

**ARLINGTON CITY COUNCIL
MEETING AGENDA
NOVEMBER 5, 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 October 15th Special Meeting Minutes
 - B) Approval of the October 15th Regular Meeting Minutes
 - C) Approval of Bills
 - D) Approve the Hiring of Jonathan Rose to the Fire Department
 - E) Approve the Hiring of Spencer Haggemiller to the Fire Department

PUBLIC HEARINGS

PETITIONS, REQUESTS, & COMMUNICATIONS

5. Addressing the Council
 - A) Citizens Addressing the Council
6. Announcements
 - A) General Election is November 6 (Tomorrow) ó Polls open from 7:00 a.m. to 8:00 p.m.
 - B) City Offices will be closed on Monday, November 12 for the Veterans Day Holiday
 - C) Budget Workshop Meeting ó November 19 @ 5:00 p.m.
 - D) City Offices will be closed on Thursday & Friday, November 22 & 23 for the Thanksgiving Holiday
 - E) Arli-Dazzle Celebration ó December 1
 - F) Truth-in-Taxation Hearing ó December 3 @ 6:00 p.m.
7. Communications
 - A) September Water/Wastewater Report
 - B) October Building Permit Report
 - C) October Police Calls Report
 - D) Follow-up on Liquor License Violations
 - E) Fire Hydrant Inspection Report
 - F) WWTP Progress Report

REPORTS OF OFFICERS, BOARDS & COMMITTEES

ORDINANCES & RESOLUTIONS

8. Ordinances
 - A) 277 (2nd Reading) ó Providing for Administrative Permits
 - B) 278 (1st Reading) ó Public Land Dedication Requirements
9. Resolution 72-2012 ó Summary Publication of Ordinance 277

UNFINISHED BUSINESS

10. Approve/Deny Paying Invoice from MVRRA

NEW BUSINESS

11. Approve/Deny Land Use Request at 39588 230th Street (Within the Orderly Annexation Area)
12. Arli-Dazzle (Kim Schneider)
 - A) Approve/Deny Parade Route Permit Request and õNo Parkingö Signs for the Parade
 - B) Approve/Deny Closing a Portion of Main Street on December 1 for Pre-Parade Activities
 - C) Approve/Deny the Placement of Fire Pits on a Public Right-of-Way during the Parade
 - D) Approve/Deny the Use of Main Street Parking Lot as a õFish House Campö
13. Year-End Project Closeouts (Jason Femrite ó Bolton & Menk)
 - A) Marion Drive/Shamrock Drive Project
 - B) Railroad Crossings Project
 - C) Mueller & Sons Bill (from Payables) related to Railroad Crossings Project

14.

MISCELLANEOUS BUSINESS

15. Set Special Meetings
 - A) Date and Time to Canvass Election Results
 - B) Date for Annual Meeting and Dinner
16. Council Committee Updates
17. Open Discussion
18. CLOSED MEETING ó Hospital Board Update ó Kevin Lindstrand (Closed for Update on Competitive Market Activities/Possible Affiliation Negotiations of SMC)

ADJOURNMENT

Reminders:

- A) Library Board ó November 14th @ 6:30 p.m. (Library)
- B) P&Z (Special) ó November 15th @ 7 p.m.
- C) Hospital Board ó November 26th @ 5 p.m. (SMC)
- D) Parks ó November 26th @ 7 p.m.
- E) EDA ó November 27th @ 6 p.m.

**ARLINGTON CITY COUNCIL
MEETING MINUTES
NOVEMBER 5, 2012**

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

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

Members absent: Pederson

Also present: City Administrator Jaunich, Attorney Arneson, Engineer Femrite, Kim Schneider, Susan Schmidtbauer, Council Candidate Ben Jaszewski, Kevin Lindstrand, Kurt Menk

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

Remove Mueller & Sons Bill from the payables since the Railroad Crossing Project is to be discussed during the meeting and then place it on the agenda as item 13C).

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

- A) Approval of the October 15th Regular Meeting Minutes
- B) Approval of the October 15th Special Meeting Minutes
- C) Approval of Bills
- D) Approve the Hiring of Jonathan Rose to the Fire Department
- E) Approve the Hiring of Spencer Haggemiller to the Fire Department.

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:

- 1) General Election in November 6 (tomorrow) ó Polls open from 7:00 a.m. to 8:00 p.m.
- 2) City Offices will be closed on Monday, November 12 for the Veterans Day Holiday
- 3) Budget Workshop Meeting ó November 19 @ 5:00 p.m.
- 4) City Offices will be closed on Thursday & Friday, November 22 & 23 for the Thanksgiving Holiday
- 5) Arli-Dazzle Celebration ó December 1
- 6) Truth-in-Taxation Hearing ó December 3 @ 6:00 p.m.

The Council reviewed the following communications:

- G) September Water/Wastewater Report
- H) October Building Permit Report
- I) October Police Calls Report
- J) Follow-up on Liquor License Violations
- K) Fire Hydrant Inspection Report
- L) WWTP Progress Report.

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

The second reading of Ordinance 277-An Ordinance Amending Ordinance 169, the Arlington Zoning Ordinance, by Adding Section 14.5 Relating to Administrative Permits, was held. Adm. Jaunich noted the only change was that the fee schedule (Subdivision 3 B) would be established by Resolution not Ordinance.

Motion by Wills, seconded by Ruehling, and passed by unanimous vote to approve Ordinance 277-An Ordinance Amending Ordinance 169, the Arlington Zoning Ordinance, by Adding Section 14.5 Relating to Administrative Permits, as follows:

ORDINANCE NO. 277

AN ORDINANCE AMENDING ORDINANCE 169, THE ARLINGTON ZONING ORDINANCE, BY ADDING SECTION 14.5 RELATING TO ADMINISTRATIVE PERMITS

- I. THE CITY COUNCIL OF THE CITY OF ARLINGTON, MINNESOTA TO PROMOTE THE PUBLIC SAFETY, HEALTH, AND WELFARE, HEREBY ORDAINS ORDINANCE 169, THE ZONING ORDINANCE, SHALL BE AMENDED BY ADDING SECTION 14.5 AS FOLLOWS:**

SECTION 14.5: ADMINISTRATIVE PERMITS

SUBDIVISION 1. PURPOSE.

The purpose of this Section of the Zoning Ordinance is to provide procedures for the issuance of Administrative Permits.

SUBDIVISION 2. SCOPE.

An Administrative Permit is required as specified or within a zoning district, zoning standard, and/or for certain activities.

SUBDIVISION 3. PROCEDURE.

- A. Application for an administrative permit shall be filed by the property owner or designated agent with the Zoning Administrator on forms to be provided by the City. Applications shall be accompanied by the information required in Sect. 14.5, Subd. 4 as may be amended unless specifically waived by the Zoning Administrator. This subsection does not apply to requests requiring Planning Commission review and/or City Council approval which shall be processed under Sections 15.0 and/or 15.5 of the Zoning Ordinance and may be amended.
- B. The application shall be accompanied by a fee as established by Resolution. Applications for amending permits shall be accompanied by a fee as established by Resolution.
- C. The Zoning Administrator shall review the application and related materials and shall determine whether the proposal is in compliance with all applicable evaluation criteria, codes, ordinances, and applicable performance standards set forth in this Chapter. The Zoning Administrator shall notify the applicant, in writing, of an incomplete application within fifteen (15) days of the date of submission.
- D. The Zoning Administrator shall consider possible adverse effects of the proposed events or activity. Judgment shall be based upon (but not limited to) the following factors:
 1. Compliance with and effect upon the Comprehensive Plan and any existing public facilities plans as may be amended.
 2. The establishment, maintenance or operation of the use, event or activity will promote and enhance the general public welfare and will not be detrimental to or endanger the public health, safety or welfare.
 3. The use event, or activity will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.
 4. The establishment of the use, event or activity will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
 5. The use, event or activity shall, in all other respects, conform to the applicable regulations of the district in which it is located.
 6. The Zoning Administrator shall make a determination on approval or denial of the administrative permit within sixty (60) days from the date of submission of a complete application.
 7. A written permit shall be issued to the applicant when a determination of compliance has been made. Specific conditions to assure compliance with applicable evaluation criteria, codes, ordinances and the standards of this Chapter shall be attached to the permit.
 8. Determination of non-compliance with applicable codes, ordinances and the standards in this paragraph shall be communicated to the applicant in writing and the application for the permit shall be considered denied; unless, within ten (10) days of the date of such notice, the applicant submits revised plans and/or information with which the Zoning Administrator is able to determine compliance.

9. Unresolved disputes as to administrative application of the requirements of this paragraph shall be subject to appeal as defined by Section 16 of the Zoning Ordinance as may be amended.

SUBDIVISION 4. INFORMATION REQUIREMENT.

Information required for all administrative permit applications shall include:

- A. A concise statement describing the proposed use, event or activity, including the purpose, type of merchandise involved, dates and times of operation, number of employees involved, provisions for on-site security, provisions for on-site parking, and other pertinent information required by the Zoning Administrator to fully evaluate the application.
- B. A copy of the approved site plan for the property or a sketch using an approved ðas built survey as the basis which accurately represents existing conditions on the site, including entrances and exits, bona fide parking and driving areas, and which accurately indicates any proposed temporary structures, including tents, stands and signs.
- C. An accurate floor plan, when in the judgment of the Zoning Administrator, such a plan is necessary to properly evaluate the location of the event and the effectiveness of available entrances and exits.
- D. Information identified in Section 14.5, Subd. 3, as may be amended, of this Ordinance as required by the Zoning Administrator.

SUBDIVISION 5. PERFORMANCE STANDARDS.

All uses, events or activities allowed by administrative permit shall conform to the applicable standards outlined in the zoning district in which such use, event or activity is proposed and any/all standards applicable to the proposed request.

SUBDIVISION 6. ADMINISTRATION AND ENFORCEMENT.

- A. The Zoning Administrator shall keep a record of applications and administrative permits.
- B. A copy of all administrative permits issued shall be forwarded to appropriate staff as determined by the Zoning Administrator.
- C. Enforcement of the provisions of this paragraph shall be in accordance with Section 17 of the Zoning Ordinance as may be amended.
- D. Violation of an issued permit or of the provisions of this section also shall be grounds for denial of future permit applications.

SUBDIVISION 7. NON-PERMIT APPROVALS.

In cases where the Zoning Administrator is given approval authority without a requirement for an administrative permit, determinations shall be based upon the criteria outlined in Section 14.5, Subd. 3(D) this Ordinance as may be amended.

II. 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
Its Mayor

/s/ Matthew Jaunich
By Matthew Jaunich
Its Administrator

The first reading of Ordinance 278-An Ordinance Amending Ordinance 168, The Arlington Subdivision Ordinance, by Repealing Section 10, Subdivision 7 Relating to Public Land Dedication, was held. Adm. Jaunich stated that the purpose of the ordinance is to provide a buffer area between High Island Creek and adjacent properties.

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

RESOLUTION 72-2012
A RESOLUTION APPROVING ORDINANCE 277 ENTITLED “AN ORDINANCE AMENDING
ORDINANCE 169, THE ARLINGTON ZONING ORDINANCE, BY ADDING SECTION 14.5 RELATING
TO ADMINISTRATIVE PERMITS” AND PROVIDING FOR SUMMARY PUBLICATION THEREOF

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

WHEREAS, the Arlington Planning and Zoning Commission finds portions of Ordinance 169 refer to Administrative Permits but such a permit process is not in place; and

WHEREAS, the Planning and Zoning Commission initiated an amendment Ordinance 169 relating to the establishment and processing of administrative permits; and

WHEREAS, the Arlington Planning and Zoning Commission has reviewed and studied the issue and developed text to be included in Ordinance 277; and

WHEREAS, a public hearing was properly noticed and held on October 4, 2012 by the City of Arlington Planning and Zoning Commission; and

WHEREAS, the Planning and Zoning Commission approved a resolution recommending the City Council approve Ordinance 277; and

WHEREAS, the City Council approved the first reading of Ordinance 277 at its regular meeting on October 15, 2012; and

WHEREAS, the City Council approved second reading and the adoption of Ordinance 277 at its regular meeting on November 5, 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 277 would clearly inform the public of the intent and effect of the Ordinance 277; 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 277 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. 277 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:

öOn November 5, 2012 the City Council of the City of Arlington approved Ordinance 277, entitled, "An Ordinance amending Ordinance 169, the Arlington Zoning Ordinance, by Adding Section 14.5 Relating to Administrative Permits" The Ordinance in its entirety is available for review and/or photocopying during regular office hours at the City of Arlington, 204 Shamrock Drive, Arlington, Minnesota 55307. The Ordinance establishes the purpose of administrative permits and a process for issuance of such permits. Administrative permits are issued by the Zoning Administrator for certain issues such as temporary structures, the moving of large amounts of soil, and minor subdivisions of property.ö

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, Rueling, Wills; and the following voted against the same: None; and the following abstained from voting: None; and the following were absent: Pederson.

Approved by the City Council of the City of Arlington this 5th day of November, 2012.

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

Attest: /s/ Matthew Jaunich, City Administrator

Discussion resumed on the bill in the amount of \$16,033.6 from the MVRRA that had been tabled at the previous meeting. Adm. Jaunich had been in contact with City Engineer Femrite and Julie Rath from the MVRRA; it was believed that the bill was not the City's responsibility.

Motion by Reetz, seconded by Wills, and passed by unanimous vote to deny paying the invoice in the amount of \$16,033.06 to MVRRA based on the recommendation from the City Engineer.

The Council reviewed a land use request from the Schmidtbauerø regarding their property located at 39588 230th Street, which is located outside city limits, but within the Orderly Annexation Area (OAA). It was noted that the County relinquished zoning control several years ago to the City for all properties located within the OAA. Reetz stated that the City does not have any zoning/permitting regulations in place for the properties located in the OAA, but is currently putting some together. He stated that the County would be willing to handle the permitting for this parcel.

Motion by Reetz, seconded by Wills, and passed by unanimous vote to approve the transfer of use permitting to the County for the Schmidtbauer property located at 39588 230th Street.

Engineer Femrite was present to discuss the year-end closeout for the Marion Drive/Shamrock Drive project. He stated that the project is almost 100% complete for this year, basically leaving the final wear course for next year. He stated that he was working on putting the final assessment roll figures together and was anticipating them to be lower than originally thought.

Engineer Femrite discussed the year-end closeout of the Railroad Crossings Project. He stated that the project is almost complete, less some of the striping. He noted that there is a problem with ponding water next to the median on Adams Street due to the curbing being low; which will have to be corrected. He added that they are finding some cracks within the bituminous, which the contract will have to fix. It was his recommendation to wait until spring and do all repairs at that time. Engineer Femrite reviewed some of the change orders associated with the project, essentially helping to show why the project was over budget. Some concern was expressed by the Council that they were not consulted about the changes being made during the beginning stages of the project, but are expected to pay for them at the end of the project. Concern was also expressed about the correct breakdown of costs between the City and County.

Motion by Reetz, seconded by Wills, and passed by unanimous vote to table paying the bill to Mueller & Sons (pay estimate no. 2) until the next meeting, in order to obtain more information regarding the division of responsibility between the City and County.

Councilmember Reetz had to leave the meeting early (at 7:10 p.m.).

Kim Schneider was present to talk about the upcoming events associated with Arli-Dazzle, including parade route, Santa train, fish house derby and food vendors.

Motion by Wills, seconded by Pichelmann, and passed by unanimous vote to approve the parade route as presented and blocking off Main Street from the east side of the railroad tracks up to the west side of 4th Avenue NW.

Motion by Ruehling, seconded by Wills, and passed by unanimous vote to close Main Street from the west side of 2nd Avenue NW to the east side of 4th Avenue NW starting at 2 pm.

Motion by Wills, seconded by Pichelmann, and passed by unanimous vote to approve the placement of fire pits on the public right-of-way during the parade.

Motion by Wills, seconded by Pichelmann, and passed by unanimous vote to approve the use of the Main Street Parking Lot all day for the Fish House Camp.

It was the consensus to set Wednesday, November 14th at 7:30 a.m. as the date to canvas the election results.

It was the consensus to set Friday, January 11th as the date for the Annual Meeting and Dinner.

Wills gave an update on the Cable Commission. He stated that the Cable Franchise will be expiring in 2014.

At 7:46 p.m. Mayor Kreft recessed the regular meeting to hold a closed meeting. He stated the purpose of the closed meeting was to receive an update on the Competitive Market Activities/Possible Affiliation Negotiations of SMC. Discussion was held with no action being taken. It was noted that Kevin Lindstrand of the SMC Board of Directors was present.

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

Mayor Kreft reconvened the regular meeting at 8:13 pm.

Motion by Wills, seconded by Ruehling, and passed by unanimous vote to adjourn the meeting at 8:14 pm.

City Administrator Matthew Jaunich

Mayor James R. Kreft