

ARLINGTON CITY COUNCIL
MEETING MINUTES
JUNE 16, 2008

The meeting was called to order at 6:35 p.m., Mayor Kreft presiding.

Members present: Mayor Kreft, Borchert, Griep, Reetz, Wills

Members absent: Vrklan

Also present: Administrator Jaunich, Attorney Arneson, Historical Society Members Greg Goblirsch & Dwight Grabitske, Jeff Klehr, Eeva & John Traxler, Neal Wisch, Wanda Nelson, Janice Doetkott, John & Roberta Zaske, Gloria Robinson, Jon Piotter, Jason & Lynda Quast, Rick Schmidt, Keith Dressen, Emily Holberg, Lisa Holberg, Kim Quast, Felicia Brockhoff, Peter & Karen Archer, Celia Smykalski, Curtis Ling, Jeff Otto, Jason & Amy Pautsch, Bruce & Cheryl Rovinsky, Brian Thomes, Tony Kloeckl, Rick & Anita Quast, Wayne & Louise Quast, Bruce Pinske, Paul Wiemann, Jeff Hennen, Anne Hennen, Lindsey Stumm, Kurt Menk

Motion by Reetz, seconded by Griep, and passed by unanimous vote to approve the agenda with the following changes:

Remove item 13 (Approve/revoke disciplinary action on city employee Keith Doetkott) and replace with Liquor license request for Arlington Liquors.

Motion by Griep, seconded by Borchert, and passed by unanimous vote to approve the consent agenda as follows:

- A) Approval of the May 19th and June 2nd Regular Meeting Minutes
- B) Approval of the Bills
- C) Approve entering into an Agreement with the Sibley Medical Center for off-site care at the Community Center in accordance with their disaster preparedness plan.

The following individuals voiced their opinions and concerns regarding the disciplinary action taken against employee Keith Doetkott during the "Citizens Addressing the Council" portion of the meeting: Louise Quast, Jason Pautsch, Lynda Quast, Wanda Nelson, Janice Doetkott, Neal Wisch, Felicia Brockhoff, Tony Kloeckl, Jason Quast, Rick Schmidt, Gloria Robinson, Amy Pautsch, Karen Archer, Brian Thomes, Eeva Traxler, Kim Quast. The Mayor, Council and Adm. Jaunich answered the various questions to the best of their ability adhering to the privacy laws. Attorney Arneson explained that there were 2 separate issues at hand: an administrative one where an employee has admitted guilt/fault to other city employees and/or the Police Chief, and a criminal one, which is being handled through the courts.

The following announcements were reviewed:

- 1) Sibley County Municipalities Association Meeting - June 19th in Arlington @ 6:00 pm
- 2) Sibley County Relay for Life – June 20th-21st in Gaylord from 2:30 p.m. to 2:30 a.m.
- 3) Sibley County Public Health Full Scale Exercise – June 26th from 4-6 pm
- 4) City Offices will be closed on Friday, July 4th for Independence Day
- 5) MMUA Annual Summer Meeting – August 18-20 in Alexandria
- 6) City Adm. will be on vacation the week of June 24-27
- 7) MNDOT District 7 Cooperative Agreement Workshop on Wednesday, July 9th from 9:30 am to Noon
- 8) Sibley East After Prom Thank You.

The Council reviewed the following communications:

- 1) May Financial Reports
- 2) May Building Permit Report
- 3) Update on 24-hour police department
- 4) MMPA Information for Retail Customers, high energy rates and energy conservation.

Dwight Grabitske and Greg Goblirsch were present on behalf of the Historical Society to give the annual report.

The Council reviewed a memo from P&Z Adm. Smith-Strack recommending the Council deny giving a Letter of Support to Jeff Hennen for his proposed plat "Anne's Acres". It was noted that the proposed plat was within the Orderly Annexation area and outside city limits, but adjacent thereto with individual septic systems and a common well. Some discussion was held on why the property was not being annexed; Hennen was in opposition to the property being rezoned as Commercial (Business), which is being proposed in the City's Comprehensive Plan.

Councilmember Reetz introduced the following resolution and moved for its adoption:

RESOLUTION NO. 28-2008

A RESOLUTION DENYING A LETTER OF SUPPORT FOR 'ANNE'S ACRES' AN ENGINEERED, RURAL SUBDIVISION PROPOSED FOR AN AREA WITHIN THE ORDERLY ANNEXATION AGREEMENT BY/BETWEEN ARLINGTON TOWNSHIP AND THE CITY OF ARLINGTON

WHEREAS, The City has received a written request from Mr. Jeff Hennen; and,

WHEREAS, The written request asks for a letter of support from the City Council of the City of Arlington relating to a proposed residential subdivision entitled "Anne's Acres"; and,

WHEREAS, The proposed residential subdivision is within Area Three of an Orderly Annexation Agreement (OAA) between the City of Arlington and Arlington Township; and,

WHEREAS, Subdivision 4 of the OAA applies to lands within 'Area 3' of the agreement and requires written approval by both the Township and the City prior to urban, non-farm development occurring within properties contained in Area 3; and,

WHEREAS, The residential subdivision proposes seven, one-acre lots with shared drinking water wells and engineered (centralized, but not municipal) sewage treatment allowing for urban densities within Area 3 of the OAA; and,

WHEREAS, the City Council has reviewed the written request and conceptual plan and has made the following findings:

1. The proposed development is inconsistent with the purpose and intent of the Orderly Annexation Agreement by/between Arlington Township and the City of Arlington. The "Anne's Acres" concept is inconsistent with the purpose and intent of the Orderly Annexation Agreement which was approved by the Township and City on September 2, 1997 and filed with the Minnesota Municipal Board of Adjustments pursuant to the following findings:

- A. *Arlington Township and the City of Arlington deem it necessary and appropriate to work together to develop and implement a process for the orderly and controlled growth of the City and the Township.*
- B. *The City and the Township agree that municipal government most effectively provides services in areas which are developed for residential, commercial,*

industrial, and governmental purposes, and the Township government most effectively provides governmental services in areas or uses developed for agricultural, open space, and rural residential purposes.

- C. *The City and Township agree that orderly extension of municipal sanitary sewer service to areas needing such service would benefit the public health, safety, and welfare.*
 - D. *The City and the Township agree that orderly annexation of the areas designated herein is one way to promote the public health, safety, and welfare of the entire community by proceeding for the logical development of the community and the extension of municipal services as urban development occurs.*
2. The property is currently represented on the Official Zoning Map of Sibley County posted at the County Offices and available online as being “within the City limits” providing further evidence of the intent of the land being developed as municipal in nature and further deferring land use authority to the City.
 3. The property is located in an area where municipal utilities are available for extension; adequate capacity within existing systems municipal systems is available.
 4. Further evidence supporting the intent of urban development for the property and availability of services includes the facts the northern portion of the property under unified ownership (Hennen) is within the corporate limits at this time. Furthermore, the Arlington EDA owns a parcel guided for commercial use (motel/hotel) abutting the southern boundary of the proposed “Anne’s Acres” subdivision in the township.
 5. The City is in the process of updating its Comprehensive Plan (initiated in November of 2007, to be completed by close of 2008). The draft Comprehensive Plan Future Land Use Map guides a portion of the property abutting Highway 5 to commercial nodal development transitioning to medium density residential and ending in low density residential consistent with abutting property. The proposed Subdivision is not consistent with the draft Comprehensive Plan.
 6. The draft transportation element of the current Comprehensive Plan Update process identifies a deficiency in connectivity of the roadway and pedestrian network in the south-central portion of the City of Arlington. As a result, the draft Future Thoroughfare Plan illustrates a potential collector street in the southern portion of the City between CSAH 17 and Highway 5. The collector street will intersect at some point with the area contemplated for subdivision as “Anne’s Acres”. The transportation element also addresses access management and reflects input from the Minnesota Department of Transportation relating thereto. Adequate access to the parcel is a critical factor within the subject area. Future access is not consistent with the concept plan for “Anne’s Acres”.
 7. The City has officially extended several invitations to the Developer relating to subdivision of the subject parcel, including, but not limited to:
 - A. *The Arlington City Council took official action on April 16, 2007 to deny the preliminary plat due to the fact the property was not entirely within the corporate limits. The motion for denial included an invitation to resubmit the preliminary plat (and the waiving of plat review fees) following annexation of the entire parcel to the City. The Official Motion is included in the public record.*

- B. *On December 4, 2007 the City mailed written correspondence to the property owner to offer assistance in working through the annexation, rezoning, plat approval processes. The letter also invited the property owner to attend community input sessions regarding updating of the comprehensive plan.*
- C. *City representatives have met with the Developer and noted a continued commitment to working with the property owner to create an urban development that is mutually beneficial. In fact, the City is currently in the process of updating the Planned Unit Development Overlay District to accommodate mixed use developments through density/intensity increases and transfers. In addition, the City has proactively drafted potential concept plans for the property for distribution to the property owner and/or developer.*

NOW, THEREFORE, BE IT RESOLVED BY THE ARLINGTON CITY COUNCIL THAT: A written request from Mr. Jeff Hennen asking for a letter of support from the City of Arlington relating to a proposed residential subdivision within Arlington Township and the Orderly Annexation Area entitled “Anne’s Acres”; and, is hereby denied.

BE IT FURTHER RESOLVED: The City reiterates its desire to and support for work(ing) with the Property Owner to develop an urban subdivision consistent with existing and proposed plans.

BE IT FURTHER RESOLVED: That within thirty (30) days the Zoning Official is hereby authorized and directed to provide the Director of Environmental Services at Sibley County with a copy of this document which is intended to be included with the permanent record associated with this request.

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember Griep and upon poll being taken thereon the following voted in favor thereof: Borchert, Griep, Reetz, Wills; and the following voted against the same: None; and the following abstained from voting: None; and the following were absent: None.

Adopted by the City Council of the City of Arlington this 16th day of June, 2008.

Signed: /s/ James R. Kreft
Mayor

Attest: /s/ Matthew Jaunich
City Administrator/Treasurer/Clerk

Whereupon the resolution was declared duly passed and adopted and was signed by the Mayor whose signature was attested by the City Administrator.

Hennen expressed concern about the rezoning issue. Mayor Kreft stated that the Comprehensive Plan does allow for Commercial zoning along Hwy 5, but has not officially been adopted yet. He advised Hennen to meet with the City’s Attorney and P&Z Adm. to work out the details for annexing the property with an acceptable work plan (plat) for all involved.

The Council reviewed a letter from the Miss Arlington Ambassador Committee requesting a donation of \$600. It was noted that Lindsey Stumm was present on behalf of the Miss Arlington Ambassador Committee. Adm. Jaunich provided information obtained from the League of Cities regarding donations using public funds.

Motion by Griep, seconded by Wills, and passed by unanimous vote to donate \$600 to the Arlington Chamber of Commerce to be used for the Miss Arlington Ambassador Committee.

The second reading of Ordinance No. 226 – An Ordinance Amending Ordinance 214, Section 7(A) and Section 10(B), Addressing the Assessment of Sidewalks was held. Adm. Jaunich noted that there were no changes from the first reading.

Motion by Reetz, seconded by Wills, and passed by unanimous vote to Ordinance No. 226 – An Ordinance Amending Ordinance 214, Section 7(A) and Section 10(B), Addressing the Assessment of Sidewalks, as follows and becomes effective upon publication:

ORDINANCE 226

AN ORDINANCE AMENDING ORDINANCE 214, SECTION 7(A) AND SECTION 10(B), ADDRESSING THE ASSESSMENT OF SIDEWALKS

THE CITY COUNCIL OF THE CITY OF ARLINGTON, MINNESOTA TO PROMOTE THE PUBLIC SAFETY, HEALTH AND WELFARE, HEREBY ORDAIN AS FOLLOWS:

Section 1. Ordinance 214, Section 7 (A) is hereby amended to read as follows:

(A) “Adjusted Front Footage” Method of Assessment. The “cost per adjusted front foot” method of assessment shall be based on the quotient of the “assessable cost” divided by the total assessable frontage benefiting from the improvement. For the purpose of determining the “assessable frontage,” all properties, including governmental agencies, shall have their frontages included in such calculation.

The actual physical dimensions of a parcel abutting an improvement (i.e., street, sewer, water, etc.) shall not be construed as the frontage utilized to calculate the assessment for a particular parcel. Rather, and “adjusted front footage” will be determined. The purpose of this method is to equalize assessment calculations for lots of similar size. Individual parcels by their very nature differ considerably in shape and area. The following procedures will apply when calculating adjusted front footage. The selection of the appropriate procedure will be determined by the specified configuration of the parcel. All measurements will be scaled from available plat and section maps and will be rounded down to the nearest foot dimension with any excess fraction deleted.

1. Rectangular Interior Lots. The rectangular lot is defined as having no more than 2.0 feet difference between the front and rear lot lines. The adjusted front footage is the actual front footage of the lot. For rectangular lots whose frontage is greater than its depth, the “odd shaped or non-rectangular lot” method shall be used.
2. Odd Shaped or Non-Rectangular Lots. For odd shaped or non-rectangular lots; the adjusted front footage shall be equal to the average width of the lot.
3. Corner Lot Adjustment. Street surface, sidewalks and curb and gutter costs for the front lot is assessed 100% and the side footage is assessed 50% with the remaining 50% being paid for by the City.

Section 2. Ordinance 214, Section 10 (B) is hereby amended to read as follows:

(B) Sidewalks and Trails.

1. New Construction. New sidewalks are assessed 100% to the abutting property on which the sidewalk is located.
2. Reconstruction. Replacement sidewalks are assessed 50% to the abutting property owner and 50% City funded.
3. The City pays for the sidewalk across intersections and alleys.
4. 100% of the costs of the corner radius for sidewalks are paid for by the City.
5. Trails. Bituminous walkways and/or bicycle trails are not assessed, but rather funded by the City.

Section 3. All other portions of Ordinance 214 not amended by this ordinance shall remain in full force and effect.

This ordinance shall become effective immediately upon publication.

For City of Arlington

/s/ James R. Kreft

By James R. Kreft
It's Mayor

/s/ Matthew Jaunich

By Matthew Jaunich
It's City Administrator

A Variance request from Leslee Miller, 701 West Main Street, was reviewed, along with a memo from P&Z Adm. Smith-Strack recommending approval of same.

Councilmember Griep introduced the following resolution and moved for its adoption:

RESOLUTION NO. 26-2008

A RESOLUTION RECOMMENDING APPROVAL OF A VARIANCE FROM CORNER LOT SETBACK REQUIREMENT FOR 701 WEST MAIN STREET

WHEREAS, Ms. Leslee Miller is the owner of record for the property at 701 West Main Street, identified as No. 310313000 and legally described as Lot 5, Block 9, except the north 52' thereof in Block 9 Streissguth's Subdivision of Blocks 7 & 8, City of Arlington; and,

WHEREAS, Miller has submitted a request for a variance from Section 5, Subd. 4 (2)(B) of Ordinance 169, the Arlington Zoning Ordinance relating to corner lot street side setback requirements; and,

WHEREAS, notice of a public hearing to accept input on the rezoning request was published in the official newspaper on May 22, 2008 and sent to property owners within 350 feet of the property; and

WHEREAS, the Planning Commission conducted a public hearing on the variance request on June 5, 2008 and accepted oral and written testimony on the variance request; and

WHEREAS, the Planning Commission approved a resolution recommending the City Council approve the variance request; and,

WHEREAS the City Council has reviewed the rezoning request and has made the following findings:

1. The property owner proposes a 390 sf addition to an existing dwelling to make the dwelling more habitable. The proposed addition cannot be accommodated in the rear yard (larger setback encroachment), interior side yard (existing garage), or the front yard (larger setback encroachment). The existing structure has a foundation 26' long by 21.5' wide for 559 total ground floor s.f. The addition would bring the ground floor area to 949 s.f. The proposed addition will make the existing dwelling more habitable.
2. The situation is due to circumstances created by the shape of the property, time of dwelling unit construction, and enforcement of different zoning standards. The property is addressed (fronts) on Main Street but the existing structure is oriented toward 7th Avenue. The lot was platted as part of the Original Townsite and then replatted and added to Streissguth's Subdivision. Base lots within the Original Townsite typically measured 50' (wide) by 120' (deep) for total lot area of 6,000 sf. Corner lots, as in the case of the subject parcel, therefore typically faced the longer frontage. Additional residential structures were constructed on lots adjacent to the subject parcel in accordance with less restrictive standards in effect at the

Motion by Wills, seconded by Reetz, and passed by unanimous vote to approve the request from the Arlington Conquerors to do community service in the public cemetery (as noted above). The Council thanked them for doing this community service.

Adm. Jaunich commented briefly on the League of MN Cities conference that had been held in Rochester recently. He stated that there were some interesting topics and good discussions. He commented that he had made a few new contacts pertaining to city projects.

Mayor Kreft and Griep gave an update on the ambulance meeting. They stated that there was a long way to go on this before a proposal can be made, but there have been positive things coming out.

Brief discussion was held on the current open position in the Street Department. It was suggested to have the Streets Committee review and update the job description prior to advertising the position.

Motion by Wills, seconded by Reetz, and passed by unanimous vote to adjourn the meeting at 8:12 pm.

City Administrator Matthew Jaunich

Mayor James R. Kreft