

ARLINGTON CITY COUNCIL
MEETING MINUTES
DECEMBER 1, 2008

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, Police Chief Rovinsky, Bob Meyers, Wendy Solomonson, Larry Sorenson, Councilmember Elects James Pederson & Robert Pichelmann, Kurt Menk

Motion by Griep, seconded by Reetz, and passed by unanimous vote to approve the agenda with the following addition:

Add item 17.5) Request from Sibley East Junior High Student Guides for Free Use of the Community Center.

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

- A) Approval of the Regular November 17th Meeting Minutes
- B) Approval of the Special November 17th Budget Workshop Meeting Minutes
- C) Approval of the Bills
- D) Approval of Contract Extension with Municipal Development Group, Inc. as Planning & Zoning Consultant through 2009.

Mayor Kreft recessed the regular meeting to hold a public hearing.

At 6:35 pm Mayor Kreft called to order the Truth-In-Taxation public hearing. It was noted that Bob Meyers, Wendy Solomonson and Larry Sorenson were present. Adm. Jaunich gave a detailed presentation and explained the budget, budget process, and tax process. He stated the purpose of the hearing was to enhance the public participation in the property tax system by allowing a public forum to: discuss the budget, discuss the tax levy, explain the increases and hear public comments and questions on the budget and tax levy. Various questions were asked and answered.

Motion by Vrklan, seconded by Wills, and passed by unanimous vote to adjourn the public hearing.

Mayor Kreft adjourned the public hearing at 7:15 pm and reconvened the regular meeting.

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

The following announcements were reviewed:

- 1) Joint City Council/Planning Commission Public Hearing for the Comp. Plan is Thursday, December 4th at 7:00 p.m.

The Council reviewed the following communications:

- 1) October Water/Wastewater Reports
- 2) November Building Permit Report.

Police Chief Rovinsky presented the Police Department Report (call log). It was noted that they had responded to 74 calls for the month of November.

The second reading of Ordinance No. 234 – An Ordinance Amending Ordinance 169, the Arlington Zoning Ordinance By Adding Section 10.5 Relating to the P-I Public and Institutional District, was held. Changes made after the first reading were reviewed in detail.

Motion by Reetz, seconded by Griep, and passed by unanimous vote to approve Ordinance No. 234 – An Ordinance Amending Ordinance 169, the Arlington Zoning Ordinance by Adding Section 10.5 Relating to the P-I Public and Institutional District, as follows:

ORDINANCE NO. 234

AN ORDINANCE AMENDING ORDINANCE 169, THE ARLINGTON ZONING ORDINANCE BY ADDING SECTION 10.5 RELATING TO THE P-I PUBLIC AND INSTITUTIONAL DISTRICT

- I. THE CITY COUNCIL OF THE CITY OF ARLINGTON, MINNESOTA TO PROMOTE THE PUBLIC SAFETY, HEALTH, AND WELFARE, HEREBY ORDAINS ORDINANCE 169 SHALL BE AMENDED BY ADDING SECTION 10.5 AS FOLLOWS:

SECTION 10.5: P-I PUBLIC AND INSTITUTIONAL DISTRICT

SUBDIVISION 1. PURPOSE

The purpose of the P-I Public Institutional District is to provide for uses of a public or institutional nature. The primary purpose of public/institutional district uses is delivery of public services that are typically, but not always, on a not-for-profit basis as opposed to the sale of goods or services. Such uses include local, state, and federal government facilities, places of worship, and public educational facilities. Lands devoted to public/institutional use are usually owned by public entities but may be privately owned.

SUBDIVISION 2. PERMITTED USES

The following are permitted uses within the P-I Public and Institutional District.

1. City, state, and federal governmental facilities such as administrative offices, service buildings, and postal offices.
2. Libraries, community centers, museums, and public art galleries.
3. Fire stations, police stations, and public works facilities.
4. Public parks and recreational areas.
5. Religious institutions or places of worship limited to worship and related social events or educational facilities.
6. Hospitals, nursing homes, and medical clinics.
7. Public educational facilities.
8. Cemeteries.
9. Public utilities and services.
10. Publicly owned parking lots as a principal use.

SUBDIVISION 3. CONDITIONAL USES

The following are conditional uses within the P-I Public and Institutional District.

1. Uses deemed by the City Council to be similar to permitted uses listed under Subdivision 2 of this Section provided the City Council considers possible adverse effects of the proposed events or activity. The City Council's decision shall be based upon (but not limited to) the following factors:
 - A. Consistency with the Comprehensive Plan.
 - B. Compliance with applicable facility plans.
 - C. That the establishment, maintenance or operation of the proposed use, event or activity will promote and enhance the general public welfare and will not be detrimental to or endanger the public health, safety or welfare.
 - D. The proposed use, event or activity will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
 - E. The proposed use, event or activity shall conform to the applicable regulations of the district in which it is located and all other applicable provisions of the City Code

SUBDIVISION 4. INTERIM USES

The following are interim uses within the P-I Public and Institutional District.

1. Outdoor storage
2. Temporary buildings for construction purposes for a period not to exceed a period of twelve (12) months

SUBDIVISION 5. ACCESSORY USES

The following are accessory uses within the P-I Public and Institutional District.

1. Accessory uses incidental and customary to uses allowed as permitted, conditional, interim and administrative permits in this section

2. Off-street parking and loading.
3. Signs as regulated by the Zoning Ordinance.

SUBDIVISION 6: PERFORMANCE STANDARDS

1. Lot requirements.
 - A. Minimum Lot Size. None.
 - B. Lot width requirement. None.
 - C. Minimum frontage on a public street. At least twenty-five (25) feet of a lot must front on a public street.
2. Front, Side and Rear Yard Requirements.
 - A. Front yard setback shall be thirty (30) feet or the average setback of structures on abutting lots.
 - B. Side yard setback shall be fifteen (15) feet or the average setback of structures on abutting lots, plus one-half (1/2) foot for every one (1) foot of structure height in excess of three (3) stories or thirty-five (35) feet whichever is less.
 - C. The rear yard setback shall be twenty (20) feet, except that existing lots of record not abutting residential uses may be reduced to five (5) feet and existing lots of record abutting a residential use may be reduced to ten (10) feet provided screening is incorporated into the site design.
 - D. Required Side/Rear Yard Screening. Where a P-I use abuts property guided for single or two family residential use as illustrated on the Future Land Use map contained in the Comprehensive Plan or is separated by an alley from a single or two family residential use as illustrated on the Future Land Use Map contained in the Comprehensive Plan, a landscaped buffer shall be provided. It is the objective of the landscaped buffer to lessen, rather than completely eliminate land use conflicts between such uses. It is not expected that landscaped buffers will totally screen such uses. It is expected that the landscaped buffer design elements identified below will provide immediate lessening of land use conflicts and such buffering will be enhanced over time as landscaping matures. Landscaped buffers may include a combination of elements including setback distances as separation, tree and shrubs, solid fencing, and/or berming. It is encouraged that existing topography and vegetation be included in the design of the landscaped buffer as approved by the City. Retention of existing mature trees is strongly encouraged in meeting the requirements of this Section. Rear and side yard landscaped buffers shall have a minimum depth of ten feet (10'). Required screening shall not interfere with snow storage or sight lines at intersections but may encroach into required setbacks.
3. Maximum Building Height. Maximum building height is 40 feet or the average height of the principal structures on adjacent lots on the same side of the street, whichever is less.
4. Lot Coverage. Not more than seventy-five (75) percent of a lot shall be occupied by structures.
5. Other Building/Development Requirements.
 - A. Development/site plan review is required.
 - B. Any lights used for exterior illuminations shall be directed away from adjacent properties.
 - C. Parking lots abutting residential uses shall be screened so as to reasonably dilute headlights from trespassing onto said residential property.

II. BE IT FURTHER RESOLVED THIS ORDINANCE SHALL BECOME EFFECTIVE UPON PUBLICATION.

Adopted by the City Council of the City of Arlington on the 1st day of December, 2008.

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

ATTEST: /s/ Matthew Jaunich
Matthew Jaunich, City Administrator

The first reading of Ordinance No. 238 – An Ordinance of the City of Arlington, Minnesota, Establishing A Shade Tree Program, Providing Regulations for the Control of Certain Diseases and Pests Affecting Trees, Incorporating Agency Rules and Regulations, and Providing for Penalty for Violation Thereof, was held. Adm. Jaunich explained that the ordinance had been originally drafted by Attorney Arneson. The Parks Committee and City Forester had reviewed the document and had made some suggestions and/or changes, which were incorporated into the proposed ordinance. Some discussion was held on tree and stump removal and who would be responsible for the costs associated therewith. Borchert commented on a maple tree on his property that he had some concerns about. Adm. Jaunich stated that the City Forester had looked at the tree and had not presented an official report on it yet. The Council reviewed the application for becoming a “Tree City USA” city. Mayor Kreft commented that upon approving the ‘tree’ ordinance, the application will be completed and sent in.

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

RESOLUTION NO. 63-2008

**A RESOLUTION APPROVING SUMMARY PUBLICATION OF ORDINANCE NO. 234
ENTITLED “AN ORDINANCE AMENDING ORDINANCE 169, THE ARLINGTON ZONING
ORDINANCE BY ADDING SECTION 10.5 RELATING TO THE P-I PUBLIC AND
INSTITUTIONAL DISTRICT”**

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

WHEREAS, the Planning Commission identified a need to add a zoning classification relating to public and institutional uses; and

WHEREAS, the Planning Commission has developed text relating to the establishment of a public and institutional district; and

WHEREAS, the Planning Commission held a public hearing on Ordinance 234 on November 6, 2008 pursuant to proper publication and posting; and

WHEREAS, The City Council of the City of Arlington held a first reading of Ordinance 234 at its regular meeting on November 17, 2008; and

WHEREAS, The City Council of the City of Arlington approved the second reading and adoption of Ordinance 234 at its regular meeting on December 2, 2008; and

WHEREAS, The City Council of the City of Arlington has determined the publication of the title and a summary of Ordinance 234 entitled “An Ordinance amending Ordinance 169, the Arlington Zoning Ordinance by Adding Section 10.5 Relating to the P-I Public and Institutional District” would clearly inform the public of the intent and effect of Ordinance 234; and

WHEREAS, Prior to the publication of the title and summary, the Council has read and approved the text of the summary and determined that it clearly informs the public of the intent and effect of the Ordinance.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Arlington hereby adopts Ordinance 234 as presented in Exhibit A which is attached to this resolution; and

BE IT FURTHER RESOLVED, that the City Administrator shall cause a summary of Ordinance No. 234 to be published in the City’s official newspaper at the earliest practicable date; and

BE IT FURTHER RESOLVED, the summary publication shall read as follows:

“On December 2, 2008 the City Council of the City of Arlington approved Ordinance 234, entitled, ‘An Ordinance amending Ordinance 169, the Arlington Zoning Ordinance by Adding Section 10.5 Relating to the P-I Public and Institutional District’. The Ordinance in its entirety is available for review and/or photocopying during regular office hours at the City of Arlington, 204 Shamrock Lane, Arlington, Minnesota 55307. The Ordinance provides for uses of a public or institutional nature. The primary purpose uses within the district uses is delivery of public services that are typically, but not always, on a not-for-profit basis as opposed to the sale of goods or services. Such uses include local, state, and federal government facilities, places of worship, and public educational facilities. Lands devoted to public/institutional use are usually owned by public entities but may be privately owned.”

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 1st day of December, 2008.

Signed: /s/ James R. Kreft
Mayor

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

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

The Council reviewed 5 applications for the Skating Rink Attendant position. Wills questioned if there was an actual job description for this position and stated that if there wasn't, one should be put together. Discussion was held on whether or not the attendant was to oversee both the warming house and skating rink or just the warming house. Discussion was held on the damage that occurred last season, along with issues with past attendant. Staff was recommending hiring Richard & Kris Mueller for the position.

Motion by Vrklan, seconded by Reetz, and passed by unanimous vote to hire Richard and Kris Mueller for the Skating Rink Attendant position.

The Council reviewed 2 applications for Winter Snow Removal/Blowing Help. Staff was recommending hiring Brian Frauendienst. Some concern was expressed that if this individual was hired it would interfere with his job in Green Isle. Adm. Jaunich stated that Staff has checked into this and was informed it would not. Some concern was also expressed about the response time, as the individual being recommended lived in Waverly.

Motion by Griep, seconded by Reetz, and carried (Reetz opposed) to hire Brian Frauendienst for the Winter Snow Removal/Blowing Help position.

The Council reviewed the 2009 Health Insurance Renewal package. Adm. Jaunich stated that there was an increase of 9.4%.

Motion by Reetz, seconded by Griep, and passed by unanimous vote to approve the 2009 Health Insurance Renewal package as presented (9.4% increase).

The Council reviewed the proposed Fee and Rate Schedule for 2009. Adm. Jaunich pointed out the various changes/increases. He stated that it would be on the next agenda for action.

The Council reviewed the proposed DNR Water Emergency & Conservation Plan in detail. Adm. Jaunich stated that this would be on the next agenda for action.

Adm. Jaunich presented a Capital Asset Policy. He stated that since the City has contracted with a new Auditing firm and intends to meet the requirements associated with GASB 34 reporting, this policy is needed. There was good discussion. Adm. Jaunich stated that this would be on the next agenda for action.

Discussion was held on the 2009 Budget and the projected State deficit. Adm. Jaunich commented that all 3 of the city's enterprise funds need to be increased. He stated that the city is currently budgeting on a year-to-year basis and needs to start looking at a long term budget plan.

The Council reviewed a letter from Sibley East Junior High School Counselor Vikki Louwagie requesting free use (included waiving cleaning fees) of the Community Center for their Fifth Annual Courage Retreat for the 7th Grades on January 7, 2009. Adm. Jaunich was opposed to waiving the cleaning fees as this fee was established for this reason (non-profit organizations to keep costs down). Wills expressed concern about setting precedence.

Motion by Griep, seconded by Vrklan, and carried (Wills opposed) to waive the fees for use the Community Center (including cleaning fees) for the Sibley East Junior High Student Guides and Youth Development's Fifth Annual Courage Retreat on January 7th with the condition that the facility is left as it was found; if cleaning has to be done by the City, the school must pay the cost.

Adm. Jaunich commented on the most recent Cemetery and Police Committee meetings (basically year-end reviews).

Vrklan stated that the Public Library raised \$750 from their silent auction and \$250 from their used book sales (which had matching funds from Thrivent). He stated that the left over books were being sent to Gustavus Adolphus College, who in turn were sending them to Rwanda for their educational facilities. He commented that the Libraries in Henderson and Arlington were getting books on Johnny McGovern (Arlington native-first all American). He stated that the Lions' organization, through funds raised at their wine tasting, was donating a low vision machine to the Library. It was noted that the County Library Board has an opening and needs a representative from Arlington on it.

Adm. Jaunich commented that an ad was being placed in the paper looking for interested individuals to be on various City Committees in 2009.

Brief discussion was held on the fire hydrant proposed at Four Seasons Park. Adm. Jaunich stated that this project is on hold until next year due to the time of year and that fact that they found that there is no line to access for the hydrant at this time. Street Supt. would be using the tank/hose system that he had been using to water trees on Main Street and the shrubbery at the cemetery to fill the skating rink.

Motion by Borchert, seconded by Reetz, and passed by unanimous vote to adjourn the meeting at 8:32 pm.

City Administrator Matthew Jaunich

Mayor James R. Kreft