

**ARLINGTON CITY COUNCIL  
MEETING AGENDA  
AUGUST 6, 2012 AT 6:30 PM  
COUNCIL CHAMBERS**

*The City Council is provided background information for agenda items in advance by city staff, committees and boards. Many decisions regarding agenda items are based upon this information, as well as: City policy and practices, input from constituents, questions or information that has not yet been presented or discussed regarding an agenda item. If you have a concern or question, please ask to be recognized by the Mayor during the "Citizens addressing the Council" portion of the agenda—state your name and address for the record. Please keep comments under 5 minutes. Individuals wishing to speak for more than five minutes should ask to be included on the agenda in advance. All comments are appreciated, but please refrain from personal or derogatory attacks on individuals.*

1. Call meeting to order and Pledge of Allegiance
2. Roll Call
3. Approve the agenda and any agenda additions

**CONSENT AGENDA**

*The items listed for consideration will be enacted by one motion unless the Mayor, a member of the City Council, City Staff or a person in attendance requests an item to be removed from the Agenda.*

4. Approval of Consent Agenda
  - A) Approval of the July 16<sup>th</sup> Regular Meeting Minutes
  - B) Approval of the July 23<sup>rd</sup> Special Meeting Minutes
  - C) Approval of Bills
  - D) Approval of Change Order on 2012 Seal Coating Project

**PUBLIC HEARINGS**

**PETITIONS, REQUESTS, & COMMUNICATIONS**

5. Addressing the Council
  - A) Citizens Addressing the Council
6. Announcements
  - A) Filing for 3 City Council Positions Ends August 14<sup>th</sup>
  - B) Primary Election is August 14<sup>th</sup>
  - C) Special Joint Council/EDA Meeting ó August 20<sup>th</sup> @ 5:00 p.m.
7. Communications
  - A) June Water/Wastewater Report
  - B) July Building Permit Report
  - C) July Police Calls Report

## REPORTS OF OFFICERS, BOARDS & COMMITTEES

8. ~~Yearly Fire Relief Association Update (Curtis Ling)~~  
A) ~~Approval/Denial of City contribution for 2012 of \$~~  
B) ~~Discussion on Schedule SC 12 and the required minimum City contribution for 2013~~

## ORDINANCES & RESOLUTIONS

9. Ordinance 274 (2<sup>nd</sup> Reading) ó Regulating Temporary Structures
10. Resolutions  
A) 54-2012 ó Summary Publication of Ordinance 274  
B) 55-2012 ó Approving a Gambling License for Ducks Unlimited  
C) 56-2012 ó Approving an Off-Site Gambling License for the Arlington Baseball Association  
D) 57-2012 ó Accepting a Donation and Designating its Use

## UNFINISHED BUSINESS

### NEW BUSINESS

11. Approve/Deny Appeal of Planning & Zoning Action on an Accessory Structure at 216 East Alden St.
12. Approve/Deny Calling an Administrative Hearing with Arlington Liquor and the Arlington Haus to Consider Disciplinary Action on a Liquor License Violation
13. Approve/Deny Request for Assistance on Water Service Line Repair Bill
14. Approve/Deny Tower Site Agreement with Broadband Corp.
15. Discussion on Grant Network Subscription
16. Approval of Lease Agreement with Minnesota Valley Action Council for Office Space at the Tech Center

## MISCELLANEOUS BUSINESS

17. Council Committee Updates
18. Open Discussion
19. CLOSED MEETING ó (For the purposes of evaluating an employee's performance)  
A) Bruce Rovinsky's 6-Month Review

## ADJOURNMENT

### Reminders:

- A) P&Z Commission ó August 9<sup>th</sup> @ 7 pm  
B) SMC Board ó August 27<sup>th</sup> @ 5 pm (SMC)  
C) Parks ó August 27<sup>th</sup> @ 7 pm  
D) EDA ó August 28<sup>th</sup> @ 6 pm

**ARLINGTON CITY COUNCIL  
MEETING MINUTES  
AUGUST 6, 2012**

The regular meeting was called to order at 6:40 p.m., Mayor Kreft presiding.

Members present: Mayor Kreft, Pederson, Pichelmann, Reetz, Ruehling, Wills

Members absent: None

Also present: City Administrator Jaunich, City Attorney Arneson, Kurt Menk

Motion by Ruehling, seconded by Wills, and passed by unanimous vote to approve the agenda with the following additions:

Remove item 8) Yearly Fire Relief Association Update

A) Approval/Denial of City contribution for 2012 of \$

B) Discussion on Schedule SC-12 and the required minimum City contribution for 2013

Remove item 4D) Approval of Lease Agreement with Minnesota Valley Action Council for Office Space at the Tech Center, from Consent Agenda and make it item 16 on the regular agenda for discussion purposes.

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

A) Approval of the July 16<sup>th</sup> Regular Meeting Minutes

B) Approval of the July 23<sup>rd</sup> Special Meeting Minutes

C) Approval of Bills

D) Approval of Change Order on 2012 Seal Coating Project.

It was noted that there were no citizens present to address the Council on non-agenda items.

The following announcements were reviewed:

1) Filing for 3 City Council Positions Ends August 14<sup>th</sup>

2) Primary Election is August 14<sup>th</sup>

3) Special Joint Council/EDA Meeting ó August 20<sup>th</sup> @ 5:30 pm.

The Council reviewed the following communications:

1) June Water/Wastewater Report

2) July Building Permit Report

3) July Police Calls Report.

It was noted that there were no reports from Officers, Boards or Committees.

The second reading of Ordinance 274-An Ordinance Amending Section 13 of Ordinance 169, the Arlington Zoning Ordinance by Adding Subsection 9 Providing for Guidelines for Temporary Structures, was held. Adm. Jaunich noted that no changes had been made since the first reading and the Planning Commission was recommending approval.

Motion by Reetz, seconded by Pederson, and passed by unanimous vote to approve Ordinance 274-An Ordinance Amending Section 13 of Ordinance 169, the Arlington Zoning Ordinance by Adding Subsection 9 Providing for Guidelines for Temporary Structures as follows:

**ORDINANCE 274**

**AN ORDINANCE AMENDING SECTION 13 OF ORDINANCE 169, THE ARLINGTON ZONING ORDINANCE BY  
ADDING SUBSECTION 9 PROVIDING FOR GUIDELINES FOR TEMPORARY STRUCTURES**

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

WHEREAS, the following shall be added to Section 13 of Ordinance 169:

**SUBDIVISION 9. TEMPORARY STRUCTURES**

- A. Purpose. The purpose of this section is to provide for the regulation of the erection of temporary structures, and structures needed for emergency purposes or for temporary use during the construction of a permanent structure.
- B. Intent. The intent of this Section is to protect and provide for the public's health, safety, and welfare and to protect adjacent property values from being negatively impacted.
- C. Temporary Structure Defined. A temporary structure is defined any structure erected or placed on site for less than a total of 180 days from the date of installation. These structures may include, but are not limited to: camping tents, portable shelters, wedding/party tents, facilities in conjunction with construction or emergency activities, and storage pods. Any structure not considered a temporary structure shall be considered a permanent structure and treated as such.
- D. Removal of Temporary Structure: Temporary structures are to be removed when the designated time period, event, or use for which the temporary structure has been created has ceased.
- E. Procedure. Temporary structures governed by this Ordinance shall be allowed by an Administrative Permit, as may be issued by the Zoning Administrator, in all zoning districts except as otherwise provided by this section.
- F. Site Plan Required. A site plan as defined in this Ordinance is required in conjunction with the application for an administrative permit in conjunction with the establishment of new or remodeled temporary structures.
- G. Special Requirements for Temporary Structures.
  - 1. There shall be a time limit established for temporary structures to remain on a site as a part of the administrative permit. Temporary structures allowed by administrative approval shall be limited to a total of 180 days in duration within a 12 month period. Applicants shall acknowledge and certify the temporary structure shall be in place for 180 days or less. The Planning Commission may extend the 180 day time limit if a practical difficulty exists for a one time additional term not to exceed 180 additional days. The Applicant bears the burden of proving a practical difficulty exists. Any structure in place over 180 days within a twelve month period is not considered a temporary structure.
  - 2. Temporary structures shall follow the required building setbacks of the zoning district it is located in. The temporary structure is to be located to the interior side yard or rear yard of the site and its proposed location will be reviewed as a part of the Administrative Permit process and site plan review.
  - 3. No temporary structure shall be allowed to be serviced by water, sewer, electric, gas or any other type of utility.
  - 4. All applicable requirements of the State Building Code shall be met.
  - 5. There can be no more than one (1) temporary structure per parcel.
  - 6. The structure must be sufficiently anchored to withstand overturning, uplifting, or sliding from a 80 mile-an-hour wind.
  - 7. The structure must be able to withstand a snow load of 20 pounds per square foot if the structure will be in place at any time during the months of November through April.
  - 8. No temporary structure shall be placed on a right-of-way or utility easement without receiving prior approval from the City Council.
  - 9. Party tents or tents for promotional sales shall be allowed up to ten (10) calendar days per year without having to obtain an Administrative Permit.
  - 10. Temporary structures larger than 120 square feet shall require an Interim Use Permit.
  - 11. If a dispute arises between the City and a property owner over a particular use of a structure, a representative of the City has the right to inspect the structure to determine the proper use of the structure.
  - 12. Temporary structures shall not be used for habitation purposes.
- H. Special Requirements for Construction Trailers or Emergency Purposes.
  - 1. Construction trailers and temporary structures used for emergency purposes shall be allowed administratively.
  - 2. No Administrative Permit shall be issued for construction trailers or structures used for emergency purposes unless a site plan has been approved, if applicable, or unless a building permit has been issued for a new structure, addition, or remodeling of an existing structure on the property.
  - 3. No trailers shall be allowed to be used as temporary sales offices.
  - 4. The Administrative Permit shall terminate twelve (12) months from its date of issuance or within thirty (30) days after a certificate of occupancy has been issued by the Building Official for the permanent structure replacing the temporary emergency structure, whichever occurs first, unless a different time schedule is approved as part of the permit.
  - 5. Construction trailers and temporary structures used for emergency purposes shall follow the required building setbacks of the zoning district it is located in.
  - 6. All applicable requirements of the State Building Code shall be met.
  - 7. Provisions for utilities shall be subject to the review and approval of the Building Official.
  - 8. Off-street parking, signage, and security measures such as lighting shall be implemented subject to the review and approval of the Zoning Administrator
- I. Practical difficulty. The City Council may issues an Interim Use Permit for temporary structures, including manufactured homes, when a determination of practical difficulties exists upon the property. An Interim Use Permit

may be issued for the following practical difficulties:

1. Reconstruction. During the reconstruction of a home or business that has been damaged or destroyed and is uninhabitable. The City Council may grant a permit for a period not to exceed one (1) year in any zoning district.
2. The City Council may grant an Interim Use Permit with stipulated time limitations for the temporary utilization of manufactured homes or other temporary structures as living quarters when a practical difficulty is found to exist. This standard applies only to the use of temporary structures as living quarters. The following conditions shall apply in such situations:
  - a. Any person requiring such temporary habitation shall make application to the City Council for an Interim Use Permit. The request shall state the location, type of structure, length of time the structure will be used, and the reason for the need of such structure.
  - b. The Zoning Administrator and Building Official shall review each proposal and report their findings and recommendations to the City Council.
  - c. If the City finds that the public health, safety, and general welfare will not be impaired and will not be affected adversely, it may grant a temporary habitation permit, provided that the person so applying shall enter into a written agreement with the City as to when such use is to cease. No permit for temporary habitation shall be granted for a period longer than one year, and the City may revoke such permit upon 90 days written notice if and when it finds:
    - i. That the public health, safety, and general welfare are being impaired by such habitation.
    - ii. That the continued existence of such use conflicts with the City's Comprehensive Plan.
    - iii. The temporary habitation structure has been abandoned or put to any use other than that stated in the application as the reason for the need of such habitation.
    - iv. That the value of public or private property is being affected adversely thereby.
  - d. The utilities serving temporary habitation shall comply with all applicable city, county, and state rules.
  - e. Any material used to insulate around the exterior of or underneath such temporary habitation shall be noncombustible and nontoxic.
- J. Right of Appeal. Any property owner who disagrees with the denial of a permit under this subdivision, or disagrees with conditions imposed for the issuing of a permit, shall have the right to appeal the decision of the zoning administrator to the Board of Zoning Appeals and Adjustments, as set out in city ordinance.
- K. Effective Date. This Ordinance is effective upon its adoption and publication as prescribed by law.

For City of Arlington:

/s/ James R. Kreft  
By James R. Kreft  
It's Mayor

/s/ Matthew Jaunich  
By Matthew Jaunich  
It's Administrator

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

**RESOLUTION 54-2012**  
**A RESOLUTION APPROVING ORDINANCE 274 ENTITLED "AN ORDINANCE AMENDING SECTION 13 OF ORDINANCE 169, THE ARLINGTON ZONING ORDINANCE BY ADDING SUBSECTION 9 PROVIDING FOR GUIDELINES FOR TEMPORARY STRUCTURES" AND PROVIDING FOR SUMMARY PUBLICATION THEREOF**

**WHEREAS**, the City of placed Ordinance 169 into effect several years ago; and

**WHEREAS**, the Arlington Planning Commission finds a need to address temporary structures and uses within the City; and

**WHEREAS**, the Planning Commission initiated an amendment Ordinance 169 relating to specific standards to temporary buildings and uses within the City of Arlington; and

**WHEREAS**, the Arlington Planning Commission has reviewed and studied the issue and developed text to be included in Ordinance 274; and

**WHEREAS**, a public hearing was properly noticed and held on July 12, 2012 by the City of Arlington Planning Commission; and

**WHEREAS**, the Planning Commission approved a resolution recommending the City Council approve Ordinance 274; and

**WHEREAS**, the City Council approved the first reading of Ordinance 274 at its regular meeting on July 16, 2012; and

**WHEREAS**, the City Council approved second reading and the adoption of Ordinance 274 at its regular meeting on August 6, 2012; and

**WHEREAS**, the proposed ordinance is itemized in Exhibit A which is attached to this resolution; and

**WHEREAS**, the City Council of the City of Arlington has determined the publication of the title and a summary of Ordinance 274 would clearly inform the public of the intent and effect of the Ordinance 274; and

**WHEREAS**, prior to the publication of the title and summary, the Council has read and approved the text of the summary and determined that it clearly informs the public of the intent and effect of the Ordinance.

**NOW THEREFORE BE IT RESOLVED** that the City Council of the City of Arlington hereby approves Ordinance 274 as presented in Exhibit A which is attached to this resolution; and

**BE IT FURTHER RESOLVED** that the City Administrator shall cause a summary of Ordinance No. 274 to be published in the City's official newspaper at the earliest practicable date; and,

**BE IT FURTHER RESOLVED**, the summary publication shall read as follows:

On August 6, 2012 the City Council of the City of Arlington approved Ordinance 274, entitled, "An Ordinance Amending Section 13 of Ordinance 169, the Arlington Zoning Ordinance by Adding Subsection 9 Providing for Guidelines for Temporary Structures". The Ordinance in its entirety is available for review and/or photocopying during regular office hours at the City of Arlington, 204 Shamrock Lane, Arlington, Minnesota 55307. The Ordinance provides for the erection of temporary structures, structures needed for emergency purposes, and/or for temporary use during the construction of a permanent structure. A temporary structure is defined as being erected or placed on site for less than a total of 180 days from the date of installation.

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

Approved by the City Council of the City of Arlington this 6<sup>th</sup> day of August, 2012.

CITY OF ARLINGTON, MINNESOTA  
/s/ James R. Kreft, Mayor

Attest: /s/ Matthew Jaunich, City Administrator

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

**RESOLUTION 55-2012**  
**A RESOLUTION APPROVING THE APPLICATION FOR A LAWFUL GAMBLING PERMIT FOR DUCKS UNLIMITED CHAPTER 191**

**NOW THEREFORE, BE IT RESOLVED**, that the City Council of the City of Arlington hereby approves the application for a Lawful Gambling Permit as submitted by Ducks Unlimited Chapter 191 for a raffle event on September 8, 2012.

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

Approved by the City Council of the City of Arlington this 6<sup>th</sup> day of August, 2012.

CITY OF ARLINGTON, MINNESOTA  
/s/ James R. Kreft, Mayor

Attest: /s/ Matthew Jaunich, City Administrator

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

**RESOLUTION 56-2012**  
**A RESOLUTION APPROVING AN OFF-SITE APPLICATION FOR A LAWFUL GAMBLING PERMIT THE ARLINGTON BASEBALL ASSOCIATION**

**WHEREAS**, the Arlington Baseball Association already has a lawful gambling permit at its current location of the

Baseball Park in Arlington; and

**NOW THEREFORE, BE IT RESOLVED**, that the City Council of the City of Arlington hereby approves the application for an off-site Lawful Gambling Permit at the Sibley County Fairgrounds for an event taking place from August 2, 2012 to August 5, 2012.

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

Approved by the City Council of the City of Arlington this 6<sup>th</sup> day of August, 2012.

CITY OF ARLINGTON, MINNESOTA  
/s/ James R. Kreft, Mayor

Attest: /s/ Matthew Jaunich, City Administrator

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

**RESOLUTION 57-2012**  
**A RESOLUTION ACCEPTING A DONATION AND DESIGNATING ITS USE**

**WHEREAS**, the City of Arlington may accept a gift of real or personal property, including money, and use it in accordance with the terms prescribed by the donor; and

**WHEREAS**, the City may not, however, accept or use gifts for religious or sectarian purposes; and

**WHEREAS**, the City of Arlington has received a donation of money from the Arlington Baseball Association to be used within the summer recreation department; and

**NOW THEREFORE BE IT RESOLVED**, by the City Council of the City of Arlington that the City accepts the \$300 donation in full and designates its use to the summer recreation department.

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

Approved by the City Council of the City of Arlington this 6<sup>th</sup> day of August, 2012.

CITY OF ARLINGTON, MINNESOTA  
/s/ James R. Kreft, Mayor

Attest: /s/ Matthew Jaunich, City Administrator

Discussion was held on the accessory structure at 216 East Alden Street. Adm. Jaunich explained that the structure is in non-compliance with the Zoning Ordinance and the property owner had verbally requested to be placed on the Council Agenda (no {formal} written request was received). He stated that the property owner had something come up and would not be able to attend the meeting. Reetz stated that the Planning Commission has discussed this topic in detail several times and they don't feel they have sufficient proof to agree with the property owner that the structure is temporary in nature. It was the consensus of the Council to skip further discussion/action until a formal request from the property owner is received.

Attorney Arneson talked about the liquor license violations that occurred at both the Arlington Haus and Arlington Liquors. He stated that the Sheriff's Office recently conducted undercover compliance checks and found that minors had been served at both establishments. He added that the County Attorney's Office has declined to press charges due the type of offense (carding issue) and also that it was a first offense, which then leaves any disciplinary action up to the individual City. Arneson commented that there are two options available: prosecute the employees with a misdemeanor or impose an administrative penalty on the business owner. Adm. Jaunich suggested going with the administrative penalty, wherein a 1-day license suspension would be imposed along with a monetary fine.

Motion by Ruehling, seconded by Wills, and passed by unanimous vote to hold an Administrative Hearing with the Arlington Haus and Arlington Liquors to consider Disciplinary Action regarding the liquor license violations.

The Council reviewed a request from a resident seeking financial assistance with a water service line repair bill. Adm. Jaunich explained that the City's policy states that if the service line is replaced in its entirety, the City will contribute \$500 towards the repair. He stated that the property owner was requesting the City to pay the entire repair bill and then assess him over a number of years.

Motion by Reetz, seconded by Pederson, and passed by unanimous vote to pay \$2,000 for the water service line repair, of which \$500 is the City's responsibility with the balance (if any remains) to be assessed to the property owner at the end of this year.

The Council reviewed a Tower Site Agreement with Broadband Corp. Adm. Jaunich stated that he had spoken with the other City that currently has this company and they told him they had no issues. Attorney Arneson reviewed the terms of the Agreement in detail. Some concerns were expressed with the Agreement and what effects they will have on other renters if allowed on the tower.

Motion by Wills, seconded by Pederson, and passed by unanimous vote to table discussion/action on the Tower Site Agreement with Broadband Corp. to allow for more information to be obtained.

Adm. Jaunich presented information on eCivis, a government network that specializes in grants. He stated that this is a nation-wide grant data base system that the City could benefit from. It was the consensus of the Council to put this on the next regular meeting agenda for further discussion.

Discussion was held on the Lease Agreement with Minnesota Valley Action Council for office space at the Tech Center for the Head Start Program.

Motion by Reetz, seconded by Ruehling, and passed by unanimous vote to approve the Lease Agreement with Minnesota Valley Action Council for Office Space at the Tech Center as presented excluding clause 9.3.

Pederson reminded the Council of the upcoming "community" build taking place at the Sportsman's Park on August 31<sup>st</sup> for the installation of the new play equipment.

At 7:59 pm Mayor Kreft recessed the regular meeting to hold a closed meeting. He stated the purpose of the closed meeting was to evaluate an employee's performance (Bruce Rovinsky's 6-month review).

Motion by Ruehling, seconded by Wills, and passed by unanimous vote to adjourn the closed meeting.

Mayor Kreft reconvened the regular meeting at 8:23 pm.

Motion by Reetz, seconded by Wills, and passed by unanimous vote to adjourn the meeting at 8:24 pm.

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City Administrator Matthew Jaunich

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Mayor James R. Kreft