

**WORTHINGTON CITY COUNCIL  
REGULAR MEETING, JULY 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, Amy Ernst and Chris Kielblock.

Staff present: Steve Robinson, City Administrator; Matt Selof, City Planner; Cory Greenway, Field House Manager; Mindy Eggers, City Clerk.

Others present: Emma McNamee, The Globe; Ryan McGaughey, Radio Works; Jason Johnson, Worthington Hockey Association; Jay Milbrandt, Worthington Hockey Association; Rick Von Holdt, Honorary Council Member.

The Pledge of Allegiance was recited.

**INTRODUCTIONS AND OPENING REMARKS**

Mayor Kuhle welcomed Rick Von Holdt as the Honorary Council Member for the months of May, June and July.

**AGENDA APPROVED WITH ADDITIONS/CHANGES**

The Mayor stated that Administration *Item E.6. Agreement to Perform Mitigation Services at Center for Active Living* would be added to the agenda.

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

**CONSENT AGENDA**

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

- City Council Meeting Minutes of June 27, 2022
- Economic Development Authority Meeting Minutes of May 23, 2022
- LEC Joint Powers Committee Meeting Minutes of May 11, 2022
- Application to Block Street(s) and to Block a Portion of a Sidewalk - Worthington Area Chamber of Commerce - Crazy Days
- Bills payable and totaling \$5,320,308.42 ordered paid

**RESOLUTION NO. 2022-05-42 ADOPTED APPOINTING ELECTION JUDGES AND ALTERNATES FOR THE AUGUST 9, 2022 PRIMARY ELECTION**

Steve Robinson, City Administrator, said State Statute 204B.21 Subd, 2 states that election judges for precincts in a municipality shall be appointed by the governing body of the municipality at least 25 days before the election at which they will serve, which this year is July 15th for the August 9, 2022 state primary election. He explained in addition, the statute provides that municipalities may by resolution authorize the City Clerk to appoint additional or alternate judges should the need arise for the primary election after the July 15th deadline.

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

RESOLUTION NO. 2022-05-42

A RESOLUTION APPOINTING ELECTION JUDGES AND ALTERNATES FOR THE AUGUST 9, 2022 PRIMARY ELECTION

(Refer to Resolution File for complete copy of Resolution)

**RESOLUTION NO. 2022-05-43 ADOPTED ACCEPTING A DONATION OF PERSONAL PROPERTY**

Mr. Robinson said staff received an offer from Greg Gruber, owner of parcel # 31-0486-500 to donate it to the City. The parcel was acquired by Mr. Gruber from Nobles County via a tax forfeiture auction. Mr. Robinson said unfortunately Mr. Gruber became aware of development restrictions due to the presence of City utilities and associated easements after acquisition.

Mr. Robinson said in addition, the parcel will also be subject to assessments upon completion of the Eighth Avenue Street and Utility Improvements project currently underway.

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

RESOLUTION NO. 2022-05-43

A RESOLUTION ACCEPTING A DONATION OF PERSONAL PROPERTY

(Refer to Resolution File for complete copy of Resolution)

**APPROVED PROPOSAL FOR ENHANCED CITY HALL ACCESS AND VIDEO SURVEILLANCE SYSTEMS**

Mr. Robinson explained Administration requested a proposal from Midwest Alarm to furnish and install building access and video surveillance systems for improved security within the City Hall

facility. Staff is also proposing enhancing City Hall's video surveillance system with the addition of ten cameras. Video cameras will be added at the entrance locations, hallways and exterior.

The video system has a proposed cost of \$30,317.06.

Mr. Robinson explained staff is also exploring options to improve building access security. One option is the installation of a card/fob access control system at the four entrance doors to City Hall. Other options include securing non-public entries. Staff will continue to explore all options and consult with Council in the future.

Funding for the video system has been budgeted from the 2021 ARPA allocation.

A motion was made by Council Member Ernst, seconded by Council Member Kielblock and unanimously carried to approve the video system proposal in the amount of \$30,317.06

**CONSIDERATION OF MANAGEMENT AGREEMENT OF THE WORTHINGTON ICE ARENA APPROVED**

Mr. Robinson said staff received a request from the Worthington Hockey Association to take over management duties at the Worthington Ice Arena. He explained the Worthington Hockey Association is a volunteer organization that constructed the facility and has successfully managed it and the hockey program for more than 30 years. At this time the association feels that a transfer to the city would not only benefit their organization but also the City of Worthington.

Currently the primary use is as an ice arena but both parties agree that with the City of Worthington's management abilities the facility could be marketed and used for a variety of events. The proposal would be that city recreation staff be utilized to manage the facility in conjunction with our new Field House facility. If approved, staff will explore options to use the facility for year around recreation and event opportunities. Mr. Robinson noted Local Option Sales Tax funds have been allocated towards this facility.

Jason Johnson and Jay Milbrandt were in attendance on behalf of the Wothington Hockey Association. Mr. Johnson said the Association is hoping to move forward with the management agreement for this upcoming season. He said at this point he doesn't see any changes other than the city would be managing the facility. The Hockey Association would pay rent to the city for the ice time. Mayor Kuhle asked what the long term arrangements were and if District 518 has been involved in the discussions. Mr. Milbrandt said school representatives they have talked to are in favor. Council Member Kielblock asked what kind of costs we are looking at. Mr. Johnson said at this time the costs are unknown. Council Member Cummings said it would be another benefit to the community. Council Member Ernst said there are a lot of unanswered questions and would like to see a work session on the subject.

The consensus of the council was to move forward with a formal agreement.

### **AMELIA EARHART SCULPTURE FINAL PRESENTATION APPROVED**

Mr. Robinson said at the May 19, 2022 City Council meeting the Worthington Community Image Committee publicly announced the Amelia Earhart Sculpture project. Ms. Earhart was known to have spent time in Worthington when she was younger and has been mentioned in numerous Worthington historical writings. The Community Image Committee and the Public Arts Commission are proposing placing the sculpture on Sailboard Beach. Staff has worked with the Committee to ensure that the location does not interfere with the use of the park property.

Mr. Robinson explained the Public Art Commission's Policies and Procedures mandates a period for public review and 30-day comment period for any public art projects. To date there have been no comments received regarding the project. The Public Arts Commission and the Park Advisory Board have endorsed the project. The total cost for the project is \$44,000.00. All fundraising for the project will be undertaken by the Community Image Committee. City staff has agreed to assist with the placement of the proposed statue.

A motion was made by Council Member Ernst, seconded by Council Member Janssen and unanimously carried to approve the Amelia Earhart Sculpture.

### **APPROVED AGREEMENT TO PERFORM WATER MITIGATION SERVICES AT CENTER FOR ACTIVE LIVING**

Mr. Robinson said portions of the walls and flooring in both racquetball courts were damaged recently by water intrusion resulting from roof leakage at the Center for Active Living (CAL) facility. A League of Minnesota Cities claims adjuster reviewed the damage and a mitigation proposal has been submitted by Service Master Recovery Management.

The proposed scope of work would include:

- Removing and disposing of all moisture impacted building materials from the ceiling, walls and floors,
- Using air dryers to remove moisture from the air and remaining materials, and
- Applying anti-microbial spray to wall cavities, studs and ceiling joists.

The work will be performed on a time and material basis for an estimated cost of \$79,406.28. The work is covered under the City's LMCIT insurance subject to the deductible.

A motion was made by Council Member Kolpin, seconded by Council Member Ernst and unanimously carried to approve the contract with Service Master Recovery Management to perform

the water mitigation services.

### **DISCUSSION HELD ON MAXIMUM FLOOR-TO-AREA RATION (FAR)**

Matt Selof, City Planner, said Worthington City Code establishes maximum floor-to-area ratio requirements for 13 zoning districts in the City. Floor-to-area ratio is defined by City Code as:

“The floor area of the building or buildings on a lot divided by the area of such lot. *The FLOOR AREA RATIO* requirements, as set forth under each zoning district, shall determine the maximum floor area allowable for the building or buildings (total floor area of both principal and accessory building) in direct ratio to the gross area of the lot.”

Mr. Selof explained City Code Section 155.148 also utilizes floor area ratio under the commercial PUD “base” density evaluation section. This governs regulations for commercial PUD’s in shoreland overlay areas. A commercial PUD is a use that provides transient, short-term lodging spaces, rooms, or parcels whose operations are essentially service-oriented (hotel, resort etc..). Worthington does not have any of these PUD’s within the City. He said staff also recommends looking at this requirement separately at a later time. Staff has also looked at several other similarly sized cities to find how our floor-area-ratio requirements compare and were included in the packet.

He said Worthington’s requirements have been altered over the years with the most recent change to the ‘B-3’ General Business District floor area ratio. In 2007, the maximum requirement was changed from 0.25 to 0.3. Some current properties in the ‘B-3’ district max out this requirement with the existing one-story buildings.

In 2003 a variance was issued for the development of a hotel at 1250 Ryan’s Road (now the Holiday Inn Express). At the time, the maximum requirement was 25% and the variance allowed the building to be built at 32.9%. At the time, the staff report notes that other zoning regulations (setbacks, off-street parking etc..) had a greater influence on development than the FAR did.

Mr. Selof said in the past this requirement was in place to “establish a balance between the natural environment and built one” (excerpt from a staff report in 2003). Presently, staff is of the opinion that this requirement is actually detrimental to development and does very little to preserve the natural environment. Staff believes this requirement leads to poor use of space by requiring larger lot sizes that don’t truly preserve “natural” environment at all. Even the footnote allowing for an increase in this depending on the square footage of landscaped area fails to truly benefit the community. Landscaping requirements for all development would be a better way to accomplish this and ensure that landscaping stays up to standard.

Allowing for slightly denser development, especially in commercial areas will promote redevelopment of existing properties, allow for more walkable environments (paired with other policies of course), allow for less travel time in cars, and overall allow for better development that

doesn't contain wasted space.

Mr. Selof noted the Planning Commission discussed this requirement at it's May 3rd, 2022 meeting and was unanimously in favor of pursuing a text amendment to remove it entirely.

After discussion the Council agreed and directed staff to pursue a text amendment to remove the Maximum Floor-To-Area-Ratio.

### **COUNCIL COMMITTEE REPORTS**

Mayor Kuhle - No report.

Council Member Janssen - No report.

Council Member Ernst - No report.

Council Member Kielblock - Attended the park dedication and it was very well attended..

Council Member Kolpin - Attended the International Festival, great event and attendance.

Attended a Center for Active Living meeting, the bikes and kyacks are now available for rent.

The water mitigation on the racquet ball courts will be starting soon.

Council Member Cummings - Attended the international Festival, very well attended. He also said the Chamber of Commerce in Jackson has put in bike stations that are available for rent around the city.

### **CITY ADMINISTRATOR REPORT**

Mr. Robinson said staff met with consultants on the next phase of the flood mitigation. Staff will also be meeting with consultants on the dam rehabilitation.

### **CLOSED SESSION UNDER MINN. STAT §13D.05, SUBD. 3 (C) PURCHASE OR SALE OF REAL OR PERSONAL PROPERTY - PARCELS #31-0685-000, 31-3973-000, AND 31-3973-700; 106 LAKE STREET**

Mayor Kuhle announced that council would be going into closed session under Minn. Stat § 13D.05, Subd. 3(c) Purchase or Sale of Real or Personal Property - Parcels #31-0685-000, 31-3973-000, and 31-3973-700; 106 Lake Street.

The motion was made by Council Member Cummings, seconded by Council Member Kolpin and unanimously carried to close the meeting at 7:49 p.m.

A motion was made by Council Member Janssen, seconded by Council Member Kielblock and unanimously carried to reopen the meeting at 8:00 p.m.

The motion was made by Council Member Cummings, seconded by Council Member Janssen and unanimously carried to approve the counteroffer of \$380,000.00 for the property located at 106 Lake Street.

**ADJOURNMENT**

A motion was made by Council Member Kielblock, seconded by Council Member Cummings and unanimously carried to adjourn the meeting at 8:01 p.m.

Mindy L. Eggers. MCMC  
City Clerk