

**ARLINGTON CITY COUNCIL  
MEETING AGENDA  
JULY 1, 2013 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 June 24 17<sup>th</sup> Regular Meeting Minutes
  - B) Approval of Bills
  - C) Authorize Partial Payment to Chard Tiling and Excavating, Inc. for the Marion & Shamrock Improvements (\$60,014.52)
  - D) Authorize Final Payment to Travis Tuchtenhagen on Tech Center Remodel (\$9,372.00).

**PUBLIC HEARINGS (NONE)**

**PETITIONS, REQUESTS, & COMMUNICATIONS**

5. Addressing the Council
  - A) Citizens Addressing the Council
6. Announcements
  - A) City Offices will be closed on Thursday, July 4<sup>th</sup> for the Independence Day Holiday.
  - B) MMPA Annual Meeting ó July 23<sup>rd</sup> @ 5:30 p.m. in Chaska.
7. Communications
  - A) May Water/Wastewater Report.
  - B) June Building Permit Report.

## **REPORTS OF OFFICERS, BOARDS & COMMITTEES**

8. Presentation of the Annual Economic Development Authority Report. (Dick Thomes)

## **ORDINANCES & RESOLUTIONS**

9. Ordinances

- A) None.

10. Resolutions

- A) 29-2013 Approve/Deny Variance Request at 405 Circle Lane.

## **UNFINISHED BUSINESS**

11. Review Drainage Concern West of 849 7<sup>th</sup> Ave NW. (Jason Femrite, Bolten & Menk)
12. Update on Sidewalk Location West of Railroad on Adams St. (Jason Femrite, Bolten & Menk)
13. Clarification RE: Snow Removal Bid from Klehr Grading & Excavating. (Curt Reetz)

## **NEW BUSINESS**

14. ~~None.~~ Authorize Payment to Bolten & Menk for Final Engineering Fees at the Arlington Wastewater Treatment Facility (\$3,908.73).

## **MISCELLANEOUS BUSINESS**

15. Council Committee Updates

16. Open Discussion

## **ADJOURNMENT**

### Reminders:

- 1) Planning & Zoning Commission ó July 11<sup>th</sup> @ 7 p.m.
- 2) Council ó July 11<sup>th</sup> @ 6:30 p.m.
- 3) Parks ó July 22<sup>nd</sup> @ 7 pm
- 4) EDA ó June 23<sup>rd</sup> @ 6 pm
- 5) Hospital Board ó July 29<sup>th</sup> @ 5 p.m. (SMC)

**ARLINGTON CITY COUNCIL  
MEETING MINUTES  
JULY 1, 2013**

The regular meeting was called to order at 6:30 p.m., Mayor Kreft presiding.

Members present: Mayor Kreft, Jaszewski, Nuesse, Reetz, Ruehling, Wills

Members absent: None

Also present: City Administrator Donabauer, City Attorney Arneson, EDA Vice President Dick Thomes, Engineer Femrite, Kurt Menk

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

Removed item 4C) from consent agenda for discussion purposes and added as item 14) Authorize Payment to Bolton & Menk for Final Engineering Fees at the Arlington Wastewater Treatment Facility (\$3,908.73)

Change item 4A) Approval of the June 17<sup>th</sup> Regular Meeting Minutes.

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

- A) Approval of the June 17<sup>th</sup> Regular Meeting Minutes
- B) Approval of Bills
- C) Authorize Partial Payment to Chard Tiling and Excavating, Inc. for the Marion & Shamrock Improvements (\$60,014.52)
- D) Authorize Final Payment to Travis Tuchtenhagen on Tech Center Remodel (\$9,372.00).

It was noted that there were no public hearings scheduled.

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

The following announcements were reviewed:

- C) City Offices will be closed on Thursday, July 4<sup>th</sup> for the Independence Day Holiday
- D) MMPA Annual Meeting ó July 23<sup>rd</sup> @ 5:30 pm in Chaska.

The Council reviewed the following communications:

- A) May Water/Wastewater Report
- B) June Building Permit Report.

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

**RESOLUTION 29-2013**

**A RESOLUTION APPROVING A VARIANCE ALLOWING A DETACHED ACCESSORY STRUCTURE TO BE CONSTRUCTED ON GRAVEL RATHER THAN THE REQUIRED PERMANENT FOUNDATION AT 405 CIRCLE LANE IN THE CITY OF ARLINGTON**

**WHEREAS**, Joey & Juliana Winter (Applicant) has submitted a request for a variance allowing a detached accessory structure to be constructed on gravel rather than a permanent foundation at 405 Circle Lane in the City of Arlington (PID #31.0720.090); and legally described as Lot 6 and 2, Block 1, Matz-Trocke 1st Addition to the Village of Arlington, City of Arlington; and,

**WHEREAS**, the variance request is to allow a detached accessory building over 120 square feet to be placed on a gravel base rather than the required permanent foundation; and,

**WHEREAS**, notice of a public hearing to accept input on the variance request was published in the official newspaper on June 6, 2013 and sent to property owners within 350 feet of the property; and

**WHEREAS**, the Planning and Zoning Commission conducted a public hearing on the variance request on June 20, 2013; and

**WHEREAS**, the Planning and Zoning Commission reviewed the variance request and made the following findings:

1. The proposed is reasonable because the project will save two existing trees by not having to dig into the ground where the roots are. This location will also keep the detached accessory structure in the rear of the house and not out in the open where it can be viewed from the street and neighboring properties. As a result, the new detached accessory structure shall positively affect the subject parcel's value.
2. Practical difficulties exist with the subject parcel based on the existing layout of the properties rear yard. The other possible locations already have a sand box/swing set and garden in those locations.
3. The variance request is consistent with the Comprehensive Plan.

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

**WHEREAS**, the City Council reviewed the variance request at a regularly scheduled City Council meeting on July 1, 2013.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON**

**THAT:** The City Council of the City of Arlington approves a variance allowing a detached accessory structure to be located on gravel rather than a permanent foundation at 405 Circle Lane subject to the following:

1. The garage shall meet all the required setbacks within the zoning ordinance.
2. The maximum building coverage requirement shall not be exceeded with the approval of the variance.
3. The garage shall not exceed the maximum height requirement and shall have a minimum roof pitch requirement of 4:12.
4. If the detached accessory structure is placed in a public or private utility easement it is the sole responsibility of the property owner to remedy the situation at no cost to the City.
5. The variance does not excuse the property owner from obtaining required building permits or complying with building code requirements.
6. This variance is in effect for the property at 405 Circle Lane and assigned to the current and/or any future owner of the property.
7. The variance will expire in one year if the intended construction is not commenced.
8. If approved, a resolution executed by the City Council related to the variance request shall be recorded at the Sibley County Recorder's Office.

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: Jaszewski, Nuesse, 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 1<sup>st</sup> day of July, 2013.

CITY OF ARLINGTON, MINNESOTA

/s/ James R. Kreft, Mayor

Attest: /s/ Liza M. Donabauer, City Administrator

Discussion was held on the drainage concern of the EDA's property located west of 849 7<sup>th</sup> Avenue NW. Engineer Femrite briefly reviewed the history of the development of the area. He presented some drainage options for the Council's consideration, which ranged from the installation of an 8" tile line up to a 15" storm sewer pipe and also enlargement of the existing water retention pond (currently built for a 2-year, 24-hour rainfall event). He felt that a 12" outlet would be good for post development. Attorney Arneson commented that the smaller pond was intended to handle the runoff from the Lynch Addition when it was developed, not the surrounding area. Mayor Kreft and the Council acknowledged the initial concern of the standing water and possible mosquito problem made by the adjacent property owner, but

there was not a consensus to move forward with trying to drain the area at this time. Engineer Femrite stated that it was a good review of the area and was good information to have for future discussions.

Engineer Femrite provided an update on the sidewalk that has settled along Adams Street (from Railroad Improvement Project). He stated that he has asked the contractor to repair the problem.

Dick Thomes presented the annual report for the EDA Committee. He stated that they had purchased land and rezoned it for industrial development. He reviewed some of their future goals, which include: business/infrastructure development, marketing (help update city web site), business retention and/or improvement meetings, etc. Thomes commented that Director Smith-Strack was compiling a listing of properties/buildings that are available in Arlington and will be giving it to SEDCO, so that they can add it and advertise through their county listing. He commented that he believes SEDCO will become a more active organization now with the recent change in leadership.

Adm. Donabauer explained that at the previous meeting, Snow Removal Bids had been reviewed and approved with the understanding that she would get clarification on the Blading bid from Klehrs Grading with regards to use/non-use of the wing and pricing. The Council reviewed the reply from Wendy Klehrs, which stated that they do not use "one-way" plows in town, their price is firm regardless if wing used or not, and they typically make 3 passes down each street with some exceptions. Reetz expressed his concerns that the overall bill should be adjusted if the wing is not used and more passes are needed. Mayor Kreft agreed it was a valid concern. He commented that one of two things could be done: a separate bid for grading without a wing could be submitted or they are told they must use a wing every time. It was the consensus that the motion from the previous meeting stood approved as worded. Adm. Donabauer will notify Klehrs that the City is requesting the use of the wing at all times; and that the Council would consider approving a separate bid (at reduced rate) for use without a wing if submitted.

Discussion was held on the final payment request in the amount of \$3,908.73 from Bolton & Menk for engineering fees related to the Wastewater Treatment Facility Improvement project. Reetz explained that the City had a "not to exceed" contract with Bolton & Menk for said engineering fees. He stated that several payments had been made previously and he was concerned the amount was over the allotment. He would like to see an itemized listing of what has already been paid.

Motion by Nuesse, seconded by Jaszewski, and passed by unanimous vote to table discussion and/or action on the above item in order to confirm the "not to exceed" balance that has already been paid.

Wills gave an update on the Fire Dept. Capital Equipment Committee. He stated that the proposed new pumper is at \$414,000. Adm. Donabauer was pursuing grant money leads. It was noted that the current truck (pump) is not certified, therefore cannot be used for inside firefighting.

Reetz gave an update on the Planning & Zoning Committee. They are going to start looking into establishing (future) regulations for "in home" businesses, which will include taking an inventory of existing businesses. There will have to be a grandfathering clause so as to not harm what is already in place.

Jaszewski gave an update on the Parks Committee. He stated that they toured/inventoried the parks to assess what was needed at each.

Nuesse commented that the EDA's new business/industrial park may have some impact on the Prairie Line Trailhead.

Wills questioned if the credit (\$20,000+) the City had accrued with Bolton & Menk with regards to the Railroad Improvement project had been used up yet; and he would like to see an itemization of how it was used. Adm. Donabauer will follow up on this.

Reetz questioned why office staff was still helping the Street Department with lawn mowing. Adm. Donabauer explained that we are technically short a mower since the Summer Rec Director was also hired as a mower, so while he is handling Summer Rec activities she helps with mowing in the mornings and then works in the office in the afternoons.

Reetz also expressed concern about the amount of overtime being submitted; staff should flex (leave early) their hours when possible. Discussion was held on what is allowed.

Nuesse commented on how the backhoe was parked in the area of the electrical substation on Main Street recently (over the weekend unattended).

Adm. Donabauer commented that she had received a letter from UFC inquiring what was still needed to be done with regards to the property on Main Street. She stated that she had talked with the building official and he wanted to check on some things before closing out the demo permit, including the need for silt fencing of the area. Discussion was held on the outstanding water bill from the improperly disconnected service line.

Adm. Donabauer explained that she had received a letter from MnDOT that stated the traffic lights would be removed on Tuesday, July 9<sup>th</sup>. The report with MnDOT's findings was reviewed.

Adm. Donabauer stated that the Police Department will be presented with an award (radar equipment) on July 17<sup>th</sup> from the State (Dept. of Public Safety) in conjunction with the Zero Deaths Initiative (Safe and Sober Program).

Wills commented that he was disappointed to find that MnDOT would be removing the LED stop signs on Main Street along with the stoplights. He would like to see them remain. Other members of the Council agreed. It was suggested to contact MnDOT to see what the cost is to maintain them.

Motion by Nuesse, seconded by Reetz, and passed by unanimous vote to adjourn the meeting at 7:45 pm.

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City Administrator Liza M. Donabauer

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Mayor James R. Kreft