-90 to be known as Bioscience Industrial Park Fourth Addition. There are no changes between the preliminary and final plat.

The motion was made by Council Member Kielblock, seconded by Council Member Ernst and unanimously carried to approve the final plat for the Worthington Bio Science Industrial Park Fourth Addition.

COUNCIL COMMITTEE REPORTS

Mayor Rick Von Holdt - Said he had a great time in Crailsheim, attended the Dayton House Anniversary Celebration. He read a Proclamation and met some of the Dayton family.

Council Member Janssen - Said an invitation went out for the Art & Artists of SW MN Celebration on Saturday, October 26th at the Memorial Auditorium.

Council Member Ernst - No report.

Council Member Kielblock - No report.

CITY ADMINISTRATOR REPORT

Mr. Robinson said the Comprehensive Plan draft was sent out. Reminded Council about the Special City Council meeting on Wednesday, October 16, 2024, at 4:00 p.m.

ADJOURNMENT

The motion was made by Council Member Kielblock, seconded by Council Member Ernst and unanimously carried to adjourn the meeting at 6:17 p.m.

Mindy Eggers, MCMC
City Clerk