

**ARLINGTON CITY COUNCIL
MEETING AGENDA
JULY 18, 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 5th Regular Meeting Minutes.
 - B) Approval of Bills.
 - C) Authorize Closing a Portion of Shamrock Drive for Fire Department "Pop-Up Splash Pad" on July 25th, 4-7 p.m.

PUBLIC HEARINGS

PETITIONS, REQUESTS, & COMMUNICATIONS

5. Addressing the Council
 - A) Citizens Addressing the Council.
6. Announcements
 - A) Arlington Farmer's Market, Every Monday in July, 4-7 p.m. @ Arlington Community Center.
 - B) Arlington Fire Department "Pop-Up Splash Pad", Arlington Community Center West Parking Lot, July 25th 4-7 p.m.
 - C) Disruption to Mediacom Service, July 25 – August 1st.
 - D) MMPA Annual Summer Meeting in Anoka, July 26th @ 5:30 p.m.
 - E) Budget Workshop, August 1st @ 5:00 p.m.
 - F) Deadline to Register for 2016-2017 "Leading Sibley Together" Leadership Program, August 1st.
 - G) Filing for Three City Council Positions from August 2 -16, 2016.
7. Communications
 - A) May Water/Wastewater Reports.
 - B) June Police Reports.
 - C) Award Letter from DEED for Greater MN Business Development Public Infrastructure Program Grant (\$66,275).

REPORTS OF OFFICERS, BOARDS & COMMITTEES

8. None.

ORDINANCES & RESOLUTIONS

9. Ordinances

- A) First Reading: Ordinance 308 - Opting Out of the Requirements of Minnesota Statutes Section 462.3593 Relating to Temporary Family Health Care Dwellings.

10. Resolutions

- A) 49-2016 – Approving/Denying a Conditional Use Permit and Acknowledging Extension of an Existing Not Conforming Setback to Allow a 728 SF Detached Garage at 302 East Main Street.
- B) 50-2016 – Accepting a Donation from the Arlington Baseball Association and Designating its use for the Repainting of the Water Tower Logo

UNFINISHED BUSINESS

NEW BUSINESS

- 11. Approve/Deny Pay Estimate No. 7 to WM. Mueller & Sons, Inc. for the 2015 Street & Utility Improvement Project. (\$65,636.84)
- 12. Tony Voigt, Maintenance Supervisor
 - A) Authorize/Deny Electric Line Tree Clearing. (Midwest Tree Experts MN, Inc., \$26,475.00)
 - B) Authorize/Deny Storm Sewer Catch Basin Repairs. (Litzau, \$17,000).
- 13. Authorize/Deny Replacement of Make Up Air Unit at WWTP (AEM Mechanical, \$18,152.47).

MISCELLANEOUS BUSINESS

- 14. Continuation of Mid-Year Update on Mayoral Goals:
 - A) Complete a Citywide Inventory of All Traffic Control Signs and Street Signs (Battcher).
- 15. Council Committee Updates.
- 16. Open Discussion.
 - A) County EDA Position.
 - B) State of MN Broadband Grant Program

ADJOURNMENT

Reminders:

Parks – July 25th @ 7 pm

Budget Workshop – August 1st @ 5:00 p.m.

**ARLINGTON CITY COUNCIL
MEETING MINUTES
JULY 18, 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, Maint. Supvr. Voigt, Karen Archer, Kurt Menk

Motion by Wills, seconded by Jaszewski, and passed by unanimous vote to approve the agenda as presented.

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

- A) Approval of the July 5th Regular Meeting Minutes
- B) Approval of Bills
- C) Authorize Closing a Portion of Shamrock Drive for Fire Department "Pop-Up Splash Pad" on July 25th, 4-7 pm.

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:

- G) Arlington Farmer's Market, Every Monday in July, 4-7 p.m. @ Arlington Community Center
- H) Arlington Fire Department "Pop-Up Splash Pad", Arlington Community Center West Parking Lot, July 25th, 4-7 pm
- I) Disruption to Mediacom Service, July 25th – August 1st
- J) MMPA Annual Summer Meeting in Anoka, July 26th @ 5:30 p.m.
- K) Budget Workshop, August 1st @ 5:00 p.m.
- L) Deadline to Register for 2016-2017 "Leading Sibley Together" Leadership Program, August 1st.
- M) Filing for Three City Council Positions from August 2-16, 2016.

The Council reviewed the following communications:

- A) May Water/Wastewater Reports
- B) June Police Reports
- C) Award letter from DEED for greater MN Business Development Public Infrastructure Program Grant (\$66,275).

The first 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 explained that Governor Dayton signed a new law into effect related to temporary family health care dwellings. Cities are required to follow and implement the new law, unless they opt out by September 1, 2016 via an approved ordinance; or currently allow temporary family health care dwellings as permitted uses. The new law alters a City's level of zoning authority for these types of structures. Per the new law, these dwellings must be allowed provided that certain standards are attained. It was noted that the Planning Committee supports opting out of the law because the language, as written, is

concerning; several reasons mentioned. Opting out of the law does not preclude the City from approving an ordinance allowing accessory dwelling units; it does, however, preserve the City's control.

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

RESOLUTION 49-2016

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT AND ACKNOWLEDGING EXTENSION OF AN EXISTING NOT CONFORMING SETBACK TO ALLOW A 728 SF DETACHED GARAGE AT 302 EAST MAIN STREET

WHEREAS, Tom Whalen has applied for a conditional use permit to allow a detached accessory structure exceeding ten (10) percent of the lot area; and,

WHEREAS, Whalen has also applied for acknowledgement of an extension of an existing variance relating to interior side yard setback; and,

WHEREAS, The property is legally defined as Lot 6, Block 6, Streissguth's Addition, City of Arlington, Sibley County MN; and,

WHEREAS, the property identification number is 31.0217.000; and,

WHEREAS, the Applicant represents:

- At this time there is not a garage on the property.
- A 26' X 28' detached garage is proposed totaling 728 square feet.
- The existing dwelling is 1,078 square feet.
- The detached garage is to be ten (10) feet from the dwelling.
- The lot is 50' X 120.75' a typical 6,038 sf base lot.
- The proposed structure as represented in a site plan meets setback (averaging) requirements for front and corner (street) side yard.
- The existing dwelling is three feet from the interior side yard, the Applicant proposed to extend that setback to the detached garage as well.
- The garage would be used for vehicle and lawn equipment storage by the property owner.

WHEREAS, the proposed use is a conditional use under Section 13, Subdivision 6(G)2 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 June 23, 2016 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 July 7, 2016 and accepted input on the CUP request; and

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

1. The property doesn't currently have a garage, a typical accessory use in residential neighborhoods.
2. The proposed structure's ground floor area equates to 12% of the lot area versus the 10% limit without a CUP. As such, the structure will not be detrimental to the public welfare, or injurious to property or improvements in the neighborhood.
3. The proposed structure meets street side setback requirements and matches that existing for the interior side yard. As such, the structure will not be detrimental to the public welfare, or injurious to property or improvements in the neighborhood.
4. The design of the structure is residential in nature with an eight foot garage door height and a 4:12ths hipped roof to match that of the house.
5. The proposed project is consistent with the Comprehensive Plan in terms of future use of the property and goals to retain the integrity of residential neighborhoods.

WHEREAS, the City Council reviewed the request and Planning Commission request at a meeting July 18, 2016; and,

WHEREAS, the City Council accepts the Planning Commission's findings.

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 a 728 sf detached accessory structure at 302 East Main Street subject to the following:

1. The proposed structure shall not exceed 728 square feet in size and shall be placed on the lot as represented in the site drawing submitted with the Conditional Use Permit Request.
2. This approval shall expire one year after date of approval unless the Applicant has commenced construction of the accessory structure on the site.
3. This permit is subject to all applicable codes, regulations and ordinances, and violation thereof shall be grounds for revocation.
4. The conditional use permit allowing for the accessory structure authorized under this Resolution shall expire with no further action by the City Council if the structure is removed from the property for more than 12 consecutive months.

BE IT FURTHER RESOLVED, the City Council acknowledges an extension of an existing variance related to interior side yard setback.

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember Jaszewski 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 18th day of July, 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.

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

RESOLUTION 50-2016

A RESOLUTION ACCEPTING A DONATION AND DESIGNATING ITS USE

WHEREAS, Minnesota State Statutes 465.03 states that cities may accept gifts of real or personal property, including money, and use them in accordance with the terms the donor prescribes; and

WHEREAS, the City may not, however, accept or use gifts for religious or sectarian purposes; and

WHEREAS, every such acceptance shall be by resolution of the governing body adopted by two-thirds majority of its members; and

WHEREAS, the City of Arlington has received a donation of a \$1,000 from Arlington Baseball Association for repainting the logo on the water tower; and

WHEREAS, charitable contributions to governmental units are tax-deductible under Section 170(c)(1) of the Internal Revenue Code if made for public purpose, and

WHEREAS, the Arlington City Council would like to express its thankfulness for this gracious community support, and

NOW THEREFORE BE IT RESOLVED, pursuant to Minnesota State Statute 465.03 the Arlington City Council does hereby accept the aforementioned donation.

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember Jaszewski 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 18th day of July, 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.

The Council reviewed Pay Estimate No. 7 from WM. Mueller & Sons, Inc. in the amount of \$65,636.84 related to the 2015 Street & Utility Improvement Project. Adm. Donabauer noted that this brings the project to 91% completion. A 5% retainer is being withheld until such time as adequate grass coverage is obtained in the ditch along Hwy 5. Concern was expressed about the amount of standing water in the ditch.

Motion by Nuesse, seconded by Heiland, and passed by unanimous vote to approve Pay Estimate No. 7 in the amount of \$65,636.84 to WM. Mueller & Sons, Inc. related to the 2015 Street & Utility Improvement Project.

Maint. Supvr. Voigt stated that he had reached out to five different contractors for having trees trimmed around electric lines and only received two back. He commented that this is something that hasn't been done for a few years and there are some significant problem areas currently. He recommended approving the low bid from Midwest Tree Experts MN, Inc. in the amount of \$26,475. The entire town would be done now with a 12-15 foot clearance around the line, which should be good for about 4-5 years. It was noted that this was not a budgeted item, but the electric fund has a healthy reserve balance and this is a necessary maintenance item. Voight commented that he would like to see this be a recurring budgeted item and a (quarter) section of town done annually (starting in 2018) to stay ahead of the problem.

Motion by Wills, seconded by Heiland, and passed by unanimous vote to authorize electric line tree clearing by Midwest Tree Experts MN, Inc. in the amount of \$26,475.00.

Maint. Supvr. Voigt talked about the need to have storm sewer catch basin repair work done. He noted that there was quite a bit of old infrastructure (degrading due to freezing/thawing, collapsing and/or sinkholes) within the city. Voigt commented that he only obtained one bid, as the contractor was the cheapest last year and has done good quality work for the city in the past. It was noted that approximately 30 basins are in need of repair, but due to budget constraints, only so many can be done each year.

Motion by Wills, seconded by Heiland, and passed by unanimous vote to authorize storm sewer catch basin repairs by Litzau in the amount of \$17,000.

Adm. Donabauer explained to the Council that Lee Ortloff from PeopleServices has made her aware that they are experiencing ongoing issues with the air exchange unit at the Influent Building at the Wastewater Treatment Plant. The unit was installed in 2009 and has been a problem since installation. Donabauer added that since 2011, TEK has been on site eight times trying to fix issues; totaling over \$14,000. A couple of bids to replace the unit were reviewed. Donabauer commented that this was not a budgeted item, but a necessary repair and would be funded through the A-GI Sewer Fund-Repairs.

Motion by Jaszewski, seconded by Battcher, and passed by unanimous vote to authorize replacement of the Make Up Air Unit at the WWTP by AEM Mechanical in the amount of \$18,152.47.

Battcher provided her mid-year update on the Mayor Goal she had been assigned: Complete a Citywide Inventory of All Traffic Control Signs and Street Signs. She reported that staff was about half done with inventorying the signs, but had not done the retroreflectivity inspections yet.

Wills commented on the most recent Streets Committee meeting. He stated that they walked/toured the sidewalks on East Baker Street from 1st Avenue South to 3rd Avenue SE where there was sidewalk. They agreed not to replace the entire sidewalk (on south side), but just replace bad sections; remove some trees; install handicap ramps at intersections; and install new sidewalk where sidewalk does not exist. The width of the sidewalk needs to be determined yet. Existing sidewalks are 4'6"/4'7", but the city engineer was recommending 5'. Adm. Donabauer commented that the sidewalk improvements would be funded through the Medical Lease Revenues; residents will not be assessed for the improvements.

Adm. Donabauer commented that a few members from the Cemetery Committee met with a representative from Cold Spring Granite at the cemetery to discuss possible locations for a columbarium structure. A proposal will be put together and presented to the Committee at their September meeting.

Adm. Donabauer commented that County Adm. Roxy Traxler was seeking input from the cities within Sibley County regarding a County EDA Position. She shared details from a meeting she had attended on the subject. Various concerns were expressed about a 'shared' position, quality of work and associated costs. It was the consensus of the Council to advise County Adm. Traxler to put a proposal together for the City to consider.

Mayor Nagel, at a previous meeting, had requested the Council to listen to the Broadband Grant webinar. He asked what the Council thought of it. Wills commented that he didn't feel the City was eligible due to the fact there were other providers in the area that were providing adequate or improved speeds already. Adm. Donabauer commented on and/or provided definitions for some of the terminology used in the webinar, such as underserved, etc.

Attorney Arneson provided an update on the Johnson Controls issue. He had been in contact recently with the two individuals he had worked with originally. These individuals were going to be speaking with American Induction (manufacturer) and stay in contact with Arneson. There was some question as to who had the contract with American Induction, whether it was the City, Johnson Controls, or On-Site (installation company), which would dictate who could bring a lawsuit against American Induction. Arneson also provided a brief history of the situation with the street lights. He stated that ultimately, the City had a contract with Johnson Controls, who hired sub-contractors, making Johnson Controls responsible overall.

Karen Archer (a landlord) was present to address her concerns about the (tone of the) nuisance letter she received for one of her rental properties. She commented that the ordinance/policy gives Arlington an unfriendly (family) feel. Discussion was held on the ordinance and some of its terms, and whether or not there was a grandfathering clause or not.

Brief discussion was held on the animal ordinance and police enforcement.

Motion by Heiland, seconded by Battcher, and passed by unanimous vote to adjourn the meeting at 8:08 pm.

City Administrator Liza M. Donabauer

Mayor Richard Nagel