

ARLINGTON CITY COUNCIL
MEETING MINUTES
MAY 15, 2006

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

Members present: Mayor Czech, Borchert, Griep, Reetz, Voight, Wills

Members absent: None

Also Present: Administrator Krueger, Mark Babcock, Dennis Wentzloff, Asst. EDA Director Schultz

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

9b.) Renew Liquor Licenses

- 1.) Arlington Haus – On/Off Sale & Sunday
- 2.) Neisen's Bar/Grill – On/Off Sale & Sunday
- 3.) Arlington Liquors – Off-Sale

Move Item 12 – Alleyway to Closed portion of meeting

8f.) Travel Request for Harry Jenness – Redwood Falls on May 17th.

Motion by Voight, seconded by Reetz, and passed by unanimous vote to approve the minutes from the May 1, 2006 meeting as presented.

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

Dennis Wentzloff was present to discuss handicap housing. He stated that he had spoken with Mayor Czech recently who had informed him that the City was working with Winkelman Builders on housing (apartments). He expressed concern about placing apartments too far away from the business district (downtown) and suggested keeping the apartments more centrally located and away from the racetrack area. Wentzloff suggested that the City should purchase the old Noack property (currently owned by Dan Woehler), demolish it and build something with more esthetic value in its place. He reiterated the need for complete handicap accessible housing. Administrator Krueger stated that a housing study is being done and would show what types of housing Arlington does in fact need, which would then dictate to developers how big of a building to construct and how many handicap units to include. Administrator Krueger commented that the city is looking into what options are available or could become available as far as locations. Wentzloff was asked to participate in the survey for the housing study.

Asst. EDA Director Schultz reviewed a fact sheet that he and Administrator Krueger had put together for the EDA and Council about the need to have a hotel feasibility study done. The Council reviewed the minutes from the most recent EDA meeting and a letter from Choice Hotels International about doing such a study. Voight commented that this study will prove if the City can support a hotel or not. Reetz commented that the City's role up front is to participate and prove if there is or is not a need and then would go to developers and working with franchises. Schultz explained that the study (which should be favorable) is the marketing tool used to get developers and franchises interested in Arlington. Administrator Krueger explained that the Community Center has lost a few rentals due to the fact that there is no lodging for larger numbers of people, unless they go out of town. Schultz added that Technical Services and Sibley Medical Center have employees and/or engineers come from out of town and have to put them up in hotels in other towns because the local motel does not have all the necessary amenities or answer their phones after 10:00 pm. Schultz and Krueger both believe that a hotel will boost business at the Community Center and other local businesses. Krueger commented that some surrounding communities already have hotels and are planning to build Community Centers, which will eventually hurt the Arlington Community Center, as people do not want to travel out of town for lodging after their event is over. Voight pointed out the money for the study would come out of the EDA Fund. Mayor Czech commented that working with a franchise is important because they offer reservation services, where privately owned

establishments usually do not. Schultz stated that they had obtained some bids to have feasibility studies done and found that Hospitality Marketers International had the best bid at \$4,900 (Phase 1) with a \$600 cap for on-site and travel expenses. He explained that Phase 2 (attached food/restaurant facility) & 3 would be up to the discretion of and paid for by the developer. Reetz questioned how much land would be needed for a hotel facility. Schultz explained for a 50-60 room facility with parking needs approximately 2 acres, but would be solely up to the developer how much land they need and/or want.

Motion by Voight, seconded by Borchert, and passed by unanimous vote to hire Hospitality Marketers International to do a hotel feasibility study at a cost of \$5,500.

Mark Babcock of Babcock, Langbein and Company presented the Audit for 2005. He stated that the municipal hospital and fixed assets were not included in the audit. The hospital has a separate audit done. He stated that the accounting system is working well and Deputy Clerk Tesch does a fine job of putting things together. Attorney Arneson questioned what an enterprise fund was. Babcock explained that an enterprise fund consists of the water, sewer and electrical funds.

Discussion was held on the Arlington Good Samaritan Center expansion project. Administrator Krueger explained that the building plans had been presented and reviewed for the project. It was noted that the City was going to be deeding 20 feet of Fairview Park with an 8 ft. buffer easement, which would allow access for building maintenance, to the Good Samaritan Center. After reviewing the plans, it was noted that the building wall was planned to extend 18 feet 10 inches with a 2 foot roof overhang for a total of 20 feet 10 inches. Attorney Arneson and Administrator Krueger somewhat made an executive decision to deed a 21 foot indentation into the park with a 7 foot buffer easement. Voight and Reetz expressed concern that the amount of land needed for the project keeps increasing. Engineer Hawbaker has been instructed to survey the existing building with the proposed addition and actually put stakes in the ground for everyone to see. Once this was done, Attorney Arneson could draft the necessary documents (deed, easement, conditions, letter of understanding, etc.) to transfer the land to the Arlington Good Samaritan Center. It was suggested to include language about restoring property to its original condition after construction has been completed.

Motion by Reetz, seconded by Voight, and passed by unanimous vote to deed 21 feet of Fairview Park to the Arlington Good Samaritan Center with a 7 foot buffer, of which is to remain grass (nothing put in the buffer area) and the building constructed within the footprint as outlined in their plans.

Attorney Arneson held the second reading of Ordinance No. 197 – Arlington Public Cemetery Rules of Operation. He stated that no changes had been made after the first reading.

Motion by Borchert, seconded by Griep, and passed by unanimous vote to approve the following:

ORDINANCE NO. 197

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

ARLINGTON PUBLIC CEMETERY RULES OF OPERATION

It is the goal of the City of Arlington to maintain a public cemetery which affords a quiet and attractive resting place for the dear departed members of the community. The rules of operation of the cemetery are designed to achieve this goal. All burial lots are subject to these rules and any additions or amendments to said rules passed by the City Council from time to time.

Section 1. Actuary. The City Administrator is hereby designated as the actuary for the cemetery. All lot purchases, burial permits, and monument and headstone placement permits are to be processed through the City Administrator's office. The City Administrator shall maintain possession of all cemetery record books, plat maps, and cemetery funds. To

comply with state law, the City Administrator shall create a permanent record of all burials, including the following information:

Date of Burial
Name
Age
Sex
Date of Birth
Cause of Death
Name, Address and Phone Number of Nearest Kin.

Section 2. Fees. Fees for the use of the cemetery shall be set by the City Council from time to time. The fee schedule shall be available on request from the Administrator.

Section 3. Lot Transfers. No cemetery lot or fractional lot may be resold or otherwise disposed of, except by Will, or by inheritance under state law, without the approval of the City Council, and the city retains the first option to repurchase the cemetery lot or fractional lot at the original sale price. No lot will be permitted to be resold, disposed of, or otherwise used until the purchase price and all unpaid charges have been paid in full. Lot owners may not allow interments to be made on their lots for remuneration. Lots, or fractional lots, may not be subdivided without consent of the council.

Section 4. Monuments and Markers. Only one monument shall be allowed on each lot and a marker, also called "footstone", may be placed at either the head or the foot of each grave. No marker or monument shall be placed over a grave except by city permit, and then only when the foundation is carried to the top of the concrete vault and sufficiently enlarged and properly bridged over the casket to properly support the load. Monument foundations shall not be less than the size of the base stone plus a wash of 8 inches or larger all around it. The wash shall not exceed 1/4 inch above ground level. Markers may be set on same margin, and also shall not exceed 1/4 inch above ground level.

All monuments and markers must be approved by the city as to material, foundation, and location. No monument or marker may be constructed of any material which will not assure relative permanency. If any party places a monument or marker in the cemetery which does not conform to the description of said monument or marker in the permit application approved by the city, the party placing said monument or marker may be required by the city to alter or fully replace said monument or marker at that party's cost promptly upon written demand by the city.

Persons engaged in placing monuments and markers shall provide adequate planking to protect turf and shall remove materials, equipment, and refuse immediately upon completion of the work. Ropes and cables may be attached to trees or other objects only on approval of the city. The lot owner and the monument contractor are jointly and separately responsible for any failure to abide by this regulation and shall pay for any charges or damages resulting.

Burials shall be allowed year-round. Cement work, and placement of monuments and markers shall be done under the supervision of the city, at times and weather and temperature conditions appropriate to good workmanship and proper setting and curing of any cement or masonry work.

Section 5. Vaults and Mausoleums. Above ground vaults and mausoleums shall not be placed on any cemetery lots, except by special permit of the city.

Section 6. Cremation Burials. Anyone seeking to bury cremated remains must first file their burial plan with the city, and the city retains full control over the type of container, burial, spacing and numbers of burials in each lot. The city may also require special marking of the location of cremated remains. Except by special written authorization of the city, only one cremated remains burial shall be allowed to be placed at the foot of any lot in which a regular casket burial is located. If there is no casket burial in the lot, a maximum of two cremated remains burials shall be allowed in that lot.

Section 7. Maintenance. The city shall hire such employees or independent contractors as the city deems needed to properly care for the cemetery grounds. The city shall have full authority and responsibility for the general care of the cemetery, to include but not limited to the laying out and maintenance of all roads, the grading of lots, landscaping, tree, shrub and lawn care.

The city will not be responsible for the care of monuments, markers or washes. Lot owners must keep monuments, markers and washes in a clean and good condition. If any monuments, markers or washes become unsightly, by reason of disrepair,

settling, or other condition, the city shall give the lot owner a 60 day written notice to make necessary repairs. If the owner fails to do so within 60 days, then the city shall have the right to repair or remove the monument, marker or wash at the expense of the lot owner.

Section 8. Grave Decorations. Private fences, curbing, boxing or mounds are prohibited on burial lots, and the city reserves the right to remove any found to exist on any lot, the cost or removal to be charged to the lot owner. The city reserves the right to refuse the erection of any monument, marker, urn or any other object that is of such size, material, design or construction which the city deems inappropriate for the cemetery. Cut or artificial flowers, flower containers, or other memorial decorations of any kind must be removed within one week after the end of the holiday or ceremony which prompted the decoration. As an exception to this rule, for the Memorial Day holiday, private decorations shall be allowed during the period one week before Memorial Day and two weeks next following Memorial Day. The city retains the right to remove all such decorations which are in violation of this rule and dispose of them as the city deems fit, without further notice or obligation to the lot owners. No person shall plant any flowers, shrubs, trees or conduct any other landscaping in the cemetery under any circumstances, without the express written permission of the city.

Section 9. Burial. No burial may be made in the cemetery until all laws, ordinances and regulations regarding burial have been complied with, and a burial permit issued by the funeral director. No remains other than human remains may be buried in the cemetery. The city requires a minimum of 24 hours notice prior to opening of any graves, to give city personnel time to schedule the staking of the grave boundary and supervision of the excavation. The city reserves the right to charge a staking fee for such service, said fee to be set from time to time by the city. Graves shall be closed as soon as possible after the funeral ceremony is completed. Ground covers shall be used so as to prevent the spill of loose dirt onto other lots. Fill and compaction shall be used as necessary to prevent sinkage of the vault. All sod shall be replaced, and if necessary the grass must be resodded or reseeded to return the grass cover over the grave to a satisfactory condition in the opinion of the city. The city reserves the right to restrict the opening and closing of graves to a company or companies approved by the city.

Section 10. Cemetery Funds. All fees collected for cemetery use shall be put in separate designated funds not commingled with general city revenues. A percentage of the lot sale proceeds as set by the City Council from time to time shall be placed in a Perpetual Care Fund. Only the interest income from said fund may be used for cemetery maintenance. The principal of said fund shall be maintained permanently. All other cemetery funds shall placed in a general cemetery fund account, to be used for cemetery maintenance and improvement at the discretion of the City Council.

Section 11. Cemetery Access. The city cemetery is designed for the use of persons engaged in the ceremonies of burial or memorial, or who wish to visit departed loved ones. Uses of the cemetery that do not fall within these categories are hereby declared illegal. The following restrictions, as well as any other activity inappropriate to the cemetery setting, shall apply:

- (a) No person shall discharge any firearm or have possession of any firearm within the cemetery grounds, except persons participating in military burial ceremonies.
- (b) No person shall remove any object from any place in the cemetery or make any excavation without the consent of the city.
- (c) No person shall obstruct any drive or path in the cemetery or in any way injure, deface or destroy any structure, grave, flowers, tree, or other thing in the cemetery.
- (d) No person shall drive any vehicle faster than a walk within the cemetery, nor drive over any path or roadway not authorized by the city.
- (e) No person shall disturb the quiet of the cemetery by noise or improper conduct of any kind.
- (f) No person shall enter or leave the cemetery except at the gates provided.
- (g) No person shall use the cemetery grounds or any road therein as a public thoroughfare, nor drive any vehicle through the cemetery grounds except for purposes relating to the cemetery.
- (h) The cemetery is not to be used as a recreational area. No children shall be permitted within the cemetery unless under the direct control of an adult. No bicycles shall be used within the cemetery except on paved roadways. No other recreational vehicles or equipment shall be used anywhere within the boundaries of the cemetery at any time, said restriction to include, but not limited to, snowmobiles, ATV's, mopeds, go-carts or skateboards.

- (i) No person shall allow any animal to run at large in the cemetery. Animals shall be allowed within the boundaries of the cemetery only if controlled by leashes or within animal carriers. Any animal's droppings must immediately be picked up and removed from the cemetery grounds by the person in control of the animal.
- (j) No person shall loiter at any time, nor be in the cemetery without permission of the city at any time between the hours of sunset to sunrise.

Section 12. Violations. Any person or entity violating any of the provisions of this ordinance shall be considered guilty of a misdemeanor, subject to the standard jail term and/or money fine set by state law for misdemeanors.

This ordinance shall become effective immediately upon publication.

For City of Arlington:

/s/ David Czech
By David Czech
It's Mayor

/s/ David L. Krueger
By David L. Krueger
It's Administrator

Attorney Arneson presented Ordinance No. 198 – An Ordinance Regulating Solicitors, Peddlers, Hawkers, Itinerant Merchants and Transient Vendors of Merchandise in the City of Arlington for the first reading. He explained that the City had an ordinance on the books, but it needed updating and reviewed the changes. The second reading will be held at the next regular meeting.

The Council reviewed the Police Committee Purpose and Operating Rules. Attorney Arneson reviewed the changes that had been made. Wills questioned if the Sheriff could not make a meeting if he could in turn send a designee and if they would be able to vote at said meetings. Attorney Arneson explained that it is not normal when dealing with an advisory committee. Attorney Arneson will make the suggested changes and present it at the next meeting in the form of an ordinance.

Motion by Voight, seconded by Reetz, and passed by unanimous vote to approve the travel request for Attorney Arneson to attend the 11th Annual Public Law Update in Brooklyn Park on June 16th at a cost of \$90.00.

Motion by Reetz, seconded by Borchert, and passed by unanimous vote to approve the travel request for P&Z Administrator Jenness to attend the Southwest Minnesota Building Officials quarterly meeting in Redwood Falls on May 17th.

Mayor Czech summarized a letter that had been received from the Arlington Haus regarding increasing the liquor license fees. Discussion was held on whether to increase the fees or not. Voight commented that prices increase over time and cannot stay the same forever. The Council reviewed the letter from Attorney Arneson about issuing 1 liquor license to an individual that operates 2 businesses with different addresses, but are connected by an inner door (example given was Neisen's Bar and Neisen's Grill & Bar), essentially a contiguous structure. Reetz feels that the City should be charging 2 separate licenses as they are 2 separate businesses with 2 separate addresses even though they are connected. Voight pointed out that the Arlington Haus and Arlington Haus Too would also fall under this category. Reetz disagreed as they do not have separate addresses.

Motion by Voight, seconded by Borchert, and carried (Reetz and Griep opposed) to increase the liquor license fees as follows: On-Sale to \$1,300 from \$1,100; Off-Sale to \$200 from \$100 and Sunday to \$100 from \$0.

Motion by Voight, seconded by Griep, and passed by unanimous vote to approve the Renewal Off-Sale Liquor License for Arlington Liquors, Inc. at the new increased rate.

Motion by Borchert, seconded by Wills, and passed by unanimous vote to approve the Renewal Combination (On-Sale, Off-Sale & Sunday) Liquor License for the Arlington Haus at the new increased rates.

Motion by Voight, seconded by Borchert, and carried (Reetz opposed) to approve the Renewal Combination (On-Sale, Off-Sale & Sunday along with the Community Center) Liquor License for Neisen's Bar of Arlington, Inc. at the new increased rates.

The Council reviewed the proposed ordinance for regulating the use of private water and sewer systems and the ordinance regulating individual sewage treatment systems. P&Z Administrator wanted the Council to look over the proposed ordinances before he takes them to the Planning & Zoning Board for their review and public hearings can be held. Attorney Arneson had done a preliminary review on the proposed ordinances and had given his recommended changes to P&Z Administrator Jenness. Administrator Krueger commented that these were being brought forward now so policy could get established before areas are annexed into city limits that have their own private wells and sewer systems and also to address the few currently within city limits (for enforcement reasons as dictated by State Law). He added that this would not be forced onto anyone essentially creating a hardship, but worked out over time. Griep questioned how they arrived at anyone within 500 feet of city water/sewer needs to be hooked up. Administrator Krueger explained that they obtained the number through the Minnesota Rural Water Association. Reetz further explained that the City Council has the sole discretion of deciding what makes sense - who should or should not have to hook up depending on circumstances involved (a permit could be issued for 1-2 years and reviewed annually if it just does not make good sense to hook up to city water/sewer at that time). Griep expressed concern that this will affect him directly on a personal level. Reetz stated that the Utilities Committee had asked WW Supt. McCormick and P&Z Administrator Jenness to inventory the town and present them with a list of people these ordinances would affect. Several different scenarios of why someone would or would not have to hook up were discussed. Some discussion was also held on if the city had to adopt said ordinance or not. Attorney Arneson commented that the City does not have to adopt and ordinance, but it is a good idea for enforcement reasons. Administrator Krueger reiterated that something will need to be in place as future development occurs and it is better to do it now over a period of time rather than all at once. Mayor Czech tabled the discussion until the June 5th meeting.

Administrator Krueger reminded the Council of the LMC Conference in St. Cloud on June 28-30th and informed the Council that hotel reservations were going to be made during the week and he needed to know who was attending.

Administrator Krueger also reminded the Council of the upcoming Sibley County Municipalities Meeting in Green Isle on June 8th and he needed to know who was attending so RSVP's could be sent.

The Council reviewed the letter from the SEA Lions asking permission to use the parking lot at either the Senior Citizens Building or east side of Community Center for a "Fluff-N-Puff" pillow cleaning service on June 8th.

Motion by Voight, seconded by Wills, and passed by unanimous vote to allow the SEA Lions to use the parking lot at the Senior Citizens Building for their "Fluff-N-Puff" pillow cleaning service on June 8th.

The Council reviewed the following correspondence:

- a) Letter from Attorney Arneson regarding City Celebration
- b) Thank you letter from the Sibley East Prom Banquet Committee.

Administrator Krueger updated the Council on the Seneca Foods Conditional Use Permit for their silage pile. He stated that the County did give Seneca Foods a 12-month permit for their silage pile, which in previous years a 9-month permit had been issued. He commented that a clause was being added to the permit that the City of Arlington would be given the proper notification of when reviews of said permit were going to be held in order

to provide its input/complaints, if any. Voight suggested that P&Z Administrator Jenness and the EDA try to help Seneca find grants so they can purchase the necessary equipment to remove the pile sooner. Administrator Krueger said this was already being done prior to the Conditional Use Permit.

Mayor Czech recessed the regular meeting and opened the closed portion of the meeting.

Minutes Incomplete – See Council Folder for Complete Information

Administrator Krueger talked about FLSA (Fair Labor Standards Act). He handed out a document that he had drafted for the Council to review regarding FLSA/Full Time Employee Expectations (see Council folder for a copy).

Discussion was held on Assistant Ambulance Manager Amy Berger.

Motion by Wills, seconded by Borchert, and passed by unanimous vote to suspend Assistant Ambulance Manager Amy Berger with pay (\$50 per month) pending the outcome (investigation) of the Employee Relations Committee and their recommendation to the City Council.

Administrator Krueger explained that he was asking for direction from the City Council regarding the signage in the alley that lies within the 400 Block of East Main Street and East Adams Street. The signs continue to be taken down and/or removed. Considerable discussion was held. A couple of Council members expressed their feelings about the police department and the lack of enforcement (instead there seems to be more befriending happening and looking the other way). Wills suggested putting the signs back up, cement them in and use special bolts that not just anyone can remove. The City Administrator and Council expressed their frustrations with the situation of the alley.

The Employee Relations Committee agreed to meet at the end of the week to gather information only, Ms. Berger was not to be present.

Motion by Wills, seconded by Griep, and passed by unanimous vote to adjourn the closed meeting.

Mayor Czech reconvened the regular meeting.

Motion by Voight, seconded by Reetz, and passed by unanimous vote to adjourn the regular meeting.

Administrator David L. Krueger

Mayor David Czech