

ARLINGTON CITY COUNCIL
MEETING MINUTES
NOVEMBER 17, 2008

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

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

Members absent: None

Also present: Administrator Jaunich, City Attorney Arneson, Councilmember Elects James Pederson & Robert Pichelmann

Motion by Griep, seconded by Wills, and passed by unanimous vote to approve the agenda with the following amendment:

Change the dollar amount on Consent Agenda Item 4F) to \$4,240.50.

Attorney Arneson spoke on the southwest boundary line. He stated that he had been working with Bolton & Menk to determine an accurate boundary line. He stated that they are unable to determine where the exact line is (error factor of 60 feet) and gave the reasons why (in detail). Arneson commented on a few different ways this could be corrected. Some discussion was held on annexations in the southwest corner. Mayor Kreft suggested having Planning & Zoning Administrator Smith-Strack speak with Seneca Foods on this matter to see if they would be interested in annexing their property and the County to see if Seneca's Conditional Use Permit (for their silage pile) could be transferred to the City.

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

- A) Approval of the Regular November 3rd Meeting Minutes
- B) Approval of the Special November 10th Meeting Minutes
- C) Approval of the Bills
- D) Approve the hiring of Jason Quast as Training/Safety Officer to the Fire Department
- E) Approve the hiring of John Zaske as First Assistant Chief to the Fire Department
- F) Approve the placement of a fire hydrant at Four Seasons Park for \$4,240.50.

It was noted that there were no public hearings scheduled during the meeting.

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

The following announcements were reviewed:

- 1) MVRR Coalition Meeting is Wednesday, November 19th at 1:00 p.m. in Winthrop
- 2) City Offices will be closed in Thursday and Friday, November 27th and 28th for Thanksgiving
- 3) Reminder – Truth-in-Taxation Hearing is December 1st at 6:30 p.m.
- 4) Audit Kickoff Meeting – Thursday, November 20th at 2:00 p.m.

The Council reviewed the following communications:

- 1) October Financial Reports
- 2) Southwest Boundary Line (Attorney Arneson).

Attorney Arneson advised the Council that he had talked with Mike Neisen about the Ordinance governing public dances. It was noted that Mr. Neisen did not have any concerns or questions about the ordinance, other than what the fees were going to be.

Attorney Arneson also advised the Council as to what their options were with regards to paving the parking lot on West Main Street (west of Reetz Floral).

Electrical Engineer Curt Cordt gave a brief history on projects just recently completed and outlook for the future with regards to the electrical system, which includes eventually 'retiring' the old substation on Adams Street (the new one can handle the load). He commented that the city may not be growing externally, but it is growing internally, as the electric demand continues to increase. Cordt expressed his concerns about wanting to be involved if the city does move forward with putting up a wind generator. Cordt answered questions regarding the 5-year work plan that he was proposing. Reetz suggested that the Utility Committee should consider meeting quarterly with the Electrical Engineer in order to keep up-to-date on things and then they can report to the Council as needed.

Motion by Griep, seconded by Reetz, and passed by unanimous vote to approve the 5-Year Work Plan as proposed from Heartland Engineering Services (*see attached*).

City Financial Advisor Sweeney was present to discuss the awarding of the Sale of \$660,000 General Obligation Bonds (Equipment Certificates) related to the 2008 Energy Efficiency Project. He recommended awarding the sale to the Arlington State Bank, which provided for a 4.5% interest rate.

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

RESOLUTION NO. 61-2008

A RESOLUTION AUTHORIZING ISSUANCE, AWARDING SALE, PRESCRIBING THE FORM AND DETAILS AND PROVIDING FOR THE PAYMENT OF \$660,000 GENERAL OBLIGATION EQUIPMENT CERTIFICATES, SERIES 2008A

(*SEE ATTACHED*)

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, 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 by the City Council of the City of Arlington this 17th day of November, 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 first reading of Ordinance No. 234 – An Ordinance Amending Ordinance 169, the Arlington Zoning Ordinance By Adding Section 10.5 Relating to the P-I Public and Institutional District, was held. It was noted that the Planning & Zoning Board had reviewed the proposed ordinance and were recommending its approval.

The second reading of Ordinance No. 235 – An Ordinance Regulating Public Dances was held. Adm. Jaunich noted the changes from the first reading. Some concerns were expressed about how the notification to the Police Department was going to be handled when issuing yearly permits. It was noted that the ordinance would become effective January 1, 2009.

Motion by Vrklan, seconded by Reetz, and passed by unanimous vote to approve Ordinance No. 235 – An Ordinance Regulating Public Dances, as follows:

ORDINANCE NO. 235

AN ORDINANCE REGULATING PUBLIC DANCES

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. *Regulation of Public Dances.* All public dances held in the City of Arlington shall be conducted in accordance with the provisions of this ordinance.

SECTION 2. *Definitions.* The terms stated below shall have the following meanings:

PUBLIC DANCE shall mean any dance where the general public may participate, whether or not a charge for admission to the event is made.

PUBLIC DANCING PLACE shall mean any room or space or other area, whether indoors or outside, other than a private residence, which is open to the general public for the purpose of participating in public dancing.

SECTION 3. *Application.* Any person desiring a permit to hold a public dance shall submit an application for a permit on a form provided by the City at least ten (10) days before the date of the proposed dance. Every application for a permit to hold a public dance shall state the following information:

- a. Full name of person or organization requesting the dance permit.
- b. Address of the person or organization requesting the dance permit.
- c. Date of public dance.
- d. Location of dance.
- e. Estimate of number of people to attend.
- f. Indication of whether alcohol will be served or allowed to be consumed on the premises.
- g. The time the dance event will be conducted
- h. Proof of liability insurance in an amount that shall be established by the City Council.
- i. Proof that said liability policy names the City of Arlington as an additional insured.
- j. Written lease or proof of ownership by the applicant of the property where the dance will be held.
- k. Security plan which shall include the name and number of persons who will be enforcing the rules at the event and the description of number and location of restrooms for event.
- l. The application shall be in a form prescribed by the City Council of the City of Arlington and shall be verified and filed with the City Administrator of the City. No person shall make a false statement in an application.

SECTION 4. *Permits.* No person shall conduct a public dance in the City of Arlington unless a permit has been obtained from the City prior to the holding of the dance. The permit fee shall be set by the City Council from time to time by resolution, and a schedule of such fees shall be on file and available in the office of the City Administrator during normal business hours.

The applicant shall be responsible to clean up public areas used as part of the event, or public areas surrounding the event if held on private property, to include all streets, alleys, sidewalks and other areas normally open to use by the public, to include removal of all drink containers, bottles, paper plates, napkins and other trash generated by the dance event, immediately after the end of the event. If the applicant fails to clean up the public areas used or surrounding the event location to the reasonable said cleanup, the applicant shall be responsible to reimburse the city promptly for the cost of said cleanup. In addition, if the applicant does not conduct the cleanup required under this paragraph, this failure shall be taken into consideration by the city if the applicant applies for a new dance permit at a later date, and may be considered sufficient grounds to deny such future application.

SECTION 5. *Yearly Permit.* The Arlington City Council may issue a yearly dance permit. The fee for the yearly permit shall be set by the City Council from time to time by resolution. All yearly permits shall expire at midnight on the 31st day of December of each year. New yearly permits shall be issued by the Council on January 1st of each year and at other times at the discretion of the Council.

SECTION 6. *Permit to be Posted.* When a permit is issued, the holder of the permit shall post the permit in a prominent location on the premises on which the dance is to be held during the time the dance is occurring. The applicant shall be present at all times while the dance is occurring.

SECTION 7. *Police Responding.* Any person conducting a public dance shall pay to the City a police response fee, to be set by the City from time to time, for each response after three responses within one calendar year, for each time the City of Arlington Police Department responds to the premises of the permit holder of a public dance regarding any disturbance, injury or criminal act at the event.

SECTION 8. *Security.* Every public dance shall provide adequate security for each event. The amount of event security shall be determined by the Arlington Police Department based upon the number of anticipated participants, whether alcohol will be served, and any prior disturbances at public dances held by the applicant. The names of the security personnel shall be provided to the Arlington Police Department at least 48 hours prior to the event. The security personnel shall not have any convictions or any assaults or other crimes of violence as defined by Minnesota Statutes.

SECTION 9. *Liquor License Required.* No person shall give, hold, conduct or permit any public dance where liquor will be served, as defined in Minnesota Statutes Chapter 340A, or as amended from time to time, without obtaining a license from the City.

SECTION 10. *Alcohol Outside of Licensed Premises.* Any person conducting a public dance shall not allow the transfer of alcohol outside of the licensed premises unless the City has authorized distribution in an area outside of the normal licensed premises. An area outside of the normal licensed premises shall be enclosed by a snow fence or temporary barrier approved by the Arlington Police Department to prevent any person from accessing the dance area except through a gate or other controlled structure. The person conducting the public dance shall monitor any area in which alcohol is being sold or consumed to prevent transfer of alcohol to areas outside of the premises or fenced area.

SECTION 11. *Hours.* No public dance shall occur between the hours of 1:00 a.m. and Noon.

SECTION 12. *Certain Behavior Prohibited.* No person present at any public dance shall engage in any disorderly conduct as defined by Minnesota Statutes §609.72 and any disorderly person shall be immediately removed from the dance by security present at the public dancing place. Should a substantial number of persons at the public dance engage in disorderly conduct, the security present shall terminate the dance and remove all persons from the public dancing place.

SECTION 13. *Noise.* All public dances shall be subject to the provisions of any noise ordinance of the City of Arlington.

SECTION 14. *Private Dances.* Dances held at a private residence shall be exempt from the provisions of this ordinance.

SECTION 15. *Penalties.* Any person/organization found to be in violation of any of the provisions of this ordinance shall be guilty of a misdemeanor and their public dance permit will be suspended immediately at the time of any arrest or citation for violating this ordinance.

SECTION 16. *Appeals.* The applicant may appeal a suspended permit to the Arlington City Council. The request shall be made within 48 hours of the notification by the Arlington Police Department of the cancellation of the future dance permit. The request for hearing shall be filed with the City Administrator during normal business hours. The hearing before the City Council shall be at its next regular meeting or if the next scheduled public dance will be held prior to the next council meeting, the Mayor shall hold a special meeting of the City Council. Prior to said hearing, the police department shall serve written notice on the applicant of the reasons for the cancellation of the dance permit.

This Ordinance shall become effective January 1, 2009.

Adopted by the City Council of the City of Arlington on the 17th day of November, 2008.

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

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

The second reading of Ordinance No. 236 – An Ordinance Amending Ordinance 203, Creating a Parks Committee and Setting Operating Rules for said Committee, was held. Adm. Jaunich noted that the term length was increasing to two years. It was also noted that the ordinance would become effective January 1, 2009.

Motion by Reetz, seconded by Griep, and passed by unanimous vote to approve Ordinance No. 236 – An Ordinance Amending Ordinance 203, Creating a Parks Committee and Setting Operating Rules for said Committee, as follows:

ORDINANCE NO. 236

AN ORDINANCE AMENDING ORDINANCE 203, CREATING A PARKS COMMITTEE AND SETTING OPERATING RULES FOR SAID COMMITTEE

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

This Ordinance supersedes any previous enabling ordinance creating a Parks Board or Parks Committee in their entirety.

Ordinance 203 is amended to read as follows:

Section 1. *Parks Committee Composition.* The Parks Committee shall consist of seven members. The Committee shall include 6 citizens of Arlington and 1 Arlington Council member, appointed by the Mayor with the advice and consent of the City Council. The Mayor shall appoint the committee at the first Council meeting in January each year to serve for that calendar year. The Mayor shall also be an ex-officio member of the committee.

Section 2. Parks Committee Terms. Parks Committee members shall serve for a term of two years. Initial terms shall be staggered as follows: Four two-year terms; three one-year terms. In the event of a vacancy on the Parks Committee, the Mayor shall appoint a person to fill such vacancy for the unexpired term, subject to confirmation by the City Council. Members serve at the pleasure of the City Council.

Section 3. Parks Committee Purpose. The purpose of the Committee will be to act as a resource for the City Council and the citizens of Arlington in collecting information, citizen comments and suggestions, and formulating and presenting recommendations to the City Council for action, on matters pertaining to the parks, trails, and recreational programs maintained by the City of Arlington.

Section 4. Parks Committee Organization. The Parks Committee members by a simple majority vote shall elect a Chairman and Vice Chairman from their members. The Chairman shall preside at Committee meetings. The Vice Chairman shall preside at Committee meetings in the Chairman's absence. The Committee by a simple majority vote may also elect a secretary from their members, to produce written records of the committee proceedings, prepare meeting notices and other correspondence of the committee. However, if the City Council determines that the secretary position is unduly burdensome for a citizen member of the committee, the City Council may instead assign a City Office staff person to the committee to act as secretary. In such case, the City staff person functioning as committee secretary shall not be a voting member of the committee.

Section 5. Parks Committee Meetings. The Parks Committee shall meet whenever its Chairman deems appropriate, but no less often than quarterly. Meetings shall be held at a time and place as set by the Chairman, to most conveniently accommodate the schedules of the Committee members.

Section 6. Citizen Input. The Parks Committee shall encourage citizen input, including complaints, complements, or suggested changes to the park system or recreational programs. The Committee shall also review citizen input as referred to the Committee by the City Council. Such input shall be summarized and passed on to the City Council, along with the Committee recommendations for any action based on such citizen input.

Section 7. Communication with City Council. The Parks Committee shall issue periodic reports to the City Council, either in written form or by appearance at City Council meetings, whenever the Committee feels the need has arisen to communicate with the Council, or whenever the Council requests a report from the Parks Committee. It is expected that the Mayor and the City Council member on the Committee shall also function as communicators between the City Council and the Committee.

Section 8. Summer employment review. The Parks Committee shall assist the City Council by reviewing applications for the summer recreation program and making hiring recommendations to the City Council.

This ordinance shall become effective January 1, 2009.

Adopted by the City Council of the City of Arlington on the 17th day of November, 2008.

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

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

The second reading of Ordinance No. 237 – An Ordinance Amending Ordinance 204, Creating a Library Committee and Setting Operating Rules for said Committee, was held. Adm. Jaunich noted that the term length was increasing to two years. It was also noted that the ordinance would become effective January 1, 2009.

Motion by Griep, seconded by Borchert, and passed by unanimous vote to approve Ordinance No. 237 – An Ordinance Amending Ordinance 204, Creating a Library Committee and Setting Operating Rules for said Committee, as follows:

ORDINANCE NO. 237

AN ORDINANCE AMENDING ORDINANCE 204, CREATING A LIBRARY COMMITTEE AND SETTING OPERATING RULES FOR SAID COMMITTEE.

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

This Ordinance supersedes any previous enabling ordinance creating a Library Board or Library Committee in their entirety.

Ordinance 204 is amended to read as follows:

Section 1. Library Committee Composition. The Library Committee shall consist of seven members. The Committee shall include 6 citizens of Arlington and 1 Arlington Council member, appointed by the Mayor with the advice and consent of the City Council. The Mayor shall appoint the committee at the first Council meeting in January each year to serve for that calendar year. The Mayor and the Library Director shall also be ex-officio members of the committee.

Section 2. Library Committee Terms. Library Committee members shall serve for a term of two years. Initial terms shall be staggered as follows: Four two-year terms; three one-year terms. In the event of a vacancy on the Library Committee, the Mayor shall appoint a person to fill such vacancy for the unexpired term, subject to confirmation by the City Council. Members serve at the pleasure of the City Council.

Section 3. Library Committee Purpose. The purpose of the Committee will be to act as a resource for the City Council and the citizens of Arlington in collecting information, citizen comments and suggestions, and formulating and presenting recommendations to the City Council for action, on matters pertaining to the City Library and the programs sponsored by the Library.

Section 4. Library Committee Organization. The Library Committee members by a simple majority vote shall elect a Chairman and Vice Chairman from their members. The Chairman shall preside at Committee meetings. The Vice Chairman shall preside at Committee meetings in the Chairman's absence. The Committee by a simple majority vote may also elect a secretary from their members, to produce written records of the committee proceedings, prepare meeting notices and other correspondence of the committee. However, if the City Council determines that the secretary position is unduly burdensome for a citizen member of the committee, the City Council may instead assign a City Office staff person to the committee to act as secretary. In such case, the City staff person functioning as committee secretary shall not be a voting member of the committee.

Section 5. Library Committee Meetings. The Library Committee shall meet whenever its Chairman deems appropriate, but no less often than quarterly. Meetings shall be held at a time and place as set by the Chairman, to most conveniently accommodate the schedules of the Committee members.

Section 6. Citizen Input. The Library Committee shall encourage citizen input, including complaints, complements, or suggested changes to the library operations or programs sponsored by the library. The Committee shall also review citizen input as referred to the Committee by the City Council. Such input shall be summarized and passed on to the City Council, along with the Committee recommendations for any action based on such citizen input.

Section 7. Communication with City Council. The Library Committee shall issue periodic reports to the City Council, either in written form or by appearance at City Council meetings, whenever the Committee feels the need has arisen to communicate with the Council, or whenever the Council requests a report from the Library Committee. It is expected that the Mayor and the City Council member on the Committee shall also function as communicators between the City Council and the Committee.

Section 8. Employment review. The Library Committee shall assist the City Council by reviewing applications for any library positions to be filled by the City and making hiring recommendations to the City Council.

This ordinance shall become effective January 1, 2009.

Adopted by the City Council of the City of Arlington on the 17th day of November, 2008.

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

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

Adm. Jaunich presented a revised proposed assessment roll for the 2008 Sidewalk Project. He explained what changes had been made.

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

RESOLUTION NO. 52-2008

A RESOLUTION ADOPTING ASSESSMENT

WHEREAS, pursuant to proper notice duly given as required by law, the City Council has met and heard and passed upon all objections to the proposed assessment for the improvement of sidewalks on East Adams Street from the railroad tracks going east to the 400 block, including Avenues; along with West Adams Street from the railroad tracks going west to the 600 block, including Avenues.

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

1. Such proposed assessment, a copy of which is attached hereto and made a part hereof, is hereby accepted and shall constitute the special assessment against the lands named herein, and each tract of land therein include is hereby found to be benefited by the proposed improvement in the amount of the assessment levied against it.
2. Such assessment shall be payable in equal annual installments extending over a period of five (5) years, the first of the installments to be payable on or before the first Monday in January 2009, and shall bear interest at the rate of seven (7) percent per annum from the date of the adoption of this assessment resolution. To the first installment shall be added interest on the entire assessment from the date of this resolution until December 31, 2008. To each subsequent installment when due shall be added interest for one year on all unpaid installments.
3. The owner of any property so assessed may, at any time prior to certification of the assessment to the County Auditor, pay the whole of the assessment on such property, with interest accrued to the date of payment, to the City Administrator, except that no interest shall be charged if the entire assessment is paid within 30 days from the adoption of this resolution; and he/she may, at any time thereafter, pay to the City Administrator the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before November 15 or interest will be charged through December 31 of the next succeeding year.
4. The Deputy Clerk shall forthwith transmit a certified duplicate of this assessment to the County Auditor to be extended on the property tax lists of the County. Such assessments shall be collected and paid over in the same manner as other municipal taxes.

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

Adopted by the City Council of the City of Arlington this 17th day of November, 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.

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

RESOLUTION NO. 58-2008

A RESOLUTION DECLARING A "SILVER START BANNER" DAY

WHEREAS, the City of Arlington has always honored the sacrifice of the men and women in the Armed Forces; and

WHEREAS, The Silver Star Families of America was formed to make sure we remember the blood sacrifice of our wounded and ill by designing and manufacturing a Silver Star Banner and Flag; and

WHEREAS, to date The Silver Star Families of America has freely given thousands of Silver Star Banners to the wounded and their families; and

WHEREAS, the members of The Silver Star Families of America have worked tirelessly to provide the wounded of this City and Country with Silver Star Banners, Flags and care packages; and

WHEREAS, The Silver Star Families of America's sole mission is that every time someone sees a Silver Star Banner in a window or a Silver Star Flag flying, that people remember the sacrificed for this City, State and

Nation; and

WHEREAS, the people and City Council of Arlington wish that the sacrifice of so many in our Armed Forces never be forgotten.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON does hereby proclaim our appreciation of The Silver Star Families of America and honor their commitment to our wounded Armed Forces members. We hereby declare May 1st "SILVER STAR BANNER DAY" the permanent and official day to honor the wounded and ill Soldiers of the City of Arlington.

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, 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 by the City Council of the City of Arlington this 17th day of November, 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.

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

RESOLUTION NO. 59-2008

**A RESOLUTION AUTHORIZING SUMMARY PUBLICATION OF ORDINANCE 233 ENTITLED
"AN ORDINANCE AMENDING ORDINANCE 202 OF THE CITY OF ARLINGTON"**

WHEREAS, the City Council of Arlington routinely passes ordinances to promote the public safety, health and welfare of the residents of Arlington; and

WHEREAS, the City Council initiated an ordinance (233) to amend Ordinance 202, addressing the Police Committee; and

WHEREAS, the City Council held a first reading of Ordinance 233 at its regular meeting on October 20, 2008; and

WHEREAS, the City Council approved the second reading and adoption of Ordinance 233 at its regular meeting on November 3, 2008; and

WHEREAS, the City Council of the City of Arlington has determined the publication of the title and a summary of Ordinance 233 entitled "An Ordinance amending Ordinance 202, creating a police committee and setting operating rules for said committee" would clearly inform the public of the intent and effect of Ordinance 233; 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 Administrator shall cause a summary of Ordinance No. 233 to be published in the City's official newspaper at the earliest practicable date.

BE IT FURTHER RESOLVED, the summary publication shall read as follows:

"On November 3, 2008, the City Council of the City of Arlington approved Ordinance 233 entitled 'An Ordinance amending Ordinance 202, creating a police committee and setting operating rules for said

committee? The Ordinance in its entirety is available for review and/or photocopying during regular office hours at the City of Arlington, 204 Shamrock Drive, Arlington, Minnesota 55307. The purpose of the Ordinance is to establish term limits for members serving the committee. The ordinance sets 2-year term limits for committee members.”

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, 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 by the City Council of the City of Arlington this 17th day of November, 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.

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

RESOLUTION NO. 60-2008

**A RESOLUTION AUTHORIZING SUMMARY PUBLICATION OF ORDINANCE 235 ENTITLED
“AN ORDINANCE REGULATING PUBLIC DANCES”**

WHEREAS, the City Council of Arlington routinely passes ordinances to promote the public safety, health and welfare of the residents of Arlington; and

WHEREAS, the City Council initiated an ordinance (235) to regulate public dances; and

WHEREAS, the City Council held a first reading of Ordinance 235 at its regular meeting on November 3, 2008; and

WHEREAS, the City Council approved the second reading and adoption of Ordinance 235 at its regular meeting on November 17, 2008; and

WHEREAS, the City Council of the City of Arlington has determined the publication of the title and a summary of Ordinance 235 entitled “An Ordinance regulating public dances” would clearly inform the public of the intent and effect of Ordinance 235; 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 Administrator shall cause a summary of Ordinance No. 235 to be published in the City’s official newspaper at the earliest practicable date.

BE IT FURTHER RESOLVED, the summary publication shall read as follows:

“On November 17, 2008, the City Council of the City of Arlington approved Ordinance 235 entitled ‘An Ordinance regulating public dances’. The Ordinance in its entirety is available for review and/or photocopying during regular office hours at the City of Arlington, 204 Shamrock Drive, Arlington, Minnesota 55307. The purpose of the Ordinance is to regulate all public dances held in the City of Arlington. The Ordinance requires a permit to be obtained through the City of Arlington by an application process.”

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember Borchert 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 by the City Council of the City of Arlington this 17th day of November, 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.

A memo from Planning & Zoning Administrator Smith-Strack was reviewed regarding a request from Mike Neisen for a Conditional Use Permit (CUP). Adm. Jaunich commented that the Planning and Zoning Committee had reviewed the CUP and was recommending its approval. Reetz commented on how the Planning & Zoning Committee had arrived at the CUP they did (discussion over 2 months), without input from the property owner even though he was invited to participate in the discussions held during the P&Z meetings.

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

RESOLUTION NO. 62-2008

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR MIKE NEISEN FOR A HEAVY CONSTRUCTION EQUIPMENT REPAIR SHOP WITH ANCILLARY OUTDOOR STORAGE OF SUCH CONSTRUCTION EQUIPMENT AND MINOR AUTO REPAIR AT 23259 401ST AVENUE

WHEREAS, Mr. Mike Neisen has submitted a request for a Conditional Use Permit to operate a heavy construction equipment repair shop with ancillary outdoor storage of such construction equipment and minor passenger automobile repair at 23259 401st Avenue, legally described as NW1/4, NW1/4, Sect-10, Twp-113, Range-027. DOC A177167 1.95 AC; and,

WHEREAS, The subject parcel is identified as number 31.0835.000; and,

WHEREAS, The subject parcel is zoned B-1 Service Business; and,

WHEREAS, A repair shop is a conditional use within the B-1 Service Business District; and,

WHEREAS, A previous Conditional Use Permit assumed by Mr. Mike Neisen was revoked by the City Council; and,

WHEREAS, The Applicant's use of the property is illegal without a conditional use permit; 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 7, Subd. 3(1); and,

WHEREAS, Notice of a public hearing to accept input on the CUP request was published in the official newspaper on September 18, 2008 and sent to property owners within 350 feet of the property; and,

WHEREAS, The Planning Commission conducted a public hearing on the CUP request on October 2, 2008 and accepted input on the CUP request; and,

WHEREAS, The Planning Commission approved PC Resolution 12-2008 recommending the City Council approve the conditional use permit with specific conditions; and,

WHEREAS, the Planning Commission when reviewing the CUP request and 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 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 BY THE CITY COUNCIL OF THE CITY OF ARLINGTON THAT: The City of Arlington approves a conditional use permit to operate a heavy construction equipment repair shop with ancillary outdoor storage of such construction equipment and ancillary minor passenger automobile repair at 23259 401st Avenue subject to the following:

1. A maximum total of ten (10) vehicles or pieces of heavy construction equipment may be parked/stored on the site. Such vehicles/construction equipment must be related to the heavy construction equipment repair business operation and under the licensed ownership of said heavy construction equipment repair business operation. Items such as miscellaneous equipment parts, brush, tree parts, horse, stock, or travel trailers, campers, unlicensed passenger vehicles, buses, agricultural equipment, portions of heavy construction equipment, heavy construction equipment exceeding its normal lifecycle, or similar items shall not be allowed on the site.
2. Construction equipment stored on the site shall be in operable condition or undergoing minor repair. No obvious junk vehicles shall be parked on the site. In the event of a disagreement over the definition of heavy construction equipment allowed to be stored on-site, the CUP holder shall physically appear before the Planning Commission to address said disagreement or remove the item/debris in question from the site within seven (7) days of the mailing of a written notice.
3. Under this CUP minor automobile repair shall be allowed as an ancillary activity with the following restrictions:
 - a. "Minor automobile repair" is limited to minor repair of licensed, passenger vehicles (i.e. passenger cars and pick-up trucks).
 - b. A maximum of five (5) passenger vehicles undergoing repair may be stored on site at one time.
 - c. Minor automobile repair shall not include vehicle painting or autobody work such as dent removal.
 - d. Minor automobile repair must be conducted within a building structure on a surface approved by the Building Official. At no time shall minor automobile repair be conducted outdoors or on a pervious surface.
 - e. Minor automobile repair shall only be conducted by the owner of the property and/or his or her employees. Proof of employee status shall be determined by a completed and verified W-4 tax form.
 - f. Passenger automobiles undergoing minor automobile repair shall not be stored on site or stored on site for a period of time exceeding one (1) month. The property owner shall maintain a record of each automobile undergoing minor repair illustrating the date the vehicle was delivered to the site.
4. Storage of tires shall be allowed provided the tires are stored in a fully enclosed dumpster at all time. The dumpster shall be designed for storage and emptied of tires on a quarterly basis. Upon emptying said dumpster on a quarterly basis, the tires shall be properly disposed of off-site.

5. Material to be stored on the site shall not include debris such as old blacktop, used soils, or concrete. New material may be stored on the site provided the Planning Commission approves such storage prior to it being moved to the site.
6. Storage of used oil or other petroleum products is prohibited except as approved by the City Building Official. The Building Official shall be allowed to inspect the property within one (1) month of permit issuance.
7. If a fence is to be constructed the applicant shall obtain an approved fence/building permit from the City of Arlington prior to beginning construction of any fence component.
8. A maximum of eight (8) dumpsters shall be stored on-site at any one time. The dumpsters shall be stored in an orderly fashion, preferably in a row on the northeast property line. The dumpsters shall not contain debris for any longer than 30 days. Dumpsters containing debris shall be completely enclosed/covered.
9. Residential use of the property for any housing type/purpose is strictly prohibited.
10. Screening material consisting of a mix of trees/shrubs shall be installed within the front yard so as to diffuse the view of the subject property from the public right-of-way.
11. The owner of the subject parcel shall communicate directly with the Arlington Zoning Administrator within seven (7) days of any notice or correspondence.
12. The conditional use permit shall be audited on a monthly basis until full compliance is achieved.
13. The conditional use permit shall take effect upon approval by the City Council. The owner of the subject parcel shall attain compliance with this conditional use permit within six (6) months of its approval by the City Council.
14. This conditional use permit is in effect for the property at 23259 401st Avenue and assigned to the current and/or any future owner of the property unless the use changes or the use is in violation of the conditions of this permit.
15. 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.
16. 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 Vrklan 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 by the City Council of the City of Arlington this 17th day of November, 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.

Further discussion was held on the paving of the parking lot on West Main Street and a preliminary cost estimate from Bolton & Menk was reviewed. Adm. Jaunich commented that if the Council decides to move forward with paving the parking lot, that they should hold off with doing so until next year and include it with the schedule street project in order to save on mobilization costs. It was noted that the parking was going to be graded yet this year. It was also noted that money from TIF District #2 could be used for the proposed improvement (it is an allowable use). It was the consensus to hold off on doing anything with the parking lot until next year in order to research the water runoff issues further.

Adm. Jaunich handed out a summary of bids (1 for copper lines and 1 for plastic lines) received for the water/sewer utility extension for the properties at 23319 and 23189 State Hwy 5. He stated that Chard Tiling was the only bid received and were ready to start immediately.

Motion by Reetz, seconded by Wills, and carried (Griep abstained) to approve the bid from Chard Tiling & Excavating, Inc. in the amount of \$18,882.65 (plastic) to extend utilities to the properties located at 23319 and 23189 State Hwy 5.

Bids for the Frenzel Park drainage improvements/park grading were reviewed.

Motion by Vrklan, seconded by Borchert, and passed by unanimous vote to approve the bid from Selly Excavating, Inc. in the amount of \$7,163 (times 2) for the Frenzel Park drainage improvements/grading.

A letter, from Ambulance Dir. Sullivan, requesting permission to purchase a monitor and defibrillator for the ambulance service was reviewed. Adm. Jaunich commented that they were looking at a used unit for \$13,000 and/or a new unit for \$26,288.30. It was noted that the used unit was somewhat confusing to use.

Motion by Borchert, seconded by Vrklan, and passed by unanimous vote to purchase the new Zoll E Series AED in the amount of \$26,288.30.

Brief discussion was held on the proposed health insurance renewal for 2009.

Discussion was held on the Main Street Railroad crossing. An email from County Engineer Mielke was reviewed. Mayor Kreft stated that he, Adm. Jaunich and Councilmember Vrklan had met with members of the Railroad Authority, County Engineer Mielke and MnDOT on this issue. It was noted that the Railroad had applied for a federal grant for continuing with their upgrades of the track (increasing speed) through Arlington, which could take place as early as next year; therefore stop arms or lights are needed on Main Street to control the intersection. Mayor Kreft stated that during their meeting, it was suggested to close off (put in a cul-de-sac) First Avenue going north to Main Street to help keep costs down. Considerable discussion was held on what the City's options are. Adm. Jaunich will contact the City's Engineer on this matter and will also inform the County that the City needs more time.

Adm. Jaunich presented an Application Form that he had drafted, which is to be used for Appointment to an Advisory Board/Committee. Mayor Kreft spoke briefly on how he plans to handle appointments/re-appointments for 2009.

Vrklan commented on the most recent EDA meeting and the First Impressions Program that they are participating in with the City of Cokato. Mayor Kreft and Griep added their comments on the program as well; Cokato was very impressed with Arlington and all that it has (including a very impressive website).

Adm. Jaunich explained that P&Z Adm. Smith-Strack would like to hold a joint City Council and Planning & Zoning meeting to discuss the finalization of the Comprehensive Plan. It was the consensus to hold the joint meeting on Thursday, December 4th (during the regular Planning & Zoning meeting).

Adm. Jaunich stated that he had been contacted by Jeff Hennen about meeting with the City Council to discuss his situation and work something out. Mayor Kreft felt that a meeting should be held with City Staff first and then bring it (proposal) to the Council. Adm. Jaunich will set up a meeting (including Attorney Arneson, Councilmembers Reetz & Vrklan, PZ Adm. Smith-Strack).

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

City Administrator Matthew Jaunich

Mayor James R. Kreft