

**ARLINGTON CITY COUNCIL
MEETING AGENDA
AUGUST 18, 2014 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 August 4th Regular Meeting Minutes.
 - B) Approval of Bills.
 - C) Authorize Purchase of Winsmith Gear Drive Reducer Motor Setup from Parkson (\$11,748) for Waste Water Treatment Plant.
 - D) Accept the Resignation of Michael Neiert from the Arlington Fire Department.

PUBLIC HEARINGS

5. Hearing for the Vacation of a City Utility Easement.

PETITIONS, REQUESTS, & COMMUNICATIONS

6. Addressing the Council
 - A) Citizens Addressing the Council.
7. Announcements
 - A) RSMC Annual Ice Cream Social is August 20th from 4-7:30 p.m. in Memorial Park.
 - B) Arlington Historical Society Celebrates the 125th Anniversary of Thomes Brothers Hardware on Friday, September 5, 2014 at 3:00 p.m. (at Thomes Bros.)
8. Communications

REPORTS OF OFFICERS, BOARDS & COMMITTEES

9. Yearly Fire Relief Association Update (Curtis Ling)
 - A) Approval/Denial of City Contribution for 2014 for ~~\$3,340~~ \$3,540.
 - B) Discussion on Schedule SC-14 and the Required Minimum City Contribution for 2015.

ORDINANCES & RESOLUTIONS

10. Ordinances
None.
11. Resolutions
 - A) 53-2014 – Approving/Denying Vacating a Portion of a Utility Easement in the Arlington Industrial Park.
 - B) 54-2014 – Approving/Denying a Conditional Use Permit to Allow an Owner-Occupied Custom Millwork Manufacturing/Production Use at 102 West Main Street.
 - C) 55-2014 – Ratifying Additional Mayoral Appointments.

UNFINISHED BUSINESS

12. None.

NEW BUSINESS

13. Preliminary Engineering Report & Assessment Roll for 2015 Street & Utility Improvement Project (Jason Femrite, Bolton & Menk).
 - A) 56-2014 – Resolution Accepting Report and Call for Improvement Hearing.
14. Approve/Not Approve Additional (3rd) Cremation Burial with Two Infant Burials at Public Cemetery.

MISCELLANEOUS BUSINESS

15. Council Committee Updates.
16. Open Discussion.

ADJOURNMENT

Reminders:

Parks – August 25th @ 7 pm
EDA – August 26th @ 6 pm

**ARLINGTON CITY COUNCIL
MEETING MINUTES
AUGUST 18, 2014**

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

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

Members absent: None

Also present: City Administrator Donabauer, City Attorney Arneson, Fire Fighter Curtis Ling, Engineer Femrite, Paul Barchenger of Hutchinson Co-Op, Mike Campbell, Council Candidate Jim Heiland, Mayor Candidate Rich Nagel

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

Correct item 9A) Approval/Denial of City Contribution for 2014 for \$3,540.

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

- A) Approval of the August 4th Regular Meeting Minutes
- B) Approval of Bills
- C) Authorize Purchase of Winsmith Gear Drive Reducer Motor Setup from Parkson (\$11,748) for Waste Water Treatment Plant
- D) Accept the Resignation of Michael Neiert from the Arlington Fire Department.

Mayor Kreft recessed the regular meeting to hold a public hearing.

At 6:32 pm Mayor Kreft called to order the public hearing for the proposed vacation of a utility easement in the Hutchco Scottequip Subdivision. Adm. Donabauer stated that the easement was included in an underlying plat of the Arlington Industrial Park Plat. No public comment was received either for or against the proposed vacation.

Motion by Nuesse, seconded by Wills, and passed by unanimous vote to adjourn the public hearing.

Mayor Kreft adjourned the public hearing and reconvened the regular meeting at 6:33 pm.

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

The following announcements were reviewed:

- A) RSMC Annual Ice Cream Social is August 20th from 4-7:30 pm in Memorial Park
- B) City Offices will be closed on Monday, September 1st for Labor Day (Council Meeting will be Tuesday, September 2nd).

Curtis Ling, Treasurer of the Fire Relief Association, presented the annual Fire Relief Association Audit. He reviewed the audit (SC-14) in detail. He commented that a couple of names were being removed from the Form as they were no longer vested members. Ling explained that the due date for the SC-14 paperwork had been changed (moved up to April) because the balance in the savings account was less than \$500,000. He stated that a contribution from the City was not needed this year as their investments had met the vested interest of whoever is on the fire department and current years available (if member{s} retired they would be covered).

Ling discussed the Maximum Benefit Worksheet (MBW-14). He stated that it shows what investments the Relief has and what are projected to come in. The lump maximum benefit level is \$1,800. The

department is currently at \$1,150. He would like to recommend a \$50 increase every year for the next three years to gradually increase the level to \$1,300 if the City is able to. He noted that there has not been an increase in the funding since 2008; previous to that \$100 plus a 3% increase per firefighter per year had been contributed in the past except when there was a deficit with their investments.

Motion by Reetz, seconded by Ruehling, and passed by unanimous vote to approve the City Contribution to the 2014 Fire Fighters Relief Association in the amount of \$3,540.

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

RESOLUTION 53-2014

A RESOLUTION VACATING A PORTION OF A UTILITY EASEMENT IN THE ARLINGTON INDUSTRIAL PARK

WHEREAS, the City Council previously approved a final plat entitled “Hutchco ScottEquip Subdivision” filed jointly by Hutchinson Cooperative and Scott Equipment Company;

WHEREAS, there are no City utilities placed in an easement proposed for vacation; and,

WHEREAS, the aforementioned plat includes easements placed on, over, and under the location where utilities are actually present; and,

WHEREAS, the City Council pursuant to Minnesota Statute §412.851 desires to consider the vacation of a portion of a City utility easement running over, on, and under the following described pathway in the Arlington Industrial Park:

“An easement corridor 16 feet wide, lying 8 feet on each side of the following described centerline: Beginning at the southwest corner of Lot 1, Arlington Industrial Park Plat, thence South 44 degrees 09 minutes east 170 feet to a point on the southwest boundary line of said Lot 1, which said point is the actual point of beginning of the centerline to be described; thence continuing South 44 degrees 09 minutes east 80 feet to the southeast corner of said Lot 1, thence North 45 degrees 51 seconds east 475 feet to the intersection of said line with the southwest boundary line of Lot 2, Arlington Industrial Park Plat, thence South 44 degrees 09 minutes east 28.96 feet to the southeast corner of said Lot 2, thence North 45 degrees 54 minutes east a distance of 992.58 feet, more or less, to a point which is the southwest corner of Lot 5, Arlington Industrial Park Plat, and said centerline there terminating”.

WHEREAS, a public hearing to consider the vacation of such utility easement was held on the 18th day of August, 2014, before the City Council in the Council Chambers at the Community Center, 204 Shamrock Drive, at 6:30 p.m. after due published and posted notice had been given, as well as personal mailed notice to all affected property owners by the City Administrator on the 4th day of August, 2014 and all interested and affected persons were given an opportunity to voice their concerns and be heard; and

WHEREAS, any person, corporation or public body owning or controlling easements contained upon the property vacated, reserves the right to continue maintaining the same or to enter upon such way or portion thereof vacated to maintain, repair, replace or otherwise attend thereto; and

WHEREAS, the Council in its discretion has determined that the vacation is in the best interest of the public because the platted easement does not contain any utilities and therefore is not being used.

NOW THEREFORE BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF ARLINGTON, COUNTY OF SIBLEY, MINNESOTA, that such petition for vacation is hereby granted for a portion of a City utility easement running over, on, and under the following described pathway in the Arlington Industrial Park:

“An easement corridor 16 feet wide, lying 8 feet on each side of the following described centerline: Beginning at the southwest corner of Lot 1, Arlington Industrial Park Plat, thence South 44 degrees 09 minutes east 170 feet to a point on the southwest boundary line of said Lot 1, which said point is the actual point of beginning of the centerline to be described; thence continuing South 44 degrees 09 minutes east 80 feet to the southeast corner of said Lot 1, thence North 45 degrees 51 seconds east 475 feet to the intersection of said line with the southwest boundary line of Lot 2, Arlington Industrial Park Plat, thence South 44 degrees 09 minutes east 28.96 feet to the southeast corner of said Lot 2, thence North 45 degrees 54 minutes east a distance of 992.58 feet, more or less, to a point which is the southwest corner of Lot 5, Arlington Industrial Park Plat, and said centerline there terminating”.

BE IT FURTHER RESOLVED, that the Mayor and City Administrator are hereby authorized to sign all documents necessary to effectuate the intent of this resolution.

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember Nuesse 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.

The foregoing resolution was adopted by the City Council of the City of Arlington this 18th day of August, 2014.

CITY OF ARLINGTON, MINNESOTA

/s/ James R. Kreft, Mayor

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

Whereupon the resolution was declared duly passed and adopted and was signed by the Mayor whose signature was attested by the City Administrator.

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

RESOLUTION 54-2014

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW AN OWNER-OCCUPIED CUSTOM MILL WORK MANUFACTURING/PRODUCTION USE AT 102 WEST MAIN STREET

WHEREAS, Michael Campbell (d.b.a. RCC Woodworks) and Dennis Neisen (Fee Owner) have submitted a request to operate a custom mill work manufacturing/production use at 102 West Main Street; and,

WHEREAS, the subject property is legally described in Exhibit A attached hereto and the Parcel Number is 31.0710.000; and,

WHEREAS, the Applicants represent:

- RCC Woodworks proposes to provide contracted millwork service to clients using the subject site and existing building as the base of operations for crafting custom millwork;
- Operations will produce a minimum amount of negative impacts including noise and vibration;
- The majority of the operations will be confined to the inside of the facility;
- Hours of operations will be weekdays from 6 a.m. to 6 p.m. but may expand as demand necessitates;
- On a weekly basis approximately 5-10 trucks will be loaded/unloaded at the site;
- Currently RCC has one full time worker at the site in addition one or two part time employees may be added over time as demand warrants;
- No staining, painting, or sealing of mill work is to be conducted on site;
- Outdoor storage is not proposed in conjunction with the proposed conditional use; and,

WHEREAS, the proposed use is a conditional use under Section 9, Subdivision 3(A) of Ordinance 169, the Arlington Zoning Ordinance; and

WHEREAS, notice of a public hearing to accept input on the CUP request was published in the official newspaper on July 24, 2014 and sent to property owners within 350 feet of the subject property; and

WHEREAS, the Planning and Zoning Committee conducted a public hearing on the CUP request on August 7, 2014 and accepted input on the CUP request; and

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

1. That with the conditions listed below the use will not be detrimental to the health, safety, morals, comfort, convenience or welfare of the persons residing in the neighborhood since the use will be consistent with adjacent land uses within the same zoning district and the proposed use is consistent with the 2008 Comprehensive Plan.
2. That with the conditions listed below the use will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood since the use will be consistent with adjacent land uses within the same zoning district.

WHEREAS, the Planning and Zoning Committee approved a resolution recommending the City Council approved the CUP requested based on several conditions; and

WHEREAS, the City Council considered the CUP request at a regular meeting on August 18, 2014.

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

THAT: The City Council hereby approves a conditional use permit to provide for the manufacturing/production of custom mill work at 102 West Main Street subject to the following:

1. No outdoor storage of any kind, including but not limited to garbage, refuse, materials, equipment or machinery shall be permitted.
2. No painting, staining, or sealing of materials or products shall be conducted on site.
3. All business vehicles stored at the site shall be accommodated by off-street parking.
4. At all times one (1) parking space shall be provided for each employee on the largest shift. If/when additional employees are added, additional parking space shall be added.
5. All loading/unloading shall occur on private property at 102 West Main Street.
6. The use shall at all times meet the requirements of Section 9, Subdivision 5 of the Zoning Ordinance (as may be amended) relating to noise, vibration, smoke, particulate matter, odor, sewer and water discharge, exterior lighting, and glare.
7. The Property Owner shall not discharge industrial waste into the sanitary sewer system.
8. The approval specifically authorizes a manufacturing and production of custom mill work at the subject property. No other use shall be allowed under this Conditional Use Permit.
9. Any proposed signage will require the issuance of a sign/building permit.
10. This approval is applicable only to the property at 102 West Main Street.
11. This approval shall expire one year after date of approval unless the Applicant has commenced operation of the Use on-site.
12. This permit is subject to all applicable codes, regulations and ordinances, and violation thereof shall be grounds for revocation.
13. The City may revoke the CUP upon violation of the conditional use permit standards in the Zoning Ordinance or violation of the conditions of this resolution.
14. The conditional use permitted under this Resolution shall be revoked if the Use ceases for more than 12 consecutive months.
15. The Use permitted under this Resolution may change to a permitted use in the I-1 District without further action by the City Council; however the Use may not change to another conditional use without a new application and approval by the City Council.

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.

The foregoing resolution was adopted by the City Council of the City of Arlington this 18th day of August, 2014.

CITY OF ARLINGTON, MINNESOTA

/s/ James R. Kreft, Mayor

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

Whereupon the resolution was declared duly passed and adopted and was signed by the Mayor whose signature was attested by the City Administrator.

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

RESOLUTION 55-2014

A RESOLUTION RATIFYING ADDITIONAL MAYORAL APPOINTMENTS

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

Community Education & Recreation Advisory Council

Council Appointee:	Ben Jaszewski
Citizen Appointee:	Karan Pichelmann, Park Board
Citizen Appointee:	Evea Traxler.

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.

The foregoing resolution was adopted by the City Council of the City of Arlington this 18th day of August, 2014.

CITY OF ARLINGTON, MINNESOTA

/s/ James R. Kreft, Mayor

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

Whereupon the resolution was declared duly passed and adopted and was signed by the Mayor whose signature was attested by the City Administrator.

Engineer Femrite presented the Preliminary Engineering Report and Assessment Roll for the 2015 Street and Utility Improvement Project. The report was reviewed in detail. Femrite commented that they will be working with the Watershed District throughout this project in an effort to help protect the interest of the High Island Creek; as they design the system for a 5-year rain event. He had made the suggestion to reduce some of the 40 foot wide streets down to 36-38 feet, which would reduce overall costs by at least 10%. It was noted that sidewalks were being considered in areas that don't currently have them (at least one side of each street will have sidewalk). Various questions were asked. Femrite stated he is targeting a bid opening in mid-February so that construction can start right away in spring, giving the contractor as much time as possible for the project. It was noted that the engineer's estimate for the project was \$3,232,423.52. Reetz questioned if a conflict of interest exists with two councilmembers having property within the project. Attorney Arneson believed a conflict did not exist as this is an area-wide project, but would check to make sure.

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

RESOLUTION 56-2014

A RESOLUTION RECEIVING PRELIMINARY REPORT AND CALLING PUBLIC HEARING ON 2015 STREET & UTILITY IMPROVEMENTS

WHEREAS, The City Council deems it necessary and expedient that the City of Arlington, Minnesota, consider the construction of the 2015 Street & Utility Improvements, in the City as described in and in accordance with the preliminary report prepared by Bolton & Menk, Inc., consulting engineers; and

WHEREAS, The Council has been advised by the consulting engineers that said 2015 Street & Utility Improvements are necessary, cost-effective, and feasible and should best be made as proposed, and the consulting engineers' report to this effect has heretofore been received by the Council, and filed with the City Administrator; and

WHEREAS, The statute provides that no such improvements shall be made until the Council shall have held a public hearing on such improvements following mailed notice and two publications thereof in the official newspaper stating time and place of the hearing, the general nature of the improvement, the estimated costs thereof, and the area proposed to be assessed, and that a reasonable estimate of the total amount to be assessed, and a description of the methodology used to calculate individual assessments for affected parcels (the "Impact of Assessments") has been made available at the hearing, all in accordance with law; and

WHEREAS, this City Council has heretofore discussed and made determinations about the Impact of Assessments:

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Arlington, Minnesota, as follows:

1. A public hearing will be held at the time and place set forth in the Notice of Hearing attached hereto as Exhibit A to consider said proposed improvements.
2. The nature of the improvements, the estimated cost of each major portion thereof, and the areas proposed to be assessed therefor are described in the form of Notice of Hearing hereto attached.
3. The notice of said public hearing shall be in substantially the form contained in the notice hereto attached.

4. The City Administrator is hereby authorized and directed to cause notice of said hearing to be given two publications in the official newspaper. Said publications shall be one week apart, and at least three days shall elapse between the last publication and the hearing. Not less than ten days before ten days before the hearing the City Administrator shall mail notice of the hearing to the owner of each parcel of land within the area proposed to be assessed as described in the notice. For the purpose of giving such mailed notice, owners shall be those shown to be such on the records of the County Auditor or, if the tax statements in the County are mailed by the County Treasurer, on the records of the County Treasurer. As to properties not listed on the records of the County Auditor or the County Treasurer, the Clerk shall ascertain such ownership by any practicable means and give mailed notice to such owners.
5. The City Administrator is hereby authorized and directed to cause to be prepared the Impact of Assessments, which may be in the form attached hereto as Exhibit B, consistent with the determinations of this City Council on and prior to the date hereof.

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.

The foregoing resolution was adopted by the City Council of the City of Arlington this 18th day of August, 2014.

CITY OF ARLINGTON, MINNESOTA

/s/ James R. Kreft, Mayor

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

Whereupon the resolution was declared duly passed and adopted and was signed by the Mayor whose signature was attested by the City Administrator.

Adm. Donabauer commented that a request has been made at the City to allow an adult cremation (3rd) burial on a lot in the cemetery where two infant burials already exist. She explained that the current ordinance (196) only allows two burials per lot. State Statute does not dictate number of burials allowed. Reetz expressed concern about the possibility of digging up remains from the other two burials (not knowing where they were placed within the lot) and liability for same. Attorney Arneson stated that this is a practical liability which the ordinance does not cover. If the cremation is placed at the foot there shouldn't be an issue. It was commented that this was a unique situation and not very likely to happen again. Attorney Arneson commented that cremations are becoming more prevalent. He suggested, in an effort to save space within the cemetery, reviewing the ordinance to give more consideration to cremation lots (what is allowed per lot).

Motion by Ruehling, seconded by Nuesse, and passed by unanimous vote to approve the request for an additional 3rd cremation burial with two infant burials at the public cemetery.

Reetz questioned where things were at with regards to generating revenue (advertising) and the energy rebate for the LED sign. Adm. Donabauer stated that rebate paperwork had not been completed yet. Staff has been trying to get the word out to the public that they can advertise on the sign.

Adm. Donabauer stated that she had met with FEMA earlier in the day and was given an update on what the process will be for getting reimbursed from the June storm damages.

Brief discussion was held on the ongoing street light warranty issues with Johnson Controls.

Motion by Nuesse, seconded by Wills, and passed by unanimous vote to adjourn the meeting at 7:57 pm.

City Administrator Liza M. Donabauer

Mayor James R. Kreft