

ARLINGTON CITY COUNCIL
MEETING MINUTES
APRIL 18, 2011

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

Members present: Mayor Kreft, Pederson, Pichelmann, Reetz, Ruehling, Wills

Members absent: None

Also present: City Administrator Jaunich, City Attorney Arneson, Engineer Hawbaker, Stacy & Felicia Brockhoff, Bill Ehlke, Paul Rosenfeld, Amy Nieland, Marv Snyder, Denton & Lisa Larson, Paul Moe, Matt Carney, Kurt Menk

Motion by Reetz, seconded by Wills, and passed by unanimous vote to approve the amended agenda with the following changes:

Remove item 4A) Approval of the April 4th Regular Meeting Minutes (as they were not ready)

Add item 4G) Approve the closing of W. Chandler from Hwy 5 to 6th Avenue on April 23rd from 8:00 a.m. to 1:30 p.m. for the 7th Annual Racer Preview Day

Add item 10C) Resolution 28-2011 – Approving Gambling Permit.

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

- A) Approval of the Bills
- B) Approval of the renewal of Life Insurance and Short-Term Disability policies for full-time city employees
- C) Approval of Select Account Flexible Benefit Plan Document
- D) Approval of HSA Service Agreement with Select Account
- E) Approval of Fireworks Possession and Display on July 2, 2011 at the Sibley County Fairgrounds
- F) Approve the closing W. Chandler from Hwy 5 to 6th Avenue on April 23rd from 8:00 am. to 1:30 p.m. for the 7th Annual Racer Preview Day.

It was noted that there were no public hearings scheduled.

Amy Nieland and her son-in-law Marv Snyder were present to discuss an electrical service line issue. Ms. Nieland explained that she was having power issues within her home and had hired an electrician to go through her home. At that time, it was determined that the problem was an external problem (service line was buried to shallow). She would like to have the line replaced and buried at the proper depth. Adm. Jaunich stated that staff was looking back in Council minutes to determine if an electrical project was done in the area, but was unable to find anything specific. Adm. Jaunich reviewed the City's Electric Service Line Policy, which states it would be the property owner's responsibility to replace and pay for a new line. City Staff was directed to research what the codes (depths) were back in 1991 and report back to the Council.

Chamber Members were present to request the various permits (food, liquor, parade, etc.) needed for the upcoming Town & Country Days Celebration. Felicia Brockhoff explained that she (on behalf of the Chamber) had applied for a grant through the Prairie Lakes Regional Arts Council to help cover the costs for the Wendinger Band; which they need the City to act as the fiscal agent for.

Motion by Reetz, seconded by Pichelmann, and passed by unanimous vote to approve the use of Four Seasons Park and Senior Building on Saturday, June 18th and Sunday, June 19th for the Town & Country Days activities including food vendors, water fights and tents.

Motion by Wills, seconded by Ruehling, and passed by unanimous vote to approve a Dance Permit for June 18-19 at Four Seasons Park.

Motion by Wills, seconded by Pederson, and passed by unanimous vote to approve a Temporary 3.2 Liquor License for June 18-19 at Four Seasons Park.

Motion by Ruehling, seconded Pichelmann, and passed by unanimous vote to approve the parade route with the closing off of streets as presented.

Motion by Wills, seconded by Pederson, and passed by unanimous vote to approve the City of Arlington being the fiscal agent for the Chamber in conjunction with their acceptance of the grant from the Prairie Lakes Regional Arts Council.

Paul Rosenfeld was present to discuss the condition of the street and curb/gutter in front of his property on Marion Drive. He stated that there is a lack of storm water drainage in the area. He had to remove a third of his concrete driveway because of ongoing water problems. He asked the Council to consider the street for improvement sooner versus later (projected 2015).

The following announcements were reviewed:

- 1) Registration is now open for the 2011 LMC Annual Conference in Rochester from June 15-17.

The Council reviewed the following communications:

- 1) March Financial Reports
- 2) Summary Report of the Local Board of Appeal and Equalization hearing held on April 12, 2011
- 3) 2010 Property Sales Report
- 4) Results of the Garbage Waste Hauler Survey.

Paul Moe of PeopleService presented the annual report for the City's water and wastewater departments. He stated that they are working with the City's engineer on the wastewater plant upgrade project. He commented that the biosolids wagon that was purchased last year worked well in fall. He noted that they spent considerable time jetting in Green Isle and some time televising in Arlington and found tree roots and/or collapsed lines. Moe reported that I & I is still a problem and have found sump pump violations to be a big contributor. He also reported that some work needs to be done with the 2 biocubes. It was noted that the contract for cleaning the inside of the water tower has expired. Moe commented that they continue to change out meters where they can, but property owners are not acknowledging the notices anymore to set up times to change out meters. He would like to have some kind of policy put into place that would help make the property owners compliant with the meter change outs. Moe commented that the Hwy 5 lift station upgrades were complete.

Arlington Dugout owner Matt Carney has been asked to host a celebrity softball tournament. He stated that he would like to use the Sportsman' Park on June 25th for said tournament and serve alcohol at same. Adm. Jaunich noted that the County would have to authorize the liquor license as the park is not within city limits. Carney commented that he would like to see this become an annual event and have the proceeds from food sales go back to the park to help its restoration.

Motion by Reetz, seconded by Wills, and passed by unanimous vote to authorize Matt Carney/Arlington Dugout to use the Sportsman's Park on June 25th as requested above.

Engineer Hawbaker was present to provide an update on the West Elgin Alley flooding issue. He presented several options/cost estimates for improvements to the area. It was noted that residents Denton & Lisa Larson were present. Reetz and Wills favored option #3 with the under drain feature, plus it being

the cheaper option. Discussion was held on what the next steps in the process were to be (either the City initiate the project or receive a petition from the property owners). It was the consensus of the Council to initiate the project and authorize Adm. Jaunich to draft a resolution calling for a public hearing for the next meeting.

Engineer Hawbaker gave an update on the rail crossings project and what changes were being made. He stated that the access to the AfterBurner property would be staying open on Adams Street, as a one-way (turning to the right) was being added. Concrete planking would be placed on Main Street, but they were still waiting to hear from the Railroad if concrete would be done on Adams Street. MnDOT was currently reviewing the plans. The project was slated to be done this fall so the City could utilize TIF money.

Engineer Hawbaker gave an update on the Prairie Line Trail project. Brief discussion was held on the various changes that had been made to meet state/federal guidelines (sidewalk widths and/or locations, etc.). It was noted that the County had reviewed the plans and passed them onto MnDOT for review. The work was slated to start this summer.

Discussion resumed from the previous meeting on proposed Ordinance 257 – An Ordinance Establishing Arlington Fire Department Fire Call Billing Procedures. Adm. Jaunich noted the changes made. The Council reviewed the Dispatch Protocol for Arlington Emergency Services that had been put together by Police Chief Rovinsky, Fire Chief Otto and Ambulance Director Sullivan. Some concern was expressed about the Fire Dept. billing for accidents (traffic control). It was the consensus to bring this back at the next meeting for a first reading.

The Council reviewed a memo (that included Findings of Fact) from Zoning Consultant Smith-Strack regarding a CUP request from Sibley East School for the construction of a ‘permanent’ greenhouse/high tunnel structure. The Planning & Zoning Committee held a public hearing on the CUP and was recommending denial of a permanent structure, but approval would be given if it were a ‘temporary’ structure.

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

RESOLUTION 26-2011
A RESOLUTION DENYING A CONDITIONAL USE PERMIT FOR A PERMANENT GREENHOUSE
STRUCTURE AT 203 3RD AVENUE NW

WHEREAS, Mr. Jeff Eppen, on behalf of the Sibley East Public School (Applicant) applied for a Conditional Use Permit to establish a permanent greenhouse structure at 202 3rd Avenue NW in Arlington; and

WHEREAS, the property is as legally described as “*All of BLK 3, Original City; Lots 1-12 ex N 35 FT of W 45 FT of Lot 6, BLK 4 Scheer Bros Addn; 300 FT X 350 FT Parcel N of BLK 3 Orig City and S of BLK 4 Scheer Bros Addn of Sect 9-113-027*” and has a property number of 310012010; and

WHEREAS, Mr. Eppen has represented the proposed structure will not be temporary in nature; and

WHEREAS, Mr. Eppen has represented the greenhouse “High Tunnel” structure proposed is 48’ by 30’ for a total of 1,200 SF and 12.5 feet in height, with a metal tube frame covered with ‘greenhouse film’ affixed to the ground by driving stakes two feet into the ground; and

WHEREAS, notice of a public hearing to accept input on the CUP request was published in the official newspaper on March 31, 2011 and sent to property owners within 350 feet of the property; and

WHEREAS, the Planning and Zoning Commission conducted a public hearing on the CUP request on April 14, 2011 and accepted input on the CUP request; and

WHEREAS, the Planning and Zoning Commission unanimously voted to recommend the City Council deny the request for a permanent greenhouse structure; and

WHEREAS, the Planning and Zoning Commission approved a motion recommending the City Council allow such a structure provided it is 'temporary' as opposed to 'permanent' in nature; and

WHEREAS, the City Council has reviewed the CUP request and has made the following findings:

1. The proposed permanent greenhouse is of a type of functional design that does not lend itself to the use of trim, wainscoting and lighting or other additional architectural detail to soften the impact of the bulk and height of the proposed structure(s) within a residential neighborhood as may be required under Section 13, Subdivision 6 of the Zoning Ordinance and has been required or other accessory structures in the City of Arlington.
2. The proposed permanent greenhouse is of a type of functional design that does not lend itself being architecturally designed/redesigned so as to be reasonably compatible with the architectural detail of the principal structure as required under Section 13, Subdivision 6 of the Zoning Ordinance and has been required or other accessory structures in the City of Arlington.
3. The proposed use is within the R-1 Single and Two Family Residential Zoning District and guided for continued residential use within the Comprehensive Plan. The proposed use has the potential to impact the quality of life and/or property value if allowed at this site, thereby, setting precedent for future permanent structures of this type throughout residential neighborhoods across the City.
4. The conditional use process as set forth in Section 15 of the Zoning Ordinance provides for evaluation and processing of conditional use permit requests. Section 15, Subd. 4 allows for the designation of conditions and setting of requirements/guarantees for the granting of a CUP. The proposed permanent greenhouse structure, however, does not lend itself to the placing of conditions (i.e. permanent exterior building material, permanent foundation, increased setbacks, vegetative screening, architectural enhancements and the like).
5. The architectural appearance and functional design of the building is so dissimilar to the existing or potential buildings and area so as to cause impairment of property values or a blighting influence.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF ARLINGTON THAT: The City Council of the City of Arlington hereby denies a conditional use permit to construct a permanent greenhouse 'high tunnel' structure at 202 3rd Avenue NW in the City of Arlington.

BE IT FURTHER RESOLVED: The City Council, upon recommendation of the Planning and Zoning Commission, finds that a temporary greenhouse structure used for educational purposes is acceptable at the aforementioned location. A temporary greenhouse structure shall be defined as one that is taken down on annual basis at a time that the structure is no longer used, but, at a minimum is completely removed from the site for at least three consecutive months of each year. The owner and/or operator of the temporary greenhouse shall ensure said greenhouse is used on a temporary basis as defined herein.

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: Pederson, Pichelmann, Reetz, Ruehling, Wills; 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 18th day of April, 2011.

CITY OF ARLINGTON, MINNESOTA

/s/ James R. Kreft
Mayor

Attest: /s/ Matthew Jaunich
City Administrator

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

RESOLUTION 27-2011
A RESOLUTION APPROVING THE AMENDMENTS TO A JOINT POWERS AGREEMENT FOR
CONSIDERATION OF A COMMUNICATIONS NETWORK

WHEREAS, the City Council previously approved Resolution 14-2011 in which the City entered into a joint powers organization by which the parties may cooperatively analyze and assess communications delivery and service issues affecting the parties and the region, and develop plans for construction and operation of a communications network and enhancement of local communications services; and

WHEREAS, a Joint Powers Agreement was entered into by the communities of Arlington, Green Isle, Gaylord, Winthrop, New Auburn, Gibbon, Fairfax, and the counties of Renville and Sibley; and

WHEREAS, amendments to the Joint Powers Agreement must be approved by all members of the Joint Powers; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Arlington that the attached amendments to the Joint Powers Agreement are hereby approved. *(See attached)*

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember Ruehling and upon poll being taken thereon the following voted in favor thereof: Pederson, Pichelmann, Reetz, Ruehling, Wills; 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 18th day of April, 2011.

CITY OF ARLINGTON, MINNESOTA

/s/ James R. Kreft
Mayor

Attest: /s/ Matthew Jaunich
City Administrator

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

RESOLUTION 28-2011
A RESOLUTION APPROVING A LAWFUL GAMBLING PERMIT FOR THE SIBLEY COUNTY
AGRICULTURE ASSOCIATION

WHEREAS, the Sibley County Agriculture Association is a 501c3 organization and is requesting five lawful gambling permits to conduct a raffle on various dates; and

WHEREAS, the dates the lawful gambling will take place are on May 28, June 18, July 2, August 6, and September 24 of 2011.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Arlington hereby approves the applications for Lawful Gambling Permits as submitted by the Sibley County Agriculture Association.

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: Pederson, Pichelmann, Reetz, Ruehling, Wills; 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 18th day of April, 2011.

CITY OF ARLINGTON, MINNESOTA

/s/ James R. Kreft
Mayor

Attest: /s/ Matthew Jaunich
City Administrator

Adm. Jaunich presented a Street Sweeping Policy for the Council to review. He stated that he compiled the policy from the League of MN Cities and what he obtained from other cities.

Motion by Reetz, seconded by Pederson, and passed by unanimous vote to approve the Street Sweeping Policy as presented. *(See attached)*

Two bid estimates for replacing the furnace for the meeting room at the Fire hall were reviewed. Adm. Jaunich noted that both bids included an alternate option for a high efficiency furnace.

Motion by Pederson, seconded by Pichelmann, and passed by unanimous vote to accept the bid for a high efficiency furnace/air conditioner for the fire hall from Y-NOT Plumbing & Heating in the amount of \$5,590.

Adm. Jaunich presented the Arlington Area Ambulance Association Policy Manual. It was noted that the Ambulance Association would be applying for a 501c3 status.

Motion by Ruehling, seconded by Wills, and passed by unanimous vote to approve the Arlington Area Ambulance Association Policy Manual. *(See attached)*

Pederson gave an update on the Prairie Line Trail. He stated that both the Legacy Grant and Blue Cross/Blue Shield Grant Applications had been sent off. He stated that a brochure had been made about the trail system and all the different stages of construction.

Adm. Jaunich talked about the bid opening for the wastewater treatment plant improvement project. He stated that bids are going to be higher than originally expected due to recent fuel charges.

Discussion was held on the status with Johnson Controls and the warranty work that needs to be done (followed up on). Adm. Jaunich stated that he continues to try to contact them, but is getting the run around. Attorney Arneson will review the contract and see what can be done.

Brief discussion was held on the upcoming School Referendum election and the use of staff time. Adm. Jaunich stated that staff has been instructed to keep track of time/hours and the school will then be billed.

Motion by Pederson, seconded by Ruehling, and passed by unanimous vote to adjourn the meeting at 9:19 pm.

City Administrator Matthew Jaunich

Mayor James R. Kreft