

ARLINGTON CITY COUNCIL
MEETING MINUTES
OCTOBER 1, 2007

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

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

Members absent: Borchert

Also present: Administrator Jaunich, Attorney Arneson, P&Z Administrator Cynthia Smith-Strack, Tom Noack, Jerry Ebersviller, Marie Schneider, Chad Carpenter, Nick & Anna Molnau, Paul Vershure, Michael Haanpaa, Police Chief Rovinsky, Sibley County Deputy Sheriff Pat Nienaber, Supt. Thomes, Kurt Menk

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

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

- 1) September 17th Regular Meeting Minutes
- 2) Approval of the Bills.

Sibley Medical Center Board Member Tom Noack addressed the Council about the financial status of the hospital (losses for 3 consecutive months). He commented that the Board is also concerned about this and are trying to correct it. Some discussion was held on the process to fill a vacancy on the Hospital Board.

Resident Marie Schneider questioned if there was something in the Hospital By-laws about the conduct of the Hospital Board and a breach of confidentiality from within said Board. Attorney Arneson commented that the Bylaws are considered the operating instructions for the Board. He stated that in recent months, the Board had discussed adopting a Code of Ethics, but was unsure if this had been completed yet. Griep stated that they had approved a Code of Ethics at their last meeting.

The Council reviewed the letter from Sibley County Faith in Action for "In Kind" services for 2008. Administrator Jaunich stated that this would be considered during the budgeting process.

Administrator Jaunich reminded the Council and those present that the City Office would be closed on Monday, October 8th in lieu of the Columbus Day holiday.

Chad Carpenter of the Arlington Fire Department Hiring Committee explained that the department has an opening for 1 new member. After interviewing a few individuals and doing background checks on them, they were recommending Jon Piotter.

Motion by Griep, seconded by Reetz, and passed by unanimous vote to accept the Arlington Fire Department's recommendation to hire Jon Piotter as a firefighter.

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

RESOLUTION NO. 26-2007

A RESOLUTION FOR DOMESTIC VIOLENCE PROCLAMATION

WHEREAS: A home should be a place of stability, comfort, and love. Domestic Violence shatters this important foundation;

WHEREAS: The problem of domestic violence affects all citizens of Minnesota, crossing all racial, social, religious, ethnic, geographic, and economic groups;

WHEREAS: Domestic violence is a terrible crime that results in tremendous tragedy for its victims. It can destroy lives and it insults the dignity of women, men and children. National Domestic Violence Awareness Month is an opportunity to underscore our commitment to bringing an end to violence at home.

WHEREAS: Domestic violence is an immense problem in our state, where in 2006, over 58,000 primary victims received services from Minnesota's battered women's programs. At least 20 women, 12 children and one man in Minnesota died in 2006 as a result of domestic violence, according to the Minnesota Coalition for Battered Women's 2006 Femicide Report.

WHEREAS: Batterers of women are highly likely to abuse their children: 49% of batterers abuse their children, whereas only 7% of non-abusive partners perpetrate violence against their children, according to a national study by Murray Strauss. The batterer's behavior often undermines the relationship between a mother and her children.

WHEREAS: A Wilder Foundation study found the most common reason for women to seek temporary shelter in Minnesota is to flee an abusive partner. Thirty-one percent of all women surveyed in 2003 were homeless, at least in part, because of domestic abuse in the last 12 months. In addition, 34% of homeless adults reported that they had stayed in an abusive relationship because they had nowhere else to live;

WHEREAS: Domestic violence is widespread, including one in three Americans who have witnessed an incident of domestic violence and with an annual cost to U.S. companies of \$3.5 billion in lost work time, increased health care costs, higher turnover, and lower productivity.

NOW THEREFORE: In recognition of the impact that domestic violence has on the health and well being of our community, I James Kreft, Mayor of Arlington, MN, do hereby proclaim October 2007 as Domestic Violence Awareness Month.

Further, I reaffirm the commitment of the City of Arlington to reducing violence in our homes, as well as on our streets. I urge all citizens to participate in the activities planned by the battered women's programs and community organizations during this month. Citizens should also take this opportunity to educate themselves about the impact of domestic violence in Minnesota and to become familiar with resources and programs available. This month let us remember the victims of domestic violence, celebrate the survivors, and work together to eliminate violence against women and children from our community.

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

Adopted by the City Council of the City Arlington this 17th day of September 2007.

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

/s/ Matthew Jaunich
City Administrator Matthew Jaunich

P&Z Administrator Smith-Strack presented Ordinance No. 211 – An Ordinance Amending Ordinance 169, the Arlington Zoning Ordinance by Adding Section 4.5 Relating to the R1/R2-AG, Residence and Agricultural District for its second reading. She explained that the purpose of this section is to accommodate large lot residential and agricultural development in recently annexed areas which are transitioning from rural to urban densities. This District allows space for both very low-density urban (with municipal utilities) residential uses and agricultural/farming/hobby farm operations in areas that have not yet developed to urban densities but are expected to do so in the future.

Motion by Reetz, seconded by Griep, and passed by unanimous vote to approve the second reading of Ordinance No. 211 – An Ordinance Amending Ordinance 169, the Arlington Zoning Ordinance by Adding Section 4.5 Relating to the R1/R2-AG, Residence and Agricultural District as follows:

ORDINANCE NO. 211

AN ORDINANCE AMENDING ORDINANCE 169, THE ARLINGTON ZONING ORDINANCE BY ADDING SECTION 4.5 RELATING TO THE RESIDENCE AND AGRICULTURAL DISTRICT

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

Section 1

Arlington Zoning Ordinance (Ordinance 169), shall be amended to include Section 4.5 as follows:

SECTION 4.5: R1/AG-R2/AG RESIDENCE & AGRICULTURAL DISTRICT:

SUBDIVISION 1. PURPOSE

The R1/AG-R2/AG Residence & Agricultural District is established for the purpose of accommodating large lot residential and agricultural development in recently annexed areas which are transitioning from rural to urban densities. This District allows space for both very low-density urban (with municipal utilities) residential uses and agricultural/farming/hobby farm operations in areas that have not yet developed to urban densities but are expected to do so in the future.

SUBDIVISION 2. PERMITTED USES

- A. General farming, except feedlots.
- B. Single family detached residences connected to municipal sewer and water.
- C. Hobby Farms and agricultural dwellings with individual private wells and individual septic facilities.
- D. State Licensed Residential Facility serving six (6) or fewer persons in a single family detached dwelling which is connected to municipal sewer and water.
- E. Day care facilities serving twelve (12) or fewer persons in a single family detached dwelling which is connected to municipal sewer and water.

SUBDIVISION 3. CONDITIONAL USES

The following uses require a Conditional Use Permit as regulated in this Ordinance.

- A. Governmental and public utility buildings and structures.
- B. Retail or wholesale trade related to agricultural operations and services.

SUBDIVISION 4. PERMITTED ACCESSORY USES

- A. Operation and storage of vehicles, machinery and equipment which is incidental to permitted or conditional uses allowed in this district.
- B. Home occupations as regulated by this Ordinance.
- C. Vehicle Parking. No vehicles may be parked or stored on the premises which are inoperable or unlicensed, unless such vehicles are kept in a fully enclosed structure or fully enclosed licensed trailer, so that no part of the vehicle can be viewed by the public. No vehicles may be parked or stored on the premises which are advertised for sale or rent, except that one vehicle may be advertised for sale or rent as an isolated personal transaction, and not in the ordinary course of business of sale or rent of vehicles, and such vehicle advertised for sale or rent must be operable and licensed.
- D. Signs:
 - 1) A nameplate sign identifying the owner or occupant of a building or dwelling unit, provided such sign does not exceed two (2) square feet in surface area.
 - 2) One additional sign not to exceed thirty-two (32) square feet in area.

SUBDIVISION 5. LOT/DIMENSIONAL REQUIREMENTS

- A. Minimum lot area:
 - 1) Existing single family detached base lots of record within corporate limits (with urban services): 10,000 square feet.
 - 2) New single family detached lots (with urban services): 1 acre – 43,560 square feet.
 - 3) New hobby farms/agricultural dwelling sites (individual, private well & septic): 10 acres.
- B. Minimum lot width 125 feet, except that if a lot or tract has less area or width than herein provided and was legally platted and was of record at the time of the passage of this Ordinance, that lot may be used for any of the uses permitted by this section.
- C. Setback Requirements.

- 1) Front yard setbacks of not less than 30 feet from all other public right-of-ways, unless subject site is a lot of record as of the date of adoption of this ordinance and said lot abuts a lot with buildings that have observed a smaller front yard in which instance the minimum front yard setback shall be the distance the existing structures are setback. A viewing triangle measuring 25 feet from the intersection of the front/side property line at street intersections shall be maintained free of structures.
 - 2) Side yard setback shall be ten (10) feet, except existing lots of record less than 100 feet in width shall have minimum side yard setbacks of four (4) feet.
 - 3) Minimum rear yard setback shall be ten (10) feet.
- D. Maximum Building Height: Two stories or thirty (30) feet. Heights in excess of thirty (30) feet may be allowed provided a conditional use permit is issued.
- E. Site Coverage. No structure or combination of structures shall occupy more than fifty (50) percent of the lot area.

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 1st day of October, 2007.

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

/s/ Matthew Jaunich
City Administrator Matthew Jaunich

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

RESOLUTION NO. 25-2007

A RESOLUTION AUTHORIZING SUMMARY PUBLICATION OF ORDINANCE 211 ENTITLED “AN ORDINANCE AMENDING ORDINANCE 169, THE ARLINGTON ZONING ORDINANCE BY ADDING SECTION 4.5 RELATING TO THE R1/R2-AG, RESIDENCE AND AGRICULTURAL DISTRICT”

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

WHEREAS, the Arlington Planning Commission routinely reviews portions of the Zoning Ordinance to ensure it is up to date; and

WHEREAS, the City of Arlington initiated a request to amend the text of the zoning ordinance relating to the R1/R2-Ag Residence and Agricultural District; and

WHEREAS, the Arlington Planning Commission has reviewed and studied the request and developed text to insert into the Zoning Ordinance (Ordinance 169) as Section 4.5; and,

WHEREAS, a public hearing was properly noticed and held on September 13, 2007 by the City of Arlington Planning Commission; and

WHEREAS, The City Council of the City of Arlington held a first reading of Ordinance 211 at its regular meeting on September 17, 2007; and,

WHEREAS, The City Council of the City of Arlington approved the second reading and adoption of Ordinance 211 at its regular meeting on October 1, 2007; and,

WHEREAS, The City Council of the City of Arlington has determined the publication of the title and a summary of Ordinance 211 entitled “An Ordinance amending Ordinance 169, the Arlington Zoning Ordinance by adding Section 4.5 relating to the R1/R2-Ag, Residence and Agricultural District” would clearly inform the public of the intent and effect of Ordinance 211; 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. 211 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 October 1st 2007 the City Council of the City of Arlington approved Ordinance 211 entitled ‘An Ordinance amending Ordinance 169, the Arlington Zoning Ordinance by adding Section 4.5 relating to the R1/R2-Ag, Residence and Agricultural District.’ 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 purpose of the Ordinance is to provide for large lot residential and agricultural development in recently annexed areas which are transitioning from rural to urban densities. This District allows space for both very low-density urban (with municipal utilities) residential uses and agricultural/farming/hobby farm operations in areas that have not yet developed to urban densities but are expected to do so in the future”.

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

Whereupon the motion was declared duly passed and executed.

Passed and adopted by the City Council this 1st day of October 2007.

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

/s/ Matthew Jaunich
City Administrator Matthew Jaunich

P&Z Administrator Smith-Strack updated the Council on the proposed unlit 195-foot cell tower. She stated that she had been in contact with Ms. Kathy Vesely who is a MnDOT Aeronautics Planning and Research Specialist, who in turn directed her to speak with Rick Braunig, MnDOT 50-10 Inspector. She was informed that the FAA does not consider private airports or heliports in responding to tower proposals; however the tower is right in line with one of the two arrival/departure routes from the hospital. MnDOT was recommending that obstruction lights be added and to move the tower to a different location, but if this was not possible to move it to the side of the proposed location so it will not be in line with the approach/departure paths. Smith-Strack added that Sprint PCS is requesting approval for placement of a temporary 70-foot to 90-foot cellular tower on wheels at the fairgrounds due to the delay in issuing a building permit. Paul Vershure and Michael Haanpaa of Sprint PCS commented that they have met all the legal requirements needed to proceed with the cell tower project. Vershure suggested bringing in an Airspace Consultant to resolve the issue between the City, FAA and MnDOT Aeronautics; he added that they (Sprint) would cover the costs for this. Reetz expressed concern that MnDOT could shut down the heliport if the tower is constructed as proposed. Vrklan commented that the City is not trying to push the cell tower project out as it is needed in this service area; but the City is more concerned about loosing the heliport, which is vital to the community. Reetz also expressed concern that one of the backup landing zones was at the fairgrounds, which would be that much closer to the cell tower. Smith-Strack stated that MnDOT would be willing to map out the approach/departure corridors to help with re-locating the tower. Vershure talked about the temporary cellular tower and asked if the City would be opposed to it on the proposed site in the interim.

Motion by Vrklan, seconded by Reetz, and passed by unanimous vote to grant a 180-day authorization to Sprint PCS to place a temporary cellular tower on the fairgrounds property with the understanding that they will be providing utilities to the location that may or may not become permanent.

Police Chief Rovinsky and Chief Deputy Sheriff Nienaber gave updates on the city/county policing services contract. Nienaber handed out a calendar (June-August) that showed how many calls (included date/type of call and which officer responded) the Sheriff’s Department has handled since they started providing policing services during the day. He stated that since school is back in session, they are attempting to patrol approximately one half hour every morning. Mayor Kreft questioned if the Sheriff’s Department has tracked the response time for the calls. Nienaber stated that they had not. Mayor Kreft commented that he has not had any complaints personally about the service, other than there is not an officer in town during the day. Mayor Kreft questioned if the Sheriff’s Department would be able to provide coverage to Arlington if the schedule was to be mixed up a bit. Nienaber stated this would not be a problem, as long as they were given advanced notice.

Street Supt. Thomes presented the bids for snow removal. He stated that only 1 bid came in for each skid loader and blading, of which were the same companies as the last few years. He stated that 3 bids had been received for snow hauling.

Motion by Reetz, seconded by Griep, and passed by unanimous vote to approve the bid for skid loader snow removal from Haggemiller Lumber for the 2007-2008 snow season.

Motion by Griep, seconded by Wills, and passed by unanimous vote to approve the bid for blading snow from Klehr Grading & Excavating for the 2007-2008 snow season.

Motion by Vrklan, seconded by Griep, and passed by unanimous vote to approve the low bid of \$74 per hour per truck for hauling snow from Molnau Trucking, LLC for the 2007-2008 snow season.

The Council reviewed a letter from MnDOT regarding the resurfacing of Hwy 5 tentatively scheduled for 2012. Griep commented that he would like to see a right turn lane put in at the intersection by Quickshop/Subway (for vehicles on 401st Avenue that want to turn onto and go east on Hwy 5). It was suggested that Supt. Thomes and Engineer Hawbaker should get together to comprise a list of things that should be considered (catch basins, turn lanes, etc.) by MnDOT when they are ready to do their project.

Administrator Jaunich gave an update on the Highland View Subdivision. He stated that he and Mayor Kreft were invited and planning to attend a neighborhood meeting. Administrator Jaunich presented a copy of the letter that was sent to the residents that addressed annexation and extension of city services. He explained that after doing some more research, a 19th property was found (in city limits already) that would be affected. Administrator Jaunich spoke briefly on getting site elevations (for running utility lines) and the costs associated therewith. There was discussion on debt service liabilities (bonding) and assessments. It was noted that some of the residents have been inquiring at the County how their property values/taxes will be affected by being annexed. The Council reviewed an estimate from a private contractor that one of the residents had obtained to see what kind of out-of-pocket costs they would be looking at if they chose to do this on their own.

Motion by Reetz, seconded by Griep, and passed by unanimous vote to approve the proposal from Bolton & Menk at a cost not to exceed \$1,650 to shoot garage floor elevations in the Highland View Subdivision upon the request or endorsement of the residents in said subdivision.

Attorney Arneson reviewed the annexation process, with the idea that 50% of the residents in the Highland View Subdivision do petition the City for annexation/city services.

Discussion was held on the proposed Charter Commission. A list was reviewed that consisted of the following 16 names: Rick Koepp, Pat Vossen, Dan Tackmann, Lowell Nagel, Juanita Kube, Melba Meffert, Simmy Sander, Pauline Wiemann, Lorraine Neubarth, Fran Ferch, Karen Archer, Jeff Hardel, Wayne Quast, Sue Pinske, Morris Mesenbring, Gerry Ebersviller. It was understood per the City Charter, that the Charter Commission must consist of 15 members; the remaining individual will be considered an alternate (names put into a hat and 1 drawn out).

Motion by Wills, seconded by Vrklan, and passed by unanimous vote to nominate the above listed 16 individuals as potential Charter Commission members. Attorney Arneson will submit the names to the District Court for approval.

The Council reviewed the report from PeopleService regarding the smoke testing that was done. Administrator Jaunich suggested having the Utilities Committee go through the report and make recommendations to the Council for fixing the various problems that were found. Reetz agreed and suggested that the City Engineer also be involved.

The Council reviewed the letter of resignation from Dennis Van Moorlehem from the Hospital Board. The letter stated that his resignation should be effective as soon as a replacement could be appointed, but no later than December 31, 2007. Griep commented that Van Moorlehem was the acting Vice President of the Board.

Motion by Griep, seconded by Reetz, and passed by unanimous vote to accept Dennis Van Moorlehem's letter of resignation from the Hospital Board.

Attorney Arneson reviewed the process for filling the vacancy on the Hospital Board, which included who could be appointed (voting or non-voting resident). He stated that the Hospital Board (per the Bylaws) assists the Council and Mayor to fill vacancies on the Board by nominating replacements. The Council and Mayor are not limited to these nominations; they may provide their own nominees. Ultimately, the decision is up to the Mayor with the advice and consent of the Council. Griep (liaison on Hospital Board) will contact the Hospital Board and ask that a special meeting (open to the public) be held with the intent of nominating a replacement. Reetz re-affirmed his feelings from the last meeting about what has been happening at the hospital. Attorney Arneson assured the Council and the residents of the Arlington that he, the Mayor and Hospital Board are diligently working on this, but there are procedures/protocols that must be followed. Mayor Kreft stated that they are concerned about the overall long-term betterment of the hospital.

Wills gave an update on the recent Park Committee meeting. He stated that they discussed skate parks and will be checking into what other cities have and how much they are actually utilized.

Griep gave an update on the Cable Commission. He stated that they would like to insert some information regarding public access with the utility billing statements and would be contacting the administrators in each city.

Brief discussion was held on the "in kind" services that Sibley County Faith In Action was asking for in 2008. The Director will be asked to attend the next meeting.

Reetz commented that a public hearing needs to be held for the final sidewalk assessments for this year's project. Administrator Jaunich stated that they have until the end of October to pay their respective bills and then a hearing can be scheduled in November.

Mayor Kreft recessed the regular portion of the meeting and called the closed meeting to order to discuss the G.E.I.S. building, of which a portion is held by a mortgage with the City of Arlington. Attorney Arneson stated that the justification for the closed meeting is for the Council to discuss what perimeters of negotiation authority they want to give the City Administrator (a negotiation strategy, which is a valid reason for closing a meeting).

Attorney Arneson reviewed the status of the G.E.I.S. building and gave an overall review of the entire bankruptcy, which it does look like (at this time) there will be money available for the under-secured creditors.

****Public Version - Minutes Incomplete – See Council Folder for Complete Information****

The Council voted to give Administrator Jaunich the specified authority to negotiate a fair selling price.

Mayor Kreft adjourned the closed meeting and reconvened the regular meeting.

Motion by Wills, seconded by Reetz, and passed by unanimous vote to adjourn the meeting at 8:59 p.m.

Administrator Matthew Jaunich

Mayor James R. Kreft