



**ARLINGTON CITY COUNCIL
COUNCIL WORKSHOP MEETING AGENDA
MAY 17 AT 5:30 PM
COUNCIL CHAMBERS**

1. Call meeting to order
2. Roll call
3. Approve workshop agenda
4. Discussion 2021 sidewalk project – \$25,000 in CIP funds for sidewalks (continued from May 3, 2021 Workshop)

ADJOURNMENT

CITY OF ARLING

SIBLEY COUNTY, MINNESOTA

- W. BROOKS ST.**
- Larry McCormick - 709 - 120 ft²
 - Tony Powers - 705 - 176 ft²
 - G. Prael Rental - 605 - 36 ft²
 - James Harmon - 603 - 120 ft²
 - Breana Grisman - 703 - New Park
 - Barbara Meyers - 105 - 50 ft²

- W. Alden St**
- Tim Strawhecker - 509 - 148 ft²
 - Mike McElarthy - 501 - 18 ft²
 - Jean Olson - 608 - 40 ft²
 - W. Ibar Danwater - 611 - 40 ft²
 - Shawn Sipelein - 957 - 144 ft²

- 5th Ave NW**
- Mike Weber - 209 - 88 ft²
 - Noack Rental - 502 - 40 ft²

- W. BAKER ST.**
- Wendy Warkworth - 409 - 120 ft²
 - Seth House - 405 - 240 ft²
 - Scott Dose - 311 - 90 ft²
 - S. Lane Hox - 307 - 20 ft²

- W. Adams**
- Ethan Henke - 402 - 20 ft²

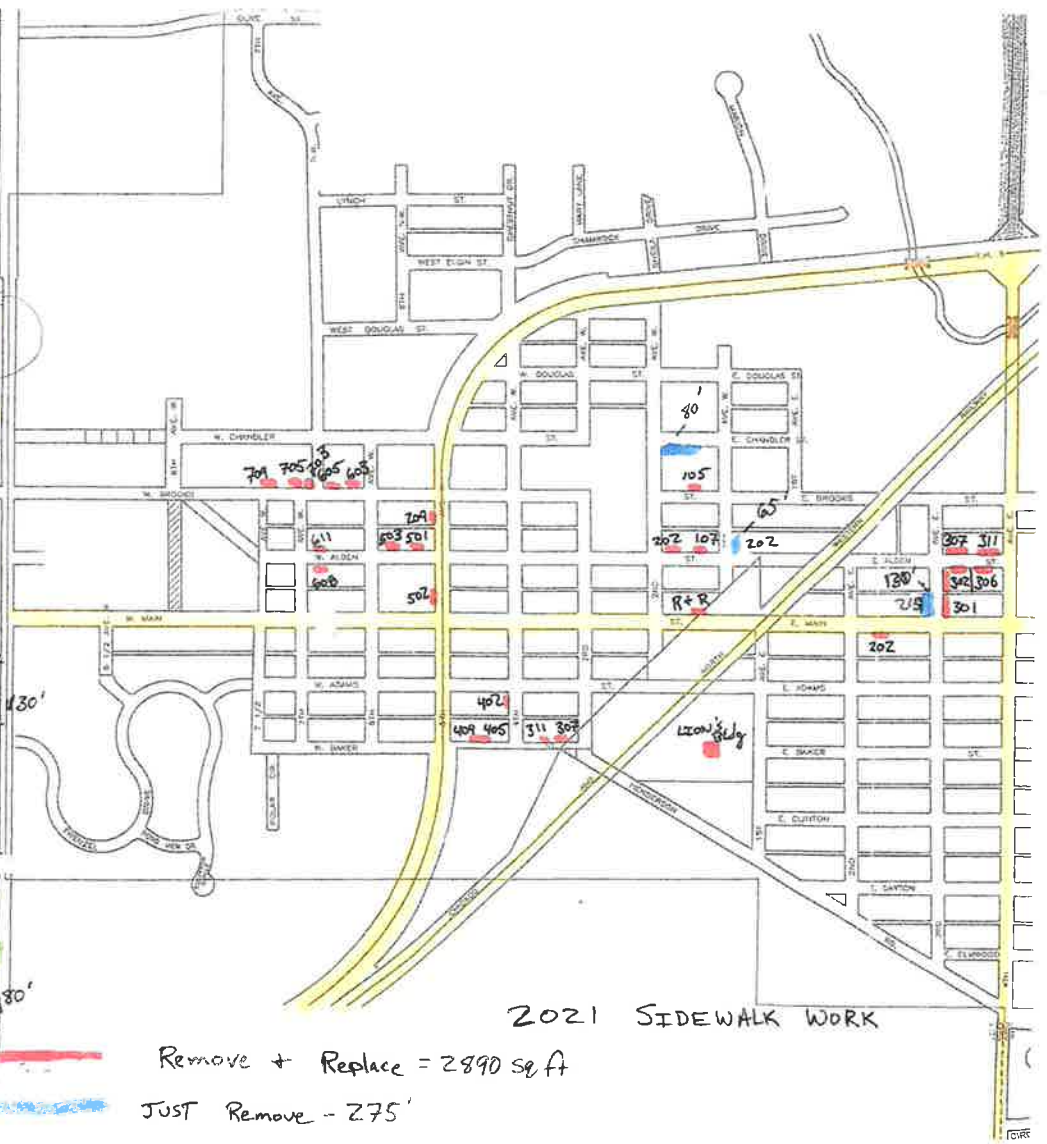
- Main St.**
- 117 W. Main - R+R - 224 ft²
 - Ed Tully - 202 - 60 ft²
 - Zori Mitze - 215 - TEAROUT
 - Brod Asmus - 301 - 382 ft²

- E. Alden**
- Jason Foster - 311 - 132 ft²
 - J+S Hazelwood - 307 - 160 ft²
 - Den Hougas - 306 - 116 ft²
 - Alan Johnson - 302 - 248 ft²

- 1st Ave N.**
- H+H Homes - TEAROUT - 65'
 - 202

- 2nd Ave NW**
- Harlon Krueger - 202 - 36'
 - Chad Hildebrand - 306 - TEAROUT 30'
 - LEON'S BLDG - 42 ft²

TOTAL SQ FT
2,890



2021 SIDEWALK WORK

Remove + Replace = 2890 sq ft

JUST REMOVE - 275'



- Legend**
- City Limits
 - Right-of-Way
 - Right of Way - Vacated
 - Railroad
 - Bridges
 - Lot Lines

Legend - Sidewalk Condition

- Fair Condition
- New/Good Condition
- Poor Condition
- No Sidewalk
- Bike Trail/Path

Other Symbols

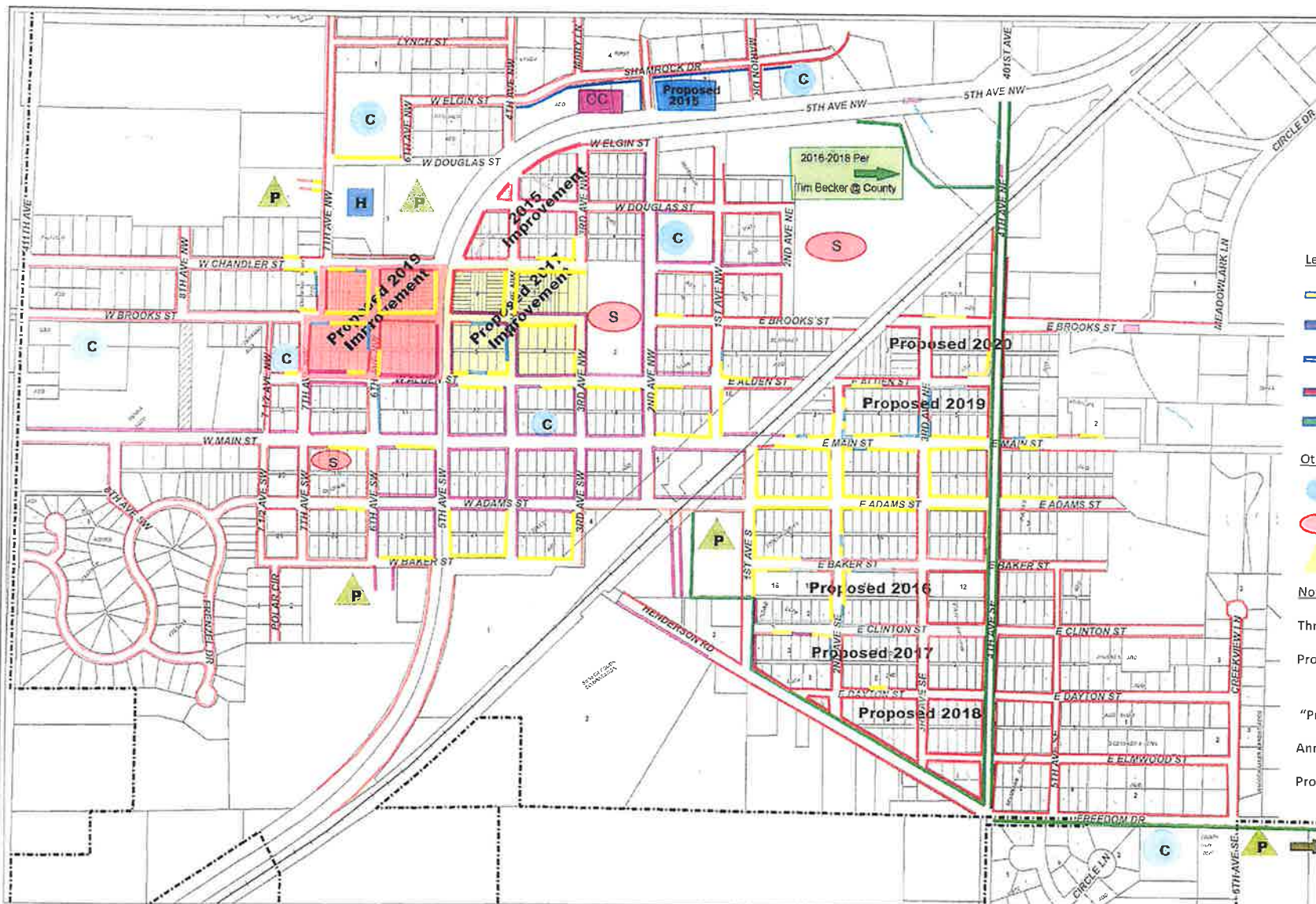
- Church
- School
- Park

Notes:

- Three (3) Street/Utility Improvement Project Areas (includes sidewalks)
- "Proposed"
- Annual Rehabilitation/Construction Projects. Funded by Med. Ctr. Lease



Disclaimer:
This is a preliminary map of a legal, recorded map. It is not intended to be used as a legal document. The drawing is a compilation of records, information, and data obtained from public records, maps, and other sources, and is for reference purposes only. The City of Arlington is not responsible for any errors or omissions contained herein.



0 485 Feet

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CMC Construction Inc.

412 East Baker Street.
Arlington, MN 55307

Estimate

DATE
5/12/2021

NAME / ADDRESS
City of Arlington 204 Shamrock Drive Arlington, MN. 55307 Att. Kerby

DESCRIPTION	TOTAL
2021 sidewalk project	
Estimate Includes	
Removing old sidewalk	
Hauling old concrete away	
Putting expansion joints in new pieces	
Repouring sidewalks	
3 pieces of 3/8 rebar in new concrete	
placing gravel	
2890 sf of sidewalk	20,230.00
removing 275 sf only	650.00
We appreciate the opportunity to bid this job.	
TOTAL	\$20,880.00

SIGNATURE _____

Phone #	Fax #
507-380-3202	

Wentzlaff Masonry Construction
571 4th St.
Green Isle, MN 55338
Licensed Contractor 20071353
Cell 612.270.4821

Estimate

Date	Estimate #
4/16/2021	132

City of Arlington

Description	Total
<p>Estimate for City of Alington 2021 sidewalk work.</p> <p>Included with estimate:</p> <ul style="list-style-type: none"> Take out old sidewalk concrete. Load old concrete unto city provided trucks. Form sides of sidewalk sections. Place and compact city provided gravel for sidewalk base. Place 3 runs of # 3 rebar in sidewalk concrete. Pour, level, and broom finish sidewalk concrete. Place Zip strips for expansion the width of sidewalk. Remove for forms. <p>Included materials-----Concrete-----rebar-----expansion strips.</p> <p>Total SQUARE FOOT estimated cost 2,890 sq. ft. x \$ 8.00</p> <p>Total estimated cost to remove old concrete sidewalks only. 275 sq. ft.</p> <p>ESTIMATE IS BASED ON AN E-MAIL % OF CITY OF ARLINGTON STATING LOCATIONS OF SIDEWALK AREAS.</p>	<p>23,120.00</p> <p>1,200.00</p>
<p>The ESTIMATE is for completeing the job as described above. It is based on our evaluation and does not include materials which may be required should unfocseen problems or adverse weather conditions arise after the work has started.</p>	
<p>NOTE: This estimate may be withdrawn by us if not excepted by _____</p>	<p>Total \$24,320.00</p>

RELEVANT LINKS:

Minn. Stat. § 429.091, subd. 3.

Minn. Stat. § 429.091, subd. 3.

Minn. Stat. § 429.061, subd. 2.
Minn. Stat. § 475.55, subd. 3.
See Section II-J-3: *Council decides interest on special assessment.*

Minn. Stat. § 429.111.
A.G. Op. 59-B-14, (June 26, 1956).
Minn. Stat. § 429.021, subd. 3.

See Section I-B: *The special benefit test.*

In a resolution authorizing a bond issue, the council must decide the bond maturity, denominations, interest rate, and form. The factors the council should consider in fixing such terms include the marketability of the bonds, the anticipated collection of the assessments, and the need for future bond issues under the comprehensive city plan and the capital improvement budget.

Before it can deliver the bonds or warrants to the purchaser, the council must levy a general tax for the payment of that portion of the cost not covered by the special assessment levies.

The council must make any tax levy for this purpose irrevocable for as long as the bonds or warrants are outstanding. While the council cannot repeal the levy until after all the principal and interest are paid, it may reduce the tax in any year if a surplus occurs in the sinking fund from which the city pays the improvement bonds.

A. Interest on improvement bonds

Bonds may carry any interest rate the council determines. In effect, the market determines the interest rate cities will pay on bonds.

B. Interest on special assessments

As noted previously special assessments may bear interest at any rate the council determines, unless the charter sets interest limits on the rates for assessments. In setting interest rates on assessments, the council should make sure there is a reasonable relationship between the assessment interest rate and the bond interest rate if the city issued bonds to finance the project. If the city finances the project with funds on hand without using bonds, the council will want to look at the interest rate the city would otherwise have earned on the funds.

VIII. Charter cities

Generally, any city operating under a home rule charter may proceed either under Chapter 429 or under its charter in making an improvement, unless a home rule charter or amendment taking effect after April 17, 1953 provides for an improvement under Chapter 429 or the charter exclusively. If a city proceeds under its charter, the city council should consult the city attorney to ensure that the charter procedure complies with Chapter 429 where state law so requires. Some specific areas to consider are as follows:

A. Special benefit test

The special benefit rule applies to charter cities.

RELEVANT LINKS:

Minn. Stat. § 429.101.
See Section I-F-2: *Assessing unpaid special service charges.*

Minn. Stat. § 429.031, subd.1(f).
See Section II-F-1: *Voting requirements for ordering the improvement.*

Minn. Stat. § 429.061, subd. 1.
Minn. Stat. § 429.021, subd. 3.
See Section II-D-1: *Publish notice of assessment hearing.*

Minn. Stat. § 429.021, subd. 3.
See Section IV-C: *Deferred assessments.*

Minn. Stat. § 429.021, subd. 3.

Again, the special benefit rule requires that the amount of special assessments to a parcel of property cannot exceed the increase in market value of that property because of the improvement.

B. Assessing unpaid charges

The law specifically lists the special services that cities can specially assess if not paid by the property owner or occupant. Statutory cities cannot add to this list, but charter cities may be able to add to it by charter amendment.

C. Voting requirements

If there is no petition for the local improvement, statutory city councils must adopt the resolution ordering an improvement with a “super-majority” vote. This means the council can only adopt the resolution by a four-fifths vote of all members of the council. If the mayor of a charter city has no vote or votes only in case of a tie, the mayor is not considered a member for the purpose of determining a four-fifths majority vote.

D. Notice of right to appeal

Even if the city follows charter procedures, state law requires that charter cities send the same notices of proposed assessments to inform property owners of the procedures they must follow under the charter in order to appeal the assessments to district court.

E. Deferrals

If the city offers deferments, notices of proposed assessments must tell property owners about deferments and how to procure them. Like statutory cities, charter cities may choose to offer deferrals to those who are 65 years of age or older or retired by virtue of a permanent and total disability.

F. Day labor

State law considers charter provisions as requiring that the council issue the contract for all or part of the work, or order all or part of the work done by day labor, no later than one year after the adoption of the resolution ordering such improvement—unless the council specifically states a different time limit in the resolution ordering the improvement.

429.101 UNPAID SPECIAL CHARGES MAY BE SPECIAL ASSESSMENTS.

Subdivision 1. **Ordinances.** (a) In addition to any other method authorized by law or charter, the governing body of any municipality may provide for the collection of unpaid special charges as a special assessment against the property benefited for all or any part of the cost of:

- (1) snow, ice, or rubbish removal from sidewalks;
- (2) weed elimination from streets or private property;
- (3) removal or elimination of public health or safety hazards from private property, excluding any structure included under the provisions of sections 463.15 to 463.26;
- (4) installation or repair of water service lines, street sprinkling or other dust treatment of streets;
- (5) the trimming and care of trees and the removal of unsound trees from any street;
- (6) the treatment and removal of insect infested or diseased trees on private property, the repair of sidewalks and alleys;
- (7) the operation of a street lighting system;
- (8) the operation and maintenance of a fire protection or a pedestrian skyway system;
- (9) inspections relating to a municipal housing maintenance code violation;
- (10) the recovery of any disbursements under section 504B.445, subdivision 4, clause (5), including disbursements for payment of utility bills and other services, even if provided by a third party, necessary to remedy violations as described in section 504B.445, subdivision 4, clause (2); or
- (11) [Repealed, 2004 c 275 s 5]
- (12) the recovery of delinquent vacant building registration fees under a municipal program designed to identify and register vacant buildings.

(b) The council may by ordinance adopt regulations consistent with this section to make this authority effective, including, at the option of the council, provisions for placing primary responsibility upon the property owner or occupant to do the work personally (except in the case of street sprinkling or other dust treatment, alley repair, tree trimming, care, and removal, or the operation of a street lighting system) upon notice before the work is undertaken, and for collection from the property owner or other person served of the charges when due before unpaid charges are made a special assessment.

(c) A home rule charter city, statutory city, county, or town operating an energy improvements financing program under section 216C.436 or 216C.437 has the authority granted to a municipality under paragraph (a) with respect to energy improvements financed under that section.

Subd. 2. Procedure for assessment. Any special assessment levied under subdivision 1 shall be payable in a single installment, or by up to ten equal annual installments as the council may provide, except that a special assessment made under an energy improvements financing program under subdivision 1, paragraph (c), may be repayable in up to 20 equal installments. With these exceptions, sections 429.061, 429.071, and 429.081 shall apply to assessments made under this section.

Subd. 3. Issuance of obligations. (a) After a contract for any of the work enumerated in subdivision 1 has been let, or the work commenced, the council may issue obligations to defray the expense of any such

work financed in whole or in part by special charges and assessments imposed upon benefited property under this section.

(b) Section 429.091 shall apply to such obligations with the following modifications:

(1) such obligations shall be payable not more than two years from the date of issuance;

(2) the amount of such obligations issued at one time in a municipality shall not exceed the cost of such work during the ensuing six months as estimated by the council;

(3) a separate improvement fund shall be set up for each of the enumerated services referred to in subdivision 1 and financed under this section.

(c) Proceeds of special charges as well as special assessments and taxes shall be credited to such improvement fund.

History: 1953 c 398 s 10; 1955 c 811 s 6; 1963 c 771 s 5; 1965 c 323 s 2; 1973 c 337 s 1; 1974 c 340 s 1,2; 1984 c 548 s 7; 1984 c 582 s 7; 1984 c 591 s 6; 1984 c 633 s 5; 1986 c 444; 1Sp2003 c 21 art 11 s 29; 2004 c 275 s 2; 2008 c 366 art 6 s 42; 2010 c 216 s 22; 2013 c 85 art 8 s 6; 2018 c 155 s 36

business districts of the city, sufficient numbers shall be allowed to provide for buildings with more than one separate business establishment fronting on the street or avenue.

C. Duty of City Staff. It shall be the duty of the City Staff to assign numbers, as hereinbefore provided, to every house or other primary building in this city, and to report the numbers assigned to the next regular meeting of the Council following the assignment of said numbers. The Council shall at once consider such report, and accept, and by resolution approve, the same with such revision and amendments as it may deem necessary. A copy of the report as approved, shall be kept on file in the City Office; and, shall be revised from time to time by the Staff as additional numbers shall be assigned, so as to constitute a consolidated record of the same; and the numbers assigned may be entered upon the appropriate blocks and lots indicated on the plats of the City Office. It shall be the duty of the City Staff to notify the owners, agents, lessors, or occupants of such houses or buildings, either by mail, publication or telephone, of the number so assigned.

26.03 Sidewalk Repairs

A. The abutting property owner shall keep existing sidewalks in good repair. Any sidewalk found by the City to be in need of repair shall be reported to the abutting property owner by letter mailed to the owner's last known address, or by personal service upon the owner. The owner shall have 20 days from the mailing or delivery of the notice to arrange for the repairs. If the owner fails to make the repairs within the 20 day notice term, the City shall conduct the repairs and assess the cost to the abutting property. Repairs shall be allowed to be delayed during seasons or weather conditions which prevent effective concrete repairs.

B. Under special circumstances, such as the awarding of grants to the City for the purpose, or for projects of benefit to the City as a whole, or in other special cases in the discretion of the City Council, the City may share in the cost of repair of sidewalks. Any such cost sharing by the City shall not obligate the City to maintain or repair said sidewalks at any future time.

C. Sidewalks shall be repaired to the specifications established by the City. Prior to conducting such repair, the abutting property owner shall obtain a permit from the City.

D. Abutting property owners shall erect barricades and warnings to City specifications for any sidewalks in a state of repair, so as to prevent injury and accident to the public. All such repair shall be done in as rapid a manner as reasonably possible.

E. No sidewalks shall be removed by property owners within the City of Arlington without first obtaining a city permit. The City shall have the right to refuse the granting of any such permit if the City Council, in its sole discretion, determines that it is not in the best interest of the public, considering public convenience, health and welfare and property values, to allow the removal of such sidewalk.

F. The new construction or total replacement of sidewalks is covered under City Code Chapter 25, Special Improvement Assessments.

G. Repair Standards. The following guidelines shall govern decisions regarding the safety of sidewalks within the City of Arlington. Defective sidewalks in need of repair shall be classified as falling within three possible types of categories:

(1) Heaves. This is a condition in which one portion of sidewalk is raised higher than the elevation of the portion immediately adjacent. Heaving often results from either settling of the material beneath the sidewalk or from tree roots pushing up a portion of the sidewalk. All heaves of one inch or greater shall be considered

unacceptable.

(2) Separations. This is a condition in which a portion of sidewalk is separated, leaving a gap between the two sections. Separations of one and one-half inches or greater are considered unacceptable.

(3) Busted or Missing Sidewalks. This is a condition in which a portion of a sidewalk contains multiple cracks in any four square foot area or where portions of the entire sidewalk are missing.

26.04 Ice and Snow Removal

A. Public Nuisance. Any accumulation of snow or ice upon any public sidewalk is hereby declared to constitute a public nuisance, which shall be abated, by the owner or occupant of the property abutting such sidewalk within twelve hours after such snow or ice has ceased to be deposited upon such sidewalk.

B. City Removal. If the owner or occupant of the property abutting any public sidewalk upon which snow or ice has accumulated fails to abate the nuisance thereby created within twenty-four (24) hours after such snow or ice has ceased to be deposited upon such sidewalk, the City Administrator or a designated agent may cause the removal of such snow or ice. The agent causing such removal shall maintain a record showing the cost of such removal attributable to each separate lot and parcel and shall deliver such information to the City Administrator.

C. Assessment. Upon receipt of the information required by the preceding subdivision, the City Administrator shall forward to the Council a statement setting forth the unpaid charge for the cost of the removal of any snow or ice pursuant to subdivision B hereof for each separate lot or parcel. The Council may then, pursuant to the provisions of Minnesota Statutes, Chapter 429, assess any such charge against the property benefited, and any such assessment shall, at the time at which taxes are certified to the County Auditor, be certified for collection in the manner that other special assessments are so certified.

D. Civil Suit for Cost of Removal. The City Administrator may, as an alternative to the assessment procedure set forth in subdivision C, initiate a civil suit in a court of competent jurisdiction to recover from the owner of land adjacent to which sidewalks have been cleared as provided in subdivision B hereof, the cost of the removal of snow or ice, together with allowable costs and disbursements.

E. Placing Snow or Ice on Public Street or City Property. It is unlawful for any person, not acting under contract with the City, to remove snow or ice from private property and place such snow or ice upon a public street, in such quantity or manner as to cause a hazard to travel, without proper arrangements for the immediate removal thereof. It is unlawful for any person, not acting under contract with the City to place or deposit any snow or ice upon City property.

26.05 Public Rights of Way Controls

A. Election to Manage the Public Right-of-Way and Easements. In accordance with the authority granted to the city under state and federal statutory, administrative and common law, the city hereby elects pursuant to this chapter to manage right-of-ways and easements within its jurisdiction. This ordinance has been enacted to require the owners of property containing a public easement or right-of-way to use the property in a manner consistent with the grant of the easement or right-of-way, and assure the city of reasonable access onto easements or right-of-ways in an emergency situation. This ordinance recognizes the need to maintain public right-of-ways and easements free of obstructions and accessible, while allowing non-conflicting uses by the property owner.

Service lines from the lateral or trunk to the property line of all planned service locations such as residences or buildings shall be installed in conjunction with the construction of the mains.

25.09 Policies of Reassessment

An improvement of a property or a portion of a property can not be reassessed if that property is currently in an assessment payoff payment period from a similar project. (i.e. A property owner will not be assessed for a sidewalk if they are currently paying an assessment for a sidewalk improvement).

25.10 Assessment Computations

The following is the typical City assessment for various specified improvements.

A. Street and Curb and Gutter Improvements.

(1) New Constructions. New streets and curb and gutters are assessed 100% to the abutting benefited properties. Street and curb and gutter improvements will normally be assessed by the adjusted front foot method, however other methods may be utilized if conditions warrant. Cost of construction of streets shall be assessed based on the minimum design of 7-ton axle load in residential areas and 9-ton axle load in commercial and industrial areas. Oversizing costs which are incurred in excess of the above may be paid by: (1) State funds, (2) larger assessment rates to other benefited properties, (3) general obligation funds, or (4) any other method or combination of methods authorized by the City Council.

(2) Reconstruction. Reconstruction is defined as bituminous and subgrade excavation and replacement. Street and alley reconstructions are assessed 25% to the abutting benefited properties. Reconstructed curb and gutter are 50% assessed to the abutting benefited properties.

(3) Gravel Streets. Upgrading of existing gravel streets by adding pavement is assessed 100% to the abutting benefited properties.

(4) Seal Coats and Overlays/millings. Seal coats and overlays/millings are not being assessed to the abutting properties.

(5) Alleys. Any upgrading of existing alleys is assessed 100% to all lots abutting on the alley in the block being improved.

(6) The City pays for curb and gutter across intersections and alleys.

(7) 100% of the costs of the corner radius for curb and gutter are paid for by the City.

(8) The City pays for street surface reconstruction across intersections and alleys.

B. Sidewalks and Trails.

(1) New Construction. New sidewalks are assessed 100% to the abutting property on which the sidewalk is located.

(2) Reconstruction. Replacement sidewalks are assessed 50% to the abutting property owner and 50% City funded.

(3) The City pays for the sidewalk across intersections and alleys.

(4) 100 percent of the costs of the corner radius for sidewalks are paid for by the City.

(5) Trails. Bituminous walkways and/or bicycle trails are not assessed, but rather funded by the City.

C. Storm Sewer Improvements. Storm sewers are assessed on a project-by-project basis. Storm sewers in new subdivisions are considered an improvement on an area basis and are paid for by the developer upfront.

Oversizing costs due to larger mains and larger appurtenances are paid for by a combination of availability charges, user charges and/or trunk area assessment charges. Trunk area storm sewer charges are levied to all unplatted property at the time of platting, to re-plats that have not been charged trunk area charges when the land was originally platted, and to re-plats that have been charged trunk area charges when the land was originally platted but where the use is increasing (only the cost difference based on current and prior use is charged). The charges will be set in the annual fee schedule during the first City Council meeting in January of each year.

Normally, storm sewers are assessed on an area wide basis (square foot or acres), but in certain situations the per lot method or adjusted front method may be utilized at the City Council's discretion.

D. Sanitary Sewer Assessments. Assessments for sanitary sewer in residential areas are based upon the cost of construction of 8 inch mains, which is the smallest size installed in residential areas of the City. Assessments for sanitary sewers in commercial and industrial areas are based upon a standard size of 12-inch mains.

Oversizing costs due to larger mains and larger appurtenances will be paid for by a combination of availability charges, user charges and/or trunk area assessment charges. Trunk area sanitary sewer charges shall be levied to all un-platted property at the time of platting and to re-plats that have not been charged trunk area charges when the land was originally platted. The charges will be set in the annual fee schedule during the first City Council meeting in January of each year. Services installed to individual properties are fully assessed to the benefiting property.

Normally, sanitary sewers are assessed on an area wide basis (square foot or acres), but in certain situations the per lot method or adjusted front method may be utilized at the City Council's discretion.

Lateral benefit from major trunk sewers or interceptors is assessed to the properties benefited by the sewer. Any oversizing cost is assessed as described above.

The replacement of existing sewers is assessed 25% with the remaining costs paid for by other funding sources identified by the City Council.

Individual service lines installed directly to specified properties are fully assessed directly to the benefited properties. Properties that have existing sanitary services, but do not have mainline sewers adjacent, across or up to their property lines pay 50% of the assessment rate for the new mainline sanitary sewer as well as 100% of the cost associated with replacing the service lines.

Any existing service lines found to be defective as part of a street reconstruction are replaced as part of the project and assessed directly to the property benefitted.