

**ARLINGTON CITY COUNCIL  
MEETING AGENDA  
JULY 16, 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 2<sup>nd</sup> Regular Meeting Minutes
  - B) Approval of Bills

**PUBLIC HEARINGS**

**PETITIONS, REQUESTS, & COMMUNICATIONS**

5. Addressing the Council
  - A) Citizens Addressing the Council
6. Announcements
  - A) Special Council Meeting ó Monday July 23<sup>rd</sup> @ 5:30 p.m. (Assessment Hearing)
  - B) Filing for 3 City Council Positions Opens July 31<sup>st</sup>
  - C) MMUA Annual Summer Conference ó August 20 ó 22 in Brainerd
7. Communications
  - A) May Water/Wastewater Report
  - B) June Financial Reports

**REPORTS OF OFFICERS, BOARDS & COMMITTEES**

**ORDINANCES & RESOLUTIONS**

8. Ordinance 274 (1<sup>st</sup> Reading) ó Regulating Temporary Structures

9. Resolutions

- A) 49-2012 ó Approve/Deny Variance Request at 216 East Clinton Street
- B) 50-2012 - Accepting a Donation and Designating Its Use

**UNFINISHED BUSINESS**

**NEW BUSINESS**

- 10. Approve/Deny Request to Close Main Street from 2<sup>nd</sup> Avenue NW to 2<sup>nd</sup> Avenue NE for Demolition of Elevator
- 11. Discuss Assessment Roll for 2012 Street & Utility Improvement Project
- 12.
- 13.

**MISCELLANEOUS BUSINESS**

- 14. Set Budget Workshop Meeting
- 15. Council Committee Updates
- 16. Open Discussion

**ADJOURNMENT**

Reminders:

- A) SMC Board ó July 23<sup>rd</sup> @ 5 pm (SMC)
- B) Parks ó July 23<sup>rd</sup> @ 7 pm
- C) EDA ó July 24<sup>th</sup> @ 6 pm

**ARLINGTON CITY COUNCIL  
MEETING MINUTES  
JULY 16, 2012**

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

Members present: Mayor Kreft, Pichelmann, Reetz, Ruehling

Members absent: Pederson, Wills

Also present: City Administrator Jaunich, City Attorney Arneson, Bruce Pinske, Kim Vigen, Mike Neisen, Kurt Menk

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

Add item 9B) Resolution 50-2012 ó Accepting a Donation and Designating Its Use

Add item 11) Discuss Assessment Roll for 2012 Street & Utility Improvement Project.

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

- A) Approval of the July 2<sup>nd</sup> Regular Meeting Minutes
- B) Approval of Bills.

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

The following announcements were reviewed:

- 1) Special Council Meeting ó Monday, July 23<sup>rd</sup> @ 5:30 p.m. (Assessment Hearing)
- 2) Filing for 3 City Council Positions Opens July 31<sup>st</sup>
- 3) MMUA Annual Summer Conference ó August 20-22 in Brainerd.

The Council reviewed the following communications:

- 1) May Water/Wastewater Report
- 2) June Financial Reports.

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

The first 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.

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

**RESOLUTION 49-2012  
A RESOLUTION APPROVING A VARIANCE TO REDUCE THE SIDE YARD SETBACK FOR A  
CORNER LOT AT 216 CLINTON STREET IN THE CITY OF ARLINGTON**

**WHEREAS**, Denise Smith (Applicant) has submitted a request for a variance to allow the construction of an handicapped accessible ramp at 216 East Clinton Street in the City of Arlington (PID #31.0544.000); and legally described as Lots 1 and 2, Bock 4, Luffø's Addition, City of Arlington; and

**WHEREAS**, the variance request is to allow encroachment into the side yard (east) setback along a public right of way; and

**WHEREAS**, notice of a public hearing to accept input on the variance request was published in the official newspaper on June 28, 2012 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 July 12, 2012; and

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

1. The proposed ramp is a reasonable accommodation under the American's With Disabilities Act and will allow the property to become handicapped accessible.
2. Practical difficulties exist with the subject parcel based on the existing layout of the property. Specifically, in order to make the house handicapped accessible, a variance would be needed to add the ramp onto the house. A practical difficulty arises without the variance approval. The practical difficulty is not the result of action taken by the property owner.
3. The variance request is consistent with the Comprehensive Plan and does not alter the essential character of the locality.

**NOW, THEREFORE, BE IT RESOLVED BY THE ARLINGTON CITY COUNCIL THAT:** A variance to provide for the construction of a handicapped accessible ramp at 216 East Clinton Street is hereby approved subject to the following:

1. This variance is temporary in nature and shall cease upon removal of the temporary access ramp for a consecutive period greater than one year.
2. The handicapped accessible ramp shall be placed a minimum of 8 feet from the east property line of the subject property.
3. The handicapped accessible ramp shall be twenty-six feet long and forty-four inches wide.
4. The variance does not excuse the property owner from obtaining required building permits or complying with building code requirements.
5. This variance is in effect for the property at 216 East Clinton Street, and limited to the handicapped accessible ramp.
6. 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 Reetz and upon poll being taken thereon the following voted in favor thereof: Pichelmann, Reetz, Ruehling; and the following voted against the same: None; and the following abstained from voting: None; and the following were absent: Pederson, Wills.

Approved by the City Council of the City of Arlington this 16<sup>th</sup> day of July, 2012.

CITY OF ARLINGTON, MINNESOTA

/s/ James R. Kreft, Mayor

Attest: /s/ Matthew Jaunich, City Administrator

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

**RESOLUTION 50-2012  
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 Seneca Foods Corporation 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 \$100 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 Pichelmann and upon poll being taken thereon the following voted in favor thereof: Pichelmann, Reetz, Ruehling; and the following voted against the same: None; and the following abstained from voting: None; and the following were absent: Pederson, Wills.

Approved by the City Council of the City of Arlington this 16<sup>th</sup> day of July, 2012.

CITY OF ARLINGTON, MINNESOTA

/s/ James R. Kreft, Mayor

Attest: /s/ Matthew Jaunich, City Administrator

The Council reviewed a request from Mike Neisen to close Main Street from 2<sup>nd</sup> Avenue NW to 2<sup>nd</sup> Avenue NE for the demolition of the Elevator. Adm. Jaunich stated that he had received a copy of Neisen's Liability Insurance. He commented that he was informed by both the County and Rail Authority that Neisen would have to obtain obstruction permits/waivers from them also before demolition could start. It was noted that 1<sup>st</sup> Avenue South between Main Street and Adams Street would also have to be blocked off. Neisen commented that he would like to start demolition as soon as all permits were approved.

Motion by Reetz, seconded by Ruehling, and passed by unanimous vote to approve the request from Mike Neisen to close off 1<sup>st</sup> Avenue South between Main Street and Adams Street, along with Main Street from 2<sup>nd</sup> Avenue NW to 2<sup>nd</sup> Avenue NE for the demolition of the elevator, with the following conditions: necessary permits from the County and Rail Authority are obtained and a 48-hour notice is given to the City.

Discussion was held on the proposed Assessment Roll for the 2012 Street & Utility Improvement Project. Adm. Jaunich stated that some of the residents have expressed concern regarding the fairness of how the curb and gutter is being assessed. It was commented that the size of the lot for water run off purposes also needs to be considered. Adm. Jaunich stated that a resident also expressed concern about an easement (for a ditch) running on his property and how it affects his assessment. Adm. Jaunich commented that the size of the lot is taken into consideration when figuring assessments with no consideration being given to easements or whether or not a portion of the lot is buildable or not.

Brief discussion was about setting a date for a Preliminary Budget Workshop meeting in August. It was the consensus to hold said meeting before a regular meeting, no date was set.

Motion by Ruehling, seconded by Reetz, and passed by unanimous vote to adjourn the meeting at 7:12 pm.

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City Administrator Matthew Jaunich

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Mayor James R. Kreft