

ARLINGTON CITY COUNCIL
MEETING MINUTES
AUGUST 21, 2006

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

Members present: Mayor Czech, Borchert, Griep, Reetz, Voight, Wills

Members absent: None

Also Present: Administrator Krueger, P&Z Administrator Jenness, Charlie & Lea Ann Novosad, Kurt Menk

Motion by Griep, seconded by Borchert, and passed by unanimous vote to approve the agenda as presented.

Motion by Griep, seconded by Voight, and passed by unanimous vote to approve the minutes from the August 7, 2006 meeting as presented.

Motion by Voight, seconded by Reetz, and passed by unanimous vote to approve the bills and Statement of Funds for July as presented.

Charlie and Lea Ann Novosad explained that they were interested in applying for an Off-Sale Liquor License, which would be located in the current Glenn's Towing & Service building. Charlie explained that the State has determined that he must replace the pumps if he wishes to continue selling gas at his garage. He stated that this is not really feasible at this time and was looking for alternatives to generate revenue out of the building. He intends to keep 1 garage stall for storing his tow truck and light mechanical work and will use the property as a drop off point. He intends to continue servicing vehicles at his place in the country. He stated the reason he wanted to add an off-sale was it would offset the cost of having to pay someone to be there all the time so people could continue to drop off or pick up their vehicles. Voight questioned if he would be the one running the place. He stated that most of the time he would be, but would have someone there in his place if he couldn't. Administrator Krueger commented that he had spoken with Attorney Arneson on this and it was his recommendation that the Council should approve the request as the State does not regulate the number of Off-Sale licenses per city, however the City's ordinance does allow for 7 licenses. Attorney Arneson also informed him that the property is already zoned as a business district and would conform to zoning regulations.

Motion by Griep, seconded by Borchert, and passed by unanimous vote to approve Charlie & Lea Ann Novosad's request for an Off-Sale Liquor License, which will be located at 306 NW 5th Avenue (in the current Glenn's Service & Towing building), subject to State approval.

P&Z Administrator Jenness presented Ordinance No. 200 – An Ordinance Regulating the Use of Private Water and Sewer Systems Within the City of Arlington and Providing for the Administration and Enforcement of Such Regulations for its first reading. Mayor Czech commented that the ordinance had been presented for its first reading at the previous meeting, but due to the many concerns at that meeting, he would like to consider this the first reading of said ordinance. Jenness stated that he re-read the ordinance and the concerns that were raised at the last meeting are covered within said ordinance. He asked the Council if they wanted to change the hookup date. He explained that the City does already have Ordinance No. 133 in place, which covers sewer systems. He stated that technically any property that is currently within 500 feet of the city sewer system and it is accessible, is supposed to be hooked up. However, by bringing this new ordinance forward will buy them more time to hook up instead of the 30 days as stated in Ordinance No. 133. Reetz expressed that he still had some concerns about the public's concerns and allowing them to get the life out of their wells.

Motion by Griep, seconded by Reetz, and passed by unanimous vote to change date of the hook up to 2020 in order for the properties with wells to get the most use out of them.

P&Z Administrator Jenness explained that the City is just beginning its wellhead protection delineation and this is something that could force the City to change the date (mandate from the State). They are in the process of trying to determine what area of Arlington and surrounding areas are drawing water from our aquifer and could possibly contaminate our system (identify and monitor every well in area). He explained that water can't travel down through our clay soil and therefore will run along the clay until it finds a different soil type it can travel through. Reetz added that our water supply could become contaminated due to the water traveling along the clay and chemicals (some other source) leaching into the soil and join the water as it travels along and eventually end up in the aquifer. Reetz questioned if under this ordinance the City could force an individual to seal their well if it was determined their well was contaminating the aquifer. Jenness stated that if they are within city limits, the ordinance will cover this situation, and if they are not within city limits, the Wellhead Protection Program through the State will take care of this. Jenness along with Reetz spoke on the Wellhead Protection Program being done by the State.

Wills commented that he would like to see Section D (Ordinance 200) changed where it talks about attaching a metering system. He would like some language added that states the new automated system would be used and the City would then be responsible for obtaining the readings, not the property owner(s). Reetz suggested adding language also that states they will have to purchase the metering system from the City (must be compatible with City's system).

Griep questioned the statement at the beginning of the Ordinance about it being unlawful. Jenness stated that the State does allow wells within city limits for irrigation purposes only, but the City can be more restrictive than what the State requires. The City can say it will not allow any wells including those which are to be used only for irrigation purposes. He stated that the City is trying to discourage people from having any kind of well on their property, plus they will have a difficult time meeting the required setbacks. Reetz commented that the City needs to be prepared when these individuals come to the City and ask to have the connection fees waived. Jenness stated that this would have to be done on an individual basis. He feels that the City should be willing to work with these individuals on costs, as things cost more now than they did a few years ago (when they should have hooked up). Krueger suggested having one of the Committees get together and put a few scenarios together (who would be allowed to have fees waived and why, etc.). Jenness will make the changes and bring this ordinance to the next meeting for its second reading.

P&Z Administrator Jenness presented Ordinance No. 201 – An Ordinance Regulating Individual Sewage Treatment Systems Within the City of Arlington and Providing for the Administration and Enforcement of Such Regulations for its second reading. He stated that no changes were made from the first reading. He stated that this ordinance will be a tool the City can use when the next areas are annexed into city limits. Reetz reiterated that this is something currently handled by the County, but they are no longer wishing to handle if these types of systems are within city limits.

Motion by Reetz, seconded by Wills, and carried (Griep opposed) to approve the following:

ORDINANCE NO. 201

THE CITY COUNCIL OF THE CITY OF ARLINGTON, MINNESOTA TO PROMOTE THE PUBLIC SAFETY, HEALTH AND WELFARE, HEREBY ORDAIN AS FOLLOWS:

AN ORDINANCE REGULATING INDIVIDUAL SEWAGE TREATMENT SYSTEMS WITHIN THE CITY OF ARLINGTON AND PROVIDING FOR ADMINISTRATION AND ENFORCEMENT OF SUCH REGULATIONS.

1.01 PURPOSE AND INTENT. The purpose of this ordinance is to provide minimum standards for and regulation of sewage disposal by means of an individual sewage treatment system (ISTS), including the proper location, design, construction, operation, maintenance and repair to protect surface water and ground water from contamination by human sewage and waterborne household and commercial waste; to protect the public's health and safety; and to eliminate or

prevent the development of public nuisances, all pursuant to the authority granted under Minnesota Statutes Chapters 115 and 145A and Minnesota Rules Chapter 7080, as amended. The intent of this ordinance is to provide administration, regulation and enforcement for properties in the city that are not accessible to a public sewage treatment system.

1.02 GENERAL PROVISIONS. The City hereby adopts by reference Minnesota Rules Chapter 7080 including sections 7080.0020, 7080.0060, 7080.0065, 7080.0110, 7080.0115, 7080.0120, 7080.0125, 7080.0130, 7080.0150, 7080.0160, 7080.0170, 7080.0172, 7080.0175, 7080.0176, 7080.0178, 7080.0179, being the sections containing the technical standards and criteria contained in the “Individual Sewage Treatment Systems Program,” and any future amendments. Minnesota Rules, Table Va, is incorporated by reference in this Ordinance.

The City also hereby adopts the Sibley County Individual Sewage Treatment System Ordinance and any future amendments by reference, (Exhibit A), but with the following modifications:

The City hereby amends the Sibley County Individual Sewage Treatment System Ordinance by deleting all references to “Sibley County” and inserting in its place “City of Arlington”, deleting all references to “County Board” and inserting in its place “City Council”, deleting all references to “Environmental Services Department” and inserting in its place “Arlington Planning and Zoning Department”, and deleting all references to “County Attorney” and inserting in its place “City Attorney”.

1.03 PENALTIES. Any person violating any provision of this ordinance is guilty of a misdemeanor and upon conviction shall be subject to the misdemeanor penalties set forth in Minnesota Statute Section 609.02, Subdivision 3 or any laws amending or repealing such law.

1.04 SEVERABILITY. Should any section, subdivision, clause or other provision of this Ordinance be held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of the ordinance as a whole, or of any part thereof, other than the part held to be invalid.

This Ordinance shall become effective immediately upon publication.

For City of Arlington

/s/ David Czech

By David Czech
It's Mayor

/s/ David L. Krueger

By David L. Krueger
It's City Administrator

Jenness informed the Council that he issued the building permit for the Good Samaritan expansion project last week.

Administrator Krueger explained that Wednesday, September 20th at 6:30 p.m. has been set for a joint EDA and Council meeting. The company that did the housing study will have representation at this meeting to go over the study (approximately 45 minutes to 1 hour with a question period after). Administrator Krueger stated that the study will be sent out a week before the meeting for everyone to review and for those that cannot make the meeting. It was the consensus that this date would work.

The Council reviewed the proposed preliminary budget. Administrator Krueger explained how the budgeting process works, what can or cannot be carried over and where it gets put (what fund). Administrator Krueger commented that working with the various Committees this year was a good thing. The numbers are high right now as this is more of a wish list for each department, rather than actual necessity. He stated that you want to figure the preliminary budget high, because you can always reduce the proposed tax levy after September 15th; you cannot increase it. Administrator Krueger and Deputy Clerk Tesch will shave the numbers down. Brief

discussion was held on what actually comes out of the miscellaneous fund. Administrator Krueger commented on LGA money. He also commented that they should start a program where equipment gets replaced every 6-8 years, eventually this will save the city money in the long run. He stated that with the capital outlay system they are just starting to catch up a little bit. Mayor Czech commented that he would like to see a shelter put up at Frenzel Park. Administrator Krueger pointed out some areas that have a significant increase in them such as the Community Center for roofing, etc. Administrator Krueger stated that he and Deputy Clerk Tesch are intending to put a narrative together to accompany the final budget to help explain what all the numbers are planned to be used for. Administrator Krueger stated that as far as figuring salaries into the budget, they added 1 step and a 3% COLA along with 90/10 healthcare and 20% insurance increase (will not know the actual increase on this until October or November).

Comments were made on the success of the Sesquicentennial Celebration and how nice the weather was. Mayor Czech commented on the tremendous crowds at the various events. Reetz commented that all the advertising and mailers paid off. Mayor Czech commented that Dwight Grabitske was putting a thank you together. Mayor Czech stated there was a tremendous amount of participation when it came to people helping during the celebration. Administrator Krueger commented that he heard many positive comments about the celebration and how much everyone enjoyed the parade. He commended everyone involved for the job they did. Mayor Czech expressed his gratitude for all the donations.

Voight commented that some of the Hospital Board had met to interview a candidate for the Administrator position (this candidate had interviewed last time) and the members who were unable to interview will be doing so soon.

Mayor Czech recessed the regular meeting at 7:30 p.m. and called the closed portion of the meeting to order.

The Council was given an update on where the Employee Relations Committee was at with regard to the situation with Officer Longbehn. The process has been put on hold as the investigation is still ongoing (out of the City's control) and Officer Longbehn's attorney had asked to have the process postponed for a couple of weeks because he will be out of his office on unrelated matters. Attorney Arneson had agreed as he too would be out of his office for a short period of time.

Motion by Wills, seconded by Voight, and passed by unanimous vote to adjourn the closed meeting and reopen the regular meeting.

Mayor Czech reconvened the regular meeting.

Motion by Voight, seconded by Wills, and passed by unanimous vote to adjourn the regular meeting.

Administrator David L. Krueger

Mayor David Czech