

ARLINGTON CITY COUNCIL  
MEETING MINUTES  
OCTOBER 15, 2007

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, Attorney Arneson, P&Z Administrator Cynthia Smith-Strack, Supt. Thomes, Denton Larson, Mavis Miller, Larry Gieseke, Building Official Darin Haslip, Jim Pedersen, Bob Lueth, Tom & Mary Von Eschen, Kris Von Eschen, Kurt Menk

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

13.5) Administrative Issues.

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

- 1) October 1<sup>st</sup> Regular Meeting Minutes
- 2) Approval of the Bills
- 3) Approval of Sludge Circulation Pump repair
- 4) Approval of Ambulance Purchase
- 5) Approval of Lions Plaque placement at Community Center.

Mavis Miller addressed the Council about the drainage issue in her neighborhood (Lynch Street and alley). She stated that the neighbors across the alley have their (long) sump pump hoses running towards the alley (downward slope), which is causing water problems on her property and the neighbors on either side of her. She commented that the residents have been told it is not a city problem; the residents need to go back to the developer, which the developer is saying it is not their problem either. She commented that the City and the developer should work together to get this problem fixed. Mayor Kreft commented that the City and its engineering firm are aware of the problem and looking into ways to get it resolved. He stated that the Council will put this on a future agenda (November/December).

Sibley County Faith in Action Program Director Tami Stadtherr was present to request their 2008 In-Kind donation in the amount of \$1,500. She gave some background on the program itself and reviewed what services they provided to residents in the last year throughout the county. She talked about their funding (grants, donations, in-kind services and fundraising efforts).

Motion by Griep, seconded by Vrklan, and passed by unanimous vote to support the Sibley County Faith in Action program by providing \$1,500 In-Kind services for 2008.

Bob Bussler of Bussler & Sons Construction, Inc. was present to express his dissatisfaction with the permit fees being charged (100% higher from one building official to the other) for the shelter at Fairview Park. He summarized the process he went through (delays with location and approval, change in building officials, etc.) prior to filling out the building permit, which he listed the cost of the project at \$12,000-\$13,000. Upon applying for the permit, the valuation of the project was determined to be \$25,000 by the building official per the State valuation tables. He commented that he surveyed the surrounding communities, who base permits on costs not value. Building Official Haslip defended his position on the valuation process he uses; it keeps everything uniform and treats everyone equally. He stated that each city has their own fee schedule, which means that if you were to take the identical project to a different city, you would have different permit fees. Mayor Kreft commented that there was no guaranty that the previous building official upon doing the plan review (look at all the specifications) for the structure would not have changed his valuation; he gave an "estimate" based on the information provided to him.

Motion by Griep, seconded by Wills, and passed by unanimous vote to deny Bussler & Sons Construction, Inc.'s request to reduce the permit fee for the shelter at Fairview Park.

The Council reviewed the September Statement of Funds and building permit report.

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

**RESOLUTION NO. 27-2007**

**RESOLUTION IN SUPPORT OF FUNDING FOR HIGHWAY 212**

WHEREAS Highway 212 is a major US highway serving the southwest portion of the state and has been in need of expansion for decades;

WHEREAS forty-one communities and local chambers of commerce have passed resolutions supporting improvements to Highway 212 to expand the capacity of this highway and the Board of Commissioners of every county along the corridor has passed such a resolution;

WHEREAS the current highway poses serious safety problems as it switches from a four lane facility west of Chaska to a two-lane highway, then switches back to a four lane highway around Cologne and back to a two-lane highway from Cologne to Norwood Young America and would be much safer and much better able to handle present and projected traffic flows if it were a continuous four-lane highway through this area;

WHEREAS Congress and the State of Minnesota have recognized the need to expand this critical trade link to the Twin Cities Metropolitan Area and have previously provided funding through the ISTEPA Transportation Authorization bill, TEA-21 Authorization bill, the 2002 Transportation Appropriations bill, the 2003 Transportation Appropriations bill, the 2004 Transportation Appropriations bill and SAFETEA-LU;

WHEREAS the completion of the expanded Highway 212 from Eden Prairie to Chaska will occur in 2008, bringing additional traffic to the section of highway between Chaska and Norwood Young America which needs to be improved for safety reasons;

WHEREAS an appropriation of \$1 million for Highway 212 expansions between Chaska and Norwood Young America was included in the Senate version of the FY2008 Transportation and HUD Appropriations bill;

NOW, THEREFORE, BE IT RESOLVED that the City of Arlington strongly supports inclusion of funding for efforts to improve and expand US Highway 212 in the FY2008 Transportation and HUD Appropriations bill.

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 15<sup>th</sup> day of October, 2007.

Signed: /s/ James R. Kreft  
Mayor

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

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

P&Z Administrator Smith-Strack was present to discuss the request from Thomas & Mary Von Eschen to rezone their property located at 409 4<sup>th</sup> Avenue NW from a B-1 Service Business District to R-1 Single and Two Family Residential District. She stated that the P&Z Committee had reviewed the request and were recommending approval based on the following:

1. Historical use of the property as a commercial establishment has proved problematic in that the parcel had repeatedly fallen into a state of disrepair.

2. The parcel while abutting Highway 5 does not have access onto Highway 5 but via 4<sup>th</sup> Avenue, a local street.
3. The parcel is adjacent to residential uses.

She provided a listing of potential findings for denial for the proposed rezoning request also. Mayor Kreft expressed his opposition to the proposed request. Tom Von Eschen gave a brief explanation of what he plans to do with the structure, which included removing the tin siding and replace it with vinyl siding.

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

**RESOLUTION NO. 28-2007**

**A RESOLUTION APPROVING OF A REZONING REQUEST FOR 409 4TH AVE NW  
FROM B-1 SERVICE BUSINESS TO R-1, SINGLE AND TWO FAMILY RESIDENTIAL**

WHEREAS, Thomas and Mary Von Eschen have submitted a request for rezoning of the property at 409 4th Avenue NW from B-1 Service Business to R-1 Single and Two Family Residential; and

WHEREAS, notice of a public hearing to accept input on the rezoning request was published in the official newspaper on August 30, 2007 and sent to property owners within 350 feet of the property; and

WHEREAS, the Planning Commission conducted a public hearing on the rezoning request on October 4, 2007 and accepted input on the rezoning request; and

WHEREAS, the Planning Commission has reviewed the rezoning request and has made the following findings:

1. Historical use of the property as a commercial establishment has proved problematic in that the parcel had repeatedly fallen into a state of disrepair.
2. The parcel while abutting Highway 5 does not have access onto Highway 5 but via 4th Avenue, a local street.
3. The parcel is adjacent to residential uses.

WHEREAS, the Planning Commission on October 4, 2007 approved Planning Commission Resolution 4-2007 recommending the City Council approve the rezoning request; and,

WHEREAS, the City Council discussed the request and approved of the findings of fact as stated by the Planning Commission.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Arlington that: the City of Arlington hereby approves a request for rezoning of the property at 409 4<sup>th</sup> Avenue NW form B-1 Service Business to R-1 Single and Two Family Residential.

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: Borchert, Griep, Reetz, Vrklan, Wills; and the following vote against or abstained: None; and the following were absent: None.

Whereupon the motion was declared duly passed and executed.

Passed and adopted by the City Council this 15<sup>th</sup> day of October, 2007.

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

Attested: /s/ Matthew Jaunich  
City Administrator Matthew Jaunich

P&Z Administrator Smith-Strack explained that the Planning & Zoning Board voted unanimously at the October 4<sup>th</sup> meeting to place a moratorium on the erection of new detached accessory structures in the R-1 Single and Two Family Residential District and the R-2 Multiple Family Residential District. She stated the reason for this moratorium is to protect the planning process by providing sufficient time to study whether current zoning standards adequately support the presence of detached accessory structures that are in keeping with the

residential character of neighborhoods within the city limits. It was noted that in addition to the study, the zoning ordinance may need to be revised to include the following relating to accessory structures: floor area, setbacks, height, exterior design, and exterior materials, plus CUP requirements. Ordinance No. 213 – An Ordinance for the Purpose of Protecting the Planning Process and Developing Standards for Detached Accessory Structures in the R-1 Single-Two Family Residential District and the R-2 Multiple Family Residential District for its first reading.

Administrator Jaunich presented Ordinance No. 214 – An Ordinance Establishing a Policy for Public Improvements, Trunk Areas, Maintenance Costs and Special Assessments for its first reading. He stated (per State Statute) that anytime a city bonds for a project, 20% of the cost of the entire project must be assessed to the abutting property owners. He explained that the City could get around this by either implementing a 5-year capital plan (a public hearing would be needed) or holding a referendum vote prior to doing an improvement project. It was noted that a public hearing was not needed for this ordinance, however it was agreed to hold one at the next regular meeting due to the subject matter of the proposed ordinance.

Administrator Jaunich commented that he and Street Supt. Thomes had met with Engineer Hawbaker regarding MnDOT's proposed resurfacing of Hwy 5 (in 2012). He stated that they will make it known to MnDOT that June is when the city's celebration is held and August is when the Sibley County Fair is held. He explained that the City will be asking for the following:

- 1) An addition of an entry lane on 4<sup>th</sup> Avenue NW (aka County Road 17) going northeast onto Hwy 5;
- 2) An upgrade of street and stop lights;
- 3) A review of utilities;
- 4) Review the intersection of Hwy 5, Chestnut Drive, West Douglas Street for re-alignment.

Administrator Jaunich commented that he had spoken with someone from MnDOT just recently about the Hwy 5 resurfacing project. He stated that it came up that the City is in the process of putting a Comprehensive Plan together. MnDOT would like the City to consider adding an access management plan to their Comprehensive Plan and would cover the cost for this.

Administrator Jaunich and Mayor Kreft gave an update on the Highland View Subdivision. They were asked to a meeting with the residents to answer some questions. Jaunich commented that the residents' main concern was what kind of costs they would be looking for city services. Mayor Kreft commented that another issue was about being annexed and why some residents wanted it when others did not. Jaunich explained that the residents were provided with a revised cost estimate of approximately \$52,000 for a complete utility package. He stated that they took a show of hands and of the 14-15 residents present, not one was interested in annexation. However, when the residents were presented with just the water/sewer package (cost of approximately \$29,000 per property), 7-8 of the residents expressed an interest in annexation. Jaunich asked the Council to consider extending the deadline for these residents to petition for annexation until the end of November, in order to get the proposed ordinance establishing an assessment policy in place. He commented that once the policy is in place, the city engineer should be able to calculate a more defined assessment for these property owners. Mayor Kreft expressed concern about the amount of money being spent on this subdivision, when in fact there are no guarantees annexation will happen. Wills questioned where the Pomplun/Morgan property stands then with extending the date, as they were the ones who petitioned for city services due to a failing system. Jaunich stated that he had been in contact with the County and explained the situation. The County was willing to wait (due to the time of year) and let the scenario play out.

Motion by Reetz, seconded by Griep, and passed by unanimous vote to extend the deadline for the Highland View Subdivision to petition the City for annexation until November 30, 2007.

Administrator Jaunich stated that 4 bids had been received for the Community Center Cleaning Contract, which had also been reviewed by the Public Buildings Committee. The Committee recommended giving the individual who had the low bid a chance to clean to make sure everything was on the up and up, and accept their low bid of \$70 per event. Jaunich explained that upon contacting the individual about the cleaning contract, there was some confusion about the amount of hours needed to clean. Jaunich stated that she verbally revised her bid amount to \$110-120 per event. Some concern was expressed about allowing bids to be changed once they became public. Jaunich stated that these were not sealed bids, therefore are not handled in the same way.

Griep questioned what kind of liability insurance is required with the contract. Jaunich explained that the City does not currently have any policy with specified amounts, but should have one.

Motion by Reetz, seconded by Borchert, and passed by unanimous vote to accept the written low bid in the amount of \$70 per event and \$50 for non-profit events from Nanette LaBonne for the Community Center Cleaning Contract.

Motion Griep, seconded by Wills, and carried (Borchert opposed) to accept as an alternate cleaning contract the bid in the amount of \$175 per event and \$100 for non-profit events for cleaning the Community Center from David & Janet Hansen in the event Nanette LaBonne does not sign the Community Center Cleaning Contract.

The Council reviewed the letter of resignation from the Hospital Board from Eleanor Trocke effective October 12, 2007.

Motion by Griep, seconded by Vrklan, and passed by unanimous vote to accept with regret the letter of resignation from Eleanor Trocke from the Hospital Board effective October 12, 2007 and also thanked her for her years of service on the Board.

Mayor Kreft commented that the Hospital Board is scheduled to meet on October 29<sup>th</sup> and will discuss possible nominees to fill the vacancy at that time in order to make a recommendation to the Council for their first meeting in November.

Street Supt. Thomes asked permission to run an ad to hire 2 individuals to help with snow removal as they have done the last couple of years. He explained that the positions are part-time on-call (as needed) during the snow season and are required to have a minimum Class B driver's license. He explained that in the past these individuals have been paid \$10 per hour. Supt. Thomes stated that he has surveyed surrounding communities and found the rate of pay to be \$14-\$15 per hour. Reetz suggested increasing the rate of pay to \$13.50 to be consistent with the part-time police officer wage.

Motion by Reetz, seconded by Griep, and carried (Wills and Borchert opposed) to increase the rate of pay to \$13.50 for the part-time snow removal help.

Motion by Vrklan, seconded by Borchert, and passed by unanimous vote to hire 2 part-time individuals who have a minimum Class B driver's license to assist with snow removal.

Supt. Thomes talked about establishing a snow removal policy for the business district. He stated that the City is hauling a lot more snow than it needs to be in recent years. Business owners push snow from their property (driveways and parking lots) onto the street where it gets added to the wind row and hauled away by the City. Thomes commented that this is costing the City money as more trucks are needed to haul the snow away (charged per truck) and additional drivers have to be hired. He added that this is additional wear and tear on the snow blower and other equipment. Supt. Thomes stated that the Streets Committee had met to discuss this and felt there was justification to charge the businesses, apartments and school a fee for removing the snow, due to the fact they can pile it somewhere on their own property. He stated that a designation of small (\$10), medium (\$15) and large (\$25) was assigned to the affected properties with the understanding that the fee would be charged per time of snow removal, but billed out once a month and did not include sidewalks. It was noted that property owners would be given the following options to choose from:

- 1) Pile the snow on their property without creating a safety hazard or obstructing traffic views;
- 2) Have the snow removed by another contractor (not to be placed on city property); or
- 3) Pay the fee being implemented and the City will haul it away.

Administrator Jaunich commented that the proposed policy conflicts with Ordinance Nos. 177 & 178 regarding snow removal. Reetz commented that he was not opposed to implementing a fee for snow removal or attaching a penalty for those who push snow onto the street after it has been plowed. Vrklan commented that he felt the proposed fees were adequate. Reetz commented that the City does not have to hold a public hearing when it creates policies, but he felt input from the affected property owners was in order. Supt. Thomes stated that he

had talked with a few of the affected businesses and they had no issue with the proposed policy. It was agreed to revise Ordinance No. 177, to include the fee schedule and put it on the next agenda for a first reading.

Mayor Kreft gave an update on the Comprehensive Plan Task Force. He commented that earlier in the year, they had planned to send out Request for Qualifications (RFQ) for putting a Comp Plan together. He stated that with the changes in staffing this summer, the RFQ never got compiled and sent out. Kreft commented that since the City has hired P&Z Consultant/Adm. Cynthia Smith-Strack of Municipal Development Group, the Task Force has seen the quality of her work and has asked her to put a proposal together for creating a Comp Plan for the City.

Administrator Jaunich commented that the EDA supported the City Council's strategy regarding the G.E.I.S. building on Main Street, but if the City does not get the amount needed from the sale of the building to pay back the loan, the EDA would consider purchasing the property and converting it into a small business incubator.

Griep stated that the Hospital Board held a special meeting just before the Council meeting and accepted SMC Administrator Reker's resignation (effective immediately) with severance package. He stated that in the interim (approximately 6 months) SMC is moving forward with getting administrative assistance from Ridgeview Medical Center. He added that Rhonda Matz has agreed to act as Interim SMC Administrator until such time as a permanent Administrator is hired.

Administrator Jaunich stated that MMPA had been in town earlier that day to do site visits for the proposed wind tower. He stated that 3 sites were looked at, which only one was in city limits. He was informed that MMPA prefers sites within city limits on city property as it is easier to deal with the city that they are a member with. He stated that the 2 most favorable sites were in the industrial park and near the wastewater treatment plant (just outside city limits) and the third site was out be Seneca Foods (outside city limits near silage pile). MMPA did express some concern about zoning ordinances (requiring large setbacks). Administrator Jaunich explained that the City would enter into a lease for the land, but the tower itself would be owned by MMPA.

Administrator Jaunich stated that the applications for the Fire Department Officers (Chief, 1<sup>st</sup> and 2<sup>nd</sup> Chief, Safety/Training) were in and needed to be gone through. He questioned which Council Committee this fell under, the Employee Relations or Fire/Ambulance Committee. It was agreed that the Fire/Ambulance Committee would be more appropriate as they had been working the Fire Department on the job descriptions up to this point.

Administrator Jaunich stated that he had been in contact with Curt Cordt of Heartland Engineering to see if they had completed the scope of services. They had put one together and would be getting it to Attorney Arneson for review. Administrator Jaunich commented that Cordt had inquired about proceeding with the electrical work that had been planned (\$150,000 in Capital Outlay for 3 projects: 5 group airbrake switches, a new reclosure and control, and pole replacement and reconstruction) but put on hold earlier in the year. It was the consensus of the Council that this had been approved already and to allow Heartland Engineering to proceed with the work.

Vrklan questioned what caused the electrical outage the week before. Administrator Jaunich stated that the City had not been notified of the details yet. Vrklan commented that he had talked with McLeod the day of the outage and they were suspecting an old line had gone bad.

Motion by Vrklan, seconded by Griep, and passed by unanimous vote to adjourn the meeting at 9:18 p.m.

/s/ Matthew Jaunich  
Administrator Matthew Jaunich

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