

**STON CITY COUNCIL
MEETING AGENDA
AUGUST 2, 2010 AT 6:30 PM
COUNCIL CHAMBERS**

The City Council is provided background information for agenda items in advance by city staff, committees and boards. Many decisions regarding agenda items are based upon this information, as well as: City policy and practices, input from constituents, questions or information that has not yet been presented or discussed regarding an agenda item. If you have a concern or question, please ask to be recognized by the Mayor during the "Citizens addressing the Council" portion of the agenda—state your name and address for the record. Please keep comments under 5 minutes. Individuals wishing to speak for more than five minutes should ask to be included on the agenda in advance. All comments are appreciated, but please refrain from personal or derogatory attacks on individuals.

1. Call meeting to order and Pledge of Allegiance
2. Roll Call
3. Approve the agenda and any agenda additions

CONSENT AGENDA

The items listed for consideration will be enacted by one motion unless the Mayor, a member of the City Council, City Staff or a person in attendance requests an item to be removed from the Agenda.

4. Approval of Consent Agenda
 - A) Approval of the July 19th Regular Meeting Minutes
 - B) Approval of Bills
 - C) Approval of \$2,048 SEDCO Contribution

PUBLIC HEARINGS

PETITIONS, REQUESTS, & COMMUNICATIONS

5. Addressing the Council
 - A) Governor's Fit City Award Presentation of DLI Commissioner Steve Sviggum
 - B) Citizens Addressing the Council
6. Announcement
 - A) Filing Dates for Mayor and 2 Open Council Positions is August 3 through August 17
 - B) State Primary Election of August 10 from 7:00 a.m. to 8:00 p.m.
 - C) Meeker-McLeod-Sibley SHIP Summit of August 18th 8:30 a.m. to 10:30 p.m. in Hutchinson
 - D) MMUA Annual Summer Meeting of August 23-25 in Alexandria
7. Communications
 - A) June Water/Wastewater Report
 - B) July Building Permit Report
 - ~~C) July Police Calls Report~~
 - D) Sibley Soil and Water Conservation District Survey
 - E) Audit Report for the 4M Funds



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ICERS, BOARDS & COMMITTEES

8. Peary Fire Retiree Association Update (Curtis Ling)
 - A) Approval/Denial of City contribution for 2010 of \$23,059
 - B) Discussion on Schedule SC-10 and the required minimum City contribution of \$18,863 for 2011

ORDINANCES & RESOLUTIONS

9. Ordinance 251 (2nd Reading) ó Regarding Setbacks in B-1 Service Business District
10. Resolutions
 - A) 34-2010 ó Summary Publication of Ordinance 251
 - B) 38-2010 ó Approving Assessment Roll

UNFINISHED BUSINESS

NEW BUSINESS

11. Approve/Deny Bids
 - A) Tank for Fire Truck
 - B) 1976 I.H. Dump Truck
12. Advisory Committee for Fire Department (Discussion)
- 13.

MISCELLANEOUS BUSINESS

14. Set Budget Workshop Date and Time
15. Council Committee Updates
16. Open Discussion

ADJOURNMENT

Reminders:

- 1) Library ó August 18th @ 6:30 pm (Library)
- 2) Parks ó August 18th @ 7 pm
- 3) EDA ó August 25th @ 6 pm (Tech Center)
- 4) Hospital Board ó August 30th @ 5 pm

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

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

Members absent: None

Also present: City Administrator Jaunich, City Attorney Arneson, Steve Sviggum, Glenn Gruenhagen, Curtis Ling, Kurt Menk

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

Removed item 7C) July Police Calls Report.

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

- A) Approval of the July 19th Regular Meeting Minutes
- B) Approval of the Bills
- C) Approval of \$2,048 SEDCO Contribution.

It was noted that there were no public hearings scheduled.

DLI Commissioner Steve Sviggum spoke briefly on the Governor's Fit City program and presented an award to the City of Arlington for participation in same.

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

The following announcements were reviewed:

- 1) Filing Dates for Mayor and 2 Open Council Positions is August 3 through August 17
- 2) State Primary Election ó August 10 from 7:00 am to 8:00 pm
- 3) Meeker-McLeod-Sibley SHIP Summit ó August 18th 8:30 am to 10:30 pm in Hutchinson
- 4) MMUA Annual Summer Meeting ó August 23-25 in Alexandria.

The Council reviewed the following communications:

- 1) June Water/Wastewater Report
- 2) July Building Permit Report
- 3) Sibley Soil & Water Conservation District Survey
- 4) Audit Report for the 4M Funds
- 5) Thank You from Marie Kreft for Hosting Story Hour.

The second reading of Ordinance 251 ó An Ordinance Amending Ordinance 169, The Arlington Zoning Ordinance, by Replacing Section 7, Subd. 4 (2-4) Relating to Setbacks within the B-1 Service Business District, was held. Adm. Jaunich stated that there were no changes from the first reading.

Motion by Reetz, seconded by Pichelmann, and passed by unanimous vote approve Ordinance 251 - An Ordinance Amending Ordinance 169, The Arlington Zoning Ordinance, by Replacing Section 7, Subd. 4 (2-4) Relating to Setbacks with the B-1 Service Business District, as follows:

ORDINANCE NO. 251

AN ORDINANCE AMENDING ORDINANCE 169, THE ARLINGTON ZONING ORDINANCE, BY REPLACING SECTION 7, SUBD. 4 (2-4) RELATING TO SETBACKS WITHIN THE B-1 SERVICE BUSINESS DISTRICT

SECTION ONE:

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 Repealing Section 7, Subdivision 4, pertaining to setbacks within the B-1 Service Business District and replacing as follows:

SUBDIVISION 4. HEIGHT, YARD AND AREA REGULATIONS.

1. *Height Regulations:*
 - A. *The height regulations of the B-1 District shall be those of SECTION 6, Subdivision 4, (1).*
 - B. *On any lot abutting an R-1 District, the height regulation of the R-1 District SECTION 5, Subdivision 4, (1) shall be observed.*
2. *Front Yard Regulations. There shall be a front yard having a depth of thirty (30) feet.*
3. *Side Yard Regulations:*
 - A. *There shall be a side yard having a depth of ten (10) feet, except that*
 - B. *A buffer yard shall be required for the portion of a lot having a common lot line with a lot located in any residential district, each such buffer yard shall be approved by the Planning Commission and have a width of at least fifteen (15) feet and featuring screening such as a privacy fence or vegetative cover sufficient to lessen the view of the business from the adjoining lot.*
4. *Rear Yard Regulations:*
 - A. *There shall be a rear yard having depth of not less than twenty (20) feet, except that*
 - B. *A buffer yard shall be required for the portion of a lot having a common lot line with a lot located in any residential district, each such buffer yard shall be approved by the Planning Commission and have a width of at least fifteen (15) feet and featuring screening such as a privacy fence or vegetative cover sufficient to lessen the view of the business from the adjoining lot.*
5. *Lot Coverage Regulations. Not more than fifty (50) percent of a lot shall be occupied by buildings.*

SECTION TWO: EFFECTIVE DATE.

This Section shall be effective upon publication.

Adopted by the City of Arlington on the 2nd day of August, 2010.

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

Attest: /s/ Matthew Jaunich
Matthew Jaunich, City

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

**RESOLUTION 34-2010
A RESOLUTION APPROVING A SUMMARY PUBLICATION OF ORDINANCE 251, AN ORDINANCE AMENDING ORDINANCE 169, OF THE ARLINGTON ZONING ORDINANCE BY REPLACING SECTION 7, SUBD. 4 (2-4) RELATING TO SETBACKS WITHIN THE B-1 SERVICE BUSINESS DISTRICT**

Ordinance 169 into effect several years ago; and

mission finds a need to update portions of Ordinance 169 relating to setbacks in the B-1 Service Business District; and

WHEREAS, the City of Arlington Planning Commission initiated an amendment Ordinance 169, the Arlington Zoning Ordinance to provide for reduced setbacks within the B-1 Service Business District so as to minimize the number of existing nonconforming structures; and

WHEREAS, the Arlington Planning Commission has reviewed and studied the issue, has compared setback requirements with those in other communities, and has developed text to be included in Ordinance 251; and

WHEREAS, a public hearing was properly noticed and held on July 1, 2010 by the City of Arlington Planning Commission; and

WHEREAS, the Planning Commission approved a motion recommending the City Council approve Ordinance 251; and

WHEREAS, the City Council held first reading of Ordinance 251 on July 6, 2010; and

WHEREAS, the City Council held second reading and approved Ordinance 251 on August 2, 2010; and

WHEREAS, the City Council has determined the publication of the title and a summary of Ordinance 251 would clearly inform the public of the intent and effect of Ordinance 251; 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 Administrator shall cause a summary of Ordinance No. 251 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 August 2, 2010 the City Council of the City of Arlington approved Ordinance 251, entitled, "An Ordinance Amending Ordinance 169, the Arlington Zoning Ordinance by Replacing Section 7, Subd. 4 (2-4) Relating to Setbacks within the B-1 Service Business District and Providing for Summary Publication Thereof". The Ordinance in its entirety is available for review and/or photocopying during regular office hours at the City of Arlington, 204 Shamrock Drive, Arlington, Minnesota 55307. The Ordinance provides for front (30'), side (10'), and rear (20') setbacks in the B-1 Service Business District and a 15' buffer yard when a business use abuts a residential use within the City of Arlington.

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, Vrklan, 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 2nd day of August, 2010.

CITY OF ARLINGTON, MINNESOTA

/s/ James R. Kreft
Mayor

Attest: /s/ Matthew Jaunich
City Administrator

Discussion was held on the assessment roll for the 09 Improvement Project. Adm. Jaunich presented the (proposed) original assessment roll and an amended assessment roll. It was noted that the amended roll was done for the consideration of an irregular-shaped lot and make adjustment for same. Adm. Jaunich

roll be adopted, but allow the property owner with the assessment amount with the City then paying the difference owners' assessments would not be increased.

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

**RESOLUTION 38-2010
A RESOLUTION ADOPTING AN ASSESSMENT ROLL**

WHEREAS, pursuant to proper notice duly given as required by law, the City Council has met and heard and passed upon all objections to the proposed assessment roll of the improvement of Circle Lane from 4th Avenue SE to the end of Circle Lane on the east, along with Horseshoe Drive from Freedom Drive to the end of Horseshoe Drive on the south.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ARLINGTON, MINNESOTA:

1. Such proposed assessment, a copy of which is attached hereto and made a part hereof, is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land herein included is hereby found to be benefited by the proposed improvement in the amount of the assessment levied against it.
2. Such assessment shall be payable in equal annual installments extending over a period of fifteen (15) years, the first of the installments to be payable on or before the first Monday in January, 2011, and shall bear interest at the rate of six (6) percent per annum from the date of the adoption of this assessment resolution. To the first installment shall be added interest on the entire assessment from the date of this resolution until December 31, 2010. To each subsequent installment, when due, shall be added interest for one year on all unpaid installments.
3. To the extent that this improvement benefits non-abutting properties, which may be served by the improvement when one or more later extensions or improvements are made, but which are not herein assessed therefore, it is hereby declared to be the intention of the City Council, as authorized by Minn. Stat. § 429.051, to reimburse the city by adding the portion of the costs so paid to the assessments levied for any such later extensions or improvements.
4. The owner of any property so assessed may, at any time prior to certification of the assessment to the County Auditor, pay the whole of the assessment on such property, with interest accrued to the date of payment, to the City of Arlington, except that no interest shall be charged if the entire assessment is paid before November 1, 2010 after the adoption of the assessment. An owner may at any time thereafter, pay to the City of Arlington the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before November 15 or interest will be charged through December 31 of the next succeeding year.
5. The City Administrator shall forthwith transmit a certified duplicate of this assessment to the County Auditor to be extended on the property tax lists of the County. Such assessments shall be collected and paid over in the same manner as other municipal taxes.

BE IT FURTHERMORE RESOLVED, that the assessment cost to John and Vickie Dotolo, 704 Horseshoe Drive, is hereby reduced by \$1,768.56 to \$8,838.15 due to a change in calculation costs for an irregular shaped lot.

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

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Arlington this 2nd day of August, 2010.

/s/ James R. Kreft
Mayor

Attest: /s/ Matthew Jaunich
City Administrator

Fire Relief Treasurer Curtis Ling presented the annual report/audit on the Fire Relief Association. He reported that there are 30 active members on the Department. He reviewed the SC-10 form that the Auditor had put together showing a deficit of \$18,863 (payable in 2011), which had improved from last year's numbers. It was noted that the City is responsible to pay the deficit amount as per State mandates. Ling commented, that in the past, the Council has contributed \$100-\$109 per firefighter to the Relief Association each year, but was recommending that it not be done this year, due to cut backs, etc. Ling commented that the way things were currently sitting with their investments, they were anticipating either to have no deficit or a considerably less one next year. Adm. Jaunich explained further how the City's contribution towards the deficit is calculated. He noted that the actual amount being contributed in 2010 is \$19,789 (deficit), plus the \$109/firefighter for a total of \$22,260.

Motion by Reetz, seconded by Pichelmann, and passed by unanimous vote to approve the City's Contribution of \$22,260 to the Fire Relief Association for 2010.

Adm. Jaunich stated that two bids had been received for the tank portion of the new fire truck. One bid was from Engle Fabrication in the amount of \$73,433 and the second bid was from US Tanker-Fire Apparatus, LLC in the amount of \$121,401. Staff was recommending accepting the Engle bid.

Motion by Pichelmann, seconded by Wills, and passed by unanimous vote to approve the bid from Engle Fabrication in the amount of \$73,433 for the tank for the fire truck.

Adm. Jaunich stated that one bid had been received from Chris Neisen in the amount of \$265 for the purchase of the 1976 I.H. Dump Truck.

Motion by Wills, seconded by Pederson, and passed by unanimous vote to accept the bid from Chris Neisen in the amount of \$265 for the 1976 I.H. Dump Truck.

Discussion was held on the idea of forming an Advisory Committee with the Townships to improve communications between City, Townships and Fire Dept. related to capital purchases for the Fire Department. Vrklan expressed concern about what duties/authority the Committee would have. Adm. Jaunich was directed to send a letter to the Townships to see what they thought of the idea.

Brief discussion was held on setting a date/time for a Special Council meeting to start looking at the 2011 Budget. Adm. Jaunich stated that the City has to set its preliminary tax levy by September 15th. It was the consensus of the Council to set Monday, August 23rd at 5:30 pm for the special meeting.

Wills gave an update on the Cable Commission.

Vrklan gave an update on the Fire Department Committee and Hospital Board.

Motion by Vrklan, seconded by Wills, and passed by unanimous vote to adjourn the meeting at 7:33 pm.

City Administrator Matthew Jaunich

Mayor James R. Kreft