

ARLINGTON CITY COUNCIL
MEETING MINUTES
JANUARY 22, 2009

The meeting was called to order at 6:53 p.m., Mayor Kreft presiding.

Members present: Mayor Kreft, Pederson, Pichelmann, Reetz, Vrklan

Members absent: Griep

Also present: Administrator Jaunich, Attorney Arneson, Street Supt. Thomes,

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

Add item 10D) Resolution No. 12-2009 A resolution ordering preparation of report on improvement

Add item 15.5) Approve/Deny hiring an Appraiser for 2 potential sites for wind turbine.

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

- A) Approval of the December 4th Special Meeting Minutes
- B) Approval of the January 5th Regular Meeting Minutes
- C) Approval of the Bills.

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) SEDCO Joint Meeting is Tuesday, January 27th in Gaylord at 6:00 p.m.
- 2) Special Council Meeting at 5:30 p.m. on February 2nd
- 3) LMC Conference for Experienced Officials set for February 20-21 in Bloomington
- 4) Region 9 Meeting on Thursday, January 29th at 5:30 in Mankato.

The Council reviewed the following communications:

- 1) December Financial Reports
- 2) November & December Water/Wastewater Reports
- 3) MMPA Statements of Revenues, Expenses and Changes in Net Assets
- 4) City Administrator Project List
- 5) Letter of apology from Keith Doetkott.

Street Supt. Thomes was present to discuss the snow blower break down issue (blown motor) and proposed options for either fixing or replacing it (with a new or used unit). He gave a detailed history on the blower and repairs done to it since the city has owned it. He stated that everything had been working well until the motor blew. He recommended replacing the motor at a cost of approximately \$10,000 and was hopeful to get at least 3 more years out of it, at which time the city could budget for a new one.

Motion by Vrklan, seconded by Pichelmann, and passed by unanimous vote to authorize Street Supt. Thomes to have the snow blower repaired at a cost of \$9,983.

The second reading of Ordinance No. 212 – An Ordinance Amending the Arlington Zoning Ordinance (Ordinance 169) by Adding Section 13, Subd. 7 Relating to Wind Energy Conversion Systems (WECS), was held. Memos, from both City Attorney Arneson and P&Z Administrator Smith-Strack, addressing concerns expressed during the first reading were reviewed.

Motion by Reetz, seconded by Vrklan, and passed by unanimous vote to approve Ordinance 212 – An Ordinance Amending the Arlington Zoning Ordinance (Ordinance 169) by Adding Section 13, Subd. 7 Relating to Wind Energy Conversion Systems (WECS), as follows:

ORDINANCE NO. 212

AN ORDINANCE AMENDING THE ARLINGTON ZONING ORDINANCE (ORDINANCE 169) BY ADDING SECTION 13, SUBD. 7 RELATING TO WIND ENERGY CONVERSION SYSTEMS (WECS)

THE CITY COUNCIL OF THE CITY OF ARLINGTON ORDAINS AS FOLLOWS:

Section 1

Section 13 of the Arlington Zoning Ordinance (Ordinance 169) shall be amended to include Subdivision 7 as follows:

SUBDIVISION 7. WIND ENERGY CONVERSION SYSTEMS (WECS)

1. The purpose of this Section is to establish standards and procedures by which the installation and operation of commercial and non-commercial wind energy conversion systems (WECS) shall be governed within the City.
2. Ornamental wind devices that are not a WECS shall be exempt from the provisions of this Section.
3. Definitions:
 - A. Commercial Wind Energy Conversion System (WECS): A WECS of equal to or greater than 40kW in total nameplate generating capacity.
 - B. Feeder Line: A power line that carries electrical power from one or more wind turbines or individual transformers associated with individual wind turbines to the point of interconnection with the electrical power grid, in the case of interconnection with the high voltage transmission systems the point of interconnection shall be the substation servicing the WECS.
 - C. Meteorological Tower: Towers erected to measure wind speed and direction plus other data relevant to siting WECS. Meteorological towers shall be regulated as commercial towers under Ordinance 196 relating to Telecommunication Towers, Antennas and Related Facilities, as may be amended.
 - D. Non-commercial WECS: A WECS of less than 40kW in total name plate generating capacity.
 - E. Rotor Diameter: The diameter of the circle described by the moving rotor blades.
 - F. WECS Tower: A vertical structure that supports an electrical generator, rotor blades, and/or meteorological equipment used in the operation of a WECS.
 - G. WECS Total Height: The highest point above ground reached by a rotor tip or any other part of the WECS.
 - H. WECS Tower Height: The total height of the WECS exclusive of the rotor blades.
 - I. Wind Energy Conversion System (WECS:) An electrical generating facility comprised of one or more wind turbines and accessory facilities, including but not limited to: power lines, transformers, substations, and meteorological towers, that operate by converting the kinetic energy of wind into electrical energy. The energy may be used on-site or distributed to the electrical grid.
 - J. Wind Turbine: Any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy through the use of airfoils or similar devices to capture the wind.
4. Conditional Use Permit Required.
 - A. The erection of a wind energy conversion system shall require a conditional use permit, as prescribed by Section 15 of the Arlington Zoning Ordinance.
 - B. Commercial wind energy conversion systems shall only be allowed as conditional uses within Industrial Districts or on property owned by the City of Arlington or the Arlington EDA.
 - C. Non-commercial wind energy conversion systems shall be allowed as conditional uses within the R1/AG-R2/AG Residence & Agricultural District on lots at least ten (10) acres in area. The acreage restriction is required to protect WECS from encroachment by other uses or structures and to accommodate required setback between the WECS and property lines.
 - D. All applications for a WECS conditional use permit shall be accompanied by a site plan drawn to scale and dimensioned displaying following:
 - 1) The names of project applicants and property owners.
 - 2) Project address and legal description.
 - 3) A description of the project including: nameplate generating capacity, proposed tower height, and proposed rotor diameter.
 - 4) Proposed site layout.
 - 5) Engineer's certification of structure design, electrical design, and fall zone.

- 6) Location and height of all existing and proposed buildings, structures, above ground utilities, and trees on the lot, including both existing and proposed structures and guy wire anchors.
 - 7) Location and height of all adjacent buildings, structures, aboveground utilities and trees located within three hundred fifty (350) feet of the exterior boundaries of the property in question.
 - 8) An elevation drawing of the premises accurately depicting the proposed WECS and its relationship to structures on the subject site and adjacent lots.
 - 9) A written statement or map describing how the proposed structure relates to existing arrival/departure corridors utilized by air ambulances.
 - 10) In addition, applications for commercial WECS shall include:
 - a. An FAA permit application, if required.
 - b. A decommissioning plan.
5. Performance Standards:
- A. A WECS shall not interfere with hospital heliport approach/departure corridors as defined by the Minnesota Department of Transportation.
 - B. Setbacks.
 - 1) No part of a WECS (including guy wire anchors) shall be located within or above any required front, side, or rear yard setback.
 - 2) WECS towers shall be setback from all property lines a total of 110% of the WECS total height.
 - C. Blade arcs created by the WECS shall have a minimum of thirty (30) feet of clearance over any structure or tree.
 - D. Each WECS shall be equipped with both a manual and automatic braking device capable of stopping the WECS operation in high winds (40 miles per hour or greater).
 - E. Each WECS shall be grounded to protect against natural lightning strikes in conformance with the National Electrical Code as adopted by the City. To prevent unauthorized climbing, WECS towers must comply with one of the following provisions:
 - 1) Tower climbing apparatus shall not be located within twelve (12) feet of the ground.
 - 2) A locked anti-climb device shall be installed on the tower.
 - 3) Towers capable of being climbed shall be enclosed by a locked, protective fence at least six (6) feet high.
 - F. WECS shall have a sign posted at the base of the tower containing the following information: A high voltage warning, the manufacturer's name, an emergency phone number, and emergency shutdown procedures.
 - G. WECS shall not have affixed or attached any lights, reflectors, flashers, or any other illumination, except for illumination devices required by FAA regulations or as required by the City if within heliport arrival or departure corridors as defined by the Minnesota Department of Transportation.
 - H. WECS shall be designed and constructed so as not to cause radio and television interference.
 - I. Noises emanating from the operation of WECS maintain compliance with Minnesota Pollution Control Standards.
 - J. No WECS shall be interconnected with a local electrical utility company until the utility company has reviewed and commented on it.
 - K. Standard drawings of the structural components of the wind energy conversion system and support structures, including base and footings shall be provided along with engineering data and calculations to demonstrate compliance with the structural design provisions of the Building Code. Drawings and engineering calculations shall be certified by a Minnesota licensed engineer.
 - L. WECS electrical equipment and connections shall be designed and installed in adherence to the Electrical Code.
6. If a WECS is not maintained in operational condition and poses a potential safety hazard, the owner shall take expeditious action to correct the situation.
7. Any WECS or tower which is not used for twelve (12) successive months shall be deemed abandoned and shall be dismantled and removed from the property at the expense of the property owner.

Section 2

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

Adopted by the City of Arlington on the 22nd day of January, 2009.

/s/ James R. Kreft
James R. Kreft, Mayor

Attest: /s/ Matthew Jaunich
Matthew Jaunich, City Administrator

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

RESOLUTION NO. 9-2009

RESOLUTION APPROVING THE APPLICATION FOR A LAWFUL GAMBLING LICENSE FOR THE SIBLEY COUNTY PHEASANTS FOREVER

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Arlington hereby approves the application for a Lawful Gambling License as submitted by the Sibley County Pheasants Forever.

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: Pederson, Pichelmann, Reetz, Vrklan; and the following voted against the same: None; and the following abstained from voting: None; and the following were absent: Griep.

Adopted by the City Council of the City of Arlington this 22nd day of January, 2009.

Signed: /s/ James R. Kreft
Mayor

Attested: /s/ Matthew Jaunich
City Administrator

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

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

RESOLUTION NO. 10-2009

A RESOLUTION APPROVING ORDINANCE 212 ENTITLED, 'AN ORDINANCE AMENDING THE ARLINGTON ZONING ORDINANCE (ORDINANCE 169) BY ADDING SECTION 13, SUBD. 7 RELATING TO WIND ENERGY CONVERSION SYSTEMS (WECS)' AND APPROVING SUMMARY PUBLICATION THEREOF

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

WHEREAS, the Arlington Planning Commission and City Council find Ordinance 169 should be amended to address Wind Energy Conversion Systems; and

WHEREAS, the City of Arlington initiated a amendment Ordinance 169, the Arlington Zoning Ordinance to provide for the installation of commercial and non-commercial Wind Energy Conversion Systems within certain zoning districts; and

WHEREAS, the Arlington Planning Commission has reviewed and studied the issue and developed text to be included in Ordinance 212; and

WHEREAS, a public hearing was properly noticed and held on March 6, 2008 by the City of Arlington Planning Commission; and

WHEREAS, on March 7, 2008 the Planning Commission approved Resolution PC05-2008 recommending the City Council approve Ordinance 212; and

WHEREAS, the City Council approved the first reading of Ordinance 212 at its regular meeting on January 5, 2009; and

WHEREAS, the City Council approved second reading and the adoption of Ordinance 212 at its regular meeting on January 22, 2009; 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 212 would clearly inform the public of the intent and effect of the Ordinance 212; 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 212 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. 212 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 January 22, 2009 the City Council of the City of Arlington approved Ordinance 212, entitled, ‘An Ordinance amending the Arlington Zoning Ordinance (Ordinance 169) by Adding Section 13, Subd. 7 Relating to Wind Energy Conversion Systems (WECS).’ The Ordinance in its entirety is available for review and/or photocopying during regular office hours at the City of Arlington, 204 Shamrock Lane, Arlington, Minnesota 55307. The Ordinance provides for the establishment of commercial and non-commercial wind energy conversion systems in certain areas within the City of Arlington.”

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: Pederson, Pichelmann, Reetz, Vrklan; and the following voted against the same: none; and the following abstained from voting: none; and the following were absent: Griep.

Adopted by the City Council of the City of Arlington this 22nd day of January, 2009.

Signed: /s/ James R. Kreft
Mayor

Attested: /s/ Matthew Jaunich
City Administrator

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

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

RESOLUTION NO. 11-2009

A RESOLUTION RATIFYING ADDITIONAL MAYORAL APPOINTMENTS

BE IT RESOLVED that Mayor James R. Kreft has appointed the following individuals to the following appointments:

DELEGATES TO EXTRA-MUNICIPAL AGENCIES:

Minnesota Valley Regional Rail Coalition
(MVRRC) Delegate:

Matt Jaunich, City Administrator

CITIZEN COMMITTEES:

Cemetery Committee: (Term Length: Two years)
Citizen Appointees:

OPEN SEAT
OPEN SEAT

Economic Development Authority: (Term Length: Four years)
Citizen Appointees:

David Krueger (2012)

Library Committee: (Term Length: Two years)

Citizen Appointees:	OPEN SEAT (2009)
<i>Park Committee/Shade Tree Board:</i> (Term Length: Two years)	
Citizen Appointees:	OPEN SEAT
	OPEN SEAT
<i>Police Committee:</i> (Term Length: Two years)	
Citizen Appointees:	OPEN SEAT
	OPEN SEAT

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

Adopted by the City Council of the City of Arlington this 22nd day of January, 2009.

Signed: <u>/s/ James R. Kreft</u>	Attested: <u>/s/ Matthew Jaunich</u>
Mayor	City Administrator

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

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

RESOLUTION NO. 12-2009

A RESOLUTION ORDERING PREPARATION OF REPORT ON IMPROVEMENT

WHEREAS, it is proposed to do two improvement projects in 2009; and

WHEREAS, Project 1 will be a complete improvement of Circle Lane from 4th Avenue SE to the end of Circle Lane on the east, along with Horseshoe Drive from Freedom Drive to the end of Horseshoe Drive on the south; and

WHEREAS, Project 2 will be a complete improvement of 4th Avenue NW from T.H. 5 south to West Alden Street, along with West Douglas Street from 4th Avenue NW to 3rd Avenue NW, along with 3rd Avenue NW from West Elgin Street South to West Douglas Street, along with 3rd Avenue SW from West Brooks Street south to West Alden Street, along with West Brooks Street from 4th Avenue NW to the end of West Brooks Street on the east; and

WHEREAS, it is the intent of the Arlington City Council to assess the benefited properties for all or a portion of the cost of the improvements, pursuant to Minnesota Statutes, Chapter 429.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ARLINGTON, MINNESOTA:

That the proposed improvement projects be referred to Joel Hawbaker of Bolton & Menk, Inc. for study and that Bolton & Menk is instructed to report to the Council with all convenient speed advising the council in a preliminary way as to whether the proposed improvements are necessary, cost-effective, and feasible and as to whether it should best be made as proposed or in connection with some other improvement, and the estimated cost of the improvement as recommended.

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

Adopted by the City Council of the City of Arlington this 22nd day of January, 2009.

Signed: /s/ James R. Kreft
Mayor

Attested: /s/ Matthew Jaunich
City Administrator

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

Brief discussion was held on the Financial Management Plan that Adm. Jaunich was putting together. He would like the Finance Committee to get together to review the fund balances.

Discussion was held on the electrical system improvements that had been proposed and approved last fall. Adm. Jaunich commented that the electrical engineer had figured the cost estimates to be in the neighborhood of \$45,000 (without checking with McLeod Power, the company who would be doing the work) and recently found out that the figures were closer to \$110,000. Attorney Arneson spoke on the Scope of Services Agreement between the City of Arlington, Heartland Engineering and McLeod Coop Power. Discussion was held on whether to move forward with the project and allow McLeod to do the work (when their schedule permits) or seek other contractors to do it.

Motion by Vrklan, seconded by Reetz, and passed by unanimous vote to table discussion on the electrical system improvements until the next regular meeting to give Adm. Jaunich time to research some things further.

Adm. Jaunich spoke briefly on the Local Board of Appeal and Equalization and the "Open Book Meeting" law. He explained that the 'Open Book' approach allows residents to go directly to the County Assessor to discuss property value and classification issues.

Motion by Pichelmann, seconded by Pederson, and passed by unanimous vote to adopt the "Open Book Meeting" law procedure with regards to the equalization for property values.

Considerable discussion was held on whether the City should hire (contract with) a grant writer, to research/locate and write grants or just write them as projects come up or utilize the services of contracted individuals, such City Forester (I&S Group) and City Finance Officer (David Drown Associates). Adm. Jaunich commented that the City needs to develop a "Detailed Plan" (per department: parks, fire, etc.) with regards to grants, to accompany the budget process for certain projects. He commented that some grants are very time consuming to write and can get very costly if a grant writer is hired.

Adm. Jaunich commented that some cities were starting to amend their 2009 Budgets due to the proposed (unknown) State LGA cuts and some were waiting to see what the State finally proposes before they start taking any action (reducing their projects). Mayor Kreft commented that there were not any real big projects scheduled for the first part of the year except street projects and that the City should just wait to see what the State does with the LGA. Adm. Jaunich commented that he had asked all department heads to look at their budgets and figure out where they can make cuts (about 5% or \$70,000) if necessary. Reetz expressed his thoughts that some of the day-to-day things need to be reevaluated now (such as snowplowing, gas, overtime, heat settings, lighting, etc.) and not wait till crunch time as an additional means of reducing the budget (pinch pennies), not just cutting projects out. Adm. Jaunich will start making his financial report more detailed (monitoring expenditures).

Adm. Jaunich commented that two possible sites have been chosen for the wind turbine location; both are in the northwest quadrant of town. He added that an appraiser needs to be hired to determine the value of the property.

Motion by Pederson, seconded by Pichelmann, and passed by unanimous vote to authorize Adm. Jaunich to hire an appraiser to appraise the 2 sites for the wind turbine.

Vrklan gave an update on the EDA. It was noted that Mark Lundstrom was the new President and that they would be reviewing the Bylaws and setting goals for 2009.

Pederson gave an update on the Joint Trails meeting that he had attended in Henderson. He stated that they appear to be well organized and are operating under the 501(c)3 non-profit status. He added that they are a long way from starting the trail (too costly) system, but it was suggested to start the first mile at Arlington's city boundary and go to the Sportsman's Park.

Pichelmann gave an update on the Library Committee. It was noted that the Officers were staying the same as last year and that they would be meeting quarterly. The application for the 501(c)3 non-profit status had been submitted and they were waiting to hear back.

Pederson gave an update on the Parks Committee. He stated that there wasn't a quorum, but they held discussion the Sportsman's Park and what should be done with it. They would like to get it surveyed.

Vrklan gave an update on the Fire Department. He stated that a tour (and history) of the equipment was given.

Adm. Jaunich commented on the EMS meeting with the Fire Chief, Ambulance Director and Police Chief. He noted that this group will be meeting monthly.

Motion by Vrklan, seconded by Pichelmann, and passed by unanimous vote to adjourn the meeting at 8:46 pm.

City Administrator Matthew Jaunich

Mayor James R. Kreft