

**ARLINGTON CITY COUNCIL
MEETING AGENDA
DECEMBER 2, 2013 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 November 18th Regular Meeting Minutes.
 - B) Approval of the November 18th Special Council Meeting Minutes.
 - C) Approval of the November 21st Special Council Meeting Minutes.
 - D) Approval of Bills.
 - E) Accept Resignation of Scott Bennet, Full-Time Police Officer.
 - F) Approval of 2013 Audit Services Agreement with Abdo, Eick & Meyers.
 - G) Approve the Hiring of Daniel and Stacy Fahning as Skating Rink Supervisors.

PUBLIC HEARINGS

5. Annual Truth-in-Taxation Hearing (6:05 p.m.)
6. TEFRA Hearing (6:30 p.m.)

PETITIONS, REQUESTS, & COMMUNICATIONS

7. Addressing the Council
 - A) Citizens Addressing the Council.
8. Announcements
 - A) Sibley County Municipalities Association Semi-Annual Meeting, Thursday, December 5, 6 p.m.
 - B) Arli-Dazzle Celebration ó Saturday, December 7.
 - C) City Offices will be Closing at Noon on Tuesday, December 24 and will be closed all day on Wednesday, December 25 in Observance of the Christmas Holiday
 - D) City Offices will be Closed on Wednesday, January 2 in Observance of the New Year's Holiday.
 - E) Annual City Appreciation Meeting is Sunday, January 26.

9. Communications
 - A) October Water/Wastewater Report.
 - B) November Building Permit Report.
 - C) Correspondence from Sibley County Public Health and Human Services.
 - D) Correspondence from Sibley East FFA/Region 7.

ORDINANCES & RESOLUTIONS

10. Ordinances
 - A) Second Reading: Ordinance 281 óAn Ordinance Amending Ordinance 169, The Arlington Zoning Ordinance, by Adding Section 13.9 Relating to Home Occupationsö.
 - B) Second Reading: Ordinance 284 óAn Ordinance Amending Section 15, Section 15.5, and Section 16 of Ordinance 169, The Arlington Zoning Ordinance, Providing for the Expiration, Revocation, and Discontinuance of Conditional Use Permits, Interim Use Permits, and Variancesö.
 - C) First Reading: Ordinance 285 óAn Ordinance Amending Ordinance 257, Establishing Arlington Fire Department Fire Call Billing Procedures.ö
11. Resolutions
 - A) 49-2013 ó A Resolution Providing for Summary Publication of Ordinance 281 Entitled óAn Ordinance Amending Ordinance 169, The Arlington Zoning Ordinance, by Adding Section 13.9 Relating to Home Occupationsö.
 - B) 50-2013 ó A Resolution Providing for Summary Publication of Ordinance 284 Entitled óAn Ordinance Amending Section 15, Section 15.5, and Section 16 of Ordinance 169, The Arlington Zoning Ordinance, Providing for the Expiration, Revocation, and Discontinuance of Conditional Use Permits, Interim Use Permits, and Variancesö.
 - C) 51-2013 ó A Resolution Authorizing a Farm Land Lease Agreement Between the City of Arlington and Tom Haupt for Nickel Property and Directing Execution Thereof.
 - D) 52-2013 ó A Resolution Authorizing a Farm Land Lease Agreement Between the City of Arlington and Tom Haupt for Swenson Property and Directing Execution Thereof.
 - E) 53-2013 ó A Resolution Relating to Reissuance of General Obligation Hospital Revenue Refunding Bonds, Series 2010B.

UNFINISHED BUSINESS

12. Rental Policy of the Public Safety Meeting Room at the Emergency Services Building.

NEW BUSINESS

13. Authorize/Deny Purchase of Daktronic 20mm LED Electronic Sign at Community Center.

MISCELLANEOUS BUSINESS

14. Council Committee Updates
15. Open Discussion

ADJOURNMENT

Reminders:
Hospital Board - December 30th @ 5 pm (SMC)

**ARLINGTON CITY COUNCIL
MEETING MINUTES
DECEMBER 2, 2013**

The regular meeting was called to order at 6:05 p.m., Mayor Kreft presiding.

Members present: Jaszewski, Mayor Kreft, Nuesse (arrived late), Reetz, Wills

Members absent: Ruehling

Also present: City Administrator Donabauer, City Attorney Arneson, Larry Sorenson, Allen Scharn, James Roehnl & Daryl Kirt of Scenic Sign, Fire Chief John Zaske, Kurt Menk

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

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

- A) Approval of the November 18th Regular Meeting Minutes
- B) Approval of the November 18th Special Meeting Minutes
- C) Approval of the November 21st Special Meeting Minutes
- D) Approval of Bills
- E) Accept Resignation of Scott Bennett, Full-Time Police Officer
- F) Approval of 2013 Audit Services Agreement with Abdo, Eick & Meyers
- G) Approve the Hiring of Daniel & Stacy Fahning as Skating Rink Supervisors.

Mayor Kreft recessed the regular meeting to hold the Truth-In-Taxation Public Hearing.

Mayor Kreft called to order the annual Truth-In-Taxation public hearing. It was noted that Larry Sorenson and Allen Scharn were present. Adm. Donabauer stated the purpose of the hearing was to enhance the public participation in the property tax system by allowing a public forum to: discuss the budget, discuss the tax levy, explain the increases/decreases and hear public comments and questions on the budget and tax levy, and discuss estimated savings realized from a new sales tax exemption that will be introduced in 2014. She added that this hearing was not to discuss property valuations; as they are handled in the spring by the County Assessor at the Board of Equalization meeting. She gave a detailed presentation and explained the budget, budget process and tax process. Various comments were made, and various questions were asked and answered.

Motion by Wills, seconded by Nuesse, and passed by unanimous vote to adjourn the public hearing.

Mayor Kreft adjourned the Truth-In-Taxation Public Hearing and reconvened the regular meeting at approximately 6:40 p.m.

Mayor Kreft called to order the TEFRA public hearing.

Adm. Donabauer explained that TEFRA was an acronym for Tax Equity Fiscal Responsibility Act of 1982. She stated the reasons for holding the hearing were because:

- the City was exiting the municipal hospital business;
- entering into a Lease Affiliation Agreement with Sibley Medical Center and Ridgeview Medical Center;
- the bonds that were taken out in 2010 were insured by revenue.

She explained that due to the change in relationship with the hospital and the new company staying tax exempt, a public hearing must be held to inform the residents that the City is transferring the Bond. It was noted that there were no comments or questions from the public or Council.

Motion by Nuesse, seconded by Jaszewski, and passed by unanimous vote to adjourn the TEFRA Public Hearing.

Mayor Kreft adjourned the TEFRA Public Hearing and reconvened the regular meeting at 6:47 p.m.

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

The announcements were reviewed:

- A) Sibley County Municipalities Association Semi-Annual Meeting, Thursday, December 5, 6 p.m.
- B) Arli-Dazzle Celebration ó Saturday, December 7
- C) City Offices will be Closing at Noon on Tuesday, December 24 and will be closed all day on Wednesday, December 25 in Observance of the Christmas Holiday
- D) City Offices will be Closed on Wednesday, January 2 in Observance of the New Yearøs Holiday
- E) Annual City Appreciation Meeting is Sunday, January 26.

The Council reviewed the following communications:

- B) October Water/Wastewater Report
- C) November Building Permit Report
- D) Correspondence from Sibley County Public Health and Human Services
- E) Correspondence from Sibley East FFA/Region 7.

The second reading of Ordinance 281-An Ordinance Amending Ordinance 169, the Arlington Zoning Ordinance, by Adding Section 13.9 Relating to Home Occupations, was held. Adm. Donabauer stated that the proposed ordinance defines home occupations, provides performance standards for home occupations, establishes a review process, and identifies processing/enforcement criteria for home occupations.

Motion by Reetz, seconded by Nuesse, and passed by unanimous vote to approve Ordinance 281-An Ordinance Amending Ordinance 169, the Arlington Zoning Ordinance, by Adding Section 13.9 Relating to Home Occupations, as follows:

ORDINANCE 281

AN ORDINANCE AMENDING ORDINANCE 169, THE ARLINGTON ZONING ORDINANCE, BY ADDING SECTION 13.9 RELATING TO HOME OCCUPATIONS

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 SECTION 13.9 AS FOLLOWS:

SECTION 13.9: HOME OCCUPATIONS

SUBDIVISION 1. PURPOSE AND INTENT.

- A. The purpose of this Section of the Zoning Ordinance is to provide for the conducting of home occupations in residential neighborhoods while protecting the health, safety, and general welfare of the surrounding neighborhood.
- B. The intent of this Section is to establish operational standards and review procedures for home occupations. This Section provides a mechanism to distinguish between permitted home occupations that are allowed under administrative permit and more intense home occupations which require an interim use permit and public hearing.

SUBDIVISION 2. SCOPE.

- A. All occupations conducted in a dwelling unit within a residential zoning district or on the premises of a principal residential use in a residential zoning district shall comply with the provisions of this Section, the provisions of the district in which it is located, and all other Sections of this Ordinance.
- B. Home occupations are defined as and limited to all of the following:
 - i. Gainful occupations or professions engaged in by the occupant(s) of a dwelling;
 - ii. Which are carried on within a dwelling unit or structure(s) accessory thereto; and,
 - iii. Which are clearly incidental to the principal use of the property as a residential dwelling unit.
- C. Home occupations shall be classified as either óPermittedø or óSpecialø home occupations. Home occupations not specifically identified as óPermittedø or óSpecialø shall be considered prohibited. Permitted home occupations are allowed without a permit but shall adhere to the óGeneral Performance Standardsø contained in this Section as may be amended. óSpecial home occupations require the issuance of an óInterim Use Permitø as provided for in Section 14.5 of

the Zoning Ordinance as may be amended and shall adhere to the ~~-General Performance Standards~~ contained in this Section as may be amended.

- D. Home occupations whether permitted or allowed under an ~~-Interim Use Permit~~ are not transferable, shall expire when the occupation ceases, and/or shall expire upon the sale of the subject property or transfer of title to the real estate upon which the occupation is conducted.
- E. Home occupations existing on the effective date of this Ordinance are considered legal non-conforming uses and shall be allowed to continue. In the event an expansion, enlargement, or intensification of an existing home occupation is contemplated, the standards of this Section shall be applied. ~~Expansion, Enlargement, or Intensification~~ of an existing legal non-conforming home occupations shall be as defined in Section 14 of the Zoning Ordinance as may be amended and relating to non-conformance.
- F. Nothing in this Section is intended to prohibit or regulate non-commercial activities in residential neighborhoods.

SUBDIVISION 3. PROHIBITED HOME OCCUPATIONS.

- A. Home occupations involving illegal substances, illegal devices, and/or unlawful activities are prohibited.
- B. Home occupations involving explosive materials as defined in Mn. Rules 7500.0100 as may be amended are prohibited.
- C. Home occupations involving sexually oriented materials and/or activities as defined by Mn. Statutes as may be amended are prohibited.
- D. Home occupations conducted in a manner which produce noise, vibration, smoke, dust, odors, heat, or glare detectable at or beyond the property line are prohibited.
- E. Home occupations involving materials or storage of items declared a public nuisance, as defined in City of Arlington Ordinance 259 (the nuisance ordinance) as may be amended.

SUBDIVISION 4. PERMITTED HOME OCCUPATIONS

- A. Permitted home occupations are those home occupations which are not identified as ~~-Prohibited Home Occupations~~ under Subdivision 3 of this Section or ~~-Special Home Occupations~~ under Subdivision 5 of this Section as may be amended.
- B. Permitted home occupations require the issuance of an ~~-Administrative Permit~~ from the Zoning Administrator as provided for in Section 13.8 of the Zoning Ordinance as may be amended.
- C. Permitted home occupations shall comply at all time with the ~~Performance Standards~~ contained in Subd. 6 of this Section as may be amended.

SUBDIVISION 5. SPECIAL HOME OCCUPATIONS

- A. Special home occupations require the issuance of an ~~-Interim Use Permit~~ as provided for in Section 15.5 of the Zoning Ordinance as may be amended.
- B. Special home occupations are activities which include any of the following:
 1. Home occupations involving retail or wholesale trade on-site which is conducted by more persons than the occupant of the dwelling unit.
 2. Home occupations providing services on-site which are conducted by the dwelling unit occupant and/or more than one employee.
 3. Home occupations involving outdoor storage of materials not typically associated with residential dwellings.
 4. Home occupations involving outdoor storage of items of which the dwelling unit occupant is not the fee owner.
 5. Home occupations with the potential to reasonably involve the presence of five (5) or more adult customers at the subject property at one time.
 6. Home occupations conducted between the hours of 10:00 p.m. and 6:00 a.m. that generate walk-in traffic.
 7. Home occupations involving ~~-Dangerous Weapons~~ as defined by Mn. Statutes, provided:
 - i. The Applicant possesses a current federal firearms license.
 - ii. The Applicant provides written evidence of home owners/rental insurance specifying current coverage for proposed home occupation.
 - iii. The applicable federal firearms license and home owners/rental insurance are maintained.
 - iv. Inspection of the facility by the Fire Marshal and the Police Chief and adherence to conditions as required by said Fire Marshal and/or Police Chief.
 - v. The proposed home occupation maintains compliance with federal, state, and local laws and standards.
 - vi. Adherence to conditions imposed under Subd. C of this Section, as may be amended.
 8. Home occupations involving the regular, reoccurring delivery or pick-up of materials by commercial vehicles more than one time per week.
- C. Right to Impose Conditions for Special Home Occupations.
 1. The City Council may impose such conditions on the granting of an interim use permit for a special home occupation as may be necessary to carry out the purpose and provisions of this Section.

2. Such conditions may include, but are not limited to:
 - i. Limiting hours of operation.
 - ii. Limiting the number of vehicles at the site at one time.
 - iii. Limiting the amount of vehicles used in conducting the home occupation.
 - iv. Requiring additional parking be provided on-site and off of the public street.
 - v. Limiting the duration and/or volume of on-street parking.
 - vi. Limiting the number of employees.
 - vii. Limiting the volume of traffic generated by the home occupation.
 - viii. Limiting the amount of outdoor storage of materials, property other than real estate, chattel, and/or equipment used or stored on-site in conjunction with the home occupation.
 - ix. Requiring additional setbacks and/or buffering so as to reduce noise, vibration, smoke, dust, odors, heat, or glare detectable at or beyond the property line resulting from the home occupation.
 - x. Limiting the number of customers, guests, and/or clients present at the site in conjunction with the home occupation.
 - xi. Limiting the amount of time the Interim Use Permit is in effect to a specific date, time, or event occurrence.
 - xii. Requiring inspection by the Police Chief and/or the Fire Marshal and adherence to public safety conditions imposed thereby.

SUBDIVISION 6. PERFORMANCE STANDARDS.

- A. All Permitted Home Occupations and all Special Home Occupations shall comply with the following Performance Standards.
 1. Home occupations shall be clearly incidental and subordinate to the principal residential use of the property.
 2. Home occupations shall not change the residential character of the neighborhood, be incompatible with surrounding land uses, disturb surrounding residential uses, or be intrusive to surrounding dwellings.
 3. Home occupations shall not occupy or use greater than twenty-five percent (25%) of the combined footprint of structures on the subject parcel. In addition, a home occupation shall not occupy or use greater than twenty-five percent (25%) of the lot area; except that home day care providers may use greater than twenty-five percent (25%) of the lot area for play/recreation purposes.
 4. A home occupation shall not be established before a dwelling unit exists on the subject property.
 5. Signage for home occupations shall be limited to one (1) non-illuminated sign which shall not exceed four (4) square feet in area.
 6. Operation of a home occupation shall be limited to the residential dwelling, an attached garage, or an accessory structure.
 7. Home occupations shall not generate excessive employee, customer, or client traffic that is detrimental to the character of the surrounding properties.
 8. Home occupations shall be conducted in a manner which produces no indication of noise, vibration, smoke, dust, odors, heat, or glare detectable at or beyond the property line.
 9. Any equipment used in conjunction with a home occupation shall not create electrical interference to surrounding properties.
 10. Home occupations shall not require internal or external alterations or involve construction features not customarily found in dwellings except where required to comply with local and state fire and police recommendations.
 11. Areas used for home occupations shall meet all applicable fire and building codes.
 12. Home occupations shall comply with the city nuisance regulations.
 13. Home occupation walk-in traffic shall be conducted only between the hours of 6:00 a.m. and 10:00 p.m.
 14. Home occupations shall be operated and licensed as required by applicable state and/or federal law.

SUBDIVISION 7. REVIEW PROCESS.

- A. Special Home Occupations. Special home occupations require issuance of an interim use permit. The application, process, fee, review criteria, and issuance criteria for "Interim Use Permits" included in Section 15.5 of the Zoning Ordinance, as may be amended apply and are hereby incorporated by reference.
- B. Permitted Home Occupations. Permitted home occupations require issuance of an administrative permit from the Zoning Administrator. The application, process, fee, review criteria, and issuance criteria for "Administrative Permits" included in Section 13.8 of the Zoning Ordinance, as may be amended apply and are hereby incorporated by reference.

SUBDIVISION 8. HOME OCCUPATIONS EXISTING PRIOR ORDINANCE EFFECTIVE DATE.

- A. Home occupations existing prior to the effective date of this Ordinance (December 5, 2013) that are prohibited under this Ordinance shall be considered legal non-conforming uses and shall be subject Section 14 of the Zoning Ordinance, as may be amended, relating to non-conformance.
- B. Home occupations in existence prior to the effective date of this Ordinance (December 5, 2013) that require an Interim Use Permit under the standards of this Ordinance shall be required to obtain as applicable, an Interim Use Permit or an Administrative Permit if/when one of the following occurs:
 - 1. The home occupation ceases for more than one year.
 - 2. The nature of the home occupation changes to a different type of home occupation requiring an interim use permit.
 - 3. The home occupation changes to a permitted home occupation.
 - 4. The existing home occupation is expanded, enlarged, or intensified as defined in the Zoning Ordinance relating to non-conformance.
- C. Home occupations in existence prior to the effective date of this Ordinance (December 5, 2013) that require an administrative permit shall be required to obtain as applicable, an Administrative Permit or Interim Use Permit if/when one of the following occurs:
 - 1. The home occupation ceases for more than one year.
 - 2. The nature of the home occupation changes to a different type of home occupation requiring an interim use permit.
 - 3. The home occupation changes to a permitted home occupation.
 - 4. The existing home occupation is expanded, enlarged, or intensified as defined in the Zoning Ordinance relating to non-conformance.

II. EFFECTIVE DATE.

This Ordinance is effective upon its adoption and publication as prescribed by law.

Adopted by the City of Arlington on the 2nd day of December, 2013.

For City of Arlington:

/s/ James R. Kreft

By James R. Kreft

It is Mayor

/s/ Liza M. Donabauer

By Liza M. Donabauer

It is City Administrator

The second reading of Ordinance 284-An Ordinance Amending Section 15, Section 15.5, and Section 16 of Ordinance 169, the Arlington Zoning Ordinance, Providing for the Expiration, Revocation, and Discontinuance of Conditional Use Permits, Interim Use Permits, and Variances, was held. Adm. Donabauer noted that no changes had been made to the proposed ordinance after the first reading.

Motion by Nuesse, seconded by Wills, and passed by unanimous vote to approve Ordinance 284-An Ordinance Amending Section 15, Section 15.5, and Section 16 of Ordinance 169, the Arlington Zoning Ordinance, Providing for the Expiration, Revocation, and Discontinuance of Conditional Use Permits, Interim Use Permits, and Variances, as follows:

ORDINANCE 284**AN ORDINANCE AMENDING SECTION 15, SECTION 15.5, AND SECTION 16 OF ORDINANCE 169, THE ARLINGTON ZONING ORDINANCE, PROVIDING FOR THE EXPIRATION, REVOCATION, AND DISCONTINUANCE OF CONDITIONAL USE PERMITS, INTERIM USE PERMITS, AND VARIANCES**

- I. **THE CITY COUNCIL OF THE CITY OF ARLINGTON, MINNESOTA TO PROMOTE THE PUBLIC SAFETY, HEALTH, AND WELFARE, HEREBY ORDAINS SECTION 15 OF ORDINANCE 169 SHALL BE AMENDED TO INCLUDE SUBD. 7 AS FOLLOWS:**

SECTION 15 CONDITIONAL USE PERMITS.**SUBDIVISION 7. VIOLATION, REVOCATION AND EXPIRATION OF CONDITIONAL USE PERMITS.**

- A. Violation.

- 1. A violation of any condition set forth in a conditional use permit shall be a violation of both the Conditional Use Permit and this Ordinance.

2. Upon a complaint filed with the Zoning Administrator by any interested party and/or a review by the Zoning Administrator alleging non-compliance with the terms of the Conditional Use Permit the Zoning Administrator shall notify the permit holder in writing of the alleged violation. The notice shall contain the nature of the violation and the facts that support the conclusion that a violation exists. The written notice shall provide a deadline for compliance that is sixty (60) calendar days from the date of the written notice.
 3. Failure to correct a violation within sixty (60) days of written notice from the Zoning Administrator shall be ground to revoke a Conditional Use Permit through the following procedure:
 - i. The Zoning Administrator shall provide written notice to the permit holder advising that the Conditional Use Permit may be revoked upon conclusion of a public hearing by the Planning Commission and upon review of the findings of fact by the City Council. The written notice to the permit holder shall contain the nature of the violation and the facts that support the conclusion that a violation exists.
 - ii. The Planning Commission shall hold a public hearing following the notice and hearing procedures set forth in Section 15, Subd. 4 of this Ordinance, as may be amended.
 - iii. The Planning Commission shall prepare written findings of fact setting forth its findings and recommendations to the City Council. The Planning Commission may recommend that there be a determination that there is no violation, that the permit be revoked, that the permit holder be allowed to seek an amendment to the permit to cure the violation, or such other course of action that the Planning Commission deems appropriate.
 - iv. The City Council shall accept, reject, or modify the recommendation of the Planning Commission by Resolution. In the event the City Council rejects or modifies the recommendation of the Planning Commission, it shall prepare written findings of fact giving its reasons for such rejection or modification.
 - v. Following the City Council's action, the Zoning Administrator or designee shall file a certified copy of the Council Resolution with the County Recorder.
 - vi. Revocation of the Conditional Use Permit shall be effective upon delivery of the Council's order to the permit holder.
 - vii. Any continued operation of the conditional use after a suspension or revocation shall be deemed a violation of this Ordinance and subject to the fines set forth in Section 19 (Violations and Penalties) of this Ordinance as may be amended.
 - viii. Any failure to revoke a Conditional Use Permit for past violations shall not operate as a waiver of the right to suppress future violations.
- B. Expiration of Conditional Use Permits. Where a Conditional Use Permit has been issued pursuant to provisions of this Ordinance, such Permit shall become null and void without further action by the Planning Commission or City Council unless construction commences within one (1) year of the date of granting the Conditional Use Permit.
- C. Discontinuance of Conditional Use Permit. Where a Conditional Use has been established and is discontinued for any reason for a period of one year or longer the Conditional Use Permit shall be deemed abandoned without further action by the Planning Commission or City Council.
- D. Abandonment of Conditional Use Permit. Where a Conditional Use has been changed to a permitted use or to any other Conditional Use, the Conditional Use Permit shall be deemed to be abandoned without further action by the Planning Commission or City Council.
- E. Authorized Use Limited. A Conditional Use Permit shall be deemed to authorize only one (1) particular use.

II. THE CITY COUNCIL OF THE CITY OF ARLINGTON FURTHER ORDAINS SECTION 15.5 OF ORDINANCE 169 SHALL BE AMENDED AS FOLLOWS:

SECTION 15.5: INTERIM USE PERMITS.

SUBDIVISION 6. VIOLATION, REVOCATION AND EXPIRATION OF INTERIM USE PERMITS.

- A. Violation.
1. A violation of any condition set forth in an Interim Use Permit shall be a violation of both the Interim Use Permit and this Ordinance.
 2. Upon a complaint filed with the Zoning Administrator by any interested party and/or a review by the Zoning Administrator alleging non-compliance with the terms of the Interim Use Permit the Zoning Administrator shall notify the permit holder in writing of the alleged violation. The notice shall contain the nature of the violation and the facts that support the conclusion that a violation exists. The written notice shall provide a deadline for compliance that is sixty (60) calendar days from the date of the written notice.
 3. Failure to correct a violation within sixty (60) days of written notice from the Zoning Administrator shall be ground to revoke an Interim Use Permit through the following procedure:

- i. The Zoning Administrator shall provide written notice to the permit holder advising that the Interim Use Permit may be revoked upon conclusion of a public hearing by the Planning Commission and upon review of the findings of fact by the City Council. The written notice to the permit holder shall contain the nature of the violation and the facts that support the conclusion that a violation exists.
 - ii. The Planning Commission shall hold a public hearing following the notice and hearing procedures set forth in Section 15, Subd. 4 of this Ordinance, as may be amended.
 - iii. The Planning Commission shall prepare written findings of fact setting forth its findings and recommendations to the City Council. The Planning Commission may recommend that there be a determination that there is no violation, that the permit be revoked, that the permit holder be allowed to seek an amendment to the permit to cure the violation, or such other course of action that the Planning Commission deems appropriate.
 - iv. The City Council shall accept, reject, or modify the recommendation of the Planning Commission by Resolution. In the event the City Council rejects or modifies the recommendation of the Planning Commission, it shall prepare written findings of fact giving its reasons for such rejection or modification.
 - v. Following the City Council's action, the Zoning Administrator or designee shall file a certified copy of the Council Resolution with the County Recorder.
 - vi. Revocation of the Interim Use Permit shall be effective upon delivery of the Council's order to the permit holder.
 - vii. Any continued operation of the Interim Use after a suspension or revocation shall be deemed a violation of this Ordinance and subject to the fines set forth in Section 19 (Violations and Penalties) of this Ordinance as may be amended.
 - viii. Any failure to revoke an Interim Use Permit for past violations shall not operate as a waiver of the right to suppress future violations.
- B. Expiration of Interim Use Permits. Where a Interim Use Permit has been issued pursuant to provisions of this Ordinance, such Permit shall become null and void without further action by the Planning Commission or City Council unless construction and/or the use commences within one (1) year of the date of granting the Interim Use Permit.
- C. Discontinuance of Interim Use Permit. Where an Interim Use has been established and is discontinued for any reason for a period of one year or longer the Interim Use Permit shall be deemed abandoned without further action by the Planning Commission or City Council.
- D. Abandonment of Interim Use Permit. Where an Interim Use has been changed to a permitted use or to any other Interim Use, the Interim Use Permit shall be deemed to be abandoned without further action by the Planning Commission or City Council.
- E. Authorized Use Limited. An Interim Use Permit shall be deemed to authorize only one (1) particular use.

III. THE CITY COUNCIL OF THE CITY OF ARLINGTON FURTHER ORDAINS SECTION 16 OF ORDINANCE 169 SHALL BE AMENDED AS FOLLOWS:

SECTION 16: BOARD OF ADJUSTMENT AND APPEALS.

SUBDIVISION 5. REVOCATION AND EXPIRATION OF VARIANCE.

- A. The granting of a variance from the provisions of this Ordinance shall be subject to the following conditions. The conditions shall apply to all variances granted and conditions shall be continuing.
- B. A variance shall be effective only for the specific purposes set forth in the variance grant.
- C. A violation of any condition set forth in the granting of the variance shall be a violation of this Ordinance and shall automatically terminate the variance.
- D. The variance shall become null and void without further action by the Planning Commission or City Council upon failure of the variance holder to commence or cause the commencement of construction or installation of the specific purpose within one (1) year of variance grant. Completion of construction or installation of the specific purpose shall be completed within a reasonable time after commencement.
- E. A variance may be renewed by the City Council for good cause should the variance holder file for an extension. Such extension shall be requested in writing and filed with the Zoning Administrator at least sixty (60) days prior to the expiration of the original variance. "Good cause" may include adverse weather conditions, unexpected site conditions, unanticipated labor shortages, and the like. An extension may be granted for up to one (1) year.
- F. Discontinuance of Variance. Where a variance has been granted and the specific purpose for which it was granted has changed to a conforming condition, the variance shall be deemed to be abandoned without further action by the Planning Commission or City Council.

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

Adopted by the City of Arlington on the 2nd day of December, 2013.

For City of Arlington:

/s/ James R. Kreft

By James R. Kreft
It's Mayor

/s/ Liza M. Donabauer

By Liza M. Donabauer
It's City Administrator

Proposed Ordinance 285-An Ordinance Establishing Arlington Fire Department Fire Call Billing Procedures was introduced possibly for a first reading. Fire Chief Zaske was present to address the need to change some language within the existing ordinance pertaining to fire department billing. It was noted that there was a discrepancy between the current (FD) billing ordinance and the City's fee schedule. It was suggested to make the ordinance more generic by taking out all the actual fees and then make a reference to the City's fee schedule, which is updated yearly. Some discussion was held regarding whether or not to charge for securing the hospital helipad once the merger takes place. Mayor Kreft suggested that a flat rate be charged annually. It was agreed that a re-draft of the ordinance was needed and therefore was not considered as the first reading. The ordinance will be revisited at a future meeting.

Daryl Kirt and James Roehnl of Scenic Sign were present to address questions regarding replacing the electronic sign at the Community Center. Adm. Donabauer stated that both the Public Buildings and Community Center Committees reviewed several estimates for replacing the sign. She stated that \$50,000 (of which \$10,000 was to be from donations) had been budgeted for in the Capital Improvement Plan. She added that it had been suggested to replace the current advertising panels with new panels that would have strictly City information (address, website, etc.) on them in order to be less confusing to the public as to what exactly was in the building. There would be additional costs to replace the lighting and panels (not currently included in the estimate for the sign replacement). The cost estimate to replace the sign was \$51,195, to change backlighting to LED was \$11,290; and replace faceplate panels on both sides was \$2,995 (on top) and \$3,195 (three on bottom) for a total of \$68,675. Adm. Donabauer stated that donations were not going to be sought and the balance would have to be paid from reserve funds. Wills suggested replacing the backlighting on the top cabinet (where "City of Arlington" was) to LED, but not replace the panels as they were still good, in an effort to save money. Adm. Donabauer commented that she was waiting to hear from MMPA about the qualification for a lighting rebate. Reetz commented that it is both eminent and needed to replace the sign. However, he expressed his concerns about using reserve funds to help pay the difference in the balance between the cost of the sign and what was available in the CIP Fund. He stated that he supported the sign, but not the process being used to obtain it.

Motion by Nuesse, seconded by Jaszewski, and failed (all opposed) to approve the purchase of a Daktronic Electric Sign (option c) in the amount of \$51,195; and to include the backlighting with LED in the amount of \$11,290; and to replace the advertisement faceplates at the bottom on both sides for \$3,195 for a total of \$65,680.

Motion by Nuesse, second called three times, and failed due to a lack of a second, to approve the purchase of a Daktronic Electric Sign in the amount of \$51,195.

Mayor Kreft commented that he was in full agreement with Councilmember Reetz's earlier comment with regards to using reserve funds and not having the full amount set aside, but was concerned with the fact that if the sign was not done at this time, it wouldn't get done. He expressed his disappointment in the Council's failure to come to some type of resolve to purchase the electronic sign after two Committees had made a strong recommendation for approval as this was something the community wants and needs. Reetz commented that he would like to see the City get its funds (revenues/expenses) aligned and/or find additional revenue to help with the costs. Mayor Kreft commented that he had no problem seeking other revenue sources such as advertising fees, etc. He made the suggestion to postpone action on this subject in order to give the Public Buildings Committee a chance to research other potential revenue sources.

Motion by Jaszewski, seconded by Reetz, and passed by unanimous vote to table discussion/action on the purchase of the Daktronic 20mm LED Electronic Sign until the next regular meeting in order to determine the full effect on the CIP.

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

RESOLUTION 49-2013

**A RESOLUTION APPROVING ORDINANCE 281, ENTITLED "AN ORDINANCE AMENDING
ORDINANCE 169, THE ARLINGTON ZONING ORDINANCE, BY ADDING SECTION 13.9 RELATING
TO HOME OCCUPATIONS" AND PROVIDING FOR SUMMARY PUBLICATION THEREOF**

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

WHEREAS, the 2008 Arlington Comprehensive Plan includes goals to maintain the integrity of existing residential neighborhoods and promote orderly commercial growth; and,

WHEREAS, the Arlington Planning and Zoning Commission finds home occupations simultaneously present both potential advantages for economic growth and potential disadvantages to residential neighborhoods; and,

WHEREAS, the Arlington Planning Commission to address potential advantages and disadvantages of home occupations finds a need to regulate home occupations based on certain performance criteria; and,

WHEREAS, the Planning and Zoning Commission initiated an amendment Ordinance 169 which defines home occupations, provides performance standards for home occupations, establishes a review process, and identifies processing/enforcement criteria for home occupations; and,

WHEREAS, Ordinance 281 provides a mechanism to distinguish between permitted home occupations that are allowed under administrative permit and more intense home occupations which require an interim use permit and public hearing; and,

WHEREAS, public hearing of Ordinance 281 was properly noticed and held on November 7, 2013 by the City of Arlington Planning and Zoning Commission; and,

WHEREAS, the City Council approved the first reading of Ordinance 281 at its regular meeting on November 18, 2013; and,

WHEREAS, the City Council approved second reading and the adoption of Ordinance 281 at its regular meeting on December 2, 2013; 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 281 would clearly inform the public of the intent and effect of the Ordinance 281; 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 281 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. 281 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 December 2, 2013 the City Council of the City of Arlington approved Ordinance 281, entitled, "An Ordinance Amending Ordinance 169, the Arlington Zoning Ordinance, by Adding Section 13.9 Relating to Home Occupations". 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 defines home occupations, provides performance standards for home occupations, establishes a review process, and identifies processing/enforcement criteria for home occupations. The Ordinance prohibits certain home occupations which may impact the health, safety and/or welfare of residential environs. The Ordinance includes mechanisms to distinguish between permitted home occupations that are allowed under administrative permit and more intense home occupations which require an interim use permit and public hearing.

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember Wills and upon poll being taken thereon the following voted in favor thereof: Jaszewski, Nuesse, Reetz, Wills; and the following voted against the same: None; and the following abstained from voting: None; and the following were absent: Ruehling.

Approved by the City Council of the City of Arlington this 2nd day of December, 2013.

CITY OF ARLINGTON, MINNESOTA

/s/ James R. Kreft, Mayor

Attest: /s/ Liza M. Donabauer, City Administrator

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

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

RESOLUTION 50-2013

A RESOLUTION APPROVING ORDINANCE 284, ENTITLED "AN ORDINANCE AMENDING SECTION 15, SECTION 15.5, AND SECTION 16 OF ORDINANCE 169, THE ARLINGTON ZONING ORDINANCE, PROVIDING FOR THE EXPIRATION, REVOCATION, AND DISCONTINUANCE OF CONDITIONAL USE PERMITS, INTERIM USE PERMITS, AND VARIANCES" AND PROVIDING FOR SUMMARY PUBLICATION THEREOF.

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

WHEREAS, the Arlington Planning and Zoning Commission finds clarity is needed to properly address the expiration, revocation, and discontinuance of conditional use permits, interim use permits, and variances; and,

WHEREAS, the Planning and Zoning Commission initiated an amendment to Ordinance 169 which provides for the expiration, revocation, and discontinuance of conditional use permits, interim use permits, and variances; and,

WHEREAS, the Planning and Zoning Commission has developed the text included in Ordinance 284 addressing the expiration, revocation, and discontinuance of conditional use permits, interim use permits, and variances; and,

WHEREAS, public hearing of Ordinance 284 was properly noticed and held on November 7, 2013 by the City of Arlington Planning and Zoning Commission; and,

WHEREAS, the City Council approved the first reading of Ordinance 284 at its regular meeting on November 18, 2013; and,

WHEREAS, the City Council approved second reading and the adoption of Ordinance 284 at its regular meeting on December 2, 2013; 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 284 would clearly inform the public of the intent and effect of the Ordinance 284; 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 284 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. 284 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 December 2, 2013 the City Council of the City of Arlington approved Ordinance 284, entitled, "An Ordinance Amending Section 15, Section 15.5, and Section 16 of Ordinance 169, the Arlington Zoning Ordinance, Providing for the Expiration, Revocation, and Discontinuance of Conditional Use Permits, Interim Use Permits, and Variances." 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 the expiration, revocation, and discontinuance of conditional use permits, interim use permits, and variances. The Ordinance establishes a procedure for revoking conditional and/or interim use permits including a public hearing prior to revocation. The Ordinance authorizes the labeling of conditional uses, interim uses, and/or variances as expired or discontinued without further action by the Council in the event they are not used, become conforming, and/or are discontinued for one year or more.

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

Approved by the City Council of the City of Arlington this 2nd day of December, 2013.

CITY OF ARLINGTON, MINNESOTA

/s/ James R. Kreft, Mayor

Attest: /s/ Liza M. Donabauer, City Administrator

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

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

RESOLUTION 51-2013

A RESOLUTION AUTHORIZING A FARM LAND LEASE AGREEMENT BETWEEN THE CITY OF ARLINGTON AND TOM HAUPT FOR PID 31.0874.000 (NICKEL PROPERTY) AND DIRECTING EXECUTION THEREOF

WHEREAS, the Arlington Economic Development Authority is the fee owner of property commonly referred to as the öNickel Propertyö; and

WHEREAS, the property consists of seven (7) acres of tillable land and is identified as parcel number 31.0874.000; and,

WHEREAS, the City Council has determined that offering a farm lease for a two year period beginning January 1, 2014 and ending December 31, 2015 is appropriate; and

WHEREAS, the subject farm lease property was advertised for bids in the *Arlington Enterprise* on November 7, 2013, November 14, 2013, and November 21, 2013; and,

WHEREAS, the EDA reviewed bids received at its regular meeting November 26, 2013; and,

WHEREAS, the EDA finds the high bidder to be Tom Haupt with a bid of \$330 per acre; and,

WHEREAS, the EDA recommends the City Council authorize and direct execution of a two year lease agreement with Tom Haupt effective January 1, 2014 and expiring December 31, 2015.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Arlington hereby authorizes and approves the execution of a farm lease with Tom Haupt beginning January 1, 2014 and ending December 31, 2015.

BE IT FURTHER RESOLVED, the City Administrator is authorized and directed to execute said farm land lease.

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember Reetz and upon poll being taken thereon the following voted in favor thereof: Jaszewski, Nuesse, Reetz, Wills; and the following voted against the same: None; and the following abstained from voting: None; and the following were absent: Ruehling.

Approved by the City Council of the City of Arlington this 2nd day of December, 2013.

CITY OF ARLINGTON, MINNESOTA

/s/ James R. Kreft, Mayor

Attest: /s/ Liza M. Donabauer, City Administrator

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

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

RESOLUTION 52-2013

A RESOLUTION AUTHORIZING A FARM LAND LEASE AGREEMENT BETWEEN THE CITY OF ARLINGTON AND TOM HAUPT FOR PID 31.0884.000 (SWENSON PROPERTY) AND DIRECTING EXECUTION THEREOF

WHEREAS, the City of Arlington is the fee owner of property commonly referred to as the öSwenson Propertyö; and

WHEREAS, the property consists of 10.45 acres of tillable land and is identified as parcel number 31.0884.000; and,

WHEREAS, the City Council has determined that offering a farm lease for a two year period beginning January 1, 2014 and ending December 31, 2015 is appropriate; and

WHEREAS, the subject farm lease property was advertised for bids in the *Arlington Enterprise* on November 7, 2013, November 14, 2013, and November 21, 2013; and,

WHEREAS, the EDA reviewed bids received at its regular meeting November 26, 2013; and,

WHEREAS, the EDA finds the high bidder to be Tom Haupt with a bid of \$330 per acre; and,

WHEREAS, the EDA recommends the City Council authorize and direct execution of a two year lease agreement with Tom Haupt effective January 1, 2014 and expiring December 31, 2015.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Arlington hereby authorizes and approves the execution of a farm lease with Tom Haupt beginning January 1, 2014 and ending December 31, 2015.

BE IT FURTHER RESOLVED, the City Administrator is authorized and directed to execute said farm land lease.

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

Approved by the City Council of the City of Arlington this 2nd day of December, 2013.

CITY OF ARLINGTON, MINNESOTA

/s/ James R. Kreft, Mayor _____

Attest: /s/ Liza M. Donabauer, City Administrator

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

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

RESOLUTION 53-2013
**A RESOLUTION APPROVING REISSUANCE OF GENERAL OBLIGATION HOSPITAL REVENUE
REFUNDING BONDS, SERIES 2010B**

BE IT RESOLVED by the City Council of the City of Arlington, Minnesota (the City), as follows:

WHEREAS, the City has previously issued its General Obligation Hospital Revenue Refunding Bonds, Series 2010B (the "Bonds"), the interest on which is intended to be excluded from gross income for federal income tax purposes;

WHEREAS, the City has entered into a Hospital Operating Lease Agreement with Sibley Medical Center Foundation, Inc. (the "Lessee") and Ridgeview Medical Center (the "Manager") providing for the lease and use of certain facilities and equipment financed by the Bonds (the "Facilities") by Lessee and Manager;

WHEREAS, Lessee is a Minnesota nonprofit corporation the sole member of which is the Manager;

WHEREAS, each of Lessee and Manager is an entity described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code");

WHEREAS, pursuant to Section 147(f) of the Code, the City has this date held a duly noticed public hearing on the reissuance of the Bonds as qualified 501(c)(3) obligations in anticipation of the lease and management of the Facilities by entities described in such Section 501(c)(3).

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City, as follows:

1. Approval of Reissuance. The City hereby approves the reissuance of the Bonds for purposes of Section 147(f) of the Code.
2. Applicable Law. This Resolution shall be governed by and interpreted in accordance with the laws of the State of Minnesota.

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

Approved by the City Council of the City of Arlington this 2nd day of December, 2013.

CITY OF ARLINGTON, MINNESOTA

/s/ James R. Kreft, 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.

Adm. Donabauer presented the Rental Policy for the Public Safety Meeting Room at the Emergency Services Building. She explained that it was put together based on the former Technology Center Policy that the City had in place. She reviewed the changes that had been made to the policy. Attorney Arneson commented that under the ~~reservations~~ section a reference to the use for Group 2 users was needed. Wills commented that language should be added with regards to where reservations can be made (i.e. the City Office).

Motion by Reetz, seconded by Wills, and passed by unanimous vote to approve the Public Safety Meeting Room Use & Rental Policy at the Emergency Services Building as presented with the changes mentioned above.

Jaszweski gave an update on the Hospital Board. He stated that the doctors at SMC have been offered contracts under the Affiliation. He noted that Ridgeview is looking at three different expansion/remodel/renovation designs and trying to determine which one is the best use of space at this time. It was noted that the new executive board is still being put together.

Jaszweski gave an update on the Parks Committee. It was noted that they are continuing in their discussions about trails and ways to make improvements at the Sportsman's Park.

Motion by Nuesse, seconded by Wills, and passed by unanimous vote to adjourn the meeting at 7:52 pm.

City Administrator Liza M. Donabauer

Mayor James R. Kreft