

**ARLINGTON CITY COUNCIL
MEETING AGENDA
AUGUST 21, 2017 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.

****The Arlington City Council will tour the Sibley East Senior High at 5:30 p.m. ****

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 3rd Regular Meeting Minutes
 - B) Approval of the August 9th Special Meeting Minutes
 - C) Approval of Bills
 - D) Approval of Optional 2:00 a.m. Closing License – Arlington Dugout LLC
 - E) Approval of Conditional Offer of Employment Terms – John Petterson (Police Chief)
 - F) Approval of Dance Permit Application – Double Tap Bowling & Sports Bar
 - G) Approval of Application for Exempt Permit – Sibley County Agricultural Association

PUBLIC HEARINGS

PETITIONS, REQUESTS, & COMMUNICATIONS

5. Addressing the Council
 - A) Citizens Addressing the Council
6. Announcements
 - A) Arlington Farmer's Market, August – September 25th @ 4-6:30 p.m., Arlington Community Center West Parking Lot
 - B) City Offices will be closed on Monday, September 4th for Labor Day (Council Meeting will be Tuesday, September 5th)
7. Communications
 - A) Water/Wastewater Report – June
 - B) Police Report – July
 - C) Monthly Financials – July
 - D) Sibley County Community Development Newsletter - August

REPORTS OF OFFICERS, BOARDS & COMMITTEES

8. Annual Report
 - A) Arlington Economic Development Authority (EDA) – Holly Kreft
 - B) Arlington Fire Relief Association – Curtis Ling & Angelica Rose
 - 1) Approval/Denial of City Contribution for 2017 of \$3,347.50 (based on 26 active members)
 - 2) Discussion on Schedule SC-17 and the Required Minimum City Contribution for 2018

ORDINANCES & RESOLUTIONS

9. Ordinances
 - A) First Reading: Ordinance 313 – An Ordinance Enacting a Code of Ordinances for the City of Arlington, Minnesota, Amending, Restating, Revising, Updating, Codifying, and Compiling Certain Ordinances of the City Dealing with the Subjects Embraced in the Code of Ordinances, and Providing Penalties for the Violation of the Code of Ordinances.
 - Chapter 25 Special Improvement Assessments
 - Chapter 26 Streets Alleys and Sidewalks
 - Chapter 27 Subdivisions
 - Chapter 28 Towers (Revised Chapter Number)
 - Chapter 29 Trees (Revised Chapter Number)
10. Resolutions
 - A) 71-2017 - Acceptance of Donation
 - B) 72-2017 – Approval/Denial: Conditional Use Permit for a Detached Garage at 105 Clinton St E
 - C) 73-2017 – Acceptance of Donation (Arlington Night Out)

UNFINISHED BUSINESS

11. Johnson Controls Update (City Attorney Arneson)

NEW BUSINESS

12. Approve /Deny Partial Pay Estimate No. 3 to OMG Midwest, Inc. (\$212,241.85)
13. High Island Creek Floodplain Mapping
14. Continuing Disclosure Agreement (David Drown Associates)
15. 2018 Budget
 - A) Set 2018 Budget Public Hearing Date and Time – December 4, 2017 at 6:00 p.m.
 - B) Set Budget Workshop Date

MISCELLANEOUS BUSINESS

16. Department Update – Police
17. Council Member/Committee Updates
18. Open Discussion

ADJOURNMENT

Reminders:

Council Member Tour of Sibley East High School – August 21 @ 5:30 pm
Parks – August 28th @ 7:00 pm

**ARLINGTON CITY COUNCIL
MEETING MINUTES
AUGUST 21, 2017**

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

Members present: Mayor Nagel, Battcher, Cowell, Hatlestad, Heiland, Jaszewski

Members absent: None

Also present: Interim City Adm. Elvebak, City Attorney Arneson, Interim Police Chief Pat Nienaber, Police Officer Scott Sandquist, Fire Chief John Zaske, Curtis Ling, Tim Haggemiller, EDA Dir. Holly Kreft, EDA President Dean Bergersen, James Fettig of CenterPoint Energy, Heidi Jo Fischer, Kurt Menk

Motion by Battcher, seconded by Hatlestad, and passed by unanimous vote to approve the agenda as presented.

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

- A) Approval of the August 3rd Regular Meeting Minutes
- B) Approval of the August 9th Special Meeting Minutes
- C) Approval of Bills
- D) Approval of Optional 2:00 a.m. Closing License – Arlington Dugout LLC
- E) Approval of Conditional Offer of Employment Terms – John Petterson (Police Chief)
- F) Approval of Dance permit Application – Double Tap Bowling & Sports Bar
- G) Approval of Application for Exempt Permit – Sibley County Agricultural Association

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:

- A) Arlington Farmer's Market, August – September 25th, 4-6:30 p.m. Arlington Community Center West Parking Lot
- B) City Offices will be closed on Monday, September 4th for Labor Day (Council Meeting will be Tuesday, September 5th).

The Council reviewed the following communications:

- A) Water/Wastewater Report – June
- B) Police Report - July
- C) Monthly Financials – July
- D) Sibley County Community Development newsletter - August.

EDA Dir. Holly Kreft and President Dean Bergersen presented the EDA annual report. Kreft commented on the goals set by the EDA at the beginning of the year and also on the items the EDA was working on and/or involved with currently (i.e. retention and succession planning, business visits, etc.). Kreft talked about the SMIF grant that the EDA was applying for (related to development of the former downtown Cemstone property).

Curtis Ling and Tim Haggemiller of the Fire Relief Association presented the annual Fire Relief Association Audit. Ling reviewed the audit (SC-17, actual year 2016) in detail, noting that it contained information on active and retired/deferred members. He commented that some names had been changed from active to deferred (no longer active members, their account accrues interest, but they do not receive annual contribution). He explained that a member must be on the department ten years to be vested (eligible to collect retirement funds); but can't withdraw from the fund until they have been on for 20 years or reach the age of 50 years old (then can draw lump sum out).

Ling stated that their investments had done well again this last year. It was noted that if all the active members (with 10+ years of service) decided to retire and/or all the deferred members pulled their pensions out, their vested interest would be covered. Ling commented that if the fund went below 100%, the City must contribute to it to make up the difference (the funds have to be available if/when members retire). He commented that the fund has been in good condition for several years. Ling commented that in past years the City has opted to contribute \$100/member to the relief pension, which has also helped keep the fund healthy. Interim Adm. Elvebak stated that the Council decided back in 2007 to make contributions to the fund and include a 3% increase year-to-year. The amount budgeted for 2017 was \$128.75/per member.

Motion by Heiland, seconded by Hatlestad, and passed by unanimous vote to approve the City Contribution to the 2017 Fire Fighters Relief Association in the amount of \$3,347.50 (26 members).

The first reading of Ordinance 313 – An Ordinance Enacting a Code of Ordinances for the City of Arlington, Minnesota, Amending, Restating, Revising, Updating, Codifying, and Compiling Certain Ordinances of the City Dealing with the Subjects Embraced in the Code of Ordinances, and Providing Penalties for the Violation of the Code of Ordinances, was held. The Council reviewed the following chapters: Chapter 25-Special Improvement Assessments, Chapter 26-StreetsAlleys and Sidewalks, Chapter 27-Subdivisions, Chapter 28-Towers (revised chapter number, and Chapter 29-Trees (revised chapter number).

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

RESOLUTION 71-2017

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 \$2,500.00 donation from CenterPoint Energy for a thermal imaging camera; 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 Cowell, and upon poll being taken thereon the following voted in favor thereof: Battcher, Cowell, Hatlestad, Heiland, Jaszewski; 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 21st day of August, 2017.

Signed: /s/ Richard Nagel
Mayor

Attested: /s/ Laura Elvebak
Interim City Administrator

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

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

RESOLUTION 72-2017

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR A 720 SQUARE FOOT DETACHED ACCESSORY STRUCTURE AT 105 EAST CLINTON STREET

WHEREAS, Section 13, Subdivision 6(G)(2) of the Zoning Ordinance limits the size of a detached garage to ten (10) percent of the lot size or 576 square feet whichever is less, unless a CUP is issued; and,

WHEREAS, Kevin Weber (the Applicant) has submitted a request for a conditional use permit to allow a 720 square foot detached garage at 105 East Clinton Street; and,

WHEREAS, the property is legally described as Lot 6, Ex E 5', Block 2, Luff's Addition; Parcel No. 31.0533.000; and,

WHEREAS, the Applicant represents:

1. A new 30 foot by 24 foot (720 square foot) detached garage is proposed in the rear yard at 105 Clinton Street East.
2. An existing garage will be demolished.
3. The proposed garage will be setback four (4) feet from the interior property line and five (5) feet from the rear property line.
4. The existing lot size is 45 feet by 130 feet, totaling 5,850 square feet.
5. The proposed detached garage will be used for storage of personal property such as car, pickup, lawn mower, and tools.
6. The garage will not be accessed from the alley, but rather from a shared driveway from Clinton Street.

WHEREAS, a required public hearing notice has been posted, published, and distributed; and,

WHEREAS, on August 3, 2017 the Arlington Planning and Zoning Commission held a public hearing on the conditional use permit request; and,

WHEREAS, following the public hearing the Planning Commission reviewed and discussed the request and made the following findings:

1. The conditional use permit is consistent with the Comprehensive Plan in terms of the future use classification and priorities for 'areas of stability' wherein the goal is to maintain the character of the neighborhood and protect the area from unwelcome influences of inconsistent uses.
2. The subject parcel is contained in the R-1 One Two Family Residential District. The R-1 District is intended to provide low density residential areas and restrict incompatible commercial and industrial uses. The proposed garage is consistent with permitted accessory uses in the applicable zoning district.

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

The City Council of the City of Arlington hereby approves a conditional use permit for a 720 square foot detached garage at 105 East Clinton Street with the following conditions:

1. The conditional use permit applies to the property at 105 East Clinton Street.
2. The detached garage shall not exceed 720 square feet in area, shall achieve all required setbacks, and shall be accessed from Clinton Street.

3. The detached garage shall be used for storage of personal property.
4. The detached garage shall not exceed eighteen (18) feet in height.
5. No additional detached accessory structures shall be located on the lot.
6. The existing detached accessory structure shall be removed.
7. The detached garage shall be reasonably compatible with the architectural detail of the principal structure. The applicant holds the burden of proving the proposed structure is reasonably compatible with the architectural detail of the principal structure.
8. Issuance of a building permit is required.
9. This approval is subject to all applicable codes, regulations and ordinances, and violation thereof shall be grounds for revocation.
10. The conditional use permit shall expire one year after date of approval unless the Applicant has commenced construction of the detached garage on the Property.

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember Hatlestad, and upon poll being taken thereon the following voted in favor thereof: Battcher, Cowell, Hatlestad, Heiland, Jaszewski; 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 21st day of August, 2017.

Signed: /s/ Richard Nagel
Mayor

Attested: /s/ Laura Elvebak
Interim City Administrator

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

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

RESOLUTION 73-2017

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 monetary donation of \$715.00, prizes, food and other items from various donors, as seen on attached form, for activities related to Arlington Night Out; 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 Hatlestad, and upon poll being taken thereon the following voted in favor thereof: Battcher, Cowell, Hatlestad, Heiland, Jaszewski; 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 21st day of August, 2017.

Signed: /s/ Richard Nagel
Mayor

Attested: /s/ Laura Elvebak
Interim City Administrator

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

Attorney Arneson provided an update on the Johnson Controls issue. He stated that the Council authorized him to seek out a litigation firm to consult on the matter. He has received a couple of referrals and was recommending the Council contact Attorney Steve Pfefferle of the Pfefferle Kane Law firm to evaluate the issues. This law firm has expressed interest in handling the litigation for the City and has sued Johnson Controls in the past. It is estimated to cost about \$1,320, more or less and take about six hours to examine the contract, the file and history, and compose their recommendation.

Motion by Jaszewski, seconded by Battcher, and passed by unanimous vote to accept Attorney Arneson's recommendation to refer the Johnson Controls matter to the Pfefferle Kane Law firm for review and evaluation at a cost of approximately \$1,320.

The Council reviewed Partial Pay Estimate No. 3 to OMG Midwest, Inc., in the amount of \$212,241.85. Some concern was expressed about how the project appeared to be moving slowly or even stalled. It was noted that there have been several rain delays, but the contractor was still striving to meet the substantial completion date of September 1st.

Motion by Battcher, seconded by Heiland, and passed by unanimous vote to pay Partial Pay Estimate No. 3 to OMG Midwest, Inc., in the amount of \$212,241.85.

Discussion was held on mapping the floodplain area of High Island Creek within city limits. Interim Adm. Elvebak reviewed the details from the discussion held at the August 3rd special meeting with the Planning Committee. It was noted that a resident was proposing development on a lot adjacent to the creek and are required to map the extent of the floodplain. The current map is out of date. It was discussed during the special joint meeting to possibly cost share remapping the floodplain. Interim Adm. Elvebak commented that Bolton & Menk had provided an estimate for doing the remapping. Battcher expressed opposition to the idea of re-mapping and changing what is currently in place. Attorney Arneson provided his legal opinion on the matter.

Motion by Battcher, seconded by Hatlestad, and passed by unanimous vote to table discussion and/or action on the High Island Creek floodplain mapping until such time that more information can be provided from Bolton & Menk.

Motion by Cowell, seconded by Jaszewski, and passed by unanimous vote to approve the Continuing Disclosure Agreement with David Drown Associates as presented.

Motion by Battcher, seconded by Hatlestad, and passed by unanimous vote to set the 2018 Budget Public Hearing date and time as December 4, 2017 at 6:00 pm.

Motion by Battcher, seconded by Cowell, and passed by unanimous vote to schedule a budget workshop meeting for September 5th after the regular meeting.

Interim Police Chief Pat Nienaber introduced newly hired Officer Scott Sandquist. Officer Sandquist was officially sworn in by Mayor Nagel. Interim Chief Nienaber stated that he was going to be starting the background check on the individual hired as the new Police Chief. He was still projecting a starting date of early November.

Hatlestad questioned where things were at with regards to replacing Mr. Brinkman's trees (appeared before the Council earlier this year). Heiland had talked with a nursery about what kind of trees would work best and provided that to Mayor Nagel. Mayor Nagel stated that the Council still needs to discuss this matter further. It was the consensus of the Council to take action on this topic at the next regular meeting.

Battcher thanked Fire Chief Zaske for his time and effort in writing the CenterPoint grant that was awarded earlier in the evening.

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

Interim City Administrator Laura Elvebak

Mayor Richard Nagel