

**ARLINGTON CITY COUNCIL  
MEETING AGENDA  
JULY 5, 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 June 20<sup>th</sup> Regular Meeting Minutes.
  - B) Approval of Bills.
  - C) Approve Two (1-4 day) Temporary On Sale Liquor Licenses for the Sibley County Agricultural Association, County Fair (August 3-5<sup>th</sup> and August 6-7, 2016).
  - D) Approve Temporary On Sale Liquor License (1-4 day) for Sibley County Agricultural Association for a Bull Riding Fundraiser on September 9-10, 2016.

**PUBLIC HEARINGS**

**PETITIONS, REQUESTS, & COMMUNICATIONS**

5. Addressing the Council
  - A) Citizens Addressing the Council.
6. Announcements
  - A) City of Arlington Receives GreenSteps Award for Achieving Levels 2 and 3 at LMC Conference on June 15<sup>th</sup>.
  - B) Arlington Farmer's Market, Every Monday in July, 4-7 p.m. @ Arlington Community Center (except July 4<sup>th</sup>).
  - C) Sibley County Courthouse 100 Year Anniversary Event, July 12<sup>th</sup>, 2-6:00 p.m.
  - D) MMPA Annual Summer Meeting in Anoka, July 26<sup>th</sup> @ 5:30 p.m.
  - E) Budget Workshop, August 1<sup>st</sup> @ 5:00 p.m.
  - F) Deadline to Register for 2016-2017 "Leading Sibley Together" Leadership Program, August 1<sup>st</sup>.
  - G) Filing for Three City Council Positions from August 2-16, 2016.

7. Communications
  - A) June Building Permit Report.
  - B) City Administrator's Project List.
  - C) Sibley East Community Ed/Rec Registrations (2014-2016).
  - D) Mayor Nagel's Letter to Rep. Gruenhagen & Sen. Newman Requesting Support for a Special Session.

## **REPORTS OF OFFICERS, BOARDS & COMMITTEES**

- ~~8. Maintenance/Streets/Parks Department – Maintenance Supervisor, Tony Voigt. (removed)~~

## **ORDINANCES & RESOLUTIONS**

9. Ordinances
  - A) Second Reading: Ordinance 307 – An Ordinance Amending Ordinance 169, The Arlington Zoning Ordinance, by Adding Subdivision 11 to Section 13 Providing for Certain Solar Energy Systems as Accessory Uses.
10. Resolutions
  - A) 48-2016 – Summary Publication.

## **UNFINISHED BUSINESS**

## **NEW BUSINESS**

11. Alcohol in Parks/Shelters.

## **MISCELLANEOUS BUSINESS**

12. Feedback from City of Arlington Clean-up Day.
13. Council Committee Updates.
14. Open Discussion.

## **ADJOURNMENT**

### Reminders:

Planning & Zoning – July 7<sup>th</sup> @ 7 pm

Parks – July 25<sup>th</sup> @ 7 pm

Budget Workshop – August 1<sup>st</sup> @ 5:00 p.m.

**ARLINGTON CITY COUNCIL  
MEETING MINUTES  
JULY 5, 2016**

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

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

Members absent: Battcher

Also present: City Adm. Donabauer, City Attorney Arneson, Kurt Menk

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

Remove item 8) Maintenance/Streets/Parks Department – Maintenance Supervisor, Tony Voigt.

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

- A) Approval of the June 20<sup>th</sup> Regular Meeting Minutes
- B) Approval of Bills
- C) Approve Two (1-4 Day) Temporary On Sale Liquor Licenses for the Sibley County Agricultural Association, County Fair (August 3-5 and August 6-7, 2016)
- D) Approve Temporary On Sale Liquor License (1-4 Day) for Sibley County Agricultural Association for a Bull Riding Fundraiser on September 9-10, 2016.

It was noted that there were no public hearings scheduled.

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

The following announcements were reviewed:

- G) City of Arlington Received GreenSteps Award for Achieving Levels 2 and 3 at LMC Conference on June 15<sup>th</sup>
- H) Arlington Farmer's Market, Every Monday in July, 4-7 p.m. @ Arlington Community Center (except July 4<sup>th</sup>)
- I) Sibley County Courthouse 100 Year Anniversary Event, July 12<sup>th</sup>, 2-6:00 p.m.
- J) MMPA Annual Summer Meeting in Anoka, July 26<sup>th</sup> @ 5:30 p.m.
- K) Budget Workshop, August 1<sup>st</sup> @ 5:00 p.m.
- L) Deadline to Register for 2016-2017 "Leading Sibley Together" Leadership Program, August 1<sup>st</sup>.
- M) Filing for Three City Council Positions from August 2-16, 2016.

The Council reviewed the following communications:

- A) June Building Permit Report
- B) City Administrator's Project List
- C) Sibley East Community Ed/Rec Registrations (2014-2016)
- D) Mayor Nagel's Letter to Rep. Gruenhagen & Sen. Newman Requesting Support for a Special Session.

The second reading of Ordinance No. 307 – An Ordinance Amending Ordinance 169, The Arlington Zoning Ordinance, by Adding Subdivision 11 to Section 13 Providing for Certain Solar Energy Systems as Accessory Uses, was held.

Motion by Wills, seconded by Jaszewski, and passed by unanimous vote to approve Ordinance 307- An Ordinance Amending Ordinance 169, The Arlington Zoning Ordinance, by Adding Subdivision 11 to Section 13 Providing for Certain Solar Energy Systems as Accessory Uses as follows:

**ORDINANCE 307**

**AN ORDINANCE AMENDING ORDINANCE 169, THE ZONING ORDINANCE, BY ADDING SUBDIVISION 11 TO SECTION 13 PROVIDING FOR CERTAIN SOLAR ENERGY SYSTEMS AS ACCESSORY USES**

**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 SUBDIVISION 11 TO SECTION 13 AS FOLLOWS:**

**SUBDIVISION 11. SOLAR ENERGY SYSTEMS.**

- A. Purpose. The purpose of this Subdivision is to allow for rooftop and building integrated solar energy systems as accessory uses in certain zoning classifications.
- B. Findings. The City finds certain solar energy systems, accessory to existing uses, benefit the public health, safety, and welfare by:
  - 1. Promoting the use of and investment in an abundant, clean, and renewable energy resource,
  - 2. Promoting a reduction in greenhouse gas emissions,
  - 3. Supporting local utility cost savings, and
  - 4. Creating access to community-based solar energy.
- C. Definitions. For the purpose of this Section, certain terms and words are defined as follows:
  - 1. Solar Easement means an easement that limits the height or location or both of permissible development on land on which the easement is placed in terms of a structure or vegetation, or both, for the purpose of providing access for the benefited land to sunlight as defined in Minnesota Statutes Section 500.30, Subdivision 3 as may be amended.
  - 2. Solar Energy System means a device, combination of devices, or structural design feature, of which a substantial purpose is to provide for the collection, storage, use, and distribution of solar energy for electricity generation, space heating or cooling, or water heating.
  - 3. Solar Energy System, Building Integrated means an active solar energy system that is an integral part of a structure or structural component rather than a separate mechanical or ground mounted device.
  - 4. Solar Energy System, Ground Mounted means a solar energy system structurally mounted to the ground which is not roof mounted.
  - 5. Solar Energy System, Rooftop means an active solar energy system that is structurally mounted to a code-compliant roof of an existing building or structure.
  - 6. Solar Energy System, Wall-Mounted means an active solar energy system that is structurally mounted to a code-compliant wall of an existing building or structure.
- D. Solar Energy Systems as an allowed accessory use.
  - 1. Rooftop, wall, and building integrated solar energy systems are allowed as accessory uses, subject to Section 11(E), 'General Provisions' of this Ordinance, in the following zoning classifications: R-1/AG & R-2/AG Residence & Agricultural District, R-1 One and Two Family Residence District, R-2 Multiple Family Residence District, B-1 Service Business District, I-1 Limited Industrial District, I-2 General Industrial District, and the P/I Public Institutional District.
  - 2. Rooftop and building integrated solar energy systems are allowed as accessory uses, subject to Section 11(E), "General Provisions" of this Ordinance in the following classification: B-2 Central Business District.
- E. General Provisions. The following standards apply to all accessory solar energy systems:
  - 1. A maximum of one (1) solar energy system per lot or parcel shall be allowed.
  - 2. Building and electrical permits shall be secured.
  - 3. Solar energy systems shall be placed to limit visibility from the public right-of-way to the extent possible and to blend into the building design, provided that minimizing visibility still allows the owner to reasonably capture solar energy.
  - 4. Rooftop solar energy systems:
    - a. Shall not exceed the maximum height allowed in the applicable zoning district.
    - b. Shall be setback at least one foot from every building wall, roof edge, roof peak, roof ridge, and roof valley.
    - c. Shall not cover greater than eighty (80) percent of each side of the roof or wall to which they are affixed.
  - 5. Glare from solar energy systems to adjacent or nearby properties shall be minimized.
  - 6. Solar energy system annual power output (kWh) shall be no more than one hundred twenty (120) percent of the total energy used by the lot or parcel over the previous year. The City, at its discretion, may allow an array designed to produce more than 120% of the energy used provided an interim use permit is issued.

- F. Ground mounted solar energy systems are prohibited as principal or accessory uses in all zoning classifications.
- G. Solar Access Easements Allowed. The City elects to allow solar easements to be filed consistent with Minnesota Statutes, Chapter 500.30, as may be amended from time to time. Owners of land or solar skyspace are responsible for negotiating, drafting, and executing solar easements. Solar easements shall be filed with the City and the Sibley County Recorder's Office.

II. **EFFECTIVE DATE.** This Ordinance is effective upon its adoption and publication as prescribed by law.

Adopted by the City of Arlington on the 5<sup>th</sup> day of July, 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

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

**RESOLUTION 48-2016**

**A RESOLUTION APPROVING ORDINANCE NO. 307 ENTITLED, "AN ORDINANCE AMENDING ORDINANCE 169, THE ARLINGTON ZONING ORDINANCE, BY ADDING SUBDIVISION 11 TO SECTION 13 PROVIDING FOR CERTAIN SOLAR ENERGY SYSTEMS AS ACCESSORY USES" AND PROVIDING FOR SUMMARY PUBLICATION THEREOF**

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

**WHEREAS**, in 2016 the City was approached by representatives from Avant Energy regarding a grant to Sibley East Public Schools for installation of a solar array at the public school; and,

**WHEREAS**, the Planning Commission initiated an amendment to Ordinance 169 to allow solar energy systems as accessory uses providing specific standards were achieved; and,

**WHEREAS**, the Arlington Planning Commission reviewed and studied the issue and developed text to be included in an Ordinance entitled, "An Ordinance Amending Ordinance 169, the Arlington Zoning Ordinance, by Adding Subdivision 11 to Section 13 Providing for Certain Solar Energy Systems as Accessory Uses"; and,

**WHEREAS**, a public hearing was properly noticed and held on June 2, 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 June 20, 2016; and,

**WHEREAS**, the City Council approved the second reading of the Ordinance at its regular meeting on July 5, 2016; 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 would clearly inform the public of the intent and effect of the Ordinance; 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 307 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. 307 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 July 5, 2016 the City Council of the City of Arlington approved Ordinance 307, entitled, 'An Ordinance Amending Ordinance 169, the Arlington Zoning Ordinance, by Adding Subdivision 11 to Section 13 Providing for Certain Solar Energy Systems as Accessory Uses'. 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 provides for roof-mounted, wall-mounted, and building integrated solar energy systems as accessory, subordinate uses in the City. Ground mounted solar energy arrays are not allowed in the City. Solar as a principal use of property is not allowed in the City. Specific performance standards relating to potential size of the system and area that can be covered by solar arrays apply.”

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: Heiland, Jaszewski, Nuesse, Wills; and the following voted against the same: None; and the following abstained from voting: None; and the following were absent: Battcher.

The foregoing resolution was adopted by the City Council of the City of Arlington this 5<sup>th</sup> 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.

Discussion was held on allowance of alcohol in city parks. Adm. Donabauer explained that someone came into the city office to inquire about holding a class reunion in one of the parks and being able to have alcohol at said event. She stated that Ordinance 295 prohibits alcohol on public property, including city parks; however, staff has noted that this has not been enforced over the years. She questioned how the Council wished to proceed: amend the ordinance to allow alcohol in the parks or enforce the current ordinance (not allow activity to continue). Donabauer stated that staff had researched what other cities allow; which there were mixed responses. Concern was expressed about liability. Attorney Arneson commented on this topic; he stated that it would be very difficult for most individuals to get dram shop insurance for their events. It was noted that in 2010, the City Council had voted (via resolution) to allow alcohol in the Senior Building. It was suggested to implement a form for renters to fill out (provide details about event, including if alcohol is to be served) and then forward a copy to the PD for enforcement (patrol). It was also suggested to designate one specific park where alcohol could be utilized at.

Motion by Heiland, seconded by Jaszewski, and carried (Wills opposed) to amend the ordinance to allow alcohol in city parks with a special event application/fee.

Adm. Donabauer provided an update on how the cleanup day went. Tri-County Solid Waste reported that 338 people utilized the services that day, of which 108 were Arlington residents. It was noted that 95 tons of tires, 419 appliances and 26,000 pounds of electronics were collected. Donabauer commented that there was a miscommunication between the Tri-County Waste Director and his staff early in the day and Arlington residents were being charged for placing items in the dumpsters. Money was refunded where possible that day and others are asked to contact the City Office to get their refund (which will come from Tri-County).

Jaszewski provided an update on the hospital board’s most recent meeting. They are attempting to focus on customer satisfaction with regards to how the clinics/hospital can improve. Customers are either being interviewed or asked to fill out surveys, which the surveys are not getting returned as they would like to see. A SHIP (gov’t) grant in the amount of \$8,900 had been awarded to them. The remodel/expansion project design plans continue to be discussed (looking for most efficient use of space as possible). It is the intent to release the project for bids in August with construction to start next spring. Jaszewski reminded those present of the Foundation’s upcoming Ice Cream Social on August 17<sup>th</sup>.

Nuesse questioned what the status of the new sign was for the compost site. She also asked that something be published in the paper regarding the ongoing violations of the site with the intent being to inform the public that the city may have to close the site if violations continue. Concern was expressed about what it is costing the city to remove inappropriate items from the site or to hire someone to supervise the site.

Motion by Nuesse, seconded by Heiland, and passed by unanimous vote to adjourn the meeting at 7:20 pm.

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City Administrator Liza M. Donabauer

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Mayor Richard Nagel