

**ARLINGTON CITY COUNCIL
MEETING AGENDA
MARCH 18, 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 March 4th Regular Meeting Minutes
 - B) Approval of Bills
 - C) Approve/Authorize Execution of Memorandum of Understanding Amending Professional Service Agreement for Tax Assessment with Sibley County Assessor's Office
 - D) Approval of bid from Mini Biff Inc. for Portable Toilets at City Parks.
 - E) Approve Raceway Ambulance Service Agreement.
 - F) Approve temporary closure of Chandler Street at 1st Street NW on Saturday May 18, 2013; rain date Sunday, May 19th for Cancer Cruise of Sibley County.

PUBLIC HEARINGS (NONE)

INVITED GUESTS/PRESENTATIONS

- ~~5. Laura Hacker: City Assessor, Sibley County Assessor's Office~~
 - ~~A) Presentation of Recent Real Estate Sales Data for City of Arlington. (removed)~~

PETITIONS, REQUESTS, & COMMUNICATIONS

6. Addressing the Council
 - A) Citizens Addressing the Council
7. Announcements
 - A) Local Board of Appeal and Equalization Open Book Meeting: Tuesday, April 23, 2013; 3-8 p.m. Sibley County Assessor's Office, Gaylord
 - B) Early Bird Registration has Opened for LMC's Annual Meeting in St. Paul on June 19-21, 2013

- C) MnDOT Highway 5 Mill & Overlay Project Informational Meeting: Tuesday, March 19th, 2013; 5-6:30 p.m. Arlington Community Center

8. Communications

- A) February Financial Reports
- B) February Water/Wastewater Reports
- C) State Auditors 2011 Financial Report for Cities

ORDINANCES & RESOLUTIONS

9. Ordinances

10. Resolutions

- A) 19-2013 ó Approve/Deny Variance: 216 East Alden Street
- B) 20-2013 ó Approve/Deny Rezoning: EDA Property (22.86 acres)

UNFINISHED BUSINESS

11. Verizon Lease Agreement.

12. Discussion: Liquor Ordinance Update.

NEW BUSINESS

13. Approve Chamber of Commerce Requests for Town & Country Days

- a. Use of Four Seasons Park & Senior Citizen Building June 15th and 16th, 2013.
- b. Temporary 3.2 Liquor License for Main Street June 14, 2013; for Four Seasons Park June 15th & 16th, 2013.
- c. Closing of the 200 and 300 Blocks of West Main Street during the afternoon and evening of June 14, 2013.
- d. Use of Public Parking Lot at W. Main Street/4th Avenue on Friday, June 14th, 2013.

MISCELLANEOUS BUSINESS

14. Council Committee Updates

15. Open Discussion

ADJOURNMENT

Reminders:

- 1) Hospital Board ó March 25th @ 5 pm (SMC)
- 2) Parks ó March 25th @ 7 pm
- 3) EDA ó March 26th @ 6 pm

**ARLINGTON CITY COUNCIL
MEETING MINUTES
MARCH 18, 2013**

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

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

Members absent: None

Also present: Interim City Administrator Smith-Strack, City Attorney Arneson, Kurt Menk

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

Remove item 5) Laura Hacker: City Assessor, Sibley County Assessor's Office

B) Presentation of Recent Real Estate Sales Data for City of Arlington.

Move item 4D) to item 13) Approve Chamber of Commerce Requests for Town & Country Days

- a. Use of Four Seasons Park & Senior Citizen Building June 15th and 16th, 2013.
- b. Temporary 3.2 Liquor License for Main Street June 14, 2013; for Four Seasons Park June 15th & 16th, 2013.
- c. Closing of the 200 and 300 Blocks of West Main Street during the afternoon and evening of June 14, 2013.
- d. Use of Public Parking Lot at W. Main Street/4th Avenue on Friday, June 14th, 2013.

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

- A) Approval of the March 4th Regular Meeting Minutes
- B) Approval of Bills
- C) Approve/Authorize Execution of Memorandum of Understanding Amending Professional Service Agreement for Tax Assessment with Sibley County Assessor's Office
- D) Approval of bid from Mini Biff Inc. for Portable Toilets at City Parks
- E) Approve the Raceway Ambulance Service Agreement
- F) Approve temporary closure of Chandler Street at 1st Street NW on Saturday May 18, 2013; rain date Sunday, May 19th for Cancer Cruise of Sibley County.

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:

- D) Local Board of Appeal and Equalization Open Book Meeting: Tuesday, April 23, 2013; 3-8 p.m. Sibley County Assessor's Office, Gaylord
- E) Early Bird Registration has Opened for LMC's Annual Meeting in St. Paul on June 19-21, 2013
- F) MnDOT Highway 5 Mill & Overlay Project Informational Meeting: Tuesday, March 19th, 2013; 5-6:30 p.m. Arlington Community Center.

The Council reviewed the following communications:

- D) February Financial Reports
- E) February Water/Wastewater Reports
- F) State Auditors 2011 Financial Report for Cities.

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

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

RESOLUTION 19-2013

A RESOLUTION DENYING A VARIANCE FROM YARD SETBACK, FOUNDATION REQUIREMENTS, ROOF PITCH/TYPE, AND MINIMUM ROOF PITCH FOR 216 EAST ALDEN STREET

WHEREAS, Jeff Matz has submitted a request for the following variances:

1. Required yard setback within the R-1 District;
2. Required roof pitch & type standards for accessory structures;
3. Required minimum roof pitch; and
4. Foundation requirements for accessory structures; and,

WHEREAS, the subject property is legally described as: Lots 1 and 2, Block 4, Streissguthø Addition to the Village of Arlington; and,

WHEREAS, the subject property identification number is: 31.0192.000; and,

WHEREAS, the purpose of the variance is to allow for an accessory structure as it has been constructed at the aforementioned address; and,

WHEREAS, notice of a public hearing to accept input on the variance requests was published in the official newspaper on February 28, 2013 and sent to property owners within 350 feet of the property; and,

WHEREAS, the Planning and Zoning Committee acting as the Board of Zoning Adjustment conducted a public hearing on the variance request on March 11, 2013 and accepted input on the variance request; and

WHEREAS the Planning and Zoning Committee has reviewed the variance requests and established the following findings:

- The granting of such variances do not reach the level of -practical difficultyøsince they were created by the Applicant and only in the Applicantø opinion is there a difficulty,
- Granting the variances could be detrimental to all neighborhoods in that it would set a precedent and potentially render the accessory structure standards null/void in the future,
- The Applicant is in essence asking for -forgivenessøafter erecting the structure without a permit and only seeking a variance due to pending litigation; and,

WHEREAS the Planning and Zoning Committee approved a resolution recommending the City Council deny the variance requests; and,

WHEREAS the City Council reviewed the request at the March 18, 2013 Regular Council meeting.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Arlington based on the aforementioned findings hereby approves/denies the application for the following variances for relief from standards relating to: yard setback, roof pitch, roof type, and foundation for a previously erected accessory structure at 216 East Alden Street.

BE IT FURTHER RESOLVED, the Applicant will have until June 1, 2013 to remove the non-conforming accessory structure from the City limits.

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 18th day of March, 2013.

CITY OF ARLINGTON, MINNESOTA

/s/ James R. Kreft, Mayor

Attest: /s/ Cynthia Smith-Strack, Int. City Administrator

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

RESOLUTION 20-2013
A RESOLUTION REZONING CERTAIN PROPERTY FROM “UR” URBAN RESERVE TO “I1” LIMITED INDUSTRIAL

WHEREAS, the Arlington Economic Development Authority purchase 22.86 acres of property for the development of an industrial park; and,

WHEREAS, the EDA has petitioned for rezoning of the property from “UR” Urban Reserve to “I1” Limited Industrial; and,

WHEREAS, the subject property is legally described as: Part of the Northwest Quarter of Section 16, Township 113 North, Range 27 West, Sibley County, Minnesota, Described as Follows: Beginning at the Northeast Corner of Said Northwest Quarter of Section 16; Thence on an Assumed Bearing of South 00 Degrees 14 Minutes 21 Seconds West along the East Line of Said Northwest Quarter a Distance of 866.40 Feet; Thence South 89 Degrees 36 Minutes 32 Seconds West 869.89 Feet; Thence South 00 Degrees 14 Minutes 21 Seconds 94.78 Feet; Thence South 89 Degrees 36 Minutes 32 Seconds West 307.57 Feet; Thence North 00 Degrees 14 Minutes 21 Seconds East 928.03 Feet to the Northerly Right Of Way of Minnesota Trunk Highway Number 5; Thence North 57 Degrees 39 Minutes 01 Seconds East along Said Northerly Right Of Way Line 43.20 Feet to the North Line of Said Northwest Quarter; Thence North 89 Degrees 05 Minutes 33 Seconds East Along Said North Line 1141.22 Feet, To the Point of Beginning, and Excepting Therefrom the Existing Railroad Right-of-Way Contained Therein; and,

WHEREAS, the subject property identification number is 09.1602.050; and,

WHEREAS, notice of a public hearing to accept input on the rezoning request was published in the official newspaper on February 28, 2013 and sent to property owners within 350 feet of the property; and,

WHEREAS, the Planning and Zoning Committee conducted a public hearing on the rezoning request on March 11, 2013 and accepted input on the rezoning request; and

WHEREAS the Planning Committee has reviewed the rezoning request and has made the following findings:

1. The proposed rezoning is consistent with the future land use plan contained in the 2008 Comprehensive Plan Update.
2. The purpose of the I1 District is to provide for use *“intended for administrative, wholesaling, manufacturing and related uses which can maintain high standards of appearance, including open spaces and landscaping, and limit external effects such as noise, odors, smoke and vibration”*. The purpose of the UR District is to *“allow for an orderly transition from agricultural to urban uses through implementation of the orderly annexation agreement, rezoning, and development when in compliance with the Comprehensive Plan.”*
3. The property abuts the Prairie Line Railway to the west and existing general industrial development to the north. The remaining surroundings are agricultural in nature.
4. The purpose/intent of rezoning is to allow for the development of a City industrial park.

WHEREAS the Planning and Zoning Committee approved a resolution recommending the City Council approve the rezoning request; and,

WHEREAS the City Council reviewed the request at the March 18, 2013 Regular Council meeting.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Arlington hereby approves the rezoning of the aforementioned parcel to “I1” Limited Industrial.

BE IT FURTHER RESOLVED, the city’s official zoning map shall be amended to illustrate the property as “limited industrial”.

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember Wills 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 18th day of March, 2013.

CITY OF ARLINGTON, MINNESOTA

/s/ James R. Kreft, Mayor

Attest: /s/ Cynthia Smith-Strack, Int. City Administrator

The Council reviewed a proposed final draft Lease Agreement that had been put together to present to Verizon Wireless regarding the leasing of space on the water tower for equipment. Attorney Arneson and Interim Adm. Smith-Strack noted the changes and/or updates that had been included. It was noted that former Adm. Jaunich had and Attorney Arneson had started the negotiation process with Verizon.

Motion by Nuesse, seconded by Wills, and passed by unanimous vote to approve the Amendment No. 1 to Water Tower Equipment Location Lease with Verizon Wireless as presented; and authorize execution of same.

Attorney Arneson explained that he drafted some changes to the Liquor Ordinance based on the conversation and concerns expressed at the last meeting with regards to liquor license violations. He commented that the proposed changes will give the Council more flexibility when reviewing violations and imposing penalties and/or fines as they deem appropriate on a case-by-case basis, including civil fines against employees who violate the ordinance.

The Council reviewed the requests from Matt Carney and Chamber of Commerce for the upcoming Town & Country Days Celebration as follows:

1. Use of Four Seasons Park & Senior Citizen Building June 15th and 16th, 2013;
2. Temporary 3.2 Liquor License for Main Street June 14, 2013; for Four Seasons Park June 15th & 16th, 2013;
3. Closing of the 200 and 300 Blocks of West Main Street during the afternoon and evening of June 14, 2013;
4. Use of Public Parking Lot at W. Main Street/4th Avenue on Friday, June 14th, 2013.

It was understood that the intersections at 2nd Avenue (between Morreim Pharmacy and the Arlington Haus) and 4th Avenue (between Kickø Bakery and Reetz Floral) would remain open to traffic.

Motion by Reetz, seconded by Jaszewski, and passed by unanimous vote to approve the requests for the Town & Country Days Celebration as presented above.

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

Interim City Adm. Cynthia Smith-Strack

Mayor James R. Kreft