

**ARLINGTON CITY COUNCIL  
MEETING AGENDA  
AUGUST 15, 2011 AT 6:30 PM  
COUNCIL CHAMBERS**

*The City Council is provided background information for agenda items in advance by city staff, committees and boards. Many decisions regarding agenda items are based upon this information, as well as: City policy and practices, input from constituents, questions or information that has not yet been presented or discussed regarding an agenda item. If you have a concern or question, please ask to be recognized by the Mayor during the "Citizens addressing the Council" portion of the agenda— state your name and address for the record. Please keep comments under 5 minutes. Individuals wishing to speak for more than five minutes should ask to be included on the agenda in advance. All comments are appreciated, but please refrain from personal or derogatory attacks on individuals.*

1. Call meeting to order and Pledge of Allegiance
2. Roll Call
3. Approve the agenda and any agenda additions

**CONSENT AGENDA**

*The items listed for consideration will be enacted by one motion unless the Mayor, a member of the City Council, City Staff or a person in attendance requests an item to be removed from the Agenda.*

4. Approval of Consent Agenda
  - A) Approval of the August 1<sup>st</sup> Regular Meeting Minutes
  - B) Approval of Bills
  - C) Approval of the ~~Hiring Appointment~~ of Aaron Wisch to the Ambulance Department

**PUBLIC HEARINGS**

**PETITIONS, REQUESTS, & COMMUNICATIONS**

5. Addressing the Council
  - A) Citizens Addressing the Council
6. Announcements
  - A) SMC 4<sup>th</sup> Annual Ice Cream Social is August 17 from 4-7 p.m. in Memorial Park
  - B) City Offices will be closed on Monday, September 5<sup>th</sup> for Labor Day (Council Meeting will be Tuesday, September 6<sup>th</sup>)
7. Communications
  - A) June Water/Wastewater Reports
  - B) July Financial Reports
  - C) Update on August 9<sup>th</sup> County Commissioners Meeting

**REPORTS OF OFFICERS, BOARDS & COMMITTEES**

**ORDINANCES & RESOLUTIONS**

8. Ordinances

- A) 262 (1<sup>st</sup> Reading) – Accessory Structure Size
- B) 263 (1<sup>st</sup> Reading) – Variance Standards

9. Resolutions

- A) 49-2011 – Approve/Deny CUP and Variance for 103 7<sup>th</sup> Avenue NW
- B) 50-2011 – Approve/Deny Variance for 107 East Clinton Street

**UNFINISHED BUSINESS**

- 10. Approve/Deny Request from Michelle & Derek Uhden on Driveway (402 Circle Lane)

**NEW BUSINESS**

- 11. Part-Time Community Center Coordinator/Secretary Position

- A) Approve/Deny Job Description
- B) Approve/Deny Advertising for Job Opening

- 12. Discussion on Fire Department Capital Equipment Advisory Committee

- 13. Discussion/Review on Ordinance 261 (200) Testing Requirements

- 14. Approve/Deny Root Cutting Quotes

- 14.5 Update on Neisen and Scharping properties

**MISCELLANEOUS BUSINESS**

- 15. Council Committee Updates

- 16. Open Discussion

**ADJOURNMENT**

Reminders:

- 1) Parks – August 22<sup>nd</sup> @ 7 pm
- 2) EDA – August 23<sup>rd</sup> @ 6 pm
- 3) SMC Board – August 29<sup>th</sup> @ 5 pm (SMC)

**ARLINGTON CITY COUNCIL  
MEETING MINUTES  
AUGUST 15, 2011**

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

Members present: Mayor Kreft, Pederson, Pichelmann, Reetz, Ruehling, Wills

Members absent: None

Also present: City Administrator Jaunich, City Attorney Arneson, Michelle Uhden, PZ Adm. Smith-Strack, Roger & Karen Schatz

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

14) Approve/Deny Root Cutting Quotes

4C) Change wording: 'Appointment' to "Hiring"

14.5) Update on Neisen and Scharping properties.

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

A) Approval of the August 1<sup>st</sup> Regular Meeting Minutes

B) Approval of the Bills

C) Approval of Hiring of Aaron Wisch to the Ambulance Department.

It was noted that there were no public hearings scheduled.

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

The following announcements were reviewed:

1) SMC 4<sup>th</sup> Annual Ice Cream Social is August 17<sup>th</sup> from 4-7 pm in Memorial Park

2) City Offices will be closed on Monday, September 5<sup>th</sup> for Labor Day (Council Meeting will be Tuesday, September 6<sup>th</sup> @ 6:30 pm).

Motion by Pichelmann, seconded by Ruehling, and passed by unanimous vote to change the start time of the September 6<sup>th</sup> Council meeting to 7:00 pm.

The Council reviewed the following communications:

1) June Water/Wastewater Reports

2) July Financial Reports

3) Update on August 9<sup>th</sup> County Commissioners Meeting.

It was noted that there were no reports from Officers, Boards & Committees.

PZ Adm. Smith-Strack, along with Roger & Karen Schatz were present to discuss the Variance and Conditional Use Permit (CUP) requests for a detached garage at 103 7<sup>th</sup> Avenue NW. Smith-Strack commented that the CUP was needed because the proposed garage was greater than the allowable 10% of the lot size; and the Variance was needed to allow a greater than 40% structural coverage and also for placement of the proposed accessory structure either closer than 10 feet to the principal structure or closer to the rear lot line. It was noted that the Planning Committee was recommending approval of the CUP/Variance with the following conditions:

- 1) The maximum size of the garage not exceeding 576 square feet (24x24) in area;
- 2) The garage shall be placed a minimum of five (5) feet from the rear lot line and ten (10) feet from the existing principal structure on the property.
- 3) No other accessory structures shall be permitted on the property.
- 4) The Variance and/or CUP issuance does not excuse the property owners from obtaining required building permits or complying with building code requirements.
- 5) The Variance and CUP are effect for the above named property.
- 6) If approved, the Variance/CUP are recorded at the Sibley County Courthouse.

Smith-Strack noted that there were some issues with the lot size only being 3,900 sq. ft. (much smaller than the standard); that it ran east-west and there was not enough room on the lot to maintain setbacks for the existing and proposed structures. She added that the PZ Chairperson attempted a scale drawing of the property showing a 20'6" x 28' garage. Karen stated that they were seeking a 22x26 garage and explained why they want a larger garage. It was noted that they had obtained approval from the neighbors. Smith-Strack stated that she had received a call from the neighbor (to the west) who would like to see the five (5) foot setback maintained. Reetz commented that he would be more favorable to reducing the distance between the house and garage and maintain the rear 5 ft. setback; Pederson agreed.

Motion by Pederson, seconded by Reetz, and passed by unanimous vote to send the Variance and CUP request back to the Planning & Zoning Committee for reconsideration as to the exact size structure the applicant wants and the PZ Committee will allow.

The first reading of Ordinance 262 – An Ordinance Amending Section 13, Subdivision 6(G) of Ordinance 169, the Arlington Zoning Ordinance, Relating to the Maximum Size of Accessory Structures within the City, was held. PZ Adm. Smith-Strack noted that the following language was being added to the above section to accommodate some flexibility for smaller lots: *“the greater of 576 square feet or ten (10) percent of the lot area within the R-1, R-2, Manufactured Home or any Commercial District unless a Conditional Use Permit is issued”*.

The first reading of Ordinance 263 – An Ordinance Amending Section 16, Subd. 3 of Ordinance 169, the Arlington Zoning Ordinance, Relating to Findings of Fact for Approval of Variances, was held. Smith-Strack stated that there has been a recent change at the State level regarding Variance standards. She explained that the “Undue Hardship” language is being changed to “Practical Difficulties” and what the differences were.

Smith-Strack talked about a Variance request for an attached garage at 107 East Clinton Street. She stated the variance was needed for an encroachment into (west) side yard setback. It was noted that the applicant was proposing to demolish an existing detached garage; and then expand the dwelling by 384 ft. for a total of 1,176 sq. ft., with an attached garage of 1,168 sq. ft. She stated that the Planning Committee was recommending approval with the following conditions:

- 1) No other accessory structure shall be permitted on the property.
- 2) The garage will not be used for commercial purposes.
- 3) If the garage is placed in a public or private utility easement it is the sole responsibility of the property owner to remedy the situation at no cost to the City.
- 4) The variance does not excuse the property owner from obtaining required building permits or complying with building code requirements.
- 5) The variance is in effect for the property at 107 East Clinton Street.
- 6) If approved, the Variance will be recorded at the Recorder’s Office.

Reetz stated that a Certificate of Survey was done, which showed the property line running at a diagonal, thus creating the encroachment issue. It was noted that because the garage was being attached and somewhat subordinate in size the house it was permitted.

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

**RESOLUTION 50-2011**  
**A RESOLUTION APPROVING A VARIANCE FOR AN ATTACHED GARAGE AT 107 EAST CLINTON STREET IN THE CITY OF ARLINGTON**

**WHEREAS**, Josh Novosad (Applicant) has submitted a request for a variance to allow the construction of an attached garage at 107 East Clinton Street in the City of Arlington (PID #31.0532.000); and legally described as Lot 5 and east 5' of Lot 6, Block 2, Luff's Addition, City of Arlington; and

**WHEREAS**, the variance request is to allow encroachment into the side yard (west) setback; and

**WHEREAS**, notice of a public hearing to accept input on the variance request was published in the official newspaper on July 28, 2011 and sent to property owners within 350 feet of the property; and

**WHEREAS**, the Planning and Zoning Commission conducted a public hearing on the variance request on August 11, 2011; and

**WHEREAS**, the Planning and Zoning Commission has reviewed the variance request and has made the following findings:

1. The proposed is reasonable because the project will replace a non-conforming (setback) structure that is outdated and currently encroaches into the side yard setback. This act will positively impact the architectural appearance and functional design of the building and site. As a result, the new garage shall positively affect the subject parcel's value. All sides of the principal and accessory structures will have essentially the same or coordinated, harmonious exterior finish materials and treatment.
2. Practical difficulties exist with the subject parcel based on the existing layout of the property. Specifically, the house is situated on the property west of center and the existing driveway is to the west of the existing house. The existing driveway is shared with the neighbor to the west. The existing layout is further compromised by the fact the westerly lot line is not perpendicular to the street resulting in further encroachment as the property line extends northward. The practical difficulty is not the result of action taken by the property owner.
3. The variance request is consistent with the Comprehensive Plan.

**WHEREAS**, the Planning and Zoning Commission approved a resolution recommending the City Council approve the variance request.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON THAT:** The City Council of the City of Arlington approves a variance to provide for the construction of an attached garage at 107 East Clinton Street subject to the following:

1. No other accessory structures shall be permitted at the subject property.
2. The garage will be not be used for commercial purposes.
3. If the garage is placed in a public or private utility easement it is the sole responsibility of the property owner to remedy the situation at no cost to the City.
4. The variance does not excuse the property owner from obtaining required building permits or complying with building code requirements.
5. This variance is in effect for the property at 107 East Clinton Street, and limited to the attached garage. The variance is assigned to the current and/or any future owner of the property.
6. If approved a resolution executed by the City Council related to the variance request shall be recorded at the Sibley County Recorder's Office.

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: Pederson, Pichelmann, Reetz, Ruehling, Wills; and the

following voted against the same: None; and the following abstained from voting: None; and the following were absent: None.

Approved by the City Council of the City of Arlington this 15<sup>th</sup> day of August, 2011.

CITY OF ARLINGTON, MINNESOTA

/s/ James R. Kreft  
Mayor

Attest: /s/ Matthew Jaunich  
City Administrator

Attorney Arneson and PZ Adm. Smith-Strack provided updates on the Neisen property. It was noted that Neisen had been convicted and put on probation for 1 year. His son took over cleanup of the property. The property was now back in Mr. Neisen's possession and not being maintained, which a citation was issued for; also putting him in violation of his probation. Arneson commented that the property was in mortgage foreclosure, but would stay under Neisen's possession/responsibility until the foreclosure sale. He stated that a pretrial hearing had been set in September and had advised Neisen to get the property cleaned up or the City would continue to issue citations and/or revoke the CUP. Smith-Strack stated that they are striving to get compliance versus revocation. Concern, along with frustration, was expressed that nothing was getting done by Neisen, as he continues to 'snub' the City and the Court. It was suggested to issue citations weekly.

Discussion resumed from the previous meeting regarding the Uhden's request to have repairs made to their driveway. Adm. Jaunich noted that the warranty started in November 2010, thus expires in November 2012. He also gave several reasons (provided by the City Engineer) as to why the concrete apron was put in at the end of the driveway versus the bituminous that was there prior to work being done. It was also noted that a sealant was to be applied to the driveway and was omitted; however it could still be applied to the patch area at no cost to the City or resident. Reetz and Ruehling commented that they had looked at other similar sites and felt the work was comparable to what was done on the Uhden driveway.

Motion by Wills, seconded by Pichelmann, and passed by unanimous vote to deny the Uhden's request for a complete replacement of their driveway.

Uhden stated that she would be interested in having the sealant work done, but first would like to have other (independent) contractors come and evaluate the work done on the driveway. She will report back to the Council her findings at a later date.

Adm. Jaunich presented a job description for the Part-Time Community Center Coordinator/Office Assistant position. He stated that the Employee Relations Committee had reviewed same.

Motion by Wills, seconded by Reetz, and passed by unanimous vote to approve the job description for the Part-Time Community Center Coordinator/Office Assistant position as presented. (See attached).

Motion by Reetz, seconded by Ruehling, and passed by unanimous vote to advertise the above (flexible) position with a starting salary of \$12/hour with no benefits except PERA and Social Security.

Discussion was held on the Fire Department Capital Equipment Advisory Committee. Adm. Jaunich commented that 4 out of 6 townships had appointment representation to the Committee. It was also suggested to have only 2 representatives (1 from their truck committee) from the Fire Department, not the entire Office Committee as presented. Adm. Jaunich will make the changes and bring a resolution for approval to the next meeting.

Discussion was held on Ordinance 261-Testing Requirements on private water/sewer systems. Adm. Jaunich noted the various properties affected by this ordinance and who has since hooked up to city services. He stated that the residents are to provide test results/certifications every two years. Adm. Jaunich will send out reminder letters to the owners.

The Council reviewed two estimates to have blocked (tree roots, etc.) sewer lines taken care of.

Motion by Reetz, seconded by Pichelmann, and passed by unanimous vote to approve the low bid from Affordable Jetting Drain Cleaning for root cleaning in the sanitary sewer in an amount not to exceed \$6,125, with the condition that the People Service Manager has approved same.

Attorney Arneson gave an update on the Scharping property. He stated that the property owner plead guilty, was fined and agreed to clean up the property. It was noted that the property was in mortgage foreclosure and the property owner retains possession and/or responsibility for the up keep of the property until the sheriff's sale. It was noted that the property would continue to be ticketed weekly until it comes into compliance. Attorney Arneson explained what happens to the property once the Bank takes possession.

Reetz gave an update on the Fiber to the Home project.

Reetz commented briefly on the GreenStep Cities Program also. He stated that he has been in contact with the MPCA GreenStep Cities Coordinator several times, who will be putting him in contact with a couple of other specialists (green cities, storm sewer) for grants, etc.

Adm. Jaunich stated that the City was recently audited (more specifically Sales & Use Tax) by the State Auditor's Office and explained what they had found and what changes would be made.

Motion by Wills, seconded by Pederson, and passed by unanimous vote to adjourn the meeting at 8:19 pm.

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City Administrator Matthew Jaunich

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Mayor James R. Kreft