

ARLINGTON CITY COUNCIL  
MEETING MINUTES  
MAY 18, 2009

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

Members present: Mayor Kreft, Griep (stepped out mid-meeting for approximately 30-45 minutes), Pederson, Pichelmann, Reetz, Vrklan

Members absent: None

Also present: Administrator Jaunich, Attorney Arneson, Jeff Klehr, Fire Chief Otto, Sara Griep, Doug Flieth

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

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

- A) Approval of the May 4<sup>th</sup> Regular Meeting Minutes
- B) Approval of the Bills
- C) Approval of Changing the Library Hours to 9:00 am – 7:30 pm on Mondays and 9:00 am – 5:30 pm on Fridays
- D) Approval of Professional Services Agreement with Bolton & Menk for the Wastewater Plant Digester Modifications Project at a price not to exceed \$12,000
- E) Approval of Application for Permit to Prune, Remove or Plant a Tree in a Public Right-of-Way.

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) City Offices will be closed on Monday, May 25<sup>th</sup> for Memorial Day
- 2) Sibley County Municipalities Meeting – June 11<sup>th</sup> @ 6:00 pm in Gibbon
- 3) League of MN Cities Annual Conference – June 24-26 in St. Paul
- 4) Special Council Meeting with EDA on Wednesday, May 20<sup>th</sup> @ 7:00 pm.

The Council reviewed the following communications:

- 1) April Financial Reports
- 2) Liquor License Loophole (Attorney Arneson).

Jeff Klehr was present to answer questions regarding his variance request. Adm. Jaunich stated that the Planning & Zoning Committee had reviewed the request and were recommending its approval.

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

**RESOLUTION NO. 32-2009**

**A RESOLUTION APPROVING A VARIANCE FROM SIDE YARD SETBACK REQUIREMENT FOR 640 EAST BROOKS STREET, PARCEL # 310109000**

**WHEREAS**, Jeff and Wendy Klehr have submitted a request for variance from the required side yard setback under Section 4.5, Subd. 5(c)(2) of the Arlington Zoning Ordinance; and,

**WHEREAS**, the purpose of the variance is to provide for an addition to an existing structure on the property legally described as the east 230.11 feet of Outlots 11-12 except parcel 200 feet by 75.11 feet, Maas Subdivision, 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 April 23, 2009 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 May 7, 2009 and accepted input on the variance request; and

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

- The parcel is within the R1/R2-Ag Residence District. The subject parcel is not developed at an urban density and is used as a large lot business/residence. The proposed addition is in keeping with the spirit and intent of the zoning classification.
- The structural addition cannot be located to the west or south of the existing structure due to topographical features of the lot. The structural addition cannot be located north of the existing structure due to encroachment into the front yard. The variance is unique to the property due to topographic conditions, lot orientation, and existing layout of structures upon the parcel.
- A portion of the proposed structural addition (a 38' x 100' rectangular-shaped structure) meets the required side yard setback of 10 feet.
- The non-compliance results from a side yard line that is measured from the center point of a creek which results in a line that deflects as it progresses from north to south. The degree of deflection accommodates the 10' setback at the southern portion of the proposed structure but encroaches onto the required setback in the northern portion of the structure.
- The proposed variance and structure will not alter the essential character of the locality in that similar structures existing throughout the Maas Subdivision which was originally developed in the township and recently annexed to the City. Most lots within the locale contain large agricultural accessory structures which house business equipment to prevent storage of such items outdoors.

**WHEREAS** the City Council concurs with the aforementioned findings of fact.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF ARLINGTON THAT:** a request for a seven foot nine inch variance to the side yard setback requirement for the property at 640 East Brooks Street (Parcel #310855000) is hereby approved.

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

Adopted by the City Council of the City of Arlington this 18<sup>th</sup> day of May, 2009.

Signed: /s/ James R. Kreft Attested: /s/ Matthew Jaunich  
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.

The Council reviewed the Planning & Zoning Committee's annual report as prepared by PZ Adm. Smith-Strack. Reetz presented the report as Smith-Strack was unable to attend the meeting. He praised the job that PZ Adm. Smith-Strack was doing for the City.

The first reading of Ordinance No. 243 – An Ordinance Amending Ordinance 198, Regulating the Conduct of Peddlers, Solicitors, Professional Fundraisers, And Transient Vendors Within the City of Arlington, was held. Adm. Jaunich stated that a draft of this ordinance had been presented at the previous Council meeting and highlighted the changes that were. He noted that the integrity of the “green river” ordinance currently in place had not changed with the proposed amendments.

The second reading of Ordinance No. 244 – An Ordinance Relating to Criminal History Backgrounds for City Employees, Appointees and Licensees, was held. It was noted that there were no changes made after the first reading.

Motion by Vrklan, seconded by Pichelmann, and passed by unanimous vote to approve Ordinance No. 244 – An Ordinance Relating to Criminal History Backgrounds for City Employees, Appointees and Licensees, as follows:

**Ordinance No. 244**

**AN ORDINANCE RELATING TO CRIMINAL HISTORY BACKGROUNDS FOR CITY EMPLOYEES, APPOINTEES, AND LICENSEES**

WHEREAS, to promote the public safety, health and welfare of the City of Arlington;

THE CITY COUNCIL OF THE CITY OF ARLINGTON, MINNESOTA, DOES ORDAIN AS FOLLOWS:

**SECTION 1. CRIMINAL HISTORY BACKGROUND.**

The Arlington Police Department is authorized to do a criminal history background investigation on applicants for positions with the city. This chapter applies only to applicants who are finalists for all paid positions, whether salary or by the hour. Before the investigation is undertaken, the applicant must authorize the Police Department in writing to undertake the investigation and to release the information to the City Council, City Administrator and other city staff as appropriate. Except in the case of exceptions set forth in Minnesota Statutes Section 364.09 as it may be amended from time to time, should the City reject the applicant's request for employment due partially or solely to the applicant's prior conviction of a crime, the City Administrator shall notify the applicant in writing of the following:

- A. The grounds and reasons for the denial.
- B. The applicant complaint and grievance procedure set forth in Minnesota Statutes Section 364.06.
- C. The earliest date the applicant may reapply for employment.
- D. That all competent evidence of rehabilitation will be considered upon reapplication.

**SECTION 2. APPLICATION FOR LICENSE OR PERMIT/ISSUANCE.**

Every applicant for a license shall submit an application to the City Administrator on a form provided by the City. It shall be accompanied by payment of the prescribed fee.

- A. Criminal History Background: When applicable, the Arlington Police Department is authorized to do a criminal history background investigation on applicants for city licenses. Before the investigation is undertaken, the applicant must authorize the Police Department in writing to undertake the investigation and to release the information to the City Council, City Administrator and other city staff as appropriate.
- B. Issuance: If, after investigation, the City Administrator is satisfied that all requirements of law and this Ordinance have been met, the Administrator shall present the application to the Council for action, or, if the license or permit does not require Council approval, the Administrator shall issue the license or permit.
- C. Denial for Background: Except in the case of exceptions set forth in Minnesota Statutes Section 364.09 as it may be amended from time to time, should the City deny the applicant's request for a license, due partially or solely to the applicant's prior conviction of a crime, the City Administrator shall notify the applicant in writing of the following:
  1. The grounds and reason for denial.
  2. The applicant complaint and grievance procedure set forth in Minnesota Statutes Section 364.06.
  3. The earliest date the applicant may reapply for a license.
  4. That all competent evidence of rehabilitation will be considered upon reapplication.

This ordinance shall become effective immediately upon passage and publication.

For City of Arlington

/s/ James R. Kreft

By James R. Kreft  
It's Mayor

/s/ Matthew Jaunich

By Matthew Jaunich  
It's City Administrator

The first reading of Ordinance No. 245 – An Ordinance Amending Ordinance 169, The Arlington Zoning Ordinance by Adding Section 15.5 Relating to Interim Use Permits, was held.

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

**RESOLUTION NO. 33-2009**

**A RESOLUTION CLARIFYING LANGUAGE RELATING TO ANCILLARY STORAGE SUBJECT TO AN EXISTING CONDITIONAL USE PERMIT FOR AN AUTOMOTIVE BODY SHOP WITH ANCILLARY OUTDOOR FACILITIES AT 118 WEST MAIN STREET, PARCEL NUMBER 31.0165.000**

**WHEREAS**, 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 was approved on July 21, 2008 by the Arlington City Council and subsequently filed at the Sibley County Recorder's Office; and,

**WHEREAS,** During a routine compliance follow-up the City was advised of an oversight in the language contained in the Conditional Use Permit by the current property owner relating to ancillary outdoor storage; and,

**WHEREAS,** The property owner has indicated a need to provide for storage of tow trucks and trailers as a part of their core business operation; and,

**WHEREAS,** The property owner has indicated no more than fifty percent of the allowable vehicle storage area, equating to a total of four parking stalls, will be used at any one time for non-passenger vehicles; and,

**WHEREAS,** A representative for the property owner appeared at the May 7, 2009 Planning and Zoning Commission meeting to testify as to the request; and,

**WHEREAS,** The Planning Commission studied the request and unanimously approved a recommendation to the City Council relating to consideration and approval of a resolution clarifying the intent of the existing conditional use permit; and,

**WHEREAS,** The Planning Commission recommends the clarifying resolution allow for outdoor storage of non-passenger vehicles/trailers limited to fifty percent of the allowable outdoor vehicular storage (i.e. maximum of four of the eight parking spots) may be used for non-passenger vehicle/trailer storage at any one time.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON THAT:** The City Council of the City of Arlington hereby clarifies the intent of the existing conditional use permit as it relates to ancillary outdoor storage shall allow for storage of non-passenger vehicle/trailers provide said storage does not exceed fifty percent of the outdoor storage parking stalls at any one time.

**BE IT FURTHER RESOLVED,** 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 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 18<sup>th</sup> day of May, 2009.

Signed: /s/ James R. Kreft Attested: /s/ Matthew Jaunich  
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.

Fire Chief Otto addressed the Council with regards to increasing the wages for the Firefighters from \$8/hour to \$10/hour. It was noted that there hasn't been an increase for quite some time (over 7 years).

Motion by Reetz, seconded by Pederson, and passed by unanimous vote to increase the wages for the volunteer firefighters to \$10/hour.

Fire Chief Otto gave a brief update on their pursuit for a tanker truck. He stated that he had been informed by one of their truck vendors that they will not put a new tank on a used chassis due to State (safety) mandates. He added that they had completed a grant application and submitted it, which if awarded would go towards to the purchase of a new tank truck and equipment. He added that the grant writer was very easy to work with and kept in good contact with him during the process.

Summer Rec. Director Doug Flieth was present to talk about the Summer Recreation Program and schedule for this year. It was noted that on average about 120-140 kids sign up each year. Flieth commented that Arlington is the only community that does not charge for the summer recreation program. Brief discussion was held on adding other activities, such as soccer, to the program.

Several Solid Waste & Recycling Contracts were reviewed. Adm. Jaunich commented that 5 applications for residential hauling had been received, but the ordinance only allows for 3. Considerable discussion was held

on residential collection. It was decided to stay with the 3 existing haulers, but evaluate the entire process before next year.

Motion by Reetz, seconded by Vrklan, and passed by unanimous vote to approve the residential solid waste collection licenses to Evergreen Sanitation, Waste Management and Tidy Disposal.

Motion by Vrklan, seconded by Pichelmann, and passed by unanimous vote to approve the commercial/dumpster licenses to Gaylord Sanitation, Waste Management, Tidy Disposal, Evergreen Sanitation, TCW Disposal, Renville Sibley Sanitation.

Adm. Jaunich stated that they have received 2 bids for the recycling contract. He stated that the company currently licensed had more than doubled their bid from last year due to recycling costs (bad market). He recommended accepting the low bid.

Motion by Reetz, seconded by Pichelmann, and passed by unanimous vote to approve the Recycling Contract with TCW Disposal for 1 year at a rate of \$110 per week.

Adm. Jaunich stated that 10 applications had been received for the part-time paramedic position, which six of them were interviewed and qualify. It was noted that one of the applicants, Michelle Halverson, is also an EMT on the Arlington Ambulance Service and if she happens to be on call and responds to a call on the weekend, they will be able to bill the run as an ALS run. It was noted that the six individuals would become employees of the City.

Motion by Reetz, seconded by Pederson, and passed by unanimous vote to hire the following six individuals as part-time paramedics to the Arlington Ambulance Service: Doug Kayser, Kevin Pevestorf, David Olson, Michelle Halverson, Paula Noll, and Steven Noll.

The Council reviewed three separate bids for the asphalt repair jobs that need to be done in six different locations. It was noted that the low bid was from Neisen Paving & Excavating, which the City has had some issues within the past. He recommended hiring the most responsible low bid.

Motion by Pederson, seconded by Vrklan, and carried (Reetz opposed) to hire Neisen Asphalt & Excavating to do six asphalt repairs in the amount of \$3,420, with the understanding that City Staff will observe the work being done and provide a report to the Council.

Discussion was held on putting railroad crossing arms at the various intersections in town. Adm. Jaunich stated that the Railroad had been awarded their grant, which allows them to upgrade the lines to 25 mph. MNDot dictates that once lines reach 25 mph, crossing arms must be put in. It was noted that MNDot would like the city to eliminate the 1<sup>st</sup> Avenue and Main Street intersection, which the city is not willing to do. It was noted that there will be some costs to the city. There was considerable discussion held.

Discussion was held on possibility contributing money (TIF) to the railroad crossing arm project, indirectly to the upgrade of the railroad lines. Adm. Jaunich stated that up to 25% of the TIF fund can be used for this type of project.

Motion by Vrklan, seconded by Reetz, and passed by unanimous vote to contribute \$25,000 for infrastructure costs related to the railroad crossing arm/upgrade project.

Reetz gave an update on the Police Committee. It was noted that the Police Chief and City Administrator are working on the costs of adding a third full-time officer to the department.

Pederson invited the Council (at their leisure) to visit the ambulance garage to view the new equipment that has been purchased for the ALS service.

Mayor Kreft commented on the Arbor Day celebration that was held in the Fairview Park. He stated that there was a small group that braved the cold and wind. They learned some things and identified several trees.

Pederson commented on the Rediscover the Sportsman's Park event that was held. He stated that it was very well attended and obtained many good ideas from the public.

Reetz commented that a he would like to see some gravel placed in the asphalt repair spot on Main Street in front of DJ Shoes to fill the potholes until the asphalt work can be done.

Reetz questioned the street light project and if the city-owned street lights on private property are scheduled to be changed out and if so, are the property owners being assessed back a lighting fee. Adm. Jaunich will check into this. Reetz stated that he has been hearing more positive than negative comments about the new street lights.

Some discussion was held on the street patching project and possibly withholding funds if the job is not done satisfactorily.

Brief discussion was held on the Emerald Ash disease attacking Ash trees.

Adm. Jaunich reminded the Council of the Special Council and Joint EDA Meeting on May 20<sup>th</sup> regarding the proposed Seneca Foods expansion project (a can manufacturing facility to be built in Arlington) and the City bonding for same. Mayor Kreft gave an explanation on how the entire process for said project would work and affect the residents of Arlington. It was noted that 15-20 full-time jobs would be created.

Motion by Reetz, seconded by Griep, and passed by unanimous vote to adjourn the meeting at 8:40 pm.

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City Administrator Matthew Jaunich

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Mayor James R. Kreft