

ARLINGTON CITY COUNCIL  
MEETING MINUTES  
SEPTEMBER 21, 2009

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

Members present: Mayor Kreft, Griep, Pederson, Pichelmann, Reetz, Vrklan

Members absent: None

Also present: Adm. Jaunich, Attorney Ross Arneson, Engineer Hawbaker, Paul Wiemann, Dave Elfstrand,  
Wayne Swenson

Motion by Griep, seconded by Vrklan, and passed by unanimous vote to approve the agenda with the following changes/additions:

13.1) Amend Permit with Watershed District

13.2) Authorize Adm. Jaunich & Engineer Hawbaker to begin long-term storm water planning within the Capital Improvement Plan (CIP) with cooperation from Highland Creek Watershed District

14.5) Open Letter from John Griep.

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

A) Approval of the September 8<sup>th</sup> Regular Meeting Minutes

B) Approval of the Bills

C) Approval of HeatShare Agreement with The Salvation Army

D) Approve the selling of a pneumatic air compressor and street light fixtures at the Green Isle Auction on October 3<sup>rd</sup>

E) Approve the waiving of Rezoning, Preliminary Plat, Final Plat and Annexation Fees for Seneca; Annexation Fees for High Island Creek Development, EDA & City; CUP Application and Recording Fees for MMPA; and SMC Rezoning and Recording Fees

F) Approve GASB 45 Understanding with Abdo, Eick & Meyers for \$4,500

G) Approval of special liquor license to Arlington Lions Club for event on November 13<sup>th</sup>

H) Approval of Non-Profit Charge for Sibley East School District Banquet Event on November 23<sup>rd</sup>.

It was noted that there were no public hearings scheduled.

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

The following announcements were reviewed:

1) GIS Training set for Thursday (2:00 pm) and Friday (9:00 am) at the Tech Center

2) Whistle Stop Tour – September 29<sup>th</sup> @ 12:00 pm

3) LMC's Regional Meetings – September 23<sup>rd</sup> – November 19<sup>th</sup> (October 28<sup>th</sup> in Mankato).

The Council reviewed the following communications:

1) August Financial Reports

2) Comp Plan.

Discussion was held on whether a feasibility study should be done for a (proposed) stormwater retention pond near the wastewater treatment plant. Engineer Hawbaker talked about the scope of the project and explained what needed to be done for said study. Reetz expressed concern about placing a pond so close to a floodplain area. Engineer Hawbaker stated that the High Island Watershed would have to be involved and/or give direction with the process. Concern was also expressed about the site being an old landfill area. Hawbaker talked about applying for grants to help cover the costs with cleaning up the landfill and putting in the stormwater retention pond. Adm. Jaunich questioned if a cap should be set in conjunction with the

feasibility study. Reetz suggested having BMI put together a project structure with a breakdown of fees attached for each phase that way the Council can decide as they go along how far they want to take the project.

Motion by Reetz, seconded by Pederson, and passed by unanimous vote to request from BMI a proposal for doing a feasibility study. It was noted that the proposal could be ready for the meeting on October 5<sup>th</sup>.

Discussion was held on the need to amend the permit with the High Island Watershed District regarding the '09 Street/Utility Improvement Project. Engineer Hawbaker commented that a change was being made regarding a 12" pipe from manhole #1 going east.

Motion by Vrklan, seconded by Pichelmann, and passed by unanimous vote to amend the existing permit (with the Watershed pertaining to the '09 Improvement Project) to include a 12" outlet from structure 1 with the best management practices for erosion control down to the creek.

Discussion was held on establishing long-term city-wide storm water solutions, which will be incorporated into the Capital Improvement Plan (CIP). It was noted that the City would be working with the High Island Creek Watershed District (HICWD) on various issues. It was suggested to put an ad-hoc committee together, which could consist of the following: City Street Supt., City Engineer, 1-2 City Councilmembers, and a couple HICWD members to determine the best management practices for said issues.

Motion by Reetz, seconded by Pederson, and passed by unanimous vote to authorize the City Engineer and City Administrator to work with the High Island Creek Watershed and any other appointed officials to start the feasibility of stormwater outlet identification.

Discussion was held on extending the Substantial Completion Date for the 2009 Improvement Project. Adm. Jaunich stated that the Contractor was requesting extending the date to November 30, 2009. He commented that the original bid had a Substantial Completion Date of October 30<sup>th</sup>; however the bid acceptance date had been delayed a few weeks. Some concern was expressed about the time of year and whether the initial blacktopping would be done in time. Engineer Hawbaker commented that he made it clear to the contractor that the goal is to still have blacktopping done yet this year. He added that there is a Construction Observer on site from BMI that documents day-to-day occurrences, including weather (rain days).

Motion by Griep, seconded by Reetz, and passed by unanimous vote to extend the Substantial Completion Date for the 2009 Improvement Project to November 30, 2009.

It was noted that there were no reports from Officers, Boards and Committees.

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

#### **RESOLUTION NO. 60-2009**

#### **A RESOLUTION APPROVING THE REZONING OF CERTAIN PROPERTY AS DESCRIBED IN THE ATTACHED DESCRIPTION AS REQUESTED BY SENECA FOODS CORPORATION.**

WHEREAS, the City has received a request for rezoning of property contained in Section 9 from Seneca Foods Corporation; and

WHEREAS, the property is currently zoned as "I-1 Light Industrial" and proposed for zoning as "I-2 General Industrial; and

WHEREAS, the existing use is not allowed within the I-1 Light Industrial District; and

WHEREAS, the existing use is allowed as a permitted use within the I-2 General Industrial District; and

WHEREAS, the City wishes to clarify a discrepancy relating to its southern boundary; and

WHEREAS, to those ends, Seneca Foods Corporation has petitioned for annexation of certain property to the City limits; and

WHEREAS, the Company requests said property also be zoned as I-2 General Industrial; and

WHEREAS, a public hearing regarding the rezoning was properly noticed and held on July 9, 2009 by the City of Arlington Planning Commission; and

WHEREAS, the Planning Commission approved a Resolution recommending the City Council approve the rezoning request.

NOW, THEREFORE, BE IT RESOLVED, that the Arlington approves the rezoning of certain property as described in the attached description ("*Exhibit A*" – *see attached*) from I-1 Light Industrial to I-2 General Industrial.

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

Approved by the City Council of the City of Arlington this 21<sup>st</sup> day of September, 2009.

CITY OF ARLINGTON, MINNESOTA

/s/ James R. Kreft  
Mayor

Attest: /s/ Matthew Jaunich  
City Administrator

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

**RESOLUTION NO. 61-2009**

**A RESOLUTION APPROVING A PRELIMINARY PLAT ENTITLED "SENECA FOODS CORPORATION".**

WHEREAS, the City has received a request for plat approval for property contained in Section 9 from Seneca Foods Corporation; and

WHEREAS, the property is being platted so as to clearly define a southern boundary for the City of Arlington corporate limits and to convert the legal descriptions to Lot/Block from lengthy metes/bounds descriptions; and

WHEREAS, the proposed plat is being acted on by both the City of Arlington and Sibley County due to the fact some lots will remain in the Township over which the County has land use authority; and

WHEREAS, the Planning Commission has reviewed the proposed preliminary plat to ensure consistency with the zoning and subdivision ordinance; and

WHEREAS, a public hearing regarding the proposed preliminary plat was properly noticed and held on July 9, 2009 by the City of Arlington Planning Commission.

WHEREAS, the Planning Commission made the following findings on July 9, 2009 and approved a Resolution recommending the City Council approve the preliminary plat; and

*Fact: The proposed plat will not result in improvements or further intensification of the use of the property. The property is being platted to clear-up a corporate boundary issue and to simplify the legal description of the property. In the event the property is improved or further intensification of the use of the property is contemplated, the Memorandum of Understanding will require installation of stormwater improvements. Public*

*drinking and wastewater services are already in place within the subject property. Additional roadways are not proposed as part of the plat. The Plat is consistent with the Comprehensive Plan.*

*Fact: The property complies with applicable adopted local controls as identified within the Consulting Planner's staff report dated September 17, 2009.*

*Fact: The proposed plat will not result in improvements or further intensification of the use of the property. The property is being platted to clear-up a corporate boundary issue and to simplify the legal description of the property. In the event the wetland delineated in Lot 4, Block 2 is contemplated for draining or filling in the future, a wetland replacement plan will be required by the Sibley County SWCD.*

*Fact: The applicable zoning classification does not require minimum or maximum lot sizes or densities.*

*Fact: Public drinking and wastewater services are already provided to the proposed plat. The proposed use of the property is consistent with long-range plans. The platting of the property is not indicative of pending improvements or intensification of uses.*

*Fact: The proposed plat will not result in improvements or further intensification of the use of the property. The property is being platted to clear-up a corporate boundary issue and to simplify the legal description of the property.*

*Fact: The design of the Subdivision will not interfere with easements of record or easements established by judgment of a court. The Subdivision will result in more precise definition of easements.*

*Fact: The subject property is not within a floodway or flood fringe.*

*Fact: The subject property is not located in a shoreland overlay district. The proposed plat will not result in improvements or further intensification of the use of the property. The property is being platted to clear-up a corporate boundary issue and to simplify the legal description of the property. In the event the wetland delineated in Lot 4, Block 2 is contemplated for draining or filling in the future, a wetland replacement plan will be required by the Sibley County SWCD.*

WHEREAS, the City Council concurs with the aforementioned findings.

NOW, THEREFORE, BE IT RESOLVED, that City Council hereby approves the preliminary plat for Seneca Foods subject to the following:

1. Execution of a Development Agreement (or Memorandum of Understanding) Prior to Acceptance of the Final Plat.
2. Title Review by the City Attorney.

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

Approved by the City Council of the City of Arlington this 21<sup>st</sup> day of September, 2009.

CITY OF ARLINGTON, MINNESOTA

/s/ James R. Kreft  
Mayor

Attest: /s/ Matthew Jaunich  
City Administrator

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

**RESOLUTION NO. 62-2009**

**A RESOLUTION MAKING RESOLUTION 54-2009 NULL AND VOID**

**WHEREAS**, Resolution 54-2009 dealt with the annexation of the “EDA Property” and the “Jeff Hennen Property”; and

**WHEREAS**, the City’s Orderly Annexation Agreement (4d) states that a petitioning property owner with “land abutting municipal corporate limits” may be annexed; and

**WHEREAS**, the EDA petitioned for Annexation and does not have land abutting the municipal corporate limits making Resolution 54-2009 null and void.

**NOW THEREFORE BE IT RESOLVED**, that the City Council of the City of Arlington hereby makes Resolution 54-2009 null and void.

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

Approved by the City Council of the City of Arlington this 21<sup>st</sup> day of September, 2009.

CITY OF ARLINGTON, MINNESOTA

/s/ James R. Krefth  
Mayor

Attest: /s/ Matthew Jaunich  
City Administrator

Discussion was held on annexing certain properties in the southwest corner of town. Wayne Swenson was present and expressed opposition to his property being annexed into city limits and was requesting that he be excluded from same. He feels that it is of no benefit to him to be annexed into the city limits at this time. He expressed his opinion that the City was picking and choosing specific properties to be annexed versus annexing the entire area (in a straight line). Vrklan commented that Swenson is benefiting from city services, as the Police Department does patrol the area. Mayor Krefth commented that the City was “picking and choosing” to some degree, at least regarding non-petitioning parties. He stated that one reason the Mr. Swenson’s property had been chosen over others was they (the City) felt the property would benefit by being in city limits due to its location. He added that the property is currently being used for commercial purposes and the City was in a sense protecting his property/business and would retain the commercial zoning for the area as it is dictated in the City’s Comprehensive Plan to have commercial zoning along Hwy 5. Reetz agreed that the City was “picking and choosing” the non-petitioning members, but its intentions all along has been to provide the city with the best corporate boundary possible. Attorney Arneson commented that the County tax rates are lower than the City tax rates, and explained that upon annexation property taxes are increased gradually over a period of a few years so as not to put undue burden on property owners.

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

**RESOLUTION NO. 63-2009**

**ANNEXATION RESOLUTION**

In the matter of the Resolution of the City of Arlington for annexation of certain areas as described herein, under Minnesota Statute 414.0325.

Whereas, the City of Arlington, hereafter “city”, entered into a Joint Resolution for Orderly Annexation with the Town of Arlington, said agreement dated September 2, 1997, approved by the State of Minnesota on August 7, 1998; and

Whereas, under paragraph 4(b) of said joint resolution, the city may at any time annex property for which it receives a property – owner petition for annexation, for land abutting municipal corporate limits within the sector of Area 3 as identified in said Joint Resolution; and

Whereas, the City of Arlington has received petitions for annexation by the owners of parcels described at Appendix A attached hereto as Parcels 1, 2, 3 and 4; and

Whereas, under paragraph 4(b) of said Joint Resolution, having received a petition for annexation by at least 50 percent of the affected property owners, the city, considering it to be in the best interest of the city and of the property affected, resolves to also annex the property described at Appendix A as Parcels 5, 6 and 7, the owners of said parcels not having petitioned for annexation; and

Whereas, the property described at Appendix A attached hereto abuts present city limits, is urban or about to become urban in character, and it is the intention of the city to provide said area with city utility services, and it is therefore appropriate to annex said property to the City of Arlington at this time.

Now, therefore, be it resolved by the City Council of the City of Arlington that the city hereby petitions for annexation and hereby resolves to annex the property described at Appendix A attached hereto. (*SEE ATTACHED*)

Said property is located within the area described as Area 3 of the Joint Resolution. Under paragraph 4(d) and 4(e) of said Joint Resolution, no hearing is required. The State of Minnesota, by the Office of Administrative Hearings, Municipal Boundary Adjustments, may review and comment, but shall within 30 days of receipt of said resolution, order the annexation of the area designated therein in accordance with the terms and conditions of the Joint Resolution.

Under paragraph 5 of the Joint Resolution, the tax rate of the area annexed shall be increased in substantially equal proportions over 6 years to equality with the tax rate of the property already within the city. However, the annexed property shall be assessed for the cost of providing city utility services to the property under the city's standard improvement assessment policy and assessment payment schedule, in the same manner as applied to all other property within the city limits.

Under paragraph 6 of the Joint Resolution, and as required by state law, Arlington Township shall be reimbursed for the loss of taxes generated from the annexed property as follows: For six years following the tax year that Arlington Township last collects a levy, the city will reimburse the township 100 percent of the amount of taxes that were collected by the township in the year the land was annexed. Thereafter, the City of Arlington will no longer reimburse Arlington Township for such lost tax revenue.

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

Approved by the City Council of the City of Arlington this 21<sup>st</sup> day of September, 2009.

CITY OF ARLINGTON, MINNESOTA

/s/ James R. Kreft  
Mayor

Attest: /s/ Matthew Jaunich  
City Administrator

A letter from a resident regarding their septic system and compliance with Ordinance 200 was reviewed. It was noted that the resident was to provide the City with either an inspection report or a letter that indicates compliance/non-compliance with County and State standards, which the letter only indicated non-compliance with Ordinance 200. Discussion was held on what the next step should be: do a feasibility study for providing city services, require the system to be tested or allow the resident to revise their letter with City Staff assistance. No action was taken.

Discussion was held on the recycling program on Main Street. It was noted that people continue to place garbage in the containers and the Recycling Company was starting to complain. Adm. Jaunich stated that the City receives a yearly recycling credit for providing such services, which is intended for both city and rural residents. He commented on how other cities handle their recycling programs. It was suggested to reduce

the hours the bins are available (eliminate overnight from current contract). Adm. Jaunich was going to contact the Recycling Company to work something out or possibly amend the contract.

Discussion was held on the proposed park shelter for Frenzel Park. It was noted that the Parks Committee would like to proceed with the project yet this year and use some of the park dedication fees from the High Island Creek Development to pay for it. Adm. Jaunich commented that a bid had been received, however it was over \$10,000, and according to city policy, anything over \$10,000 requires that a minimum of two bids be obtained. Concern was expressed about the time of year and getting the cement work done. Adm. Jaunich recommended tabling action until spring.

Motion by Vrklan, seconded by Reetz, and passed by unanimous vote to table bidding for the shelter for Frenzel Park until next spring.

Adm. Jaunich talked about the upcoming 2010 Census. He stated that the City has placed an advertisement in the local paper seeking interested residents to serve on a Complete Count Committee. It was noted that no applications had been received to date. Adm. Jaunich stated that the City is not required to have such a Committee, but there are some benefits to having one in place. Mayor Kreft asked each Councilmember to provide him with a couple of names and in turn, he would contact them personally to see if they would be on the committee.

Pederson talked about the ambulance day coverage. He stated that he has been taking day call (3 days) during the week all summer, but is now going back to work. He commented that the schedule is pretty blank, as people are not signing up for days. Discussion was held on recruitment and getting the hospital involved. Mayor Kreft suggested getting the Ambulance Department Committee together to discuss what options are available.

Vrklan talked about dogs in the parks, more specifically the play equipment areas. He has been receiving complaints that people are not cleaning up after their dogs. It was suggested to put up signs prohibiting dogs from play equipment areas. It was the consensus to have Street Supt. Thomes see how many signs are needed and to get prices for same.

Griep announced that due to personal reasons and relocating to another city, he was resigning from the Council and all appointed Committees effective October 1<sup>st</sup>. He presented a letter of resignation to the Council. He stated that it has been a great pleasure and learning experience serving the citizens of Arlington for the past 6.5 years. Vrklan and Reetz commented that he (Griep) has been an asset to the Council and Community and will be missed. Mayor Kreft commented that he has always been impressed with and admired his (Griep) point of view and knack of simplifying hard to make decisions. Adm. Jaunich explained that a resolution formally accepting the resignation and declaring a vacancy will be presented at the next regular meeting.

Discussion was held on setting a budget workshop meeting. Adm. Jaunich commented that he would like to meet at least two more times before the December meeting when the 2010 tax levy has to be approved. It was the consensus to set October 19<sup>th</sup> at 5 pm for a budget meeting.

Vrklan gave an update on the Fire Department Officers meeting. Revisions to the Employee Personnel Policy pertaining to the FD were reviewed at the meeting. They also discussed the idea of purchasing (used) trucks. It was noted that the Department is still waiting to hear if they have been awarded the grant that they had applied for earlier in the year.

Adm. Jaunich commented that the Police Committee will be discussing the current parking policy/ordinance. He has been receiving several complaints about trailers, campers, recreational vehicles, etc. being parked on city streets.

Pederson commented on the most recent EDA meeting. He stated that a joint meeting between the Council, EDA and Seneca Foods is being scheduled to discuss authority issues.

Brief discussion was held on the street lighting problems the City is currently experiencing. Adm. Jaunich was working on the situation.

Mayor Kreft questioned where things were at pertaining to the resident currently in violation of a Conditional Use Permit. Attorney Arneson explained that there was staffing issues at the County and they had misplaced the file for a short period of time, but have since found it and a hearing has been set for October 15<sup>th</sup>.

Adm. Jaunich commented on getting the three sidewalks from last year's project fixed yet this year. Street Supt. Thomes was in the process of getting bids. It was noted that Cemstone was picking up the cost of the cement for these sidewalks.

Brief discussion was held on the stolen equipment (bucket and forks for utility tractor) from the shop. Adm. Jaunich commented that a claim had been submitted to the City's insurance company. It was noted that there have been a number of vandalisms recently, but they are occurring in other communities too.

Mayor Kreft reminded the Council of the upcoming meeting with the Township, Fire Department and Ambulance service.

Motion by Vrklan, seconded by Reetz, and passed by unanimous vote to adjourn the meeting at 8:08 pm.

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City Administrator Matthew Jaunich

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Mayor James R. Kreft