

**ARLINGTON CITY COUNCIL  
MEETING AGENDA  
AUGUST 1, 2016 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 18<sup>th</sup> Regular Meeting Minutes.
  - B) Approval of Bills.
  - C) Authorize Removal of Sidewalk along 1<sup>st</sup> Ave NW at St. Paul's Church.
  - D) Approval of Emergency Operations Plan for 2016/2017.
  - E) Approval of Bull Riding (Sib Cty Ag Assn)/Ambulance Service Agreement.
  - F) Accept Resignation of Jeff Tuchtenhagen, Volunteer Firefighter, Arlington Fire Department.
  - G) Authorize Hiring Kathleen Bierstedt, Arlington Library Aide.

**PUBLIC HEARINGS**

**PETITIONS, REQUESTS, & COMMUNICATIONS**

5. Addressing the Council
  - A) Citizens Addressing the Council.
6. Announcements
  - A) Arlington Night Out, August 2<sup>nd</sup>, 5:30–7:30 p.m. @ Four Seasons Park.
  - B) Arlington Farmer's Market, Every Monday in August, 4-7 p.m. @ Arlington Community Center.
  - C) Filing for Three City Council Positions from August 2<sup>nd</sup>-16<sup>th</sup>.
  - D) Primary Election Day, August 9<sup>th</sup>, 7 a.m. – 8 p.m.
  - E) Arlington Ambulance Department "Be an EMT for the Day", Arlington Community Center West Parking Lot, August 29<sup>th</sup>, 4-7 p.m.

- 7. Communications
  - A) June Financial Report.
  - B) July Building Permit Report
  - C) 2015 MMPA Annual Report.

**REPORTS OF OFFICERS, BOARDS & COMMITTEES**

**ORDINANCES & RESOLUTIONS**

- 8. Ordinances
  - A) Second Reading: Ordinance 308 - Opting Out of the Requirements of Minnesota Statutes Section 462.3593 Relating to Temporary Family Health Care Dwellings.
  - B) First Reading: Ordinance 309 – Repealing and Replacing Ordinance 295 Regulating the Possession, Sale and Consumption of Intoxicating and 3.2 Percent Malt Liquor.
- 9. Resolutions
  - A) 51-2016 – Summary Publication.

**UNFINISHED BUSINESS**

**NEW BUSINESS**

- 10. Approve/Deny A Utility Easement to Seneca at a Location to be Determined and Pending the Recommendation of the City Engineer

**MISCELLANEOUS BUSINESS**

- ~~10.~~ 11. Council Committee Updates.
- ~~11.~~ 12. Open Discussion.
  - A) Security at Council Meetings.

**ADJOURNMENT**

Reminders:  
Joint PZ/EDA/Council Workshop – August 11<sup>th</sup> @ 6 pm  
Parks – August 22<sup>nd</sup> @ 7 pm

**ARLINGTON CITY COUNCIL  
MEETING MINUTES  
AUGUST 1, 2016**

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

Members present: Battcher, Heiland, Jaszewski, Mayor Nagel, Nuesse, Wills

Members absent: None

Also present: City Adm. Donabauer, City Attorney Arneson, Karen Archer, SE Principal Tim Schellhammer, Pastor Rod Stemme, Eunice Rucks, Kurt Menk

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

Add item 4G) Authorize Hiring Kathleen Bierstedt, Arlington Library Aide

Add item 10) Approve/Deny Utility Easement to Seneca at a location to be Determined and Pending the Recommendation of the City Engineer.

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

- A) Approval of the July 18<sup>th</sup> Regular Meeting Minutes
- B) Approval of Bills
- C) Authorize Removal of Sidewalk along 1<sup>st</sup> Ave NW at St. Paul's Church
- D) Approval of Emergency Operations Plan for 2016-2017
- E) Approval of Bull Riding (Sib Cty Ag Assn)/Ambulance Service Agreement
- F) Accept Resignation of Jeff Tuchtenhagen, Volunteer Firefighter, Arlington Fire Department
- G) Authorize Hiring Kathleen Bierstedt, Arlington Library Aide.

It was noted that there were no public hearings scheduled.

Karen Archer addressed the Council pertaining to Ordinances 259 and 300. She expressed her disappointment in that the city had not put something in the most recent newsletter or the local newspaper that residents should be more mindful about the appearance of their properties and the ongoing effort of trying to clean up the town. Archer commented that she had observed more violations of the ordinances in the last couple of weeks while she has been out walking and questioned if this is an effective use of the police officers' time. She felt it was a poor use of their time and the current system was unfair. She added that more education was needed to make the public aware of these ordinances. Archer also asked that some kind of timeline be established (all must be compliant) versus the randomness currently happening.

Tim Schellhammer, SE Sr. High Principal and Chair of the Sibley County Partnering in Prevention Coalition, was present to address the Council about their concerns with allowing alcohol in city parks. He stated that the Coalition's mission was to reduce tobacco, alcohol and other drug use amongst the youth within the communities of Sibley County. He added that their vision was to build a safe, healthy and chemically free environment for Sibley East youth. Schellhammer explained that during the past five years students, along with community members, have taken surveys regarding perceptions of alcohol and tobacco usage within the community; the results were shared. The Coalition is hopeful that by informing students of reality and encouraging positive behaviors, that they will change their perceptions and make good decisions. Schellhammer commented that the Coalition was asking the Council to consider the information (survey results) when they continue their discussion about alcohol in the parks.

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

The following announcements were reviewed:

- F) Arlington Night Out, August 2<sup>nd</sup>, 5:30-7:30 p.m. @ Four Seasons Park
- G) Arlington Farmer's Market, Every Monday in August, 4-7 p.m. @ Arlington Community Center
- H) Filing for Three City Council Positions from August 2<sup>nd</sup>-16<sup>th</sup>
- I) Primary Election Day, August 9<sup>th</sup>, 7 a.m. – 8 p.m.
- J) Arlington Ambulance Department "Be an EMT for the Day", Arlington Community Center West Parking Lot, August 29<sup>th</sup>, 4-7 p.m.

The Council reviewed the following communications:

- A) June Financial Report
- B) July Building Permit Report
- C) 2015 MMPA Annual Report.

The second reading of Ordinance No. 308 – An Ordinance Opting-Out of the Requirements of Minnesota Statutes Section 462.3593 Relating to Temporary Family Health Care Dwellings, was held. Adm. Donabauer stated that by opting out of the law does not preclude the City from enacting standards pertaining to accessory dwelling units in the future.

Motion by Wills, seconded by Battcher, and passed by unanimous vote to approve Ordinance No. 308 – An Ordinance Opting-Out of the Requirements of Minnesota Statutes Section 462.3593 Relating to Temporary Family Health Care Dwellings, as follows:

*EXHIBIT A*  
**Ordinance No. 308**

**AN ORDINANCE OPTING-OUT OF THE REQUIREMENTS OF MINNESOTA STATUTES  
SECTION 462.3593 RELATING TO TEMPORARY FAMILY HEALTH CARE DWELLINGS**

**WHEREAS**, on May 12, 2016, Governor Dayton signed into law the creation and regulation of temporary family health care dwellings, codified at Minn. Stat. § 462.3593, which permit and regulate temporary family health care dwellings;

**WHEREAS**, subdivision 9 of Minn. Stat. §462.3593 allows cities to "opt out" of those regulations;

**THE CITY COUNCIL OF THE CITY OF ARLINGTON, ORDAINS as follows:**

**SECTION I. Section 13, Subd. 9 of Ordinance 169, the Zoning Ordinance, is amended by adding Subsection (L) as follows:**

**(L) Opt-Out of Minnesota Statutes, Section 462.3593 as may be amended from time to time.** Pursuant to authority granted by Minnesota Statutes, Section 462.3593, subdivision 9, the City of Arlington, Minnesota opts-out of the requirements of Minn. Stat. §462.3593, which defines and regulates Temporary Family Health Care Dwellings.

**SECTION II. Effective Date.** This Ordinance shall be effective immediately upon its adoption and publication as prescribed by law.

Adopted by the City of Arlington on the 1<sup>st</sup> day of August, 2016.

For City of Arlington:

/s/ Richard Nagel  
By Richard Nagel  
It's Mayor

/s/ Liza M. Donabauer  
By Liza M. Donabauer  
It's Administrator

Draft language of proposed Ordinance No. 309 – An Ordinance Repealing and Replacing Ordinance 295 Regulating the Possession, Sale and Consumption of Intoxicating and 3.2 Percent Malt Liquor, was reviewed and discussed at length. Adm. Donabauer explained that an individual approached the city about having a class reunion at one of the parks and questioned if they could have a keg of beer at the event. She stated that per city ordinance alcohol currently is prohibited on any public property, which includes the city parks. She stated that staff had polled other communities to see if they allow it or not; the results were mixed. Options presented for consideration were: leave ordinance as is (not allowed)

and requiring enforcement thereof; complete allowance (except during youth-sponsored events); or limited allowance (by special event permit, giving it away/not selling {requires a temporary license to do} and restricted locations). Various concerns were expressed, more specifically related to the Senior Building versus shelter and/or other areas within the parks; noise complaints, refuse cleanup, and youth exposure. Lions member Eunice Rucks commented that they were putting money towards the renovation of the Senior Building and would like to see the policy continue of allowing alcohol (example used: controlled adult social drinking for a family reunion) so the building will continue to be rented/used. They were fearful that rentals would start to decline. Pastor Stemme commented that (alcohol free) signage should be posted. Considerable discussion was held, with comments both for (with special permit and restricted areas) and against the concept. Additional research was requested of staff and then revised language could be presented at the next meeting for consideration as a first reading of the ordinance.

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

**RESOLUTION 51-2016**

**A RESOLUTION APPROVING ORDINANCE NO. 308 ENTITLED, “AN ORDINANCE OPTING-OUT OF THE REQUIREMENTS OF MINNESOTA STATUTES SECTION 462.3593 RELATING TO TEMPORARY FAMILY HEALTH CARE DWELLINGS”**

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

**WHEREAS**, the Planning Commission from time to time reviews statutes and case law to determine consistency of the Zoning Ordinance with said statutes and case law; and,

**WHEREAS**, on May 12, 2016, Governor Dayton signed into law the creation and regulation of temporary family health care dwellings, codified at Minn. Stat. § 462.3593, which permit and regulate temporary family health care dwellings; and,

**WHEREAS**, Subdivision 9 of Minn. Stat. §462.3593 allows cities to “opt out” of those regulations; and,

**WHEREAS**, the Planning Commission initiated an amendment to Ordinance 169, Section 13, Subd. 9 to opt out of the temporary family health care dwelling law; and,

**WHEREAS**, a public hearing was properly noticed and held on July 7, 2016 by the City of Arlington Planning Commission; and,

**WHEREAS**, the City Council approved the first reading of the Ordinance at its regular meeting on July 18, 2016; and,

**WHEREAS**, the City Council approved the second reading of the Ordinance at its regular meeting on August 1, 2016; and,

**WHEREAS**, the proposed ordinance is itemized in Exhibit A which is attached to this resolution.

**NOW THEREFORE BE IT RESOLVED** that the City Council of the City of Arlington hereby approves Ordinance 308 as presented in Exhibit A which is attached to this resolution.

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember Heiland and upon poll being taken thereon the following voted in favor thereof: Battcher, Heiland, Jaszewski, Nuesse, 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 1<sup>st</sup> day of August, 2016.

CITY OF ARLINGTON, MINNESOTA

/s/ Richard Nagel, 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 explained that as part of the ongoing process to engage in signing a Purchase Agreement with Seneca Foods, they have requested a utility easement (location yet to be determined). She stated that City Attorney Arneson recommended moving forward with the easement pending approval of the City Engineer. Attorney Arneson explained the purpose of the easement was to place a connecting pipe from the existing plant to Seneca's wastewater drain fields. The issue was the placement of pipe was proposed to run through the City's newly acquired industrial property. Nuesse expressed concern about the transformer that was placed on Seneca's property and questioned if the City would gain ownership back. Attorney Arneson stated that it has always been city property; they were being allowed to use it for their business. It was noted that Seneca has extensive easement outside city limits over various pieces of farmland.

Motion by Heiland, seconded by Nuesse, and passed by unanimous vote to approve as part of the Purchase Agreement with Seneca a utility easement pending approval from the City Engineer and City Attorney.

Jaszewski provided an update on the Park Committee. He stated that the School has offered the old football lights to be repurposed at the Sportsman's Park. The Committee, at their next meeting, will be meeting at the parks and conducting a tree inventory (counting existing trees, determining where to plant new ones and what types would be appropriate for the area). The Committee discussed options on how to address the lights being left on in the shelters after events, such as timers and/or coin meters. The Committee discussed items for the CIP, such as replacement of play equipment. It was noted that the backstop at the Sportsman's Park has been installed; all that is left is some bleachers are needed.

Jaszewski provided an update on the Hospital Board. The system for record keeping is finally working and a new phone system is being installed in September. So far to date, the financial status looks good, however the second quarter was a little tougher due to a doctor leaving. Things are expected to turn around, get better. Jaszewski reported that background checks are going to be done all staff, volunteers and board members.

Nuesse provided an update on the Community Center Committee. She stated that they discussed making some improvements to the bathrooms (as had been budgeted for). The two liquor serving establishments were invited to the meeting and some discussion was held on pricing, use of equipment and ways to make the process better.

City Attorney Arneson provided an update on Johnson Controls. He stated that their legal counsel is looking into things and has not heard back from them (in two weeks). He stated that if he doesn't hear something by the next regular meeting he will ask for direction from the Council.

Nuesse expressed her concerns about the need to have security present during council meetings. Mayor Nagel commented it is a comfort to have police presence during meetings. It was suggested to include this in the 2017 budget (officer attendance at every meeting).

Motion by Nuesse, seconded by Battcher, and passed by unanimous vote to adjourn the meeting at 7:54 pm.

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City Administrator Liza M. Donabauer

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Mayor Richard Nagel