

ARLINGTON CITY COUNCIL  
MEETING MINUTES  
SEPTEMBER 17, 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, Cynthia Smith-Strack, Chris Bruch, Denton Larson

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

4) Special Joint Council-Hospital Board meeting minutes from August 20th

6.5) Review Community Center Cleaning Contract.

Motion by Reetz, seconded by Vrklan, and passed by unanimous vote to approve the minutes from the Special Joint Council-Hospital Board and the regular September 5, 2007 meetings as presented.

Motion by Griep, seconded by Reetz, and passed by unanimous vote to approve the bills as presented and Statement of Funds.

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

**RESOLUTION NO. 23-2007**

**A RESOLUTION ESTABLISHING PROCEDURES FOR THE USE OF A CONSENT AGENDA**

WHEREAS, the Council must deliberate many agenda items at its meetings; and

WHEREAS, the time available to the Council for such deliberation is severely limited; and

WHEREAS, the Council desires to have as much time as possible for the deliberation of major agenda items which involve the establishment of City policy and goals; and

WHEREAS, some agenda items are of such a routine, non-controversial nature that they need minimal Council deliberation; and

WHEREAS, the Council desires to handle these agenda items as expeditiously as possible in order to provide more time for major agenda items.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Arlington hereby directs the City Administrator to prepare a consent agenda for each regular council meeting. The consent agenda shall contain routine, non-controversial items that require Council action but need little or no deliberation.

Items such as the following shall be placed on the consent agenda and forwarded to the Council members prior to each regular meeting:

Personal actions, such as appointment of personnel or appointment of probationary employees to regular status;

Routine financial management actions, such as bills for approval, transfers of funds, sale of surplus property, approving specifications and setting bid openings;

Property actions, such as minor subdivisions where no development agreement is involved;

Licenses or permits for approval, such as liquor or dance;

Setting any public hearing dates, such as for ordinances and budget hearings;

Receiving reports of such departments as police, fire and planning & zoning;

BE IT FURTHER RESOLVED that the following procedures and rules be set in place to govern the use of a consent agenda by the City Council:

1. The consent agenda shall be placed on the council agenda immediately after the approval of the regular agenda.
2. Each consent agenda item shall be either numbered or lettered so it can be easily notified for purposes of removing the item from the consent agenda.
3. Before approving the consent agenda, the Mayor will ask for the removal of any items from the consent agenda.
4. At the request of any member of the Council, Mayor, City Staff, or a person in attendance, an item shall be removed from the consent agenda and placed upon the regular agenda for debate.
5. The consent agenda shall be adopted by a majority vote of those council members present at the meeting.

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember Reetz and upon roll call 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 Arlington this 17<sup>th</sup> day of September 2007.

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

/s/ Matthew Jaunich  
Matthew Jaunich, City Administrator

P&Z Administrator Smith-Strack explained that Chris Bruch had applied for a Conditional Use Permit to construct a 3,200 sq. ft. (40x80) accessory structure on his property located at 408 East Main Street. He has since reduced the size of the structure to 2,560 sq. ft. (40x64), which is still over the allowed sq. footage per the zoning ordinance. She stated that he owned the vacant lot adjacent to his property and was going through the legal process of having the 2 parcels combined into 1 lot. The Planning & Zoning Committee reviewed the request in detail and held a public hearing. It was their recommendation to approve the CUP with the following conditions:

The accessory structure shall be:

- a. Up to 2,000 square feet in area.
- b. Post/frame construction and feature a cement floor.
- c. Allowed to have a metal roof, however, if a metal roof is employed it shall have covered fasteners.
- d. Made of the same material as the dwelling at 408 East Main Street. The siding shall be horizontal.
- e. Shifted five feet to the east (toward the house at 408 East Main).
- f. Similar in exterior color to the dwelling at 408 East Main Street.
- g. Screened to the west with shrubbery/landscaping so as to soften the appearance of the structure from the abutting property.

Chris Bruch stated that he was opposed to the horizontal (vinyl) siding. His house and shed both have steel (vertical) siding on them. He proposed changing the size of the structure to 38x66 (2,508 sq. ft.). There was considerable discussion.

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

#### **RESOLUTION NO. 24-2007**

#### **RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR A DETACHED ACCESSORY STRUCTURE AT 408 EAST MAIN STREET**

WHEREAS, Mr. Chris Bruch has submitted a request for a Conditional Use Permit to construct an accessory structure at 408 East Main Street; and

WHEREAS, Section 5, Subd. 2(A) of the Arlington Zoning Ordinance provides for conditional uses allowed in the R-1 One and Two Family Residential District; and

WHEREAS, notice of a public hearing to accept input on the CUP 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 CUP request on September 13, 2007 and accepted input on the CUP request; and

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

- A. The establishment, maintenance, or conducting of the use for which a 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. *The Planning Commission thoroughly discussed the request and accepted public testimony. The Planning Commission finds that with the conditions proposed to be attached to the use, the use will not be detrimental to the health, safety, morals, comfort, convenience or welfare of the persons residing in the neighborhood since the structure will be residential in character and sympathetic in bulk and scale to other structures within the district.*
- B. The establishment, maintenance, or conducting of the use for which a 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. *The Planning Commission thoroughly discussed the request and accepted public testimony. The Planning Commission finds that with the conditions listed above the use will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood since the structure will be residential in character and sympathetic in bulk and scale to other structures within the district. The size limitation reflects the volume of accessory structure that would be allowed on two lots within the R-1 District. The property owner has combined two base lots.*

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON THAT: the City hereby approves a Conditional Use Permit to allow the construction of a detached accessory structure at 408 East Main Street subject to the following:

1. The detached accessory structure shall be:
  - a. Up to 2,000 square feet in area.
  - b. Post/frame construction and feature a cement floor.
  - c. Allowed to have a metal roof, however, if a metal roof is employed it shall have covered fasteners.
  - d. Made of the same material as the dwelling at 408 East Main Street. The siding shall be horizontal.
  - e. Shifted five feet to the east (toward the house at 408 East Main).
  - f. Similar in exterior color to the dwelling at 408 East Main Street.
  - g. Screened to the west with shrubbery/landscaping so as to soften the appearance of the structure from the abutting property.
2. This conditional use permit is in effect for the property at 408 East Main Street legally described as Lots 3-4, Blk2, Foley's Addition, City of Arlington, Sibley County MN. Parcel # 31.0483.000 and 31.0484.000.
3. This conditional use permit is assigned to the current and/or any future owner of the property. The conditional use permit may be revoked by the City following written notice to the property owner if the conditions of the permit as listed herein are not met and/or maintained. The conditional use permit will expire if/when the use of the property is changed.
4. 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 Reetz and upon role call taken thereon the following voted in favor thereof: Griep, Reetz, Vrklan, Wills; and the following voted against the same: Borchert; and the following abstained from voting: None; and the following were absent: None.

Adopted by the City Council of the City Arlington this 17<sup>th</sup> day of September 2007.

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

/s/ Matthew Jaunich  
Matthew Jaunich, City Administrator

P&Z Administrator Smith-Strack explained that originally, Mr. Bruch's request had been processed as a variance, which was incorrect and had paid the \$100 fee. She was recommending to the Council to waive the CUP fee of \$100.

Motion by Griep, seconded by Borchert, and passed by unanimous vote to waive the \$100 CUP fee for Chris Bruch in lieu of the City incorrectly collecting \$100 for a variance.

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 first reading. She explained that the reason for this amendment is the current zoning map has R1/R2-Ag zones on it; however the actual zoning ordinance does not address the Ag portion. She stated that a resident had approached her about putting an accessory structure on his property, which is in a R1/R2-Ag zone, but she didn't have any guidelines to follow to process it. The P&Z Committee had reviewed the proposed ordinance and recommended that it be adopted. Mayor Kreft stated that the second reading would be held at the next regular Council meeting.

P&Z Administrator Smith-Strack gave an update on the cell phone tower. She stated that she has received a building permit application for said tower; however they are having difficulty getting written acknowledgement from the FAA of the helipad being within ¼ mile of the tower. Some concern was expressed about the fact that the tower was not going to have a light on it. It was understood that the written acknowledgement was not a condition of the CUP granted; it was a concern attached to the building permit. Attorney Arneson commented that if a written CUP has not officially been issued, the City should do so and include the written acknowledgement as a condition. Reetz commented that the cell tower company should get the written acknowledgement and provide it to the City since they must get FAA approval to put the tower up in the first place. Smith-Strack was instructed to research this matter further and report back to the Council at the next regular meeting.

The Council reviewed the August Building Permit Report from Building Official Darin Haslip.

Administrator Jaunich stated that he received a letter from Jay's Cleaning Service that stated they were terminating their cleaning services with the City. He explained that a contract had been drawn up earlier in the year, but was never signed. He commented that Jay's Cleaning did a poor job this past weekend. Administrator Jaunich stated that due to the short notice from Jay's, City staff should be able to cover for the upcoming weekend, but not long term.

Motion by Reetz, seconded by Griep, and passed by unanimous vote to acknowledge the letter from Jay's Cleaning Service terminating their cleaning services at the Community Center effective September 16, 2007.

Motion by Griep, seconded by Reetz, and passed by unanimous vote to authorize Administrator Jaunich to hire an interim cleaning service until the Council can find a permanent cleaning service.

Attorney Arneson explained that the G.E.I.S. building on Main Street will be put up for sale by auction on October 17<sup>th</sup>. He stated that there are 2 mortgage holders, the Arlington State Bank and City of Arlington, who have the right of refusal if the high bid is not high enough. He further explained that if the building does not sell the City and/or Bank can foreclose on the property, which takes approximately 6-8 months. Arneson asked the Council to give authority to Administrator Jaunich to appear at the auction with the authority of the Council to approve any sale offer he feels is reasonable (which may include a high bid). Vrklan commented that at the last Library Committee meeting this building was discussed with the idea that it could be connected to the current Library. He stated that the Committee members are willing to apply for grants, provide labor such as painting and hold fundraisers to cover the costs that would come with adjoining the 2 buildings. Attorney Arneson

talked about a few different scenarios of how the City could obtain ownership of the property. He suggested looking at the property first to make sure it is a sound structure before going any further. Administrator Jaunich will research this idea further and put it on the agenda for the next regular meeting.

Administrator Jaunich commented that Ambulance Manager Thomes was unable to attend the meeting, but was requesting permission to authorize 2 more individuals to take the EMT class. Background checks were done and both individuals were clear.

Motion by Vrklan, seconded by Borchert, and passed by unanimous vote to authorize Chad Black and Wendy Kube to take the EMT class.

The Council reviewed the proposed Easement Extension and Amendment with Seneca Foods. Attorney Arneson highlighted changes from the original agreement, which expires October 1, 2007. He stated that the cost for maintenance of the road was being split equally, the City would do the snow removal and Seneca would do the dust coating. Arneson stated that the term of the agreement was for 10 years and then roll over yearly thereafter. He stated that the roadway would continue to be a restricted use road.

Motion by Wills, seconded by Borchert, and passed by unanimous vote to authorize Administrator Jaunich to sign the Easement Extension and Amendment Agreement with Seneca Foods.

Mayor Kreft commented on the informational meeting that had been held with the 18 residents from the Highland View Subdivision (a/k/a Boerner Addition) regarding possible annexation and extension of city water and sewer services. He felt the meeting went very well. He stated that per the orderly annexation agreement that if 50% of the homeowners within this subdivision request annexation (in writing), the City must give it consideration. The property owners will be sent a letter that states they need to petition for annexation (in writing) and will be given a deadline of October 31, 2007. It was clarified that the Pomplun/Morgan property would be taken care of regardless of what the rest of the subdivision does due to their current situation. It was suggested to write a letter to them explaining that the City is intending to run water and sewer lines to their property, but this won't be done by the deadline they were given by the County.

Motion by Reetz, seconded by Vrklan, and passed by unanimous vote to set October 31, 2007 as the deadline for the property owners of the Highland View (Boerner) Subdivision to formally petition the City for annexation.

Motion by Wills, seconded by Borchert, and passed by unanimous vote to authorize Attorney Arneson to send a letter to the Sibley County Planning and Zoning Board that states the City of Arlington is intending to annex the Morgan/Pomplun property into city limits and provide city water and sewer services, but will not be able to do so by the compliance deadline that had been set by the County (consider granting an extension).

Administrator Jaunich will contact Engineer Hawbaker and the resident volunteer about having the site elevations done in the Highland View Subdivision for the water and sewer lines.

The Council reviewed the list of potential Charter Commission members. Attorney Arneson reviewed a list of possible Charter changes, which included:

- 1) Gender neutral language (from Alderman to Councilperson)
- 2) Administrative Code to City Code
- 3) Clerk-Treasurer to City Administrator
- 4) Chief of Police – appointment of and chain of command
- 5) Ordinance procedure – allow 1 reading of ordinances
- 6) Change the number of Charter Commission members to 7.

He stated these were just ideas or had been discussion points in the past and the Charter Commission may come up with more.

The Council reviewed a few sample Employee Evaluation Forms. Some discussion was held on the evaluation process and the need to implement a Personnel Policy. It was agreed to table this discussion until the Special Workshop meeting on September 19<sup>th</sup>.

Motion by Vrklan, seconded by Reetz, and passed by unanimous vote to authorize Deputy Clerk Tesch to attend the MCFOA Meeting in North Mankato on October 10, 2007.

The Council reviewed the following correspondence:

- 1) Cemstone Open House Invitation for September 19<sup>th</sup> in Henderson
- 2) Smoking Ban goes into effect October 1<sup>st</sup>.

Denton Larson addressed the Council about his concerns with the standing water in his back yard in conjunction with the water drainage problem in the alley behind West Elgin Street. He was informed the City was looking into this problem and the City's Engineer was putting some ideas together, which included a drain tile system, to solve the problem.

Vrklan gave an update on the most recent Library Committee meeting. He stated that the overall use of the Library continues to grow. He stated that the Committee is going through the process to obtain a "non-profit" status (501c3), which will help them obtain grants, etc. He commented on several upcoming programs being put on through the Library system.

Brief discussion was held on possible locations for a skate park. Wills will take the information to the Park Committee on the 19<sup>th</sup>. Reetz commented that an individual had approached him about the skate park and stated he would be willing to donate to it.

Reetz commented on a \$1,800 repair that needed to be done at the pump house in order for PeopleService to complete the work for Well #2. Reetz commented briefly on the Arlington Equipment Analysis that PeopleService had done. Administrator Jaunich stated that PeopleService apologized for the problems created when they were doing their smoke testing. Vrklan commented on the chlorine smell in the water recently.

Mayor Kreft gave an update on the Hospital Board. He commented that Hospital Board member Dennis Van Moorlehem has submitted his letter of resignation effective December 31<sup>st</sup>. He stated that the hospital has lost money for the third month in a row (this month was \$30,000). Reetz commented that he expects to see the financials for the hospital at the next meeting since they have had a loss for 3 consecutive months (per their Bylaws). Reetz expressed concern over the employee turnover that has been taking place. Mayor Kreft and Councilmember Griep believe that the implementation of an Employee Relations Committee at the hospital would provide structure to their current problems; it has worked at the City. Attorney Arneson commented that the City Council has the overall supervisory authority over the hospital and can exert its influence when it deems necessary. Considerable discussion was held on what should be done. Mayor Kreft commented that a mediator had been hired to work the frontline managers, physicians and the administrator. Mayor Kreft commented that internal problems need to be solved before we can consider any kind of working agreement with Ridgeview Medical Center.

Administrator Jaunich stated that he had sent letters out last week to the residents who live on West Elgin Street. The letter explained what options the City was proposing. He heard from one resident who would be directly affected.

Administrator Jaunich reminded the Council of the Workshop meeting on the 19<sup>th</sup>.

Wills questioned if there was any word on a trail meeting. Administrator Jaunich will check into this.

Motion by Vrklan, seconded by Reetz, and passed by unanimous vote to adjourn the meeting at 9:23p.m.