

**WORTHINGTON CITY COUNCIL
REGULAR MEETING
AUGUST 12, 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: Dennis Weber, Amy Ernst, Chris Kielblock, Chad Cummings. Larry Janssen (excused).

Staff present: Steve Schnieder, City Engineer Emeritus; Troy Appel, Public Safety Director; Cristina Adame, Communications & Relations; Steve Robinson, City Administrator; Mindy Eggers, City Clerk.

Others Present: Ryan McGaughey, Radio Works; Sam Martin, The Globe; Randy Davis, Cable 3 TV; Jaime Salinas, FORWARD Worthington; Peter Engelmeyer, MnDOT; John Crawford, KLJ Engineering; Joe DeVere, KLJ Engineering; Lyle & Deb Meyer.

The Pledge of Allegiance was recited.

AGENDA APPROVED WITH ADDITIONS/CHANGES

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

HELD PUBLIC HEARING ON PORTIONS OF HIGHWAY 59 RECONSTRUCTION AND JURISDICTIONAL TRANSFER

Pursuant to published notice, this was the time and date set for a public hearing on portions of Highway 59 reconstruction and jurisdictional transfer.

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

Steve Robinson, City Administrator, said MnDOT is proceeding with plans for the reconstruction of Hwy 59 from approximately 0.5 miles north of Interstate 90 to Hwy 60 in Worthington. The project will include safety improvements at several intersections, grading and pavement, storm sewer, sanitary sewer and watermain replacement, lighting and sidewalk. The section of Hwy 59 just south of Interstate 90 to Hwy 60 will be a Jurisdictional Transfer (turnback) to the City of Worthington after construction.

Peter Engelmeyer, MnDOT gave a presentation on the final layout of the reconstruction plan for Highway 59. He explained after construction a jurisdictional transfer (turnback) to the City will take place and include the section of Highway 59 just south of Interstate 90 to Highway 60. Construction will take place in 2027 and 2028 with bid letting planned for October, 2026.

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Following the presentation and Council comments, Mayor Von Holdt asked if there was any testimony. None was received.

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

No action on the hearing was needed.

PUBLIC HEARING AND RESOLUTION NO. 2024-08-49 ADOPTED APPROVING TAX ABATEMENT- KJSM INVESTMENTS, 2355 AND 2365 CHERRYWOOD LANE

Pursuant to published notice this was the time and date for a public hearing on a residential Property Tax Abatement program application.

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

Matt Selof, Community Development Director, said an application for the Tax Abatement program has been submitted by KJSM Investments. The applicant is seeking approval of tax abatement for the construction of a new two-unit condominium on Cherrywood Lane (Lot 7, Block 1, Cherrywood Addition).

Staff has reviewed the application and has concluded that it meets all the parameters of the Program Guidelines. Therefore, staff is recommending approval of the application. To comply with State Statute regarding tax abatement, a public hearing has been scheduled tonight to allow for public comment on the proposed abatement.

Mayor Von Holdt asked if there was anyone who wished to present testimony. None was received.

The motion was made by Council Member Kielblock seconded by Council Member Cummings and unanimously carried to close the hearing.

The motion was made by Council Member Ernst, seconded by Council Member Weber and unanimously carried to adopt the following resolution approving the residential Property Tax Abatement submitted by KJSM Investments - 2355 & 2365 Cherrywood Lane.

RESOLUTION NO. 2024-08-49

A RESOLUTION APPROVING TAX ABATEMENT FOR CERTAIN PROPERTY PURSUANT TO MINN STAT 469.1813

(Refer to Resolution File for complete copy of Resolution)

PUBLIC HEARING AND RESOLUTION NO. 2024-08-50 ADOPTED APPROVING TAX ABATEMENT- NTRA PROPERTIES, LLC - BIOSCIENCE DRIVE, WEST OF HIGHWAY 59

Pursuant to published notice this was the time and date for a public hearing on a residential Property Tax Abatement program application for tax abatement.

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

Matt Selof, Community Development Director, said an application for the Tax Abatement program has been submitted by NTRA Properties. The applicant is seeking approval of tax abatement for the construction of a new 26,000 square foot retail, showroom, and shop facility on Bio Science Drive, West of Highway 60 (Lot 1, Block 1, and Lot 1, Block 2, Worthington Bio Science Industrial Park Third Addition).

Staff has reviewed the application and has concluded that it meets all the parameters of the Program Guidelines. Therefore, staff is recommending approval of the application. To comply with State Statute regarding tax abatement, a public hearing has been scheduled tonight to allow for public comment on the proposed abatement.

Mayor Von Holdt asked if there was anyone who wished to present testimony. None was received.

The motion was made by Council Member Ernst seconded by Council Member Cummings and unanimously carried to close the hearing.

The motion was made by Council Member Cummings, seconded by Council Member Ernst and unanimously carried to adopt the following resolution approving the residential Property Tax Abatement submitted by NTRA Properties - Bio Science Drive, West of Highway 60.

RESOLUTION NO. 2024-08-50

A RESOLUTION APPROVING TAX ABATEMENT FOR CERTAIN PROPERTY PURSUANT TO MINN STAT 469.1813

(Refer to Resolution File for complete copy of Resolution)

CONSENT AGENDA

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

- City Council Meeting Minutes of July 22, 2024

- Water & Light Commission Meeting Minutes of August 5, 2024
- Planning Commission Meeting Minutes of August 6, 2024
- Planning Commission Meeting Minutes of July 2, 2024
- Application for Temporary On-Sale Liquor License - St. Mary's School
- Application for Exemption from Lawful Gambling Permit - St. Mary's Church
- Application for Parade Permit/to Block Streets - King Turkey Day, Inc.
- Application for Temporary On-Sale Liquor Licenses - King Turkey Day, Inc.
- Municipal Liquor Store Income Statement for the Period of January 1, 2024 through July 31, 2024
- Olson Park Statement of Revenue and Expenditures - Budget and Actual for the Period of January 1, 2024 through July 31, 2024
- Field House Statement of Revenue and Expenditures - Budget and Actual for the Period of January 1, 2024 through July 31, 2024
- Bills Payable Totaling \$1,914,436.67

RESOLUTION NO. 2024-08-51 ADOPTED FOR LAYOUT APPROVAL STATE PROJECT 5304-41 TRUNK HIGHWAY 59

Mr. Robinson said the Commissioner of Transportation has prepared the final layout for State Project 5304-41 on Trunk Highway 59, from 0.5 miles north of Interstate 59 to Trunk Highway 60 within the corporate limits of Worthington for roadway infrastructure improvements.

It is requested to approve the resolution for layout in conformance to Minnesota Statutes 161.162 to 161.167, State project 5304-41 Trunk Highway 59.

The motion has been made by Council Member Weber, seconded by Council Member Cummings and unanimously carried to adopt the following resolution:

RESOLUTION NO. 2024-08-51

A RESOLUTION FOR LAYOUT APPROVAL STATE PROJECT 5304-41 TRUNK HIGHWAY 59

(Refer to Resolution File for complete copy of Resolution)

INTRODUCTION AND OATH OF OFFICES FOR NEW POLICE OFFICER HSA EH

Troy Appel, Public Safety Director, introduced Hsa Eh to City Council.

Mr. Appel said Hsa was born in Burma. His family fled Burma due to civil unrest and spent eight years in a refugee camp in Thailand. The family was able to leave the camp as the result of a United Nations program and moved to the United States.

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Hsa and his family eventually settled in Marshall, MN, where he graduated from the Marshall High School in 2020. After high school, he joined the National Guard and later attended and graduated from Minnesota West in 2023, with a degree in Law Enforcement.

Hsa started with WPD in February and is currently working full-time shifts for the department.

Following administering the Police Officers Oath to Officer Hsa Eh by the City Clerk, Council offered their congratulations.

RESOLUTION NO. 2024-08-52 ADOPTED ACCEPTING A DONATION OF FUNDS

Mr. Appel said New City Buffet Weng Inc., generously donated \$500 to the Worthington Police Department to benefit public safety programs. The contribution will be utilized as part of a future public safety equipment purchase.

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

RESOLUTION NO. 2024-08-52

A RESOLUTION ACCEPTING A DONATION OF FUNDS

(Refer to Resolution File for complete copy of Resolution)

RESOLUTION NO. 2024-08-53 ADOPTED ACCEPTING A DONATION OF FUNDS

Mr. Appel said Rodney Kullman generously donated \$500 to the Worthington Police Department to benefit the public safety canine program. The contribution will be utilized as part of a future canine program equipment purchase.

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

RESOLUTION NO. 2024-08-53

A RESOLUTION ACCEPTING A DONATION OF FUNDS

(Refer to Resolution File for complete copy of Resolution)

APPROVE TASK ORDER 30 WITH BOLTON AND MENK TO PROVIDE DESIGN SERVICES FOR SANITARY SEWER AND TRUNK WATER MAIN ALONG OXFORD STREET AND ACROSS HUMISTON AVENUE (TRUNK HIGHWAY 59)

Steve Schnieder, City Engineer Emeritus, said the existing sanitary sewer system and water main serving Oxford Street along with a water main crossing Humiston Avenue have reached their design life and need to be replaced. Because the turn back of Trunk Highway 59 (Humiston Avenue and Oxford Street) will take place after the reconstruction of the highway, Public Utilities has budgeted for the work to be done as part of the highway reconstruction project being done by the MN Department of Transportation. Combining the utility work with the highway reconstruction will save money by eliminating pavement removal and replacement since this will be done as part of the street reconstruction. Task Order number 30 provides for engineering services to design the new sewer, water main and connecting services. The Task Order is not to exceed \$150,000 without prior approval from the Council. The construction work will be included in the Trunk Highway 59 reconstruction contract to be done in 2027 and 2028.

The motion was made by Council Member Ernst, seconded by Council Member Weber and unanimously carried to approve Task Order 30 with Bolton & Menk not to exceed \$150,000.00.

ORDINANCE NO. 1205 TO AMEND TITLE XV OF THE CITY CODE OF THE CITY OF WORTHINGTON, NOBLES COUNTY, MINNESOTA - PUD #11 - SOUTHWESTERN MENTAL HEALTH CENTER - 1210 5TH AVENUE

Mr. Robinson said Southwestern Mental Health, Inc., has applied for an amendment to Planned Unit Development #11 to allow for additional signage on the property located at 1210 5th Avenue. The applicant plans to install a monument sign and a post/panel sign. The legal description of the property under consideration is as follows:

All of Block 35, Plat of Worthington, City of Worthington, Nobles County, Minnesota.

The City Planning Commission voted unanimously to recommend approval of the request at its August 6, 2024 meeting and their recommendation was based on the following:

1. Planned Unit Development #11 was adopted by City Council on July 9, 2012, following a recommendation of the Planning Commission. The PUD was adopted in order to allow for an office building to be constructed to serve the needs of the nonprofit alongside a residential treatment facility. The subject property was previously zoned 'R-4' Medium Density Residential which did not allow for office services. By establishing a PUD, it allowed for office services but otherwise maintained the requirements of the 'R-4' District. The intent of this PUD was to allow for an office building while maintaining harmony with surrounding residential uses, particularly in the event that a different use is ever proposed for the property.

2. The owner of the property is rebranding and is seeking to construct two new signs on the property. The PUD does not include specific provisions regarding signage and generally points any non-specified requirements back to the 'R-4' requirements in City Code; however, this is not explicitly stated. For signage the main requirements for 'R-4' zoned properties are specified as follows:

“(A) Residential and special districts. Multi-family residential complexes having more than six units; principal residential uses J, K, L, M, O, P, S, T, U, V, X and Y as enumerated in Chapter 155; Appendix E; Table 5 Schedule of Use Regulations; and principal nonresidential use shall be permitted no more than two signs of up to 50 square feet in total sign area on each frontage except for § 153.21 (Scoreboards).

Freestanding signs placed outside of the required front yard setback area shall not exceed 8.5 feet in height except for § 153.21 (Scoreboards). Freestanding signs placed in any required front yard shall not exceed five feet in height.”

Based on the above, the proposed signs would fail to meet the ‘R-4’ requirements for signage. The PUD, however, does not explicitly state that the site is subject to those requirements.

Applying the same signage requirements as the ‘B-2’ or ‘B-3’ Districts to this site would allow for a significant amount of signage on the subject property and would not meet the intent of the PUD.

3. The current rendering of the proposed signs can be seen in Exhibit 3C. One sign replaces the current building sign and the other two are new signs. In total, the proposed square footage is just under 138 square feet. Note: the locations shown will be changing as the initial renderings showed them in public right-of-way, which is not permitted anywhere.

4. Staff proposes the following language to be added to the PUD “Signage - A maximum of 150 square feet of total sign area shall permitted. Signs located in required front yard setbacks shall not exceed 8 feet. Freestanding signs located outside the required front yard setbacks shall not exceed 8.5 feet. Illuminated signs shall be permitted.”

The proposed language allows for the signage the applicant is proposing, along with room for adjustment. Staff believes this would not have any negative impact on the surrounding areas.

5. With any land use request, it is important to consider the surrounding zoning and land uses to ensure the request will be compatible with surrounding areas. The following is a brief description of the surrounding zoning and land uses (also shown in Exhibit 3D and 3E):

North – ‘R-4’ Medium Density Residential. Residential and a church are located to the northeast and northwest.

South – ‘R-4’ Medium Density Residential. The library and a church are located to the southeast and southwest.

East – ‘R-4’ Medium Density Residential. Residential homes are located to the east.

West - 'R-4' Medium Density Residential. Residential homes are located to the west.

The City's 2004 Comprehensive Plan identifies the subject property as Downtown Mixed Use. While this does not address signage, it does indicate this area is suitable for a mix of land uses.

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

ORDINANCE NO. 1205

AN ORDINANCE TO AMEND TITLE XV OF THE CITY CODE OF THE CITY OF WORTHINGTON, NOBLES COUNTY, MINNESOTA

(Refer to Ordinance File for complete copy of Ordinance)

FIRST READING PROPOSED ORDINANCE TO AMEND TITLE XV OF THE CITY CODE OF THE CITY OF WORTHINGTON, NOBLES COUNTY, MINNESOTA - PUD #14 - GLENWOOD HEIGHTS SECOND AND THIRD ADDITIONS

Mr. Robinson said the City of Worthington is considering an amendment to Planned Unit Development #14 to remove the minimum roof requirements, including pitch. If approved, roof pitches less than 6/12 may be allowed as well as alternative roofing materials. The legal description of the property under consideration is as follows:

All of Glenwood Heights Second and Third Additions in the City of Worthington, Nobles County, Minnesota.

The City Planning Commission voted 4-2 to recommend approval of the request at its August 6, 2024 meeting, Two letters were submitted prior to the meeting, no other input was given during the public hearing.

The Commission's recommendation was based on the following:

1. On June 14, 2021, upon recommendation of the Planning Commission, City Council passed an ordinance to rezone Glenwood Heights Second Addition from 'R-1' and 'R-2' to Planned Unit Development District #14. This area was later platted again to include Glenwood Heights Third Addition.

PUD #14 was structured to follow many of the same covenants that Glenwood Heights First Addition is subject to (the existing neighborhood). These covenants in the first addition are not controlled, enforced, or monitored by the City, and the adoption of a similar PUD was in response to requests from the residents of the existing neighborhood.

2. The requirements cover things such as lot density, area, bulk, uses, square footage minimums, garages, exterior standards, along with other provisions. It also includes a provision about roofs which reads as follows:

“All roof pitch shall be 6/12 or greater. Shingles to a minimum 235#. No lock tabs.” The City has received a request to construct a home that would not meet the minimum roof pitch requirements. City Staff brought the request to the Glenwood Heights Housing Committee, a group consisting of Council representatives and Water and Light Commission representatives, which are the two entities that funded the construction of the Glenwood Heights expansion. This committee was in favor of pursuing an amendment to remove the roof requirement from the PUD.

3. The proposed change would eliminate the portion of the PUD that states, “all roof pitch shall be 6/12 or greater. Shingles to a minimum 235#. No lock tabs.”

4. City Code §155.188 (Planned Unit Development) states, “The planned unit development provisions are intended to encourage more efficient use of land and public services and greater amenity by allowing under certain circumstances, a more flexible means of land development and redevelopment than is otherwise permissible under the lot-by-lot restrictions of each use district.”

Section 155.188 (B) (5) lays out objectives that are should be sought when creating a PUD including, “a maximum choice of living environment by allowing a variety of housing and building types and permitting an increased density per acre and a reduction in lot dimensions, yards, building setbacks and area requirements”

5. The Commission should consider whether the roof pitch and shingles type requirements are a necessary requirement to be included with the PUD and whether the requirement is in the best interest of the City and the purpose of a PUD.

Council Member Cummings said the proposed home would meet the standard of value of the neighborhood. He showed an example of a modern home with a lower roof pitch. Council Member Ernst said there were not many concerns from the Housing Committee.

The motion was made by Council Member Weber, seconded by Council Member Cummings and unanimously carried to give a first reading to the proposed ordinance.

COUNCIL COMMITTEE REPORTS

Mayor Von Holdt - No report.

Council Member Ernst - No report.

Council Member Kielblock - No report.

Council Member Weber - No report.

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Council Member Cummings - Attended a Joint Transit Authority meeting. There are two new buses which are not in service that were part of a grant from 2019-2020. The Authority is researching options on how the funding could be used differently with the current city bus route as it's not being used like the Dial a Ride.

CITY ADMINISTRATOR REPORT

Mr. Robinson said Tammy Makram has invited Council to a screening of the Brulè Project documentary that was filmed in May 2023 at the Memorial Auditorium Performing Arts Center. The viewing will take place after the August 26th Council meeting at approximately 6:15 -6:30 p.m.

ADJOURNMENT

The motion was made by Council Member Kielblock, seconded by Council Member Cummings and unanimously carried to adjourn the meeting at 6:35 p.m.

Mindy Eggers, MCMC
City Clerk