

**WORTHINGTON CITY COUNCIL  
REGULAR MEETING, APRIL 11, 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, Chris Kielblock, Amy Ernst.

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

Others present: Emma McNamee, The Globe; Ryan McGaughey, Radio Works.

The Pledge of Allegiance was recited.

**AGENDA APPROVED WITH ADDITIONS/CHANGES**

Mayor Kuhle said *Administration Item E.2. Public Safety Concern Discussion - Dispatch Services and Community/Ec. Development Item H. 3. Final Plat - Drost Addition (County Rd. 35/County Rd. 5)* would be added to the agenda.

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

**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 March 28, 2022
- Planning Commission Meeting Minutes of March 1, 2022
- Water & Light Commission Meeting Minutes of April 4, 2022
- Park & Recreation Advisory Board Meeting Minutes of March 23, 2022
- Traffic & Safety Committee Meeting Minutes of February 22, 2022
- Application for Exemption from Gambling Permit - King Turkey Day, Inc.
- Application for Exemption from Gambling Permit - King Turkey Day, Inc.
- Approve 2022 Worthington Soccer League Agreement
- Approve Girl's Softball Association Agreement
- Approve Dock Permits
- Municipal Liquor Store Income Statement for the Period January 1, 2022 through February 28, 2022
- Bills payable and totaling \$2,609,846.05 be ordered paid

**RESOLUTION NO. 2022-04-12 ADOPTED CONVEYING CERTAIN PROPERTY TO THE**

**WORTHINGTON ECONOMIC DEVELOPMENT AUTHORITY**

Steve Robinson, City Administrator, said Council is requested to consider approval which would convey the City's Glenwood Heights Second Addition and Third Addition to the EDA so that lots may be sold to interested parties for residential development in accordance with Minnesota Statute 469.105.

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

RESOLUTION NO. 2022-04-12

A RESOLUTION CONVEYING CERTAIN PROPERTY TO THE WORTHINGTON ECONOMIC DEVELOPMENT AUTHORITY

(Refer to Resolution File for complete copy of Resolution)

**PUBLIC SAFETY CONCERN DISCUSSION - DISPATCH SERVICES**

Council discussed dispatch services in Worthington and Nobles County and bringing all emergency medical, fire and rescue and law enforcement departments together to create a better response to crisis and fully utilize the talents we have locally.

Council Member Cummings stated there are resources in the community to aid in situations that no one should worry about going without emergency care.

Mr. Robinson said that a committee will be put together with representatives from all entities to identify all of the emergency response personnel in Worthington and the surrounding area and comprise a plan to utilize them through proper notification.

**RESOLUTION NO. 2022-04-13 ADOPTED AUTHORIZATION TO EXECUTE MINNESOTA DEPARTMENT OF TRANSPORTATION AGENCY AGREEMENT FOR FEDERAL AIRPORT EXPENSES REIMBURSEMENT**

Todd Wietzema, Public Works Director, said the Worthington Municipal Airport was awarded a Federal ARPA grant in the amount of \$32,000.00. He explained in order to receive reimbursements under the ARAP Program, the City of Worthington and MnDOT, need to execute an agency agreement and also pass the resolution authorizing the execution of the agreement.

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

RESOLUTION NO. 2022-04-13

A RESOLUTION AUTHORIZATION TO EXECUTE MINNESOTA DEPARTMENT OF TRANSPORTATION AGENCY AGREEMENT FOR FEDERAL AIRPORT EXPENSES REIMBURSEMENT

(Refer to Resolution File for complete copy of Resolution)

**APPROVED PARKING RESTRICTIONS ON ELEVENTH STREET FROM SECOND AVENUE TO THIRD AVENUE**

Matt Selof, City Planner, said the Traffic and Safety Committee reviewed the parking restriction on 11th Street between 2nd Avenue and 3rd Avenue. The current condition restricts parking to 2 hours with no parking between the hours of 1:00 a.m. and 6:00 a.m. The Director for the Center for Active Living is requesting the change to allow for the increase of the parking time that will allow for participants at the CAL to use the facility without needing to move their vehicles after 2 hours.

Mr. Selof said the parking restrictions on the other blocks of 11th Street are currently 4 hours. The Traffic & Safety Committee recommended to restrict parking on Eleventh Street from Second Avenue to Third Avenue, to four hours with no parking between the hours of 1:00 a.m. to 6:00 a.m.

A motion was made by Council Member Kielblock, seconded by Council Member Kolpin and unanimously carried to approve the Traffic & Safety Committee's recommendation to restrict parking on Eleventh Street from Second Avenue to Third Avenue, to four hours with no parking between the hours of 1:00 a.m. to 6:00 a.m.

**RESOLUTION NO. 2022-04-14 ADOPTED APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS**

Steve Schnieder, City Engineer, said staff has prepared the plans and specifications for the 2022 Bituminous Improvements project. The project includes improvement of the following streets as presented and approved at the March 28, 2022 improvement hearing:

- Apel Avenue - from Clary Street to Bristol Street
- Bristol Street - from near Apel Avenue to west end
- Cynthia Avenue - from Diagonal Road to Tower Street
- Eleanor Street - the entire length within the plat of Dano Addition
- West Oxford Street - from Elmwood Avenue to Park Avenue

The project also includes the overlay of the following streets:

- Burlington Avenue - from Clary Street to Okabena Street
- Omaha Avenue - from Clary Street to Okabena Street

Armour Road - from UP Railroad to Joosten Road

Mr. Schnieder said staff recommends authorizing the advertisement for bid to be received on May 11, 2022 at 2:00 p.m. and considered for award at the May 23, 2022 Council meeting and pass the following resolution:

RESOLUTION NO. 2022-04-14

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS

(Refer to Resolution File for complete copy of Resolution)

**RESOLUTION NO. 2022-04-15 ADOPTED RELATING TO FINANCING OF CERTAIN PUBLIC IMPROVEMENT BY THE CITY OF WORTHINGTON; ESTABLISHING COMPLIANCE WITH REIMBURSEMENT BOND REGULATIONS UNDER THE INTERNAL REVENUE CODE**

Mr. Schneider said Federal tax regulations require that local governments declare the intent to reimburse themselves for prior costs incurred in making public improvements with proceeds from bonds. The City must state the intent to sell bonds for a project after significant costs have already been incurred for the project. The City does temporarily finance improvements with construction fund reserves until an adequate amount of costs from various projects have been incurred to warrant the issuance of a bond.

<u>Project</u>	<u>Maximum Amount of Bonds Expected to be Issued for Project</u>
Eighth Avenue - from Ninth Street to its westerly terminus	\$1,225,000
2022 Bituminous Pavement Improvements	\$1,302,000
Apel Avenue - from Clary Street to Bristol Street	
Bristol Street - from near Apel Avenue to west end	
Cynthia Avenue - from Diagonal Road to Tower Street	
Eleanor Street - the entire length within the plat of Dano Addition	
West Oxford Street - from Elmwood Avenue to Park Avenue	

RESOLUTION NO. 2022-04-15

A RESOLUTION RELATING TO FINANCE OF CERTAIN PUBLIC IMPROVEMENT BY THE CITY OF WORTHINGTON; ESTABLISHING COMPLIANCE WITH REIMBURSEMENT BOND REGULATIONS UNDER THE INTERNAL REVENUE CODE

(Refer to Resolution File for complete copy of Resolution)

**REPLACEMENT OF ENGINEERING SURVEYING EQUIPMENT APPROVED**

Mr. Schnieder said the current equipment used for surveying is outdated and needs to be replaced. The current replacement schedule for the equipment is 10 years. Total cost to replace the equipment is approximately \$33,000. There is currently \$22,000 in the Equipment Revolving Schedule (ERS) for the engineering surveying equipment. Staff is requesting Council to approve the use of the \$22,000 ERS fund and use \$11,000 of the American Rescue Plan (ARP) fund to cover the remainder of the cost.

A motion was made by Council Member Ernst, seconded by Council Member Kielblock and unanimously carried to approve the replacement of the Engineering Surveying Equipment.

**PRELIMINARY PLAT - DROST ADDITION (COUNTY RD. 35/COUNTY RD. 5)**

Matt Selof, City Planner, said D&H Storage has applied for a preliminary plat that would create one new lot containing an existing residential home and some accessory buildings. The subject property was previously included in a Common Interest Community Plat intended for development of storage buildings. The legal description of the subject property is as follows:

*That part of Government Lots 3 and 4 of Section 19, Township 102, Range 39 West, City of Worthington, Nobles County, Minnesota, described as follows:*

*Commencing at the West Quarter corner of said Section 19; thence on an assumed bearing of South 0 degrees 04 minutes 08 seconds West, along the west line of said section, a distance of 1318.35 to the intersection with the north line of a tract as recorded in Document No. A350714, said intersection being the point of beginning of the tract to be described; thence North 89 degrees 51 minutes 32 seconds East, along said north line, a distance of 304.00 feet to the west line of Common Interest Community Plat No. 27, according to the recorded plat thereof; thence South 0 degrees 04 minutes 08 seconds West, along said west line, a distance of 334.72 feet to the northeasterly right of way line of County State Aid Highway No. 35; thence North 67 degrees 48 minutes 07 seconds West, along said northeasterly right of way line, a distance of 217.55 feet to a bending point on said northeasterly right of way line; thence North 33 degrees 51 minutes 59 seconds West, along said northeasterly right of way line, a distance of 124.45 feet to a bending point on said northeasterly right of way line; thence North 67 degrees 48 minutes 07 seconds West, along said northeasterly right of way line, a distance of 35.62 feet to the west line of said section; thence North 0 degrees 04 minutes 08 seconds East, along said west line, a distance of 143.99 feet to the point of beginning, containing 1.847 acres, subject to easements now of record in said county and state.*

The City Planning Commission voted unanimously to recommend approval at its April 5th, 2022, meeting of the requested conditional use permit subject to the following conditions:

1. The preliminary plat and any future development follow all local, State, and Federal standards and requirements.

A motion was made by Council Member Kielblock, seconded by Council Member Ernst and unanimously carried to approve the preliminary plat for the Drost Addition (County Rd. 35/County Rd. 5)

**FINAL PLAT - DROST ADDITION (COUNTY RD. 35/COUNTY RD. 5) APPROVED**

Mr. Selof said D&H Storage has requested approval of the final plat to create one new lot containing an existing residential home and some accessory buildings. This plat would divide the subject property from the C.I.C and allow it to be sold separately. The final plat does include the addition of an 8-foot utility easement along the north property line to cover existing electrical lines.

A motion was made by Council Member Cummings, seconded by Council Member Janssen and unanimously carried to approve the Final Plat of the Drost Addition (County Rd. 35/County Rd. 5).

**FIRST READING PROPOSED ORDINANCE TO AMEND TITLE XV OF THE CITY CODE OF WORTHINGTON, NOBLES COUNTY, MINNESOTA - RETAIL SHOPPING OVERLAY DISTRICT**

Mr. Selof said the City of Worthington is considering a text amendment to Chapter 155 Section 86 (C) governing the Retail Shopping Overlay District. He explained the current Retail Shopping Overlay District restricts the ground level uses permitted along Tenth Street to retail/commercial and restaurants. The City is considering an amendment that may completely remove this overlay district which would allow for service orientated businesses to locate in the downtown corridor without going through the Planning Commission.

Mr. Selof explained the Planning Commission held a public hearing on April 5<sup>th</sup>, 2022, and considered the proposed text amendment. The Commission voted unanimously to recommend the approval of the proposed text amendment. The Commission's recommendation was based on the following:

1. Worthington City Code Section 155.086 (C) establishes a "Retail Shopping Overlay District". This section of Code can be seen here:

(C) Retail Shopping Overlay District.

(1) This overlay district is intended to preserve the concentration of retail shopping activities at ground level along Tenth Street from Second Avenue to

Fifth Avenue.

(2) Only one Retail Shopping Overlay District shall be allowed.

(3) Ground level uses permitted in this district shall be as designated in Table 5 of this title for non-residential use groups (A, B, C, D, E, F). Any use permitted in the underlying zoning district, as indicated on the official zoning map, may be allowed as a conditional use in accordance with §§ 155.185 and 155.186 of this chapter.

(4) Non-ground level uses permitted in this district shall be those uses allowed and regulated in the underlying zoning district as indicated on the official zoning map.

The proposed text amendment would remove this requirement from Chapter 155 Section 86 as shown below in red and struck out:

~~(C) Retail Shopping Overlay District.~~

~~(1) This overlay district is intended to preserve the concentration of retail shopping activities at ground level along Tenth Street from Second Avenue to Fifth Avenue.~~

~~(2) Only one Retail Shopping Overlay District shall be allowed.~~

~~(3) Ground level uses permitted in this district shall be as designated in Table 5 of this title for non-residential use groups (A, B, C, D, E, F). Any use permitted in the underlying zoning district, as indicated on the official zoning map, may be allowed as a conditional use in accordance with §§ 155.185 and 155.186 of this chapter.~~

~~(4) Non-ground level uses permitted in this district shall be those uses allowed and regulated in the underlying zoning district as indicated on the official zoning map.~~

Council Member Cummings said that it would allow retail, services or goods to be located in downtown.

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.

### **COUNCIL COMMITTEE REPORTS**

Mayor Kuhle - Encouraged Council Members to attend the LMC Annual Conference in Duluth, MN.

Council Member Janssen - No report.

Council Member Ernst - No report.

Council Member Kielblock - No report.

Council Member Kolpin - The Daycare/Foster Care Appreciation Night was postponed until April 28<sup>th</sup>.

Council Member Cummings - Thanked all of the Dispatchers for their service.

### **CITY ADMINISTRATOR REPORT**

Worthington City Council

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Mr. Robinson said the Main Street Revitalization Program is close to implementation. The applications should open in May and the deadline will be in June. As of right now Worthington will have funding for 25 projects at \$30,000.00 each.

**ADJOURNMENT**

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

Mindy L. Eggers. MCMC  
City Clerk