

ARLINGTON CITY COUNCIL
MEETING MINUTES
JULY 21, 2008

The meeting was called to order at 6:35 p.m., Mayor Kreft presiding.

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

Members absent: Reetz

Also present: Administrator Jaunich, Attorney Arneson, Alan Ihrke, Brooke Hacker of I&S Group, Kurt Menk

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

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

- A) Approval of the July 7th Regular Meeting Minutes
- B) Approval of the Bills
- C) Approve the placement of a "No Truck Route" sign at the intersection of 4th Avenue NW & Hwy 5.

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

The following announcements were reviewed:

- 1) MMPA's Annual Meeting & Dinner – July 22nd at 5:30 p.m. in Anoka
- 2) MMUA Annual Summer Meeting – August 18-20 in Alexandria
- 3) Historic Preservation Conference – September 19-20 in Northfield.

The Council reviewed the following communications:

- 1) June Financial Reports
- 2) Thank you from the Chamber of Commerce.

Brooke Hacker, a Forester with I&S Group presented a proposal to provide forestry services to the City. She explained that they would do an inventory of all trees on property considered to be public, help with tree selection for public areas, determine hazard (diseased) trees, and help revise the tree ordinance.

Motion by Griep, seconded by Wills, and passed by unanimous vote to contract with I&S Group in the amount of \$75/hour for forestry services.

Al Ihrke was present on behalf of the Parks Committee to give the annual report. He stated that their main focus was getting new play equipment for Fairview Park (behind the hospital), which was installed earlier in the year. He commented that the new equipment was being used and was a nice addition to the area. It was noted that the Parks Committee has discussed a shelter for Frenzel Park, along with drinking water fountains for the area parks. Ihrke stated that the Parks Committee continues to discuss the Sportsman's Park to come up with a plan of what can be done with it (long term visioning).

The Council reviewed a memo from P&Z Administrator Smith-Strack on the proposed Conditional Use Permit (CUP) for Wade Schneider, d/b/a After Burner Auto Body at 118 West Main Street. It was noted that the Planning & Zoning Committee had recommended approval of said CUP. Adm. Jaunich explained the reason for the CUP was due to intensity of a legal non-conforming use of the land (outdoor storage).

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

RESOLUTION NO. 33-2008

A RESOLUTION RECOMMENDING APPROVAL OF A CONDITIONAL USE PERMIT FOR AN AUTOMOTIVE BODY SHOP WITH ANCILLARY OUTDOOR FACILITIES AT 118 WEST MAIN STREET, PARCEL NUMBER 31.0165.000

WHEREAS, Mr. Wade Schneider has submitted a request for a Conditional Use Permit to operate an automotive body shop with ancillary outdoor storage facilities at 118 West Main Street, legally described as Lot 1, Block 5, Original Townsite, City of Arlington; and,

WHEREAS, The subject parcel is zoned I-1 Light Industrial and predates the existing zoning ordinance; and,

WHEREAS, An auto body repair shop is not an allowed use within the I-1 Light Industrial District; the Applicant's business is therefore a legal non-conforming use of land; and,

WHEREAS, Outdoor storage at the subject property including unused parts, unlicensed 'scrap' vehicles, weeds, and clutter have become the subject of nuisance complaints; and,

WHEREAS, The Applicant and City have agreed to address nuisance conditions through a Conditional Use Permit (CUP) issued under Section 14, Subd. 3(G) relating to intensity of non-conforming uses; and,

WHEREAS, notice of a public hearing to accept input on the CUP request was published in the official newspaper on June 26, 2008 and sent to property owners within 350 feet of the property; and,

WHEREAS, the Planning and Zoning Committee conducted a public hearing on the CUP request on July 10, 2008 and accepted input on the CUP request; and,

WHEREAS, the Planning Committee has reviewed the CUP request and has made the following findings:

- A. The establishment, maintenance, or conducting of the use for which the 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,
- B. The establishment, maintenance, or conducting of the use for which the 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.
- C. The City may designate conditions and require guarantees in the granting of use.

WHEREAS, the Planning Committee on July 10, 2008 approved a resolution recommending the City Council APPROVE the Conditional Use Permit.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON THAT: The City Council of the City of Arlington hereby approves a Conditional Use Permit to operate an automotive body shop with ancillary outdoor storage facilities at 118 West Main Street subject to the following:

1. Uses of the subject property shall be limited to an automotive body repair shop with ancillary outdoor storage facilities as presented in the attached application, except that the number of outdoor vehicle storage spaces is limited to a maximum of eight (8), not ten (10) as proposed.
2. All outdoor storage, including but not limited to storage bays and parking spaces shall be placed on a surface comprised of a gravel base with a minimum thickness of three (3) inches.
3. All vehicles stored on site shall display current licenses, except that a maximum of four (4) unlicensed scrap or restoration vehicles may be stored on site at one time, provided a written list of vehicles stored (including the date the vehicle was brought to the site) shall be kept on file and

accessible to the City when conducting CUP compliance audits. Any scrap vehicles not used on site within one (1) year of being brought to the site shall be removed from the site.

4. Only passenger vehicles are allowed to be stored on site.
5. This conditional use permit is in effect for the property at 118 West Main Street 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.
6. The conditional use permit shall be recorded at the Sibley County Recorder's Office.

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

Adopted by the City Council of the City of Arlington this 21st day of July, 2008.

Signed: /s/ James R. Kreft
Mayor

Attest: /s/ Matthew Jaunich
City Administrator/Treasurer/Clerk

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

The Council reviewed a second memo from P&Z Administrator Smith-Strack regarding the proposed Variance for Darlain Rose, 401 West Adams Street, for a handicap ramp. It was noted that the Planning & Zoning Committee had recommended approval of said variance.

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

RESOLUTION NO. 34-2008

A RESOLUTION RECOMMENDING APPROVAL OF A VARIANCE FROM CORNER LOT SETBACK REQUIREMENT FOR 401 WEST ADAMS STREET, PARCEL # 310109000

WHEREAS, Darlain Rose has submitted a request for variance from the required side yard setback under Section 5, Subd. 4(5)(C) of the Arlington Zoning Ordinance; and,

WHEREAS, the purpose of the variance is to provide for construction of a handicap access ramp for a mobility impaired person on the property legally described as Lot 12 of Block 17, Original Plat, City of Arlington, Sibley County MN; and,

WHEREAS, notice of a public hearing to accept input on the variance request was published in the official newspaper on June 26, 2008 and sent to property owners within 350 feet of the property; and,

WHEREAS, the Planning and Zoning Committee acting as the Board of Zoning Adjustment conducted a public hearing on the variance request on July 10, 2008 and accepted input on the variance request; and

WHEREAS, the Planning Committee has reviewed the variance request and has made the following findings:

- The request fails to pass two of three statutory potential findings for approval as an 'undue hardship' as discussed in the MDG memo to the Planning Commission dated July 3, 2008.

- Under normal circumstances the variance would be denied due to non-qualification under the ‘undue hardship’ standard.
- The federal Fair Housing Act (FHA) makes it unlawful for local governments to refuse to make ‘reasonable accommodations’ in land use and zoning policies and procedures where such an accommodation may be necessary to afford persons an equal opportunity to use and enjoy housing.
- ‘Reasonable Accommodation’ is defined in a joint statement of the U.S. Department of Justice and the U.S. Department of Housing and Urban Development as a request which does not impose an undue financial or administrative burden on a local government and/or which does not create a fundamental alteration in a local government’s land use and zoning scheme. The proposed accommodation is reasonable under this definition.
- The location of the handicap access ramp as proposed is the only means of access afforded to mobility impaired persons.

WHEREAS, the Planning Committee approved a resolution recommending the City Council APPROVE the variance based on the aforementioned findings.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF ARLINGTON THAT: The City Council of the City of Arlington approves a request for a variance to the corner lot street side setback requirement for the property at 401 West Adams Street (Parcel #310109000), providing the handicap access ramp is removed from the property when an occupant no longer has mobility impairment or when an occupant with mobility impairment no longer resides on the premises. The front deck is in compliance with Ordinance 169 and shall be allowed to remain.

BE IT FURTHER RESOLVED, the Zoning Administrator is authorized and directed to record this document 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: Borchert, Griep, Vrklan, Wills; and the following voted against the same: None; and the following abstained from voting: None; and the following were absent: Reetz.

Adopted by the City Council of the City of Arlington this 21st day of July, 2008.

Signed: /s/ James R. Kreft
Mayor

Attest: /s/ Matthew Jaunich
City Administrator/Treasurer/Clerk

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

Adm. Jaunich commented that he had been asked to start looking at the 2009 Budget to see if there was any way to lower the tax levy. He explained that he had Shannon Sweeney of David Drown Associates (City’s Financial Advisor) look over the City’s General Obligation Bonds (debt). Sweeney found that the City has money available (prepaid assessments) and can prepay on one of the bonds, which would save the City approximately \$10,000 in interest, plus it would lower the tax levy.

Councilmember Griep introduced the following resolution and moved its adoption:

RESOLUTION NO. 35-2008

**PROVIDING FOR THE REDEMPTION AND PARTIAL PREPAYMENT OF THE
GENERAL OBLIGATION IMPROVEMENT BONDS OF 2000**

WHEREAS, the City hereby determines and declares that it is necessary and expedient to call for redemption and prepayment \$95,000 principal amount of the City's \$450,000 original principal amount General Obligation Improvement Bonds of 2000, dated December 1, 2000, in amounts and maturity dates as noted in Exhibit A; and

WHEREAS, maturities of the General Obligation Improvement Bonds of 2000 which mature on December 1, 2007 and thereafter are callable at a price of 100.5% plus accrued interest, as provided in the resolution of the County Council duly adopted on November 20, 2000, authorizing the issuance of the Bonds; and

WHEREAS, the partial refunding on September 1, 2008, of Bonds maturing after February 1, 2007, is consistent with covenants made with the holders thereof; and is necessary and desirable for the reduction of debt service cost to the City;

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

Redemption of Bonds. A portion of the Bonds shall be redeemed and prepaid on September 1, 2008, in accordance with the terms and conditions set forth in the Notice of Call for Redemption attached hereto as Exhibit A, which terms and conditions are hereby approved and incorporated herein by reference.

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

Adopted by the City Council of the City of Arlington this 21st day of July, 2008.

Signed: /s/ James R. Kreft
Mayor

Attest: /s/ Matthew Jaunich
City Administrator/Treasurer/Clerk

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

EXHIBIT A

NOTICE OF CALL FOR REDEMPTION

GENERAL OBLIGATION IMPROVEMENT BONDS OF 2000, CITY OF ARLINGTON, MINNESOTA

NOTICE IS HEREBY GIVEN that by order of the City Council of City of Arlington, Minnesota, there have been called for redemption and prepayment on

September 1, 2008

\$95,000 principal amount of those outstanding bonds of the City designated as General Obligation Improvement Bonds of 2000, dated as of December 1, 2000, having stated maturity dates in the years 2009 through 2011, inclusive, and totaling \$95,000 in principal amount, distributed and having CUSIP number as listed below:

<u>Year</u>	<u>Amount</u>	<u>CUSIP Number</u>
2009	\$30,000	041645 JU 7
2010	30,000	041645 JV 5
2011	35,000	041645 JW 3

The bonds are being called at a price of 100.5% plus accrued interest to September 1, 2008, on which date all interest on the bonds will cease to accrue. Holders of the bonds hereby called for redemption are requested to present their bonds for payment to U.S. Bank, N.A., successor to U.S. Bank Trust National Association, Attention: Paying Agent Services, 60 Livingston Avenue, St. Paul, Minnesota 55107.

Dated: July 21, 2008

BY ORDER OF THE CITY COUNCIL

/s/ Matthew Jaunich

City Administrator

Adm. Jaunich informed the Council that he has been contacted by the 2 contractors scheduled to do the work for the 2008 Sidewalk Improvement project. They have both submitted new/revised bids (\$4.75/sq. ft.) and will not do the work at the original bid price of \$4/sq. ft., which was approved at the last meeting. Adm. Jaunich commented that the contractors have informed him that they are busy now and will not be able to do the project until September/October. Vrklan expressed interest in moving ahead with the project. Adm. Jaunich presented several options for the Council to consider and there was considerable discussion.

Motion by Vrklan, seconded by Wills, and passed by unanimous vote to re-bid the 2008 Sidewalk Improvement Project as follows:

- 1) As one whole project (East and West Adams Street together), plus asphalt work
- 2) As separate projects (East only OR West only with/out asphalt work).

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

RESOLUTION 36-2008

A RESOLUTION ORDERING RESOLUTION 29-2008 NULL AND VOID

WHEREAS, since Resolution 29-2008 was adopted, conditions have occurred to change the original intent and purpose of the resolution.

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

That resolution 29-2008 is hereby rejected and considered null and void.

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

Adopted by the City Council of the City of Arlington this 21st day of July, 2008.

Signed: /s/ James R. Kreft

Mayor

Attested: /s/ Matthew Jaunich

City Administrator/Clerk/Treasurer

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

The Council reviewed bids for a new sanding truck for the Streets Department. from Brau Motors/Mel Carlson Chev in Truman (\$76,312) and Boyer Trucks in Savage (\$104,076). It was noted that the Streets Committee and Street Supt. Thomes had met and reviewed the proposals. Adm. Jaunich gave a brief history on the current sanding truck (20-years old) and explained that it would take approximately \$11,000 to fix it up for the upcoming snow season. He presented information regarding the use of General Obligation Equipment Certificates to help pay for a new sanding truck and fire truck (had been requested earlier in the year by the Fire Department) together.

Motion by Vrklan, seconded by Wills, and carried (Borchert opposed) to accept the low bid as presented from Brau Motors/Mel Carlson Chev in the amount of \$76,312 for a new sanding truck.

Adm. Jaunich gave an update on the Private Water/Sewer Compliance letters that had been sent earlier in the year to the residents currently not on the city's utility system. It was noted that the Utilities Committee had reviewed the information prior to the meeting. Adm. Jaunich stated that the Committee had recommended that he send out new letters to the residents who did not respond to the first letter giving them a specified deadline in which to get compliant or they would be charged with a misdemeanor. He explained that there is one resident whose water is non-compliant under State guidelines. The Dept. of Health was contacted on this to find out what (if anything) the City could do about it and were informed that the City cannot force a resident to hookup to city water. Adm. Jaunich commented that he would be sending the resident some information that he had about the effects of the non-compliance and what it means to them. Adm. Jaunich explained that the Committee also made the recommendation to have the City Engineer look into what it will take to get city sewer services to the residents with non-compliant septic systems.

Motion by Borchert, seconded Wills, and passed by unanimous vote (Griep abstained) to authorize the City Engineer to provide a report on what it will take to get city sewer to the residents with non-compliant septic systems.

Vrklan gave an update on the Library Committee, which included a brief summary of the events/programs that are scheduled for the summer. He commented that the artwork on the Library windows was sponsored by Mayor Kreft's family, which was very much appreciated by the Committee. Vrklan commented that the Library (as a whole) looks great after the remodeling that was done; it has a different/brighter atmosphere. He noted that the Library had given away some furniture to TSE, who in turn donated some money to the Library with which 2 chairs were purchased.

Mayor Kreft gave an update on the ambulance service. He commented that some changes (pertaining to the management of and licensing) would be occurring in the near future, which included a proposal from Ridgeview Medical Center's Ambulance Director and SMC Administrator Matz. It was agreed to hold a Special Joint meeting with the SMC Board on Monday, July 28th at 5:00 p.m. to hear the proposal.

Adm. Jaunich commented on the various projects that Bolton & Menk is currently working on (Circle Lane/Horseshoe Drive Improvement, utility service extensions to the Stuewe/Pomplun properties, southern boundary, GIS, city-wide infrastructure analysis, Frenzel Park drainage issue).

Adm. Jaunich handed out a copy of the League of MN Cities annual salary summary.

Brief discussion was held on the water main break in the southeast corner of town.

Mayor Kreft commented that he would like to have all Committee Appointments done by an application process; however four of the Committees are single year terms. He would like to see the ordinances (governing the various committees) revised so that the term lengths are staggered.

Motion by Vrklan, seconded by Borchert, and passed by unanimous vote to adjourn the meeting at 7:58 pm.

City Administrator Matthew Jaunich

Mayor James R. Kreft