

**WORTHINGTON CITY COUNCIL  
REGULAR MEETING  
APRIL 8, 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: Chad Cummings, Alaina Kolpin, Larry Janssen, Amy Ernst, Chris Kielblock.

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

Others Present: Sam Martin, The Globe; Travis Winters, Bolton & Menk; Dennis Simpson, Quarnstrom & Doering Law Firm; Lynette Thompson, Scott Kraft, Greta Kraft.

The Pledge of Allegiance was recited.

**AGENDA APPROVED WITH ADDITIONS/CHANGES**

The Mayor stated the following addition would be added to the agenda: Item G3. *Approve Task Order 26 with Bolton & Menk to provide Professional Service for Third & Fourth Avenue Construction Supervision.*

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

**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.

- City Council Meeting Minutes of March 25, 2024
- Application for Exemption from Lawful Gambling Permit - King Turkey Day, Inc for a raffle on June 5, 2024, GreatLIFE Golf & Fitness Club Worthington, 851 W. Oxford Street
- Application for Exemption from Lawful Gambling Permit - King Turkey Day, Inc for a raffle on July 13, 2024, Nobles County Fairgrounds, 1600 Stower Drive, July 13, 2024
- Bills Payable Totaling \$1,377,865.48

**SECOND READING PROPOSED ORDINANCE TO AMEND TITLE XV OF THE CITY CODE OF WORTHINGTON, NOBLES COUNTY - CITY CODE 155 SECTION 52 AND APPENDIX B: TABLE 2**

Pursuant to published notice this is the time and date set for the second reading of a proposed ordinance amending Title XV of the City Code of Worthington, Nobles County, Minnesota.

A complete copy of the ordinance was provided in your March 25, 2024 Council agenda.

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

**APPROVED WORKFORCE HOUSING DEVELOPMENT PROGRAM CERTIFICATION FORM C.R. LLOYD ASSOCIATES AND ADOPTED RESOLUTION NO. 2024-04-31 TO USE WORK FORCE HOUSING DEVELOPMENT PROGRAM FUNDS FOR QUALIFIED EXPENDITURES TO COMPLY WITH APPLICABLE PROGRAM REQUIREMENTS**

Steve Robinson, City Administrator, said the Minnesota Housing Finance Agency established the Workforce Housing Development Program to assist in developing market rate residential rental properties to address the lack of workforce housing in Greater Minnesota. The purpose of the program is to create new market rate residential rental properties. The deadline for the City to submit a grant request is April 30, 2024. Grant awards expected to be announced in August 2024.

C.R. Lloyd Associates requested that the City of Worthington submit a Request for Proposal to Minnesota Housing on behalf of their proposed market rate residential rental project that would be developed within the grounds of the GreatLife golf course. The Workforce Housing Development Program funds shall not exceed 50 percent of the total development costs and requires at least \$1.00 of local matching funds for every \$2.00 of program funding.

Lloyd's project consists of a 47-unit apartment building with one, two and three-bedroom apartments.

The request for matching funds from Lloyd for this project includes the following:

- \$1,000,000.00 from the City of Worthington Economic Development Authority's Spending Plan created in December 2022 with unobligated Tax Increment District No. 7 funds, and
- Five-year property tax abatement from the City, Nobles County and ISD 518. The total five-year tax abatement is estimated to be approximately \$560,000 based on an estimated taxable market value of \$8,000,000,

The motion was made by Council Member Cummings, seconded by Council Member Kolpin and unanimously carried to approve the Workforce Housing Development Program Certification form and adopt the following resolution:

RESOLUTION NO. 2024-04-31

**A RESOLUTION TO USE WORK FORCE HOUSING DEVELOPMENT PROGRAM FUNDS FOR QUALIFIED EXPENDITURES TO COMPLY WITH APPLICABLE PROGRAM REQUIREMENTS**

(Refer to Resolution File for complete copy of Resolution)

## **2024 PRIVATE DOCKS ON PUBLIC PROPERTY APPROVED**

Todd Wietzema, Public Works Director, said in accordance with the city policy regarding the issuance of permits for private docks to be located on public property, the City Council shall annually:

- Set the number of private docks allowed on public property. In 2023 council allowed all applicants permits, on the condition that they meet our dock policy. In 2023 the City issued 8 permits for docks on public property. Owners who currently have a valid dock permit will have first option on renewal for the following year unless City Council reduces the permits available. If Council reduces the number of permits, all permit applications from existing permit holders will be reviewed by the Council.

And

- Set the annual permit fee. The 2023 fee was \$200.00 and staff is proposing no change. The last increase was in 2022.

2023 Dock Permit holders:

1. 200 Lake Street	Dave Holinka
2. 214 Lake Street	Bruce Pass
3. 620 Lake Street	David Schaap
4. 117 Lake Avenue	Tim Crooks
5. 721 Lake Avenue	Steve Prins
6. 920 West Lake Avenue	Dale Ryen
7. 713 May Street	Shelley Standafer
8. 506 West Lake	Tanner Rogers

A motion was made by Council Member Ernst, seconded by Council Member Cummings and unanimously carried to approve the 2024 Dock policy and set the fee at \$200.00.

## **AUTHORIZED STAFF TO ADVERTISE FOR BIDS**

Mr. Wietzema said Council entered into an agreement on February 22, 2024, with Short Elliott Hendrickson, Inc., to do design work for the replacement of the terminal building roof and heating unit at the Worthington Municipal Airport.

Mr. Bergstrom, of SEH, has now completed the roofing plans and would like Council's authorization to advertise for bids. The proposed timelines are as follows:

- April 8, 2024 Authorize bids
- May 8, 2024 Open bids
- May 13, 2024 Bid Recommendation

The motion was made by Council Member Ernst, seconded by Council Member Kielblock and unanimously carried to authorize staff to advertise for bids for the Airport Terminal Roof project.

**AWARDED CONTRACT FOR THIRD AND FOURTH AVENUE STREET RECONSTRUCTION**

Hyunmyeong Goo, City Engineer, said bids were opened on Wednesday, March 27, 2024, at 2:00 p.m. for the Third and Fourth Avenue Street Improvement from Ninth Street to Eleventh Street. The lowest bid received was from Ideal Landscape & Design, Inc., in the amount of \$4,247,110.50. The Engineer's Estimate was \$3,970,508.50.

The motion was made by Council Member Kolpin, seconded by Council Member Ernst and unanimously carried to award the bid to Ideal Landscape & Design, Inc. In the amount of \$4,247,110.50.

**APPROVED PUBLIC MEETING NOTICE FOR REVIEW OF STORM POLLUTION PREVENTION PLAN**

Mr. Goo explained the City of Worthington is a regulated city and under Phase II of the federal program to reduce pollution from Municipal Separate Storm Sewer Systems (MS4s), regulated cities need to be covered under a statewide NPDES permit. 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

He said it is required that the city conduct an annual public meeting to allow comment on the City's SWPPP. Staff proposes the public meeting be set for the regular Council meeting scheduled for May 13, 2024. The notice needs to be published not less than 30 days in advance of the public meeting.

The motion was made by Council Member Ernst, seconded by Council Member Kielblock and unanimously carried to approve the public meeting for review of the Storm Water Pollution Prevention Plan.

**APPROVED TASK ORDER 26 WITH BOLTON AND MENK TO PROVIDE PROFESSIONAL SERVICE FOR THIRD AND FOURTH AVENUE CONSTRUCTION SUPERVISION**

Mr. Goo said the need for consulting engineering services is planned as part of the Third and Fourth Avenue street reconstruction due to the complex nature of the project and the current workload scheduled for the construction season. The City of Worthington currently has a Master Agreement

for Professional Services dated September 14, 2020. Task Order 26 is proposed at a cost estimated at \$425,000.

The motion was made by Council Member Janssen, seconded by Council Member Ernst and unanimously carried to approve Task Order Number 26 with Bolton & Menk in the amount of \$425,000.00

**DENIED TEXT AMENDMENT - CITY CODE CHAPTER 155, APPENDIX E: TABLE 5**

Mr. Selof said staff was bringing back the proposed text amendment as the 60-day extension deadline is nearing so a decision will need to be made this evening on the proposed tax amendment.

He explained the Worthington Karen Baptist Church is seeking a text amendment to City Code Chapter 155 Appendix E: Table 5 to allow for a cemetery on a property zoned 'B-3' General Business District. He explained the proposed change would permit cemeteries by conditional use only in the 'B-3' General Business District. If approved, the applicant would be able to request a conditional use permit for a cemetery on property they own. The Planning Commission held a public hearing and voted unanimously to recommend approval of the proposed text amendment at the March 12, 2024 meeting. Their recommendation was based on the following:

1. Worthington City Code Chapter 155, Appendix E: Table 5 specifies what types of land use are permitted in each zoning district. Presently, cemeteries are permitted only in areas zoned 'TZ' Transition Zone and permitted with issuance of a conditional use permit in zones 'R-2', 'R-4', 'R-7', and 'M-1'. Cemeteries are prohibited in all other zoning districts.
2. The Worthington Karen Baptist Church is seeking to eventually establish a cemetery on property they currently own that is zoned 'B-3' General Business District. They have applied for a text amendment that would allow cemeteries on 'B-3' zoned properties. City Staff has worked with the Church to alter the request to allow cemeteries to be permitted by conditional use only in the 'B-3' zoning district.

The request under consideration is only for a text amendment to City Code. Approval of the text amendment does not constitute approval of a cemetery and the Church will need to later apply for a conditional use permit. At this time, consideration should be limited only to the merits of the text amendment request. The specific site and cemetery request will be considered upon application for a conditional use permit.

3. The majority of commercial properties in Worthington are zoned 'B-3' General Business District. Most of these areas would not be suitable for the establishment of a cemetery. By requiring a conditional use permit, it would allow the City to conduct a site-specific review of any request for a cemetery of a property zoned 'B-3' General Business District. The City would have the right to deny any request where the use is not suitable for the site, does not align with future land use goals, is not compatible with the surrounding uses, etc.

4. The proposed text amendment is as follows:

RESIDENTIAL USE GROUPS	RESIDENTIAL								BUSINESS				INDUSTRIAL		OTHER					
	R-1	R-2	R-3	R-4	R-5	R-6	R-7	R-8	B-1	B-2	B-3	B-4	M	M-2	I	SI	T	TZ	L	
	R-1	R-2	3	4	5	6	7	8	1	B-	B-	B-	B-4	M-1	M-2	I	S			
Y. Cemetery		-S		-S			SC				C		S	S		SC			P	
		e	C	C			C							C		S				
																C				

Mr. Selof reminded Council at the March 25, 2024 meeting, City Council considered this request and took no action. Some questions and concerns were raised and additional information was requested. Those questions and concerns are addressed as follows:

1. Council raised the question of the ability for a private party to request a zoning ordinance change. Minnesota Statute 462.357 subdivision 4 allows for affected property owners to petition for a zoning ordinance change. Doing so is not typically recommended by the City, but it is allowed. Planning Commission and City Council then determine whether the request should be granted.
2. ‘TZ’ transition zoned areas are outlined in black in Exhibit 2A. ‘TZ’ zoned areas allow cemeteries with no special approvals. Exhibit 2B shows areas where cemeteries are allowed by conditional use only. This constitutes areas zoned R-2, R-4, R-7, and M-1. Exhibit 2C shows all properties zoned ‘B-3’ General Business District.
3. Council also raised some question regarding the demand for new cemeteries in Worthington. Staff is unsure of the capacity of the two existing cemeteries in town (St. Mary’s and the Worthington Cemetery). Nonetheless, the availability of plots is not the reason for the request, the Church would like establish a cemetery to facilitate burial according to their beliefs and customs. While they will need to follow State laws regarding the establishment of a cemetery and burial procedures, it is not up to the City to determine whether a religious group needs their own cemetery or not. A memo from the City’s legal counsel is included in Exhibit 2D.

Mr. Selof explained that upon receiving the application from the Church, staff had concerns regarding a State Statute that says, “any private person and any religious corporation may establish a cemetery on the person’s or corporation’s own land in the following manner...”. Through some research and discussion with the City’s legal counsel it was determined that this statute did not affect the ability to govern cemeteries through typical zoning restrictions.

Council Member Kielblock said he has concerns over the difficulty of denying a conditional use permit in B-3 or any B zone without a pretty in-depth justification of denial. Mr. Selof said there are many cases where conditional use permits can be denied. Council Member Ernst said the City already subsidizes the current cemetery and the City could possibly be faced with the same thing in the future. Mr. Robinson said Council would want to make sure there is a perpetual care plan to

maintain the cemetery if Council moved forward with the conditional use permit. Council Member Cummings said it may not be ideal but this text change would allow someone to apply for it and then conditions can be put on it if it was approved by Council.

A motion was made by Council Member Cummings, seconded by Council Member Kolpin and unanimously carried to approve the text amendment. Those voting in favor of the motion: Cummings, Kolpin. Those voting against the same motion: Janssen, Ernst, Kielblock. Motion failed.

### **COUNCIL COMMITTEE REPORTS**

Mayor Von Holdt - No report.

Council Member Janssen - No report.

Council Member Ernst - No report.

Council Member Kielblock - Attended a Memorial Auditorium Advisory Board meeting and discussed plaster issues that will need to be addressed.

Council Member Kolpin - Attended a childcare meeting today. The kids camp registration opens on April 15<sup>th</sup>. Announced she has submitted her resignation from City Council effective April 11<sup>th</sup> as they are moving outside of city limits. In her short time of serving Ward 2 she attended 45 City Council meetings and 250 sub-committee meetings for the City. She said she enjoyed her time serving.

Council Member Cummings - No report.

### **CITY ADMINISTRATOR REPORT**

Mr. Robinson thanked Alaina for serving and wished her well.

Council agreed to schedule a Special City Council Meeting on Wednesday, April 17, 2024, 5:00 p.m. in City Hall Council Chambers to address the Council vacancy.

### **ADJOURNMENT**

The motion was made by Council Member Kolpin, seconded by Council Member Cummings and unanimously carried to adjourn the meeting at 6:25 p.m.

Mindy Eggers, MCMC  
City Clerk