

**ARLINGTON CITY COUNCIL
MEETING AGENDA
May 6, 2019 AT 6:00 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 April 1, 2019 City Council Meeting Minutes.
 - B) Approval of the April 15, 2019 City Council Meeting Minutes.
 - C) Approval of the April 15, 2019 City Council Workshop Meeting Minutes.
 - D) Approval of Bills.
 - E) Approve Police Officer James Noxon Performance Evaluation with a Rating of Commendable-Performance Routines Exceed Expectations and Requirements and Authorize Increase.

PUBLIC HEARINGS

5. 2019 Street & Utility Improvement Project.
6. Public Hearing for Interim Use Permit to Continue Allowing Northland Drying to Maintain Storage Units on Site.

PETITIONS, REQUESTS, & COMMUNICATIONS

7. Addressing the Council
 - A)
8. Announcements
 - A) Arlington Library Closed for Re-Carpeting & Painting May 8th - 22nd.
 - B) Arlington Logo Design Contest – open until May 15th.
 - B) Cancer Cruise, Sat., May 18th, Four Season's Park 9 a.m., 5K Fun Run & Walk, Car Show at St. Paul's Lutheran Church 11 a.m., Cruise departing Arlington at 4 p.m.; Hog Roast in Green Isle at 5 p.m.
 - C) Blood Drive, Tuesday, May 21st, Arlington Community Center, 12:30-6:30 p.m. To schedule an appointment contact Karan at: 507-964-2882.
 - D) Arlington Farmer's Market, Monday Evenings June 17th -September 23rd, Arlington Community Center Parking Lot, 4:00 p.m. – 6:30 p.m.
 - E) League of MN Cities Annual Conference, Duluth, June 26-28th.

9. Communications
A)

REPORTS OF OFFICERS, BOARDS AND COMMITTEES

10. Street Department Update – Street Supervisor Kirby Weckworth.
11. MN Valley Electric Cooperative Annual Report- Sarah Peterson and Curt Cordt.

ORDINANCES & RESOLUTIONS

12. Ordinances:
A) First Reading of Ordinance No. 325 – An Interim Ordinance Establishing a Moratorium on the Residency of Predatory Offenders Within the City Limits.
13. Resolutions:
A) 20-2019 – A Resolution Accepting a Bid and Awarding a Contract for the 2019 Street & Utility Improvement Project.
B) 21-2019 - A Resolution Adopting an Assessment
C) 22 - 2019 – A Resolution to Approve a Variance to Required Interior Side Yard Setback.

UNFINISHED BUSINESS

14. Discussion about a Quorum of Council Members Registering for League of MN Cities Land Use Training.
15. Approve/Deny Recommendation from Employee Relations Committee to Include Holiday Pay for Administrative Assistant Position.
16. Approve/Deny Quote for Tree Removal on Nickel Parcel. Quote received from Melsha Construction is \$15,800.00. Quote received from Klehr Grading is \$14,880.00.
17. Approve/Deny Signature on the Motor Vehicle Purchase Contract for Purchase of 2020 Tanker Truck from Custom Fire for \$289,375 with Payment Method to be Determined.

NEW BUSINESS

18. Approve/Deny Removal of Power Pole from Danielson Property for a cost of up to \$14,000 with \$1,000 being paid for by Danielson.
19. Approve/Deny DEED Infrastructure Grant Application with Revised Dates for Siduri Hops (formerly known as Ninkasi Hops).
20. Approve/Deny Directing the Police Committee to Review and Establish a Sexual Offender Ordinance for the City of Arlington.

MISCELLANEOUS BUSINESS

21. Council Member/Committee Updates.
22. Open Discussion-

ADJOURNMENT

Reminders:

EDA – May 13th @ 5:30
Council – May 20th @ 6:30

**ARLINGTON CITY COUNCIL
MEETING MINUTES
MAY 6, 2019**

The regular meeting was called to order at 6:00 p.m., Mayor Richard Nagel presiding.

Members present: Mayor Rich Nagel, Michelle Battcher, Adam Cowell, Tom Hatlestad, Jim Heiland, Ben Jaszewski

Members absent: None

Also present: City Adm. Pat Melvin, City Atty Arneson (arrived 6:31 p.m.), Maintenance Supvr. Kirby Weckworth, City Engineer Jason Femrite, Robert & Lillian Thole, Roger & Barb Robeck, Darlene Larson, Karan Pickelmann, Dale & Eileen Bode, Betty Meffert, Roseann Nagel, Ray Haggenmiller, Lisa Pasvogel, Casandra Barnes, Faye Ryan, Bev Breyer, Peter Archer, Jon Rose, Jennifer Nuesse, Dave & Linda Welch, Greg & Maurine Goblirsch, Kevin Weber, Pat & Gwen Nienaber, Kris Kjellesvig, Julie Traxler, Marie Kreft, Dave & Dee Czech, Keith Doetkott, Howard Brinkman, Jeff Walter, Kurt Menk

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

Add: #17 under Unfinished Business:

Approve/Deny Signature on the Motor Vehicle Purchase Contract for Purchase of 2020 Tanker Truck from Custom Fire for \$289,375 with Payment Method to be Determined.

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

- A) Approval of the April 1, 2019 City Council Meeting Minutes.
- B) Approval of the April 15, 2019 City Council Meeting Minutes.
- C) Approval of the April 15, 2019 City Council Workshop Meeting Minutes.
- D) Approval of Bills.
- E) Approve Police Officer James Noxon Performance Evaluation with a Rating of Commendable - Performance Routines Exceed Expectations and Requirements and Authorize Increase.

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

Mayor Nagel called to order the 2019 Street & Utility Improvements public hearing. Engineer Femrite presented the scope of the project, what has been done to date, and paperwork with new tables showing the updated assessments based upon the bids received. Mayor Nagel expressed the Council's disappointment with the low number of two bids received and the fact that the bids received were approximately 20% higher than anticipated. Resident Jennifer Nuesse (600 E. Clinton) came forward to address the Council regarding two issues on the street & utility improvement project. Nuesse questioned if there could have been bids supplied using a different material, which would have lowered the cost of the project. She wondered if the Council had considered re-doing the bid process to see if other bids would be received that could be potentially lower if the other less expensive material was bid and used.

Nuesse also advised that she saw an error on the report. On 600 East Clinton the watermain is not necessary – the water for that address is supplied off of Dayton Street. Jason Femrite asked questions regarding this – doesn't this cross another property owner's property – do you have an easement for this watermain? There are 2 lots. No one has ever built on this lot, but it is a buildable lot. The plans can be

modified as the project is ongoing and assessments can be changed. They cannot go up in cost but they could decrease.

Another resident questioned about the other material that could have been used as opposed to what was actually used and included in the bids supplied. Femrite advised that there is a polypropylene material that could be used for the storm sewer aspect of the storm sewer as opposed to just concrete which is what had been always used previously. The bidders elected to only use concrete. The companies that bid used only concrete because there are some concerns with the new polypropylene material as there can be some risks that would go back to the contractors. The polypropylene material may break or become egg shaped, which in either case would need to be repaired/replaced by the contractors and they do not wish to take that risk.

Various residents then asked questions about if there is to be a sidewalk and if so, which side. Femrite spoke to these questions and concerns and advised that the project puts a sidewalk on the south side of the street. Resident Howard Brinkman came forward to ask more particularly about why the original plan had the sidewalk on the north side, but it is now on the south side. Brinkman felt that since the project is coming in so high the Council should wait and get new bids. He doesn't feel the prices would come in any higher by waiting. The Council spoke about the fact that even if the bids came in lower, if the interest rate is higher there will be no savings seen. Resident Pat Nienaber came forward, again questioning if sidewalks are needed at all on Clinton Street. The sidewalk costs are not being assessed to the residents.

Resident David Welch (503 E. Clinton) then came forward to address the Council. His property abuts the cemetery on the west side. Welch wondered how wide the street will be from his property line going east on the south side of the cemetery? Welch felt that the new street would be a benefit to the cemetery which is a public cemetery and has the cost been prorated out of that? He requested to know if he was paying for the street in front of the cemetery. He felt he and the other residents should not be paying for the benefit and improvement to the city property. He wanted to know if the tile lines that presently run through the cemetery are tied into the project. He feels the City should bear the cost for any improvement to the cemetery. He is not in favor of the project.

Resident Karan Pickelmann, who lives on Clinton Street, came forward to say she wants the project done now, she is tired of the flooding, but does not feel that the sidewalk is needed. She does not want it to be delayed to obtain additional bids and feels that that will just raise the cost of the project and her costs.

Resident Robert Thoele who is a new homeowner on Clinton (208 E. Clinton) then came forward to address the Council. He wanted to know how the assessments are to be paid. The Council advised him that there is an ability to pay the cost over a 20 year timeframe, with a 5% interest rate. He is also not in favor of the sidewalk.

Resident Roseann Nagel came forward to address the Council and advised that she is also not in favor of the sidewalk due to the lack of use and by a show of hands a majority of the people in the audience agreed with her.

City Adm. Melvin read some written statements that had been received by the City Office. Janine Trocke and Taylor Kuphal wrote an objection to the sidewalk and said that if a sidewalk is put in they will have a beautiful tree that will need to be removed if a sidewalk is put in. They feel that the people who walk in this area presently use the street and not the sidewalk anyway.

Adm. Melvin then read a letter from Darlene Pichelmann who wrote to say that she objected to the assessment costs associated with this project.

Motion made by Battcher, seconded by Cowell, and passed by unanimous vote, to adjourn the public hearing regarding the 2019 Street & Utility Project at 6:31 p.m.

Mayor Nagel then convened the next public hearing of the evening regarding the Interim Use Permit to Continue Allowing Northland Drying to Maintain Storage Units on Site.

Adm. Melvin addressed the Council and audience regarding Northland Drying issues. He provided background of the issue(s) and timelines that had been given. Northland had been given until May 4th to mitigate the noise and have noise testing results submitted to the City.. Josh Holwell of Northland Drying was present to speak to the matters. Northland spoke with ESI Engineering when they received the testing results. The silencer has been installed, but ESI has not yet been able to come out to do the 4 day testing results. A 1 hour study taken today by ESI shows that Northland now meets the 50 decibel level which is the night time threshold set by the MN Pollution Control Agency. Additionally they are building an enclosure outside which is not yet completely done. The vibrations which are occurring in the outside area have caused the silencer to break but that has now been welded. The ESI meter has been placed in the same location as it was placed when the City had ESI conduct the noise level testing. Holwell has spoken with the MPCA and they now comply with their regulations for noise level. Holwell advised that they will continue to implement measures to lower the noise levels.

The Council expressed concerns regarding how quickly the silencer broke and how long will the fix that has occurred last before it breaks again. Holwell spoke about the meter that the police department has purchased which read 10 – 12 decibel levels higher than what ESI Engineering's meters read. He stated that they are unable to vary the speed of the motor and the sound levels. A member of the audience spoke to Holwell and questioned his statement about Northland shutting down when the silencer breaks down. Holwell stated when Northland Drying came in they had told the City that the two potential issues that could occur would be odor and noise issues.

City Adm. Melvin questioned Holwell as to who did they have doing the insulating around the enclosure and installing the silencer? Holwell stated that it was employees of Northland Drying who were doing the work which caused Melvin to question why the delay in finishing the building. Holwell replied that part of them moving quickly to mitigate the noise issues is the use of employees to do the work rather than hiring outside help. Adm. Melvin wondered if they had contacted ESI Engineering when they received the silencer, wouldn't it have helped get the testing done on a more timely basis and within the timelines set by the City? Holwell said he probably could have done that but they didn't know how long installing the silencer would take and so they didn't want ESI to come in and re-test before they were ready for that testing. Holwell feels that he is being told that they didn't move quickly enough or do enough to mitigate the issue and he disagrees with that. They feel that they moved quickly enough and they have been communicating the entire way along.

Holwell stated that they intend on continuing to work on quieting noise. Mayor Nagel questioned Holwell about the building which they are constructing and couldn't they have moved quicker on the issue if they had brought in an outside source to construct the enclosure. Holwell felt it would have taken longer to get the project done if they had hired outside workers to do it.

Chief Petterson was then asked to step in and advise of the results he saw on the testing equipment. He said that ESI's device did show numbers that were in the range required. The Council questioned about other options they had looked at to mitigate the noise. Holwell said that they spoke with 3 companies who gave information and advice as to what needed to be done. That provided them with good information and things that can be continued to be done as they progress. They believe that as they implement these additional plans and programs it would continue to lower the decibel level. The Council

did ask Chief Petterson how closely his monitoring device was to the ESI monitoring equipment. Chief Petterson advised that his device read over what the ESI equipment was reading. He has heard from some community members who have told him that they feel it is quieter than it had been.

Holwell then advised the Council that Northland Drying wants to grow the plant 4-5 times more than it is presently. Northland feels if things continue as they are with the residents and the Council that they are concerned with how they will be allowed to grow if the complaints continue as they are presently. Resident Lisa Pasvogel came forward (115 E. Adams) to speak. She was questioning the over decibel level that was occurring when they did the noise level testing. She said that she knows some of the employees from the plant and that Northland deliberately waited until the very last time frame to do any of the mitigation issues. She feels that Northland should not be allowed to run until all the pieces are put into place to lower the decibel levels.

Resident Tom Mayer (120 Henderson Rd.) came forward to speak about the smell issues as well as the noise. He'd like to see Henderson Road posted a no truck zone because the trucks are not stopping at the stop sign and there are many kids on the road and this is a safety issue. This is the bike path road and should be considered.

Resident Casandra Barnes (104 E. Main) came forward to speak about the noise testing being done only in 1 location. She feels that the 1 hour testing in 1 location is not a good cross section of the issues that are being experienced in numerous locations in the town. She feels that regardless of wind, weather, etc. the noise level should be below the 50 decibel level at all times. She states that the number of people who are complaining should be taken into consideration by the City and that if they have to look into their legal options to get this done, they will do so. Barnes feels that the residents need to be given as much consideration as the City is giving to Northland Drying.

Resident Kris Mueller (105 Henderson Rd.) commented that she understands business and that business is necessary. The trucks are noisy. The smell is not good. Wonders why they can't use the other "back" road. There are health risks that are being incurred by the residents and those should be considered also.

Resident Bailey Hoeschst (124 Henderson Rd.) then came forward to speak to the Council. Advised that she is former friends with Seth (an employee at Northland) and he told them that the plant can control the noise level. Residents are being told the level can't be controlled – which is the truth?

Motion by Battcher, seconded by Hatlestad, and passed by unanimous vote, to adjourn the public hearing for Interim Use Permit to Continue Allowing Northland Drying to Maintain Storage Units on Site.

Mayor Nagel then did adjourn the public hearing and reconvened the regular meeting at 7:30 p.m.

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

The following announcements were reviewed:

- A) Arlington Library Closed for Re-Carpeting & Painting May 8th - 22nd.
- B) Arlington Logo Design Contest – open until May 15th.
- C) Cancer Cruise, Sat., May 18th, Four Season's Park 9 a.m., 5K Fun Run & Walk, Car Show at St. Paul's Lutheran Church 11 a.m., Cruise departing Arlington at 4 p.m.; Hog Roast in Green Isle at 5 p.m.
- D) Blood Drive, Tuesday, May 21st, Arlington Community Center, 12:30-6:30 p.m. To schedule an appointment contact Karan at: 507-964-2882.
- D) Arlington Farmer's Market, Monday Evenings June 17th -September 23rd, Arlington Community Center Parking Lot, 4:00 p.m. – 6:30 p.m.

E) League of MN Cities Annual Conference, Duluth, June 26-28th.

Maintenance Supvr. Kirby Weckworth provided his monthly update on the Maintenance Department. Weckworth presented the plaque he received from being a member of the Leading Sibley Together Team. He thanked the Council for him being able to participate in this Training Program. He advised that the loader, tractor and sweeper have all now been repaired and are in service. There are approximately ten frost boils in town that need to be repaired. There have been five spots where sewer and water pipes have collapsed. These are also being or have been repaired. They are continuing to work on the alleyways, waxing the Community Center, readying the parks for the summer season. He has met with some representatives about the street lights and feels more comfortable about the 4 different lights needed – highway, residential, acorn, and colonial style. They are all LED lights, which should mean for substantial savings down the line. He is waiting on official quotes, but it's looking like approximately \$130,000.00. An RFP would then need to be done. If the City purchases the lights they can avoid paying sales tax, whereas if the contractor purchases them and then charges the City, sales tax will be charged. The RFP would be for the cost for a contractor to install. The hope is to get it done this year. We could note in the RFP that the City is open to different proposals for the bidding process for the lights. Weckworth had some questions about where the Council wants to see the reduced speed signs placed by the parks in town. The Council thinks that in a previous meeting there was some decision about where signs were all to be placed. A review should be done of previous Council decisions on this matter.

MN Valley Electric Coop representatives Sarah Peterson and Curt Cordt were present to give an annual update to the Council. Peterson advised that the substation still needs repair. They thought it had been repaired last fall but have since learned it has not been repaired. There will need to be an outage again in fall, end of September/beginning of October.

The Council moved #18 from the list up – “Approve/deny Removal of Power Pole from Danielson Property for a cost of up to \$14,000, with \$1,000 being paid by Danielson”. Cordt talked about the poles that are out in the field presently which they feel should be replaced/improved and move those poles out of the field. Cordt is recommending that this improvement be made, because the City does not have access to the poles without going on private property. . The farming equipment being used is large and modern and poses a safety concern. They would like to eliminate the poles and bury the line in a different location. There would be some disturbance for a couple of the property owners bringing the line in this way but they would work with those owners as to what would be best for their individual situations. The Council asked for City Atty Arneson to speak regarding the research he has done in about this issue. The land owner is not responsible in any way for this situation. There was no easement given to the City of Arlington by any of the owners of this property.

Motion by Heiland, seconded by Cowell, and passed by unanimous vote, to approve the Removal of the Power Pole(s) from the Danielson Property for a Cost of up to \$14,000, with \$1,000 being Paid by Danielson. This approval is pending the drafting of an Agreement/Contract indicating the terms of the payment by Danielson.

MVEC representative Peterson then again spoke and brought to the Council's attention to the need for the purchase of a spare voltage regulator, at a cost of \$15,000. They had hoped to do this in 2017. Additionally, they had hoped to build a concrete pad at the storage area at the substation in 2017. The lack of concrete is causing equipment to go bad. Budget for the concrete in the storage area at the substation is \$10,000.

There is on-going testing occurring at the substation, as well as pole testing. It is up to the City to line it up and get it done. They had prepared a plan previously and submitted it. It should be in the budget.

There were 21 reject poles and 1 danger pole. The danger pole was replaced at the time and the reject poles are continuing to be replaced. Pole testing will be continuing.

The first reading of Ordinance No. 325 – An Interim Ordinance Establishing a Moratorium on the Residency of Predatory Offenders Within the City Limits. City Atty. Arneson presented the background on the ordinance.

Engineer Femrite was requested to speak on bids received for the 2019 Street & Utility Project. The lowest bid received was from Wm. Mueller & Sons, Inc., and Femrite recommended that the City accept this bid and move forward on the project. The reason for the sidewalk being placed in the bid request is that the City had made a determination of a goal for connectivity, as part of the Comprehensive Plan which was done a number of years ago. Determination had been made that if a project was done, sidewalk would be put in. In this project, the sidewalk would tie into the trail system which goes out to the Sportsman's Park. There was discussion among the Council about whether there should be a sidewalk in the project, especially if the residents are not in favor of it. Why spend the money, cut down the trees, etc. if the residents are not in favor of it?

Battcher spoke to say that she was concerned about there being only two bids and concerned about the bids being over the projected amount so significantly. She wondered if since the project is so large, that if the Council would have the project re-bid in fall there would be more bidders because they would then be planning for the next summer and that there would then be a better price. Femrite advised that the project was let out for bids in prime bidding time and so he did not feel that they missed the "bidding envelope", based on previous years of experience. Generally they do not do a lot of fall bidding. If the City rejects the bids and the project, it may become even more difficult to get bidders for any upcoming project.

Heiland spoke about the way to weigh out the issues in this project – yes the cost is large, but the flooding issues are large also. The ideal time to obtain bids is in the late winter, with the project to begin in spring. He was also unsure if the contractors would feel more comfortable using the other material, rather than concrete, if the City waited to have the project re-bid. The contractors had told him that in every project they had bid, they elected to go with the concrete rather than the other material.

As far as Bolten & Menk's fee, it would be paused, but should be substantially the same. The City may have to again go through the public hearings and assessment hearings. The Mayor and City Atty conferred as to if it would be possible to move the resolution forward with removal of the sidewalks. Femrite said that that would not change the assessment portions since the City is paying for the sidewalk. A change order could be done on the bid if the sidewalk was removed.

Motion by Cowell, seconded by Jaszewski, to introduce Resolution 20-2019 - Accepting the Bid and Awarding the Contract for the 2019 Street & Utility Improvement Project with No Sidewalk.
Councilmembers voting yes: Cowell and Jaszewski. Councilmembers voting no: Hatlestad, Battcher, and Heiland. The Resolution FAILS with a 3 to 2 vote.

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

RESOLUTION 20-2019

A RESOLUTION ACCEPTING A BID AND AWARDING A CONTRACT FOR THE 2019 STREET & UTILITY IMPROVEMENT PROJECT – *REMOVING THE SIDEWALK PORTION OF THE BID (removed at meeting)*

WHEREAS, pursuant to an advertisement for bids for the 2019 Street & Utility Improvement project; and

WHEREAS, bids were received, opened, and tabulated according to the law, and the following bids were received complying with the advertisement:

	<u>Bid Amount</u>
WM Mueller & Sons Inc.	\$2,447,270.76
Ryan Contracting Co.	\$2,644,524.00

AND WHEREAS, it appears that WM Mueller & Sons Inc. is the lowest responsible bidder.

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

1. The Mayor and City Administrator are hereby authorized and directed to enter into a contract with WM Mueller & Sons Inc. in the name of the City of Arlington for the 2019 Street & Utility Improvement Project according to the plans and specifications therefore approved by the City Council and on file in the office of the City Administrator.
2. The City Engineer (Bolton & Menk) is hereby authorized and directed to return forthwith to all bidders the deposits made with their bids, except that the deposits of the successful bidder and the next lowest bidder shall be retained until a contract has been signed.

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: Cowell and Jaszewski; and the following voted AGAINST the same: Battcher, Hatlestad and Heiland.

By Majority Vote said Resolution FAILED to be adopted by the City Council of the City of Arlington this 6th day of May, 2019.

Attest: /s/ Patrick Melvin City Administrator Signed: Richard Nagel Mayor

Whereupon the resolution was declared to have FAILED and was signed by the Mayor whose signature was attested by the City Administrator.

Motion by Battcher, seconded by Heiland, and passed by unanimous vote, to TAKE NO ACTION on Resolution 21-2019 – Adopting an Assessment.

RESOLUTION 21-201
A RESOLUTION ADOPTING AN ASSESSMENT

WHEREAS, pursuant to proper notice duly given as required by law, the council has met and heard and passed upon all objections to the proposed assessment for the 2019 Street & Utility Improvement Project, an improvement affecting properties on East Clinton Street between 1st Avenue SE proceeding to the east terminus and 2nd and 3rd Avenues SE both from E. Dayton Street to E. Baker Street and has amended such proposed assessment as it deems just;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ARLINGTON, MINNESOTA, AS FOLLOWS:

1. Such proposed assessment, a copy of which is attached hereto and made a part hereof, is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included is hereby found to be benefitted by the proposed improvement in the amount of the assessment levied against it.

2. The assessments shall be payable in equal annual installments including principal and interest extending over a period of 20 years, with interest accrued at the rate of five percent (5%) per annum, the first of said installments to be payable with general property taxes, collectible during the year 2020.
3. The owner of any property so assessed may, at any time prior to certification of the assessment (November 15, 2019) to the County Auditor, pay to the City of Arlington, the entire assessment, or portion thereof, without interest. And thereafter at any time prior to November 15 of any year pay to the City of Arlington, the whole, or portion thereof, of the principal amount of the assessment remaining on such property, understanding that the current year's installment of principal and interest through December 31 is payable to the County Auditor.
4. The City Administrator shall forthwith transmit a certified duplicate of this assessment to the County Auditor to be extended on the property tax lists of the county. Such assessments shall be collected and paid in the same manner as other municipal taxes.

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, Cowell, Hatlestad, Heiland and Jaszewski.

Said Resolution thereby FAILED to be adopted by the City Council of the City of Arlington this 6th day of May, 2019.

Attest: /s/ Patrick Melvin Signed: Richard Nagel
 City Administrator Mayor

Whereupon the resolution was declared to have FAILED and was signed by the Mayor whose signature was attested by the City Administrator.

Motion by Jaszewski, seconded by Hatlestad, and passed by unanimous vote, to APPROVE Resolution 22-2019- Approve a Variance to Required Interior Side Yard Setback.

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

RESOLUTION 22-2019

A RESOLUTION APPROVING A VARIANCE TO REQUIRED INTERIOR SIDE YARD SETBACK

WHEREAS, John Petterson and Gretchen Petterson (the Property Owners) have submitted a request for a variance to required side yard setbacks for property at 704 Marion Drive; and,

WHEREAS, The property legally described as Lot 16, Block 6, Lynch First Addition, City of Arlington, Sibley County, and identified as Parcel No. 31.0809.000; and,

WHEREAS, the Property Owner requests an interior side yard (north) setback of three feet; and,

WHEREAS, the required side yard setback in the R-1 Single Family Residential District is eight feet for lots with widths of 100 feet or more; and,

WHEREAS, the Planning and Zoning Commission on May 2, 2019 held a public hearing on the request; and,

WHEREAS, following the public hearing the Planning and Zoning Commission discussed the request and established the following facts:

- A. The existing dwelling has a double garage.
- B. Applicants propose a 464 square foot (16' x 29') addition to an existing attached garage to provide for a third garage stall.
- C. The proposed interior side yard setback is proposed at 2.98 feet at its narrowest point at the northwest

- corner of the proposed garage addition and 4.49 feet at the northeast corner of the garage addition.
- D. A certificate of survey has been presented illustrating existing interior side yard setback of 18.98 feet at the narrowest point.
- E. The proposed additional garage space will provide for storage of a boat and trailer thereby eliminating some outdoor storage from the property.
- F. A storage shed on the northeast corner of the property will be retained.

WHEREAS, the City Council considered the variance request at a regular meeting May 6, 2019; and,

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

NOW, THEREFORE, BE IT RESOLVED BY CITY COUNCIL OF THE CITY OF ARLINGTON THAT:
 The City Council hereby approves a variance from a required eight (8) foot interior side yard (north) setback to a setback of three feet for the aforementioned property in the R-1 Single Family Residential, provided:

1. The “Use” of the property shall remain single family residential.
2. This permit is subject to all applicable codes, regulations and ordinances, and violation thereof shall be grounds for revocation.
3. The maximum size of the garage addition is 464 square feet and the minimum interior side yard setback on the north property line is 2.98 feet.
4. The Applicant is responsible for determining whether or not private utility services are located in the impacted side yard drainage and utility easement.
5. A building permit is required.
6. The variance shall expire in one year following approval, unless construction of the proposed structure has commenced.
7. The variance shall be declared null and void if the conditions under which it is authorized are violated.
8. The variance shall expire when the need for the variance ceases.

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, and Jaszewski.

Adopted by the City Council of the City of Arlington this 6th day of May, 2019.

Attest: /s/ Patrick Melvin City Administrator Signed: Richard Nagel Mayor

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

City Adm. Melvin provided information regarding League of MN Cities online Land Use Training. If a quorum of Council Members take the training, as well as a quorum of Planning & Zoning members, the City can qualify for a discount \$3,750.00 per land use claim. It can be done online, at your own convenience. Time length for the classes is 2 – 3 hours. Councilmembers who advised they would do it are: Hatlestad, Battcher, Jaszewski, and Heiland.

Per Councilmember Cowell, believes that there needs to be added to the agenda that a vote should be taken as to whether to approve/deny an Interim Use Permit for Northland Drying. City Atty. Arneson advised that it can added now and a vote can be taken. Question was put as to whether the City of Arlington be more strict than a 1 hr test required by the MPCA? Atty. Arneson opined that the City could take action tonight but it might be worthwhile to wait until the end of the week to see what the long term test results are. Adm. Melvin put on the screen the requirements of the MPCA for noise levels for the Council to view. City Atty. Arneson advised that the City had approved a Conditional Use Permit (CUP) for Northland Drying for outside storage and had put various rules in that CUP that Northland

Drying was to be following. One action the City could take this evening would be to withdraw that CUP based upon non-compliance with the noise level testing. Atty. Arneson feels though that it may be premature for the police to issue a citation for nuisance violation based upon the spot testing that occurred today. If the testing results from ESI show that there are days and times when Northland is not in compliance, the police could then issue a misdemeanor nuisance citation for the dates/times when Northland is not in compliance with the MPCA limits.

The third option that the City could have available would be to shut down the business. Atty. Arneson feels that the noise issue will be an on-going issue as although they may be in compliance now, that doesn't mean they will be in compliance 6 months from now. The City may want to request on going testing. Councilmembers voiced their disappointment regarding the fact that Northland was not done with the 4 day testing prior to this meeting occurring tonight. Atty. Arneson advised that the City can make a requirement for longer testing, above the MPCA guidelines. There may also be some lag time from when the testing is completed and when the results are compiled by ESI to forward to the City. The Council requested that Atty. Arneson look more closely at the MPCA rules and State statutes for noise levels and report back to the Council with the information he learns. Atty. Arneson recommends that we wait until we receive the full test results and have a meeting after that to make a decision on what the City should do. The Council stated they feel that the residents and neighbors are being told to wait additional time but that Northland Drying just keeps delaying things for everyone.

Motion by Hatlestad, seconded Heiland that the City wait until they get the 4 day test results back to see if Northland Drying is in compliance and at that point they have another Council meeting to make decisions as to what the sanctions against Northland will be if they are not in compliance. The Council wants to be fair to Northland Drying but they also want to be fair to the residents. Thereafter there was a discussion that commenced between the residents in attendance and Josh Holwell from Northland Drying. The discussion then continued between the Council and Holwell. Holwell said that it wasn't Northland's fault that ESI needed up to an additional 2 weeks to be able to provide the report. Motion was later pulled by Hatlestad. One of the residents present asked how she was ever going to be able to sell her house, and get the value she had paid for it, because it's too close to that plant and the plant is too loud.

Adm. Melvin stated that there were 2 different issues that were going on. One issue was that the City provided a deadline of May 4. That date has come and gone and that is May 4 and the City does not have the complete information as stated in the letter sent to Northland. The second issue is the ongoing noise that is coming from Northland. The Council chose to not make any decisions without the rest of the information from ESI and from City Atty. Arneson. A discussion occurred between the Council members as to when they could schedule the next Council meeting to discuss this matter again and make a decision.

Motion by Hatlestad, seconded by Heiland, and passed by unanimous vote, to have a Special Council meeting this Monday at 6:30 p.m. (May 13) to discuss the full results from ESI on noise levels at Northland Drying, thus allowing Atty. Arneson to research laws pertaining to the noise levels.

On April 17 there was an Employee Relations Committee Meeting to discuss the administrative assistant position. Based upon the discussions in that meeting, the ERC have given recommendations that the administrative assistant position, which was 40 hours/week in 2018, and 32 hours/week in 2019 should be provided holiday pay. Retroactive holiday pay for 2018 would be 36 hours; and 2019 total holiday hours would be 76 hrs. (24 hrs. presently retroactive). The Council questioned as to how many additional hours beyond 32 hrs/week has she been working? Adm. Melvin advised that she has been coming in approximately 2 Fridays a month especially when there is a packet due on the following Monday. The Council would like to see there being something in writing between the City and the administrative assistant as to how she is going to be paid for the additional hours being worked. They are presently being banked for use as PTO time as she does not otherwise have PTO. The Council would like to see

something in writing as to the maximum number of comp hours she would be allowed to bank. Adm. Melvin advised he would draw something up and get it to the Council.

Motion by Heiland, seconded by Cowell, and passed by unanimous vote, to approve the recommendation of the ERC to include holiday pay for the administrative assistant position.

Next discussed were the quotes received from Melsha and Klehr for removal of trees from the Nickel property. Adm. Melvin gave his opinion that since there is no money to be made for the removal of the trees, and no one specifically interested in the property at this time, that the City not authorize removal of the trees from the property at present.

Motion by Battcher, seconded by Heiland, and passed by unanimous vote, to DENY authorization of quotes for removal of the trees from the Nickel property at this time.

Item #17 brought before the Council was to Approve Or Deny Signature On The Motor Vehicle Purchase Contract For Purchase Of The 2020 Tanker Truck From Custom Fire With Payment Method To Be Determined. Adm. Melvin advised the Council that if the 2019 Street & Utility Project is denied, Shannon Sweeney said it may have it may be better to finance the Tanker since there would be no project to hook into for the financing.

Motion by Cowell, seconded by Jaszewski, and passed by unanimous vote, to approve the Signature On The Motor Vehicle Purchase Contract For Purchase Of The 2020 Tanker Truck From Custom Fire, in the Amount of \$289,375.00 With Payment Method To Be Determined.

The Council then spoke regarding Item #19 – Approve/Deny DEED Infrastructure Grant Application with Revised Dates for Siduri Hops (f/k/a Ninkasi Hops) allow a one year extension for building.

Motion by Hatlestad, seconded by Jaszewski, and passed by unanimous vote, to approve the DEED Infrastructure Grant Application with Revised Dates for Siduri Hops (f/k/a Ninkasi Hops).

The Council next moved on to Item #20 – Approve/Deny Directing the Police Committee to Review and Establish a Sexual Offender Ordinance for the City of Arlington.

Motion by Battcher, seconded by Hatlestad, and passed by unanimous vote, to Approve Directing the Police Committee to Review and Establish a Sexual Offender Ordinance for the City of Arlington.

Decision made to forego the Council Member Committee Updates.

Motion by Heiland, seconded by Cowell, and passed by unanimous vote, to adjourn the meeting at 9:49 pm.

Vice Mayor Ben Jaszewski

Mayor Richard Nagel