

ARLINGTON CITY COUNCIL
MEETING MINUTES
AUGUST 20, 2007

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

Members present: Mayor Kreft, Borchert, Griep, Reetz, Vrklan, Wills

Members absent: None

Also present: Interim Administrator Schultz, Matt Jaunich, Curt Boeder, Greg Goblirsch, Dwight Grabitske, Cynthia Smith-Strack, Mike Chaves, Corey Hofferbert, Jim Heiland, Alan Ihrke, Ben Jaszewski

Motion by Reetz, seconded by Griep, and passed by unanimous vote to approve the agenda with the following additional item:

3a) Approve the July 23, 2007 Meeting Minutes.

Motion by Vrklan, seconded by Reetz, and passed by unanimous vote to approve the minutes from the Special July 23rd and August 6, 2007 meetings as presented.

Motion by Reetz, seconded by Griep, and passed by unanimous vote to approve the bills, excluding the one to the Sibley County Treasurer (for dusting coating) for verification reasons and Statement of Funds for July as presented.

Alan Ihrke, Parks Committee Chairperson reviewed what the committee had accomplished this year (redrock on the ball fields, wood chips around play equipment, fencing at Four Seasons Park, a new shelter at Fairview Park, some sidewalks and removed a bridge at the Sportsman's Park for safety reasons). He stated that the Committee has been discussing what they would like to do next year, such as some new equipment at Fairview Park and/or a shelter at Frenzel Park. Mayor Kreft commented that he has been receiving requests for a skate park and would like the Parks Committee to research this. Ihrke commented that a couple of future items the Committee has discussed are a trail system and replacing the bridge at the Sportsman's Park, possibly when a trail is formed. The Council thanked the Parks Committee for all that they have done and continue to do for the parks.

P&Z Consultant Smith-Strack explained that Mike Chaves had applied for a Conditional Use Permit to operate a used car sales business with ancillary gas and auto detailing facilities, plus store a limited amount of landscape block on the property located at 306 NW 5th Avenue. She reviewed the various details about the business that were discussed during the public hearing at the most recent P&Z meeting. Jim Heiland expressed his thoughts and comments with regards to the used car sales portion of the business.

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

CITY OF ARLINGTON, MINNESOTA
RESOLUTION NO. 18-2007

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR A USED PASSENGER AUTOMOBILE SALES ESTABLISHMENT WITH ANCILLARY AUTO DETAILING AND FUELING FACILITIES AT 306 5TH AVENUE NW

WHEREAS, The City Council of the City of Arlington, in open public meetings duly noticed and held pursuant to Minnesota law, fully reviewed and discussed the Findings and Recommendation of the Planning and Zoning Committee of the City of Arlington in the matter of a conditional use permit ("CUP") application by Mike Chaves;

WHEREAS, the City of Arlington received a completed application for the issuance of a conditional use permit from Mr. Mike Chaves on June 21st, 2007;

WHEREAS, the applicant has requested a Conditional Use Permit to operate a used automobile sales establishment with ancillary auto detailing and fueling facilities at 306 5th Avenue North;

WHEREAS, the applicant has requested the Conditional Use Permit Description for the Property at 306 5th Avenue NW in the City of Arlington, Sibley County, Minnesota identified as Parcel Number 31.0397.000 and legally described as Lots 24-28, Block 2, Charles Hillemann Addition, City of Arlington, Sibley County, Minnesota;

WHEREAS, The Arlington City Planning and Zoning Committee conducted a public hearing, preceded by published and mailed notice, at their meeting on August 2, 2007 to consider the application for a conditional use permit to operate a used automobile sales establishment with ancillary auto detailing and fueling facilities at 306 5th Avenue North.

WHEREAS, After due notice, the full receipt of public comment and extensive deliberation and discussion recommended to the Arlington City Council, that the CUP Application of Mike Chaves be APPROVED pursuant to certain findings as follows:

- A. The legal description of the Subject Property is PID 31.0397.000, Lots 24-28, Block 2, Charles Hillemann Addition, City of Arlington, Sibley County, Minnesota.
- B. The Subject Property is zoned B-1, Service Business.
- C. The proposed principal use of the Subject Property is for a used automobile sales establishment with ancillary auto detailing and fueling facilities.
- D. Section 7, Subd. 3 of the Arlington Zoning Ordinance identifies conditional uses allowed in the B-1 Service Business District and provides for the contemplated use.
- E. Consideration of the application by the Planning Committee was based upon, but not limited to, the following criteria outlined in Section 15, Subd. 2 of the City Zoning Ordinance:

Criteria #1: The establishment, maintenance, or conducting of the use for which a permit is sought will not under the circumstances of the particular case be detrimental to the health, safety, morals, comfort, convenience or welfare of the persons residing or working in the neighborhood of such use.

Finding #1: The contemplated use is similar to existing uses and intensity of uses in the locale (i.e. Liberty Station).

Finding #2: The CUP is conditioned upon appropriate disposal of water and other items used in the detailing of vehicles with review/approval of the City Engineer and Building Official required.

Criteria #2: The establishment, maintenance, or conducting of the use for which a permit is sought will not under the circumstances of the particular case be detrimental to the public welfare, or injurious to property or improvements in the neighborhood

Finding #1: The contemplated use is similar to existing uses and intensity of uses in the locale (i.e. Liberty Station).

WHEREAS, The City Council has extensively reviewed the applicable code, considered the findings and recommendations by the Planning Committee as well as the comments and input of the Applicants, the Property Owner, the neighboring residents and the general public.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Arlington hereby authorizes the issuance of a conditional use permit to operate a used automobile sales establishment with ancillary auto detailing and fueling facilities at 306 5th Avenue North contingent on the following:

1. Uses of the subject property shall be limited to the following:
 - a. A minimum of one and a maximum of two of the three existing service bays will be used for the licensed sale of used, operable, passenger automobiles. The total volume of used cars stored on site both indoors and outside shall at no time exceed five (5) vehicles. The parking of used cars outdoors as illustrated on the site plan shall occur not less than fifteen (15) feet from the front property line. Loading and unloading of used cars shall occur between the hours of 7 a.m. and 10 p.m. The loading and unloading of used cars shall occur directly on site and shall not occupy the public right of way.
 - b. One of the three existing service bays will be used to "detail" vehicles. "Detailing" shall be defined as and limited to performing: scratch and oxidation removal, buffing, interior and exterior washing or shampooing, molding repair/replacement, paint overspray removal, stain removal, non-spray touch up painting, power washing, hand drying, road tar removal, polishing or deodorizing of any type of passenger vehicle or truck. Hazardous waste containment and/or disposal shall be approved by the Arlington Building Official and comply with state/federal law. Water from the washing of vehicles shall be contained on site as directed by the City Engineer.
 - c. The existing fuel facility may be converted to a "pay-at-the-pump" facility to be available 24-hours per day to credit/debit card buyers. The fuel facility shall not be expanded.
 - d. A storage area for landscaped bricks not exceeding ten feet by ten feet may be located on the east (rear yard) side of the existing building. The landscape block storage area shall not at any time exceed 100 square feet in area. The landscape block shall be stored in a manner prohibiting the harboring of rodents.
 - e. An "L" shaped opaque chain link fence (i.e. fence with lathes/slats) not exceeding six feet in height may be constructed south (side yard) of the existing structure. The fence shall be placed a maximum of five feet in front of the building line but not in front of the structure and terminate in the middle of the rear yard. The fence shall not include barbed or razor wire or have advertising attached to it. The fence shall not obstruct drainage on the site.
 - f. A small display area for landscaped block may be located in the front yard. The display area shall be located entirely on private property and not exceed a total of ten (10) square feet in area or be greater than one pallet in height.
 - g. The Building Official shall examine the premises to determine whether or not a flammable waste trap or other such mechanism is required under the building code.
2. The applicant/property owner must submit details (i.e. location, type and volume) of signage to the City for approval prior to placing any signage on site. Signage must comply to the requirements of the B-1 Service Business District.
3. This conditional use permit is in effect for the property at 306 5th Avenue NW and assigned to the current and/or any future owner of the property. The conditional use permit may be revoked by the City following written notice to the property owner if the conditions of the permit as listed herein are not met and/or maintained. The conditional use permit will expire if/when the use of the property is changed.
4. The applicant shall provide evidence to the City of and maintain compliance with any federal or state laws or regulations which are applicable (i.e. collection/disposal of hazardous materials, etc. on site).
5. No changes in the approved plans or scope of the conditional use shall be undertaken without prior approval of those changes by the City. Proposed permit modifications shall be classified as major or minor, as determined by the Zoning Administrator. Major permit modifications may include, but shall not be limited to, hours of operation, number of employees, expansion of structures and/or premises, operational modifications resulting in increased traffic, and the like.

BE IT FURTHER RESOLVED, the Conditional Use Permit and the conditions herein shall go into full force and effect immediately upon adoption and approval by the City Council. The City Administrator is hereby authorized and directed to have this CUP recorded with the Sibley County Recorder.

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

Adopted and approved by the City Council of the City of Arlington this 20th day of August, 2007.

/s/ James R. Kreft

James R. Kreft
Mayor of Arlington

/s/ Dennis P. Schultz

Dennis P. Schultz
Interim City Administrator

Smith-Strack presented Ordinance No. 209 – An Ordinance Amending Section 5, Subd. 4(4) of the Zoning Ordinance Relating to Rear Yard Setback Requirements in Residential Zoning Classifications for its first reading. She stated that this ordinance is needed to correct a discrepancy in the Zoning Ordinance No. 169 and to clarify rear yard setback requirements in residential districts. It was the consensus of the Council to accept this as the first reading and to hold the second reading at the September 5th meeting.

Smith Strack presented Ordinance No. 210 – An Ordinance Amending Ordinance 168, The Arlington Subdivision Ordinance to Allow for Minor Subdivisions or Combinations of Property Within the Corporate Limits by Adding Section 7.5 for its first reading. She explained that by adding this section to the Subdivision Ordinance it will make splitting and/or combining lots easier for residents; they will not have to go through the entire platting process, which is costly and time consuming. It was the consensus of the Council to accept this as the first reading and to hold the second reading at the September 5th meeting.

Community Band Director Ben Jaszewski presented the 2007 report. He had applied for a grant through the Prairie Lakes Regional Art Center, which they were awarded \$500. They also received a \$25 donation from ProGrowth Bank in Gaylord. He stated that there was an average of 21 musicians per event, the expenses were \$4,216.86. He stated that both Arlington and Gaylord split the costs associated with the Community Band, which was \$1,845.93 (each). Jaszewski stated that this was the smallest group he had directed, plus the audience attendance was down. He stated that the last 12 years have been enjoyable and the mix of students and adults has been good (students have more endurance and adults have more experience). He suggested discontinuing the Community Band all together. Vrklan suggested that both Director Jaszewski and the Band take 1 year off. The Council thanked Jaszewski for the great job he has been doing over the years with the Band.

Discussion was held on providing the Historical Society with a loan so they could finish their renovation of the old fire hall. The Council reviewed the loan that they gave to the Veterans group for their “Walking Path of Honor” project a couple of years back. Mayor Kreft noted that \$4,150 was remaining in the Margaret Major Fund and could be used; it was not designated to anything specific. Grabitske spoke briefly on the grant money that becomes available once the building is on the national historic register. Mayor Kreft commented that initially he was not in favor of granting the full \$20,000 that had been requested, but upon re-examination, the City does own the building and needs it to be in good repair. He now looks at the amount requested to be an investment and was recommending giving the full amount.

Motion by Vrklan, seconded by Borchert, and passed by unanimous vote to grant \$20,000 (the balance of the Margaret Major Fund-\$4,150 plus funds from the General Fund) to the Historical Society so they may complete their renovation of the old fire hall building.

Discussion was held on whether or not the City should participate in the HeatShare program again this year. There was some question on how the program actually worked.

Motion by Reetz, seconded by Griep, and passed by unanimous vote to table the discussion on the HeatShare program in order to obtain more information before making a decision.

Borchert explained that at the last meeting a bid in the amount of \$5,234 had been approved for a fence 250 ft. long, 6 ft. high fence with privacy slats for the west boundary line of the cemetery. He stated that a survey had been done to determine the actual boundary line and upon the Cemetery Committee's review of said line, it was determined that an additional 50 feet of fence was needed to complete the project. It was also noted that additional labor would be needed to install the poles as there was not enough room to bring in machinery. The Council reviewed a revised bid in the amount of \$7,030 from Haggemiller Lumber.

Motion by Borchert, seconded by Griep, and passed by unanimous vote to accept the revised bid from Haggemiller Lumber in the amount of \$7,030 for a 300 ft., 6 ft. high fence with privacy slats for the west boundary line in the cemetery.

Borchert explained that the Cemetery Committee would like to add a few more Techny Arbor Vitae trees at the end of the current ones (running east-west) near the new entrance in order to have them meet up with the proposed fence. A bid from Redwood Falls Nursery was reviewed.

Motion by Wills, seconded by Borchert, and passed by unanimous vote to accept the bid from Redwood Falls Nursery in the amount of \$660 for four 4-5' Techny Arbor Vitae plants for the cemetery.

Brief discussion was held on reducing the sale price of the lots in the original part of the cemetery near the old entrance. Borchert commented that he felt this was brought to the Council prematurely and the Committee should discuss it in more detail.

Motion by Borchert, seconded Reetz, and passed by unanimous vote to deny the request from the Cemetery Committee to reduce the sale price of the lots in the original part of the cemetery near the old entrance and send it back to the Committee for reconsideration.

Motion by Griep, seconded by Vrklan, and passed by unanimous vote to accept the verbal resignation of Elmer Burdorf from the Cemetery Committee.

Motion by Vrklan, seconded by Borchert, and passed by unanimous vote to set Friday, January 4, 2008 as the date for the City Appreciation Dinner.

It was the consensus of the Council to set Thursday, August 23rd at 5:00 p.m. as the date for a Special Council Workshop meeting to discuss the Preliminary 2008 Budget. It was agreed that Deputy Clerk Tesch did not need to be at the meeting provided she would have a written summary (line item explanation) for them to look over.

Mayor Kreft commented on the Arlington Township meeting that both he and Interim Administrator Schultz had attended. He stated that it was a good meeting and the Township understands that annexation is imminent. Schultz commented on the letters that had been sent out to residents north of town and that half of them came back with positive feedback. He stated that an informational meeting has been set for Wednesday, September 12th at 6:30 p.m., where the City Engineer, P&Z Consultant, City Attorney and Septic Specialist will all be available to answer questions and provide cost estimates to the residents in the proposed annexation areas.

Motion by Griep, seconded by Wills, and passed by unanimous vote to approve Interim Administrator Schultz's travel request to attend the Brownfield Workshops in Bloomington on August 30th.

The Council reviewed the thank you letter from the Arlington Area Ambassadors and the Ambassador Committee (Miss Arlington).

Wills commented on a meeting that he had attended with regard to emergency services radios. He stated that by January 2013 the entire State will be on the 800 mghz system and all new radios will have to be purchased. He stated that this will be very costly (approximately ¾ of a million dollars per tower and they will have to be placed every 20 miles) and there will be a lot more meetings coming up about it.

Discussion was held on the current Police Service Agreement with the Sheriff's Department. Some concern was expressed about the number of break-ins that have been taking place. Griep questioned if the County could step up their patrols. He also questioned if a public meeting could be held to discuss the current policing situation (to get public input). Borchert commented on a few items that he continues to see and questioned why they are not being taken care of when officers are patrolling (street lights that are out, etc.).

Mayor Kreft gave an update on the contract with P&Z Consultant Smith-Strack. He stated that it has not been signed and that Attorney Arneson needs to review it. He stated that she has been finding a lot of problems within the ordinances and will be exceeding the number of hours that had been agreed to. He stated that he is very impressed with the job she is doing and that she is a very professional person. He was recommending revising the contract before it is signed.

Mayor Kreft commented that the contract for Matt Jaunich, intended City Administrator has not been worked out yet, but he does have a Letter of Understanding. City Attorney Arneson still has to work out the contract details.

Matt Jaunich addressed the Council about the direction they want him to take once he is on board. He stated that he would like to have a workshop session to go over everything and bring him up to speed on the various projects happening or to happen within the next few months. He stated that he encourages the Council to be open as possible with him (tell him if they don't like something).

Motion by Griep, seconded by Vrklan, and passed by unanimous vote to adjourn the meeting.

Interim Administrator Dennis P. Schultz

Mayor James R. Kreft