

**WORTHINGTON CITY COUNCIL
REGULAR MEETING, NOVEMBER 8, 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, Amy Ernst, Alaina Kolpin. Excused Absence: Chris Kielblock, Larry Janssen.

Staff present: Steve Robinson, City Administrator; Jeff Faragher, Assistant City Engineer; Hyunmyeong Goo, Assistant City Engineer; Matt Selof, City Planner; Mindy Eggers, City Clerk.

Others present: Emma McNamee, The Globe; Ryan McGaughey, Radio Works; Dave Dorpinghaus, Prairie Holdings Group.

The Pledge of Allegiance was recited.

AGENDA APPROVED WITH ADDITIONS/CHANGES

Mayor Kuhle stated that there is an addition of *Item E.4. Forgiveness of Assessments on Tax Forfeited Properties 31-0486-500 and 31-1218-500*. *Item H. Community Ec./Development Case Items* will be moved to directly after the Consent Agenda.

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

CONSENT AGENDA

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

- City Council Meeting Minutes of October 25, 2021
- Water & Light Commission Meeting Minutes of November 1, 2021
- Housing & Redevelopment Authority Meeting Minutes of September 22, 2021
- Prairie Justice Center Joint Operations Committee Meeting Minutes of August 11, 2021
- Cross Cultural Committee Meeting Minutes of October 26, 2021
- Application for Parade Permit / Block Street(s) - Downtown Holiday Parade - Date Correction
- Bills payable and totaling \$3,342,667.87 be ordered paid

FIRST READING PROPOSED ORDINANCE TO AMEND TITLE XV OF THE CITY OF WORTHINGTON, NOBLES COUNTY, MINNESOTA, TO REZONE PROPERTY FROM “T-Z” (Transition Zone) to “PUD 7” (Planned Unit Development 7)

Matt Selof, City Planner, said the City has requested a change of zone for property located North of Bioscience Drive and East of North Humiston Ave from its current ‘TZ’ – Transition Zone District

zoning to ‘PUD 7’ – Planned Unit Development #7. This will bring the property currently located at approximately 1525 Bioscience Drive under one common zoning district. The legal description of the subject property is as follows:

That part of the Northwest Quarter of Section 13, Township 102 North, Range 40 West, Nobles County, Minnesota described as follows: Beginning at the northeast corner of Lot 8, Block 3, Worthington Bio Science Industrial Park Addition, according to the recorded plat thereof; thence on an assumed bearing of North 89 degrees 57 minutes 43 seconds West, along the north line of said Block 3, a distance of 1469.73 feet to the northwest corner of Lot 1 of said Block 3; thence North 0 degrees 02 minutes 15 seconds East, along a projection of the west line of said Lot 1, a distance of 145.00 feet; thence South 89 degrees 39 minutes 1 second East a distance of 1469.75 feet to the west line of the east 500.0 feet of said Northwest Quarter of Section 13; thence South 0 degrees 2 minutes 5 seconds West, along the west line of the east 500.0 feet of said Northwest Quarter of Section 13 a distance of 137.00 feet to the point of beginning.

Mr. Selof explained the Planning Commission voted unanimously to recommend approval of the requested change of zone at its November 2, 2021 meeting. Their recommendation was based on the following:

1. Exhibit 1A shows the current zoning of the subject property as ‘TZ’ Transitional Zone. However, as shown the majority of the parcel is actually zoned ‘PUD 7’ Planned Unit Development Number 7.
2. The property under consideration encompasses approximately the north 145 feet of a parcel (31-3786-567) currently owned by the City of Worthington but under contract of Deed to Prairie Holdings Group. This northern portion of the parcel was not originally included in the plat of Worthington Bio Science Industrial Park Addition. It was later bought and combined with the rest of the parcel without rezoning resulting in split zoning. The proposed change of zone would alleviate any future issues related to this split zoning.
3. Well not required by State or local requirements, staff finds it prudent to consider a property stated future land use as established by the City’s Comprehensive Plan. The comprehensive plan identifies the area as ‘Business Park’ with ‘Business Flex Overlay’. Business Park is identified as an area to accommodate a wide range of manufacturing, warehousing, and transportation related industries along the I-90 corridor. The business flex overlay provides for the option of more retail-oriented uses should the desire for that arise. The proposed change of zone is in line with the goals set forth in the comprehensive plan.
4. Staff finds that with changes of zone and other land use requests the surrounding zoning and land uses should be considered to reduce future land use conflicts. The zoning of the abutting properties are as follows:

North: ‘TZ’ Transition Zone.

East: ‘TZ’ Transition Zone.

South: ‘PUD 7’ Planned Unit Development 7.

West: ‘TZ’ Transition Zone and ‘B-3’ General Business District.

The current land uses for each of the adjacent properties are as follows:

North: Farmland sits directly north with Prairie Justice Center, the airport, and some single-family homes further north.

East: Empty land, farmland, and then Worthington’s waste water treatment facility. South: Prairie Holdings Group’s office building and pharmacy manufacturing/distribution center sits directly south of the subject property (same parcel as the property in question). Comfort Suits and the Worthington Event Center, Purnet Real Estate, Ani-Logics, University of Minnesota Extension, and Bioverse all have facilities south of the subject property as well.

West: Some single-family homes, otherwise mostly empty land currently.

Mr. Selof said should Council concur with the findings of the Planning Commission, it may approve the requested change of zone by approving a first reading of the proposed ordinance.

A motion was made by Council Member Ernst, seconded by Council Member Kolpin and unanimously carried to give a first reading to the proposed ordinance to Amend Title XV of the City Code of Worthington, Nobles County, Minnesota, to Rezone Property from “T-Z’ (Transition Zone) to “PUD 7” (Planned Unit Development)

APPROVED PRELIMINARY PLAT - BIO SCIENCE INDUSTRIAL PARK SECOND ADDITION

The City of Worthington submitted a request for a preliminary plat of a subdivision of property North of Bioscience Drive and East of North Humiston Ave. The plat would create 3 lots, one of which contains an existing office building, one with an existing pharmacy distribution center, and one empty lot. The legal description of the property under consideration is as follows:

Lots 1, 2, 3, 4, 5, 6, 7 & 8, Block 3, Worthington Bio Science Industrial Park Addition, City of Worthington, Nobles County, Minnesota;

AND

That part of Outlot A, Worthington Bio Science Industrial Park Addition, City of Worthington, Nobles County, Minnesota, described as follows:

Beginning at the southwest corner of said Outlot A; thence on an assumed bearing of North 0 degrees 0 minutes 7 seconds East along the west line of said Outlot A, a distance of 76.21 feet; thence South 89 degrees 57 minutes 43 seconds East, parallel to the south line of said Outlot A, a distance of 394.80 feet; thence North 0 degrees 3 minutes 27 seconds East a distance of 144.02 feet; thence North 18 degrees 6 minutes 43 seconds East a distance of

72.92 feet; thence North 57 degrees 5 minutes 11 seconds East a distance of 118.42 feet; thence South 89 degrees 57 minutes 45 seconds East a distance of 83.98 feet to the east line of said Outlot A; thence South 0 degrees 2 minutes 15 seconds West, along the east line of said Outlot A, a distance of 353.97 feet to the southeast corner of said Outlot A; thence North 89 degrees 57 minutes 43 seconds West, along the south line of said Outlot A, a distance of 600.78 feet to the point of beginning;

AND

That part of the Northwest Quarter of Section 13, Township 102 North, Range 40 West, Nobles County, Minnesota described as follows: Beginning at the northeast corner of Lot 8, Block 3, Worthington Bio Science Industrial Park Addition, according to the recorded plat thereof; thence on an assumed bearing of North 89 degrees 57 minutes 43 seconds West, along the north line of said Block 3, a distance of 1469.73 feet to the northwest corner of Lot 1 of said Block 3; thence North 0 degrees 02 minutes 15 seconds East, along a projection of the west line of said Lot 1, a distance of 145.00 feet; thence South 89 degrees 39 minutes 1 second East a distance of 1469.75 feet to the west line of the east 500.0 feet of said Northwest Quarter of Section 13; thence South 0 degrees 2 minutes 5 seconds West, along the west line of the east 500.0 feet of said Northwest Quarter of Section 13 a distance of 137.00 feet to the point of beginning.

Mr. Selof said the Planning Commission considered the preliminary plat request at their November 2, 2021 meeting and after holding a public hearing, the Commission voted unanimously to recommend the City Council approve the preliminary plat.

A motion was made by Council Member Cummings, seconded by Council Member Ernst and unanimously carried to approve the preliminary plat for the Bioscience Industrial Park Second Addition.

FINAL PLAT - WORTHINGTON BIO SCIENCE INDUSTRIAL PARK SECOND ADDITION

Mr. Selof said the City in conjunction with Prairie Holdings Group, has submitted a request to consider the final plat for Worthington Bio Science Industrial Park Second Addition. The only change between the preliminary plat and the final plat is the frontage of what is proposed to be lot 3 which has increased from 99.98 to 100 feet (and subsequently lot 2 frontage has decreased slightly). Staff is recommending approval of the final plat.

Mr. Selof noted that Planning Commission consideration of the final plat is not necessary as the final plat is in substantial conformance with the approved preliminary plat (Section 154.13, Title XV of the City Code).

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

NOMINATING COMMITTEE RECOMMENDATIONS FOR COMMITTEE APPOINTMENTS/REAPPOINTMENTS APPROVED

Steve Robinson, City Administrator, said the Nominating Committee met on October 13, 2021 and are making the following recommendations for committee appointments:

Public Arts Commission

Appoint Susan Middagh to fill the expired term of Kelly Henkels, term to expire-November 30, 2022

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

SECOND READING PROPOSED ORDINANCE RELATING TO STORM WATER UTILITY RATES

Steve Robinson, City Administrator, said pursuant to published notice, this was the time and date set for the second reading of a proposed ordinance Relating to Storm Water Utility Rates.

A complete copy of the ordinance was provided in the November 8, 2021 Council Agenda.

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

RESOLUTION NO. 2021-10- 68 ADOPTED EXECUTING MINNESOTA DEPARTMENT OF TRANSPORTATION AIRPORT MAINTENANCE AND OPERATION GRANT CONTRACT

Mr. Robinson said The City of Worthington biannually enters into a grant agreement, with the State of Minnesota DOT Aeronautics division, for partial reimbursement of our airport maintenance and operation cost. Our proposed grant will cover the State fiscal years of 2022 and 2023. The City will be paid for 75% of the eligible maintenance and operations cost, not to exceed \$77,251.00 of state aid for each fiscal year.

A motion was made by Council Member Cummings, seconded by Council Member Kolpin and unanimously carried to authorize staff to enter into the Grant Agreement and approve the following resolution:

RESOLUTION NO. 2021-10-68

A RESOLUTION AUTHORIZING EXECUTION OF MINNESOTA DEPARTMENT OF
TRANSPORTATION AIRPORT MAINTENANCE AND OPERATION GRANT CONTRACT

(Refer to Resolution File for complete copy of Resolution)

STOP SIGN ON CECILEE STREET EXTENSION APPROVED

Mr. Robinson said the Bolton and Menk engineers for the Cecilee Street extension project, have planned for a stop sign to be placed where it intersects with Grand Avenue. Mr. Robinson explained typically City staff would bring forward a recommendation from the Traffic and Safety Committee, but due to timing of when Cecilee Street will be opened for use, staff is looking for Council's approval to install this stop sign, without this recommendation. City Ordinance 70.04 states that "no traffic control device shall be installed or maintained without City Council approval".

A motion was made by Council Member Kolpin, seconded by Council Member Cummings and unanimously approved authorizing the placement of a stop sign, at the intersection of Cecilee Street and Grand Avenue.

**FORGIVENESS OF ASSESSMENTS ON TAX FORFEITED PROPERTIES 31-0486-500
AND 31-1218-500**

Mr. Robinson said Nobles County will be holding an auction on Tuesday, November 9th on a number of tax forfeited properties. The two properties, noted above, are in the City and have substantial assessments outstanding for snow removal and lawn mowing. County staff has indicated that potential buyers have expressed interest in the properties and are asking Council to consider forgiving the assessments to further their efforts in returning both parcels to private ownership. Mr. Robinson said the properties are non-buildable and the assessments will keep incurring and never be paid and could be an advantage to the City, however, Mr. Robinson noted any action should be contingent on legal counsels recommendation of the City's authority to forgive previously certified assessments.

A motion was made by Council Member Ernst, seconded by Council Member Kolpin and unanimously carried to approve forgiving the amounts of \$5,872.68 for Parcel # 31-0486-500 and \$3,404.30 for Parcel # 31-1218-500 contingent on the recommendation from legal counsel.

**RESOLUTION NO. 2021-10-69 ADOPTED RECEIVING REPORT AND CALLING FOR
HEARING ON PROPOSED IMPROVEMENT**

Jeff Faragher, Assistant City Engineer, said a feasibility report completed by Bolton & Menk was included in the packet on the proposed improvement of Eighth Avenue from Ninth Street to its

westerly terminus by regrading, base reconstruction, curb and gutter reconstruction, resurfacing, sidewalk reconstruction, and sewer service replacement. Mr. Faragher said the report provides information on the proposed improvement including costs and funding, estimated assessment rates, City share, pavement alternatives and related improvements.

He said staff is recommending that Council accept the report and pass the resolution receiving the report and calling for a public hearing on the proposed improvement, which would be held at the December 13, 2021 Council meeting.

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

RESOLUTION NO. 2021-10-69

A RESOLUTION RECEIVING REPORT AND CALLING FOR HEARING ON PROPOSED IMPROVEMENT

(Refer to Resolution File for complete copy of Resolution)

COUNCIL COMMITTEE REPORTS

Mayor Kuhle - No Report.

Council Member Janssen - No report.

Council Member Ernst - No report.

Council Member Kielblock - No report.

Council Member Kolpin - The membership is consistently increasing at the Center ofr Active Living and they are offering a Pickle Ball membership for \$125.00 per year.

Council Member Cummings - No report.

CITY ADMINISTRATOR REPORT

Mr. Robinson had no report.

ADJOURNMENT

The motion was made by Council Member Ernst, seconded by Council Member Cummings and unanimously carried to adjourn the meeting at 7:27 p.m.

Mindy L. Eggers, MCMC
City Clerk