

**ARLINGTON CITY COUNCIL  
MEETING AGENDA  
OCTOBER 1, 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 September 17<sup>th</sup> Regular Meeting Minutes
  - B) Approval of Bills
  - C) Accepting the Resignation of Tim Vos from the Ambulance and Fire Department
  - D) Approval of Special Liquor License to Arlington Lions Club for an Event on November 9<sup>th</sup>
  - E) Approval of Routine Maintenance Agreements for CSAH 17 with Sibley County
  - F) Approval of Routine Maintenance Agreements for CSAH 34 with Sibley County

**PUBLIC HEARINGS**

**PETITIONS, REQUESTS, & COMMUNICATIONS**

5. Addressing the Council
  - A) Citizens Addressing the Council
6. Announcements
  - A) City Council Budget Workshop Meeting ó Monday October 15 @ 5:00 p.m.
7. Communications
  - A) September Building Permit Report
  - ~~B) September Police Calls Report (removed)~~
  - C) Foresterø Report from September 11, 2012
  - D) Petroleum Tank Release File Closure
  - E) Staffing at PeopleService
  - F) Arli-Dazzle Participation Request Form

**REPORTS OF OFFICERS, BOARDS & COMMITTEES**

## **ORDINANCES & RESOLUTIONS**

8. Ordinances
  - A) Ordinance 275 (2<sup>nd</sup> Reading) ó Handicap Access Ramps
  - B) Ordinance 276 (2<sup>nd</sup> Reading) ó Accessory Structures in I-2 District
9. Resolutions
  - A) 68-2012 ó Summary Publication of Ordinance 275
  - B) 69-2012 ó Summary Publication of Ordinance 276
  - C) 70-2012 ó Additional Mayoral Appointments

## **UNFINISHED BUSINESS**

### **NEW BUSINESS**

10. Approve/Deny Change Order Requests
  - A) Change Order #1 for Marion Drive/Shamrock Drive Project
  - B) Change Order #1 for the Railroad Crossings Project
11. Acceptance/Denial of Snow Bids
  - A) Blading
  - B) Hauling
  - C) Haggemiller Lumber for City Properties
12. Approve/Deny School Requests
  - A) Parade Route and Closing of Streets for Homecoming Parade
  - B) Teens for Real use of Four Seasons Park
13. Approve/Deny Request from Verizon Wireless on Microwave Dish
14. Review/Discussion on Plans for the Proposed Remodeling of the Tech Center
15. Approve/Deny Discipline of Officer Scott Bennett
- 16.

## **MISCELLANEOUS BUSINESS**

17. Council Committee Updates
18. Open Discussion

## **ADJOURNMENT**

### Reminders:

- A) Planning & Zoning ó October 4<sup>th</sup> @ 7 pm
- B) Parks ó October 22<sup>nd</sup> @ 7 pm
- C) EDA ó October 23<sup>rd</sup> @ 6 pm
- D) A-GI WW ó October 25<sup>th</sup> @ 6 pm (Green Isle)
- E) SMC Board ó October 29<sup>th</sup> @ 5 pm (SMC)

**ARLINGTON CITY COUNCIL  
MEETING MINUTES  
OCTOBER 1, 2012**

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

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

Members absent: None

Also present: City Administrator Jaunich, Attorney Arneson, Engineer Femrite, Council Candidate Ben Jaszewski, Nick & Anna Molnau, Kurt Menk

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

Remove item 7B) September Police Calls Report.

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

- A) Approval of the September 17<sup>th</sup> Regular Meeting Minutes
- B) Approval of Bills
- C) Accepting the Resignation of Tim Vos from the Ambulance and Fire Department
- D) Approval of Special Liquor License to Arlington Lions Club for an Event on November 9<sup>th</sup>
- E) Approval of Routine Maintenance Agreements for CSAH 17 with Sibley County
- F) Approval of Routine Maintenance Agreements for CSAH 34 with 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:

- 1) City Council Budget Workshop Meeting ó Monday, October 15<sup>th</sup> @ 5:00 pm.
- 2) Meet the Council Candidate Forum ó Tuesday, October 2<sup>nd</sup> @ 7 pm
- 3) ðArlington Brickö Dedication (Historic Marker) by Arlington Historical Society ó Friday, October 5<sup>th</sup> at 5 pm.

The Council reviewed the following communications:

- 1) September Building Permit Report
- 2) Foresterø Report from September 11, 2012
- 3) Petroleum Tank Release File Closure
- 4) Staffing at People Service
- 5) Arli-Dazzle Participation Request Form.

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

The second reading of Ordinance 275-An Ordinance Amending Section 5 of Ordinance 169, the Arlington Zoning Ordinance by Amending Subdivision 4, (E) (3) Relating to Handicap Access Ramps, was held. Adm. Jaunich noted that no changes had been made since the first reading.

Motion by Ruehling, seconded by Pichelmann, and passed by unanimous vote to approve Ordinance 275 ó An Ordinance Amending Section 5 of Ordinance 169, the Arlington Zoning Ordinance by Amending Subdivision 4, (E) (3) Relating to Handicap Access Ramps, as follows:

**ORDINANCE 275**

**AN ORDINANCE AMENDING SECTION 5 OF ORDINANCE 169, THE ARLINGTON ZONING ORDINANCE BY AMENDING SUBDIVISION 4, (E) (3) RELATING TO HANDICAP ACCESS RAMPS**

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

SECTION I: Section 5, Subd. 4(E)(3) of Ordinance 169 shall be amended as follows:

3. Setback exceptions.
  - a. A landing place or uncovered porch or deck ~~or handicap access ramp~~ may extend into a required front yard a distance not exceeding six (6) feet if the landing place or porch or deck ~~or handicap access ramp~~ has its floor no higher than the entrance floor of the building. An open railing no higher than three (3) feet, six (6) inches may be placed around such structure.
  - b. Reasonable Accommodation.
    - i. In order to make housing available to an individual with a disability, property owners may request a temporary exception from any required yard for a reasonable accommodation under the federal Fair Housing Act.
    - ii. A request for a reasonable accommodation shall be made by filing an administrative permit application with the Zoning Administrator.
    - iii. Required findings to establish a reasonable accommodation.
      1. The subject dwelling shall be used by an individual with disabilities protected under fair housing laws.
      2. The request is necessary to make housing available to an individual with disabilities protected under fair housing laws.
      3. The requested action shall employ conventional building materials as opposed to flimsy, temporary, or makeshift materials such as pallets, plywood, wire, mesh, dock sections, and similar materials.
      4. The portion of the reasonable accommodation encroaching in the setback shall be removed if/when an individual with disabilities protected under fair housing laws no longer resides at the subject location.
      5. The requested action will not impose an undue financial or administrative burden on the City.
      6. The requested action will not require a fundamental alteration of the nature of the City's land use plan, zoning standards, and/or building code.

SECTION 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  
It's Mayor

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

The second reading of Ordinance 276-An Ordinance Amending Section 13 (General Standards), Subdivision 6 of Ordinance 169, the Arlington Zoning Ordinance, Relating to Accessory Structures within the City, was held. Adm. Jaunich noted that no changes had been made since the first reading.

Motion by Reetz, seconded by Wills, and passed by unanimous vote to approve Ordinance 276 ó An Ordinance Amending Section 13 (General Standards), Subdivision 6 of Ordinance 169, the Arlington Zoning Ordinance, Relating to Accessory Structures with the City, as follows:

**ORDINANCE 276**

**AN ORDINANCE AMENDING SECTION 13 (GENERAL STANDARDS), SUBDIVISION 6 OF ORDINANCE 169, THE ARLINGTON ZONING ORDINANCE, RELATING TO ACCESSORY STRUCTURES WITHIN THE CITY**

- I. THE CITY COUNCIL OF THE CITY OF ARLINGTON, MINNESOTA TO PROMOTE THE PUBLIC SAFETY, HEALTH, AND WELFARE, HEREBY ORDAINS SECTION 13 SUBD. 6(A) OF ORDINANCE 169 SHALL BE AMENDED AS FOLLOWS:

SECTION 13 GENERAL STANDARDS.

SUBDIVISION 6. ACCESSORY STRUCTURES.

A. Agricultural buildings on agricultural properties and **properties zoned I-2, General Industrial** are exempt from the requirements of this Section.

II. BE IT FURTHER ORDAINED SECTION 13 SUBD. 6(G) OF ORDINANCE 169 SHALL BE AMENDED AS FOLLOWS:

SECTION 13 GENERAL STANDARDS.

SUBDIVISION 6. ACCESSORY STRUCTURES.

G. Architectural Detail Requirements. Accessory structures shall have architectural details which are the same or reasonably similar to the principal structure based on, but not limited to, the following:

1. Roof orientation and pitch, excluding flat roofs;
2. Roof type (e.g. gabled or hipped);
3. Eave, overhang depth, and fascia/soffit type and appearance;
4. As an exterior material, steel siding **and/or roofing** is allowed provided it is architectural grade with concealed fasteners;
5. **Galvanized and unpainted steel are prohibited as exterior building materials;** and,
6. Exterior color.

III. 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  
Itø Mayor

/s/ Matthew Jaunich  
By Matthew Jaunich  
Itø Administrator

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

**RESOLUTION 68-2012**

**A RESOLUTION APPROVING ORDINANCE 275 ENTITLED "AN ORDINANCE AMENDING SECTION 5 OF ORDINANCE 169, THE ARLINGTON ZONING ORDINANCE BY AMENDING SUBDIVISION 4, (E) (3) RELATING TO HANDICAP ACCESS RAMPS" 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 relating to reasonable accommodation for access to structures are in need of updating; and

**WHEREAS**, the Planning and Zoning Commission initiated an amendment Ordinance 169 relating to temporary relief of required setbacks as a reasonable accommodation under the Federal Fair Housing Act; and

**WHEREAS**, the Arlington Planning and Zoning Commission has reviewed and studied the issue and developed text to be included in Ordinance 275; and

**WHEREAS**, a public hearing was properly noticed and held on September 6, 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 275; and

**WHEREAS**, the City Council approved the first reading of Ordinance 275 at its regular meeting on September 17, 2012; and

**WHEREAS**, the City Council approved second reading and the adoption of Ordinance 275 at its regular meeting on October 1, 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 275 would clearly inform the public of the intent and effect of the Ordinance 275; 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 275 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. 275 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 October 1, 2012 the City Council of the City of Arlington approved Ordinance 275, entitled, "An Ordinance Amending Section 5 of Ordinance 169 the Zoning Ordinance, by Amending Subdivision 4,(E)(3) Relating to Handicap Access Ramps" 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 allows temporary encroachment into required setbacks as a reasonable accommodation under the Federal Fair Housing Act where handicap access ramps are necessary.

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 1<sup>st</sup> day of October, 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 69-2012**

**A RESOLUTION APPROVING ORDINANCE 276 ENTITLED "AN ORDINANCE AMENDING SECTION 13 (GENERAL STANDARDS), SUBDIVISION 6 OF ORDINANCE 169, THE ARLINGTON ZONING ORDINANCE, RELATING TO ACCESSORY STRUCTURES WITHIN THE CITY" 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 relating to accessory structures in residential zones are in need of updating; and

**WHEREAS**, the Planning and Zoning Commission initiated an amendment Ordinance 169 relating to exterior material requirements for roofs and accessory structures in the I-2 General Industrial District; and

**WHEREAS**, the Arlington Planning and Zoning Commission has reviewed and studied the issue and developed text to be included in Ordinance 276; and

**WHEREAS**, a public hearing was properly noticed and held on September 6, 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 276; and

**WHEREAS**, the City Council approved the first reading of Ordinance 276 at its regular meeting on September 17, 2012; and

**WHEREAS**, the City Council approved second reading and the adoption of Ordinance 276 at its regular meeting on October 1, 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 276 would clearly inform the public of the intent and effect of the Ordinance 276; 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 276 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. 276 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 October 1, 2012 the City Council of the City of Arlington approved Ordinance 276, entitled, "An Ordinance amending Section 13 (General Standards), Subdivision 6 of Ordinance 169 the Zoning Ordinance, Relating to Accessory Structures within the City". 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 exempts accessory structures in the I-2 General Industrial District from meeting the architectural detail requirements for accessory structures. The ordinance also disallows unpainted or galvanized steel for siding/roofing in other zoning classifications.

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 1<sup>st</sup> day of October, 2012.

CITY OF ARLINGTON, MINNESOTA

/s/ James R. Kreft, Mayor

Attest: /s/ Matthew Jaunich, City Administrator

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

**RESOLUTION 70-2012**  
**A RESOLUTION RATIFYING ADDITIONAL MAYORAL APPOINTMENTS**

**BE IT RESOLVED** that Mayor James R. Kreft has appointed the following individual to the following appointment:

*Planning and Zoning Committee*

Citizen Appointee:

Michael Vrklan.

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: 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 1<sup>st</sup> day of October, 2012.

CITY OF ARLINGTON, MINNESOTA

/s/ James R. Kreft, Mayor

Attest: /s/ Matthew Jaunich, City Administrator

Engineer Femrite was present to discuss a change order request related to the Marion Drive/Shamrock Drive Project. He explained that they are having trouble with the soils under the roadbed being very soft and moist, which is odd, given the extreme dry (drought) year that it has been. He was recommending that an additional 6 inches of a select granular material and geotextile fabric be added to help alleviate this problem in addition to the drain tile already planned. The amount of Change Order No. 1 was \$30,804.

Motion by Reetz, seconded by Pederson, and passed by unanimous vote to approve Change Order No. 1 in the amount of \$30,804 for the Marion Drive/Shamrock Drive Project.

Engineer Femrite discussed a change order request related to the Railroad Crossings Project. He explained that the purpose of the change order, in the amount of \$3,561.20, was for the installation of a

concrete driveway apron for After Burner Auto Body so that larger vehicles such as semi's could access the property.

Motion by Wills, seconded by Ruehling, and passed by unanimous vote to approve Change Order No. 1 in the amount of \$3,561.20 for the Railroad Crossings Project.

Bids for snow removal (hauling, blading, and skid loader) for the 2012-2013 snow season were reviewed. Adm. Jaunich noted that two bids had been received for blading: Molnau Trucking and Klehr Grading & Excavating, Inc. He noted that three bids had been received for hauling: Molnau Trucking, WM Mueller & Sons and Shaw Drainage. One bid from Haggemiller Lumber had been received for the skid loader work.

Motion by Reetz, seconded by Pichelmann, and passed by unanimous vote to approve the bid from Klehr Grading & Excavating, Inc. in the amount of \$115 per hour per machine with a \$500 minimum and a \$3.50/gallon fuel surcharge for blading.

Motion by Ruehling, seconded by Pederson, and passed by unanimous vote to approve the bid from WM Mueller & Sons in the amount of \$88 per hour per truck for hauling.

Motion by Reetz, seconded by Pichelmann, and passed by unanimous vote to approve the bid from Haggemiller Lumber in the amount of \$65 per time for 5 locations for skid loader work.

The Council reviewed two requests from the School's Homecoming coordinators and youth group -Teens for Real for the closing of streets for the homecoming parade on October 5<sup>th</sup> and also for the use of Four Seasons Park, extended park hours and allowance of mini bon fires on October 17<sup>th</sup>.

Motion by Wills, seconded by Ruehling, and passed by unanimous vote to approve the request from the Homecoming Coordinators (School) to close off streets for the homecoming parade on October 5<sup>th</sup> as presented.

Motion by Pederson, seconded by Pichelmann, and passed by unanimous vote to approve the request from the Teens for Real Youth Group for the use of Four Seasons Park with extended park hours, including mini bon fires on October 17<sup>th</sup> as presented with the understanding the Arlington Police has the discretion to disperse the group if complaints are received from the residents in the neighborhood.

Discussion was held on the request from Verizon Wireless regarding their placement of a microwave dish on the stem/pedestal of the water tower as part of their antenna upgrade project. Adm. Jaunich commented that the City has a Lease Agreement with Verizon but it is for placement of items (antenna) on the top of the tower only and is out dated as far as rental rates. City Attorney Arneson talked about renegotiating the Lease. Concern was expressed about allowing equipment on the stem as it could interfere with future maintenance of the tower pending how it is to be mounted to the tower.

Motion by Pederson, seconded by Wills, and passed by unanimous vote to approve the request from Verizon Wireless for the placement of a microwave dish on the bottom side of the water tower contingent upon proper (approved) mounting of the equipment and re-negotiation of the current Lease Agreement.

Plans for the proposed remodel of the Tech Center were reviewed. Adm. Jaunich stated that the sub-committee, consisting of himself, Mayor Kreft, Councilmember Wills, Fire Chief Zaske, Ambulance Director Sullivan and Police Chief Wills, had met a few times, along with Tim Haggemiller, to discuss the proposed renovation/space needs. It was noted that it was intended to turn the building into the public safety building for the Fire, Ambulance and Police. The project is included in the 2013

Comprehensive Plan and the City is hoping to do as a winter project with bids being accepted in December 2012 or early January 2013.

Adm. Jaunich stated that disciplinary action was being sought against Officer Bennett for repeated and/or continued employment violations. He stated that the Employee Relations Committee and Police Committee had been advised of the numerous violations and were recommending a 3-day non-paid suspension. It was noted that Officer Bennett had waived his right to a hearing with the Council.

Motion by Reetz, seconded by Pederson, and passed by unanimous vote to approve the disciplinary action of a 3-day non-paid suspension against Officer Bennett.

Wills reported on the Library Committee. He stated that approximately 160 children had enrolled in the summer reading program as compared to last years number of 75 children. He stated that their used book sale would be taking place over MEA weekend through November 3<sup>rd</sup>.

Reetz talked about the most recent Utility Committee meeting where they discussed the electrical portion of the 2013 CIP. He stated that they are hopeful to have the bid documents together shortly after the first of the year.

Ruehling gave an update on the EDA meeting. He said they will be working with MnDOT on a beautification project along Hwy 5.

Pichelmann gave an update on the Sibley Medical Center Board. He stated that they are continuing with their affiliation research.

Concern was expressed about the current state (safety issues) that the elevator has been left in by UFC. Adm. Jaunich stated that the last time he spoke with UFC; they were in the process of finding a contractor to demo the elevator. Adm. Jaunich will follow up with UFC again.

Brief discussion was held on the railroad crossings project occurring on East Adams Street, Main Street and 1<sup>st</sup> Avenue North.

Motion by Pederson, seconded by Wills, and passed by unanimous vote to adjourn the meeting at 7:43 pm.

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City Administrator Matthew Jaunich

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Mayor James R. Kreft