

ARLINGTON CITY COUNCIL
MEETING MINUTES
APRIL 3, 2006

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

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

Members absent: Griep

Also Present: Administrator Krueger, City Attorney Arneson, Street Supt. Thomes, Engineer Joel Hawbaker, P&Z Administrator Jenness, Fair Board Members: Mike Scharping, Mike Bergs, Jim Mueller; Barb Meyers, Fran Ferch

Motion by Voight, seconded by Wills, and passed by unanimous vote to approve the agenda as presented.

Motion by Voight, seconded by Borchert, and passed by unanimous vote to approve the minutes from the March 20, 2006 meeting as presented.

Motion by Borchert, seconded by Reetz, and passed by unanimous vote to approve the bills as presented.

FairBoard Members Mike Scharping, Mike Bergs and Jim Mueller presented the 2006 Racing Schedule in order to be in compliance with the ongoing Conditional Use Permit granted to the FairBoard last year.

Considerable discussion was held on the Meyerson Development. FairBoard members Scharping, Bergs, and Mueller expressed concern (on behalf of the FairBoard) over the fact that Mr. Meyerson has not been putting a disclaimer about the active fairgrounds (noise) in his purchase agreements. FairBoard President Barb Bening had checked into this at the courthouse and was unable to find anything of record. Mayor Czech explained that he and Administrator Krueger had reviewed the tapes from past Planning & Zoning and Council meetings on this matter. He stated that some discussion had been held during the public hearing about putting a disclaimer in the purchase agreements and Mr. Meyerson said he would, but this was not included in any motions at the time the plat was being approved. He further stated that there really wasn't anything the City could do at this point. Scharping questioned how they could get Mr. Meyerson to start including the disclaimer on any future sales. Administrator Krueger explained that he had spoken with City Attorney Arneson about this. Arneson informed him that the City has no legal connection to the lot sales/disclaimer; if any lawsuits arise, they would be between the private party and Mr. Meyerson. The City would not be held accountable for the fact that the racetrack/fairgrounds are conforming to the zoning ordinance. Scharping expressed concern that the FairBoard just wants to make sure people are informed and no problems arise. The FairBoard has taken steps to help with noise control such as putting a wall up around turns 1 & 2 and are planning to put another section of concrete on it this year. They also planted some trees on the berm last summer and more are to be planted this year. Voight expressed concern about the misunderstanding; she thought the information was to be disclosed at the time of sale also. Scharping questioned if an agreement could be worked out with Mr. Meyerson that would make him put the disclaimer in the remaining purchase agreements. Administrator Krueger commented that the City could ask him politely to do so, but has no grounds to force him to put a disclaimer in his purchase agreements. Attorney Arneson reiterated that the City has no legal responsibilities in this matter; it is all on Mr. Meyerson. He pointed out that no discussion about the fairgrounds (noise) was held when Mr. Witt was presenting his development, which is just as close to the fairgrounds/racetrack as Mr. Meyerson's Development. Reetz questioned when information is presented during a public hearing if that general or specific discussion (either for or against the matter) is understood to be included in the motion. Attorney Arneson explained that motions should be clear and include conditions (agreements), if any, that may come out during public hearing discussions.

Administrator Krueger explained that the Hutchinson Chamber of Commerce is hosting an event related to Economic Development and Hotel Development on April 13th and had invited Asst. EDA Dir. Schultz and himself to attend.

Motion by Voight, seconded by Borchert, and passed by unanimous vote to approve the travel request for Administrator Krueger and Asst. EDA Dir. Schultz to attend the Hutchinson Chamber of Commerce event on April 13th.

The Council reviewed the following correspondence:

- a) Thank You from Sibley County Faith In Action
- b) Letter of Appreciation from Sibley East Schools.

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

At 7:00 p.m. Mayor Czech called to order the public hearing for the 2006 Sidewalk Project. Administrator Krueger stated that the notice had been published in the paper and separate notices were mailed to each affected business owner. Street Supt. Thomes explained that the area affected was along the 100-400 Blocks (north and south side) of Main Street west the railroad tracks and up to the stop lights, including the intersecting Avenues up to the alleys (within the business district). Supt. Thomes reviewed what the criteria were for replacement. He stated that this area was as far as the City could go this year for sidewalk replacement for budget reasons.

Mayor Czech adjourned the public hearing and reconvened the regular meeting.

Administrator Krueger stated that Trocke Construction had submitted the only bid to do the sidewalk project. He bid \$5.00 per sq. foot for removal and replacement, plus \$.25 per sq. foot for disposal and backfill dirt. Supt. Thomes stated that Wentzloff Construction and CMC Construction had also been contacted to bid the project, but due to time constraints would not be able to get the work done by the deadline. Supt. Thomes stated that last year he was able to dispose of the concrete through Cemstone, but was not sure if this would be allowed this year. The person he worked with on this is no longer with the company, but would be checking with John Dickie to see what if anything could be worked out.

Motion by Voight, seconded by Borchert, and passed by unanimous vote to accept and approve the quote from Trocke Construction in the amount of \$5.25 per sq. foot (for removal, replacement, disposal and backfill dirt) and proceed with the 2006 Sidewalk Improvement Project.

Supt. Thomes presented the 3 bids (Imperial Porta Palace, LLC., J.R. Bruender Construction, Inc., Mini Biff, LLC.) that he had obtained for providing portable toilets for the parks (Frenzel, Four Seasons, Sportsman and Fairview) for the summer. He had reviewed the bids with Councilmember Wills (Street Committee member) prior to the meeting. Imperial's bid for monthly service was the cheapest, but Mini Biff was cheaper for the town celebrations (best overall savings). He recommended the Council accept the Mini Biff bid for the fact of the overall savings to the city even though it was a little more for the monthly service.

Motion by Reetz, seconded by Wills, and passed by unanimous vote to accept the bid from Mini Biff, LLC. for the reason stated above (total savings) as follows:

Parks for the Summer

3 Regs w/Hand Sanitizers @ \$65.00 each (wkly service)

1 handicap w/Hand Sanitizer @97.50 each (wkly service)

Park Total = \$292.50 + \$1.30 (tax) + \$293.80/month

Arlington Days – (June 16th & 17th, 2006)

6 Regs w/Hand Sanitizers @ \$50.00 each

Arlington Days = \$300.00 + \$1.95 (tax) = \$301.95

Arlington 150th Ann. – (Aug. 18th-20th, 2006)

8 Regs w/Hand Sanitizers @ \$50.00 each

2 Handicaps w/Hand Sanitizers @ \$90.00 each

Arlington 150th = \$580.00 + \$3.25 (tax) = \$583.25

Free delivery & Pickup on All the above

P&Z Administrator Jenness presented Ordinance No. 193 – Amendment to Zoning Ordinance for the second reading. He stated that no changes had been made after the first reading. The Planning & Zoning Board had passed said ordinance and were recommending that the Council approve it.

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

ORDINANCE NO. 193

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

Zoning Ordinance No. 169, Section 5: R-1 (One) and R-2 (Two) Family Residence District, Subdivision 3: Uses by Conditional Use Permit within an R-1 District is hereby amended by adding the following:

8. Any use determined by the Planning Commission to be of the same general character as the Permitted or Conditional Uses and found not to be detrimental to the general health, safety and welfare of the City.

Zoning Ordinance No. 169, Section 6: R-2 Multiple Family Residence District, Subdivision 3: Uses by Conditional Use Permit is hereby amended by adding the following:

7. Any use determined by the Planning Commission to be of the same general character as the Permitted or Conditional Uses and found not to be detrimental to the general health, safety and welfare of the City.

Any violation of this Ordinance shall be considered a misdemeanor punishable by the fines and penalties set out in state law for misdemeanor level offenses.

This Ordinance shall become effective immediately upon publication.

For the City of Arlington

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

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

P&Z Administrator Jenness presented Ordinance No. 194 – Drug Cleanup for the second reading. He stated that no changes had been made after the first reading. He stated that this ordinance will protect the City from financial responsibility for such cleanup. Administrator Krueger had just read an article related to this, which stated that years ago properties were not cleaned up as thoroughly as they are now. As long as things were cleaned up (walls wiped down), the property could be resold. They are finding that some of the chemicals that were used did stay in the environment and walls and people are now getting very sick (not knowing the history of the property). Mayor Czech commented that he feels this is an important ordinance to have in place.

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

ORDINANCE NO. 194

AN ORDINANCE REGULATING THE CLEANUP OF CLANDESTINE DRUG LAB SITES AND CHEMICAL DUMP SITES WITHIN THE CITY OF ARLINGTON, SIBLEY COUNTY, MINNESOTA AND PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF SUCH REGULATIONS.

The City Council of the City of Arlington hereby ordains:

1.01 Purpose and Intent. The purpose of this Section is to protect the public health, safety and welfare and to reduce public exposure to health risks where law enforcement officers have determined that hazardous chemicals from a suspected clandestine drug lab or chemical dumpsite may exist. These conditions present health and safety risks to occupants and visitors of such structures and land through fire, explosion and skin and respiratory exposure to chemicals. The City Council finds that such sites may contain hazardous chemicals, substances, or residues that place people, particularly children or adults of child-bearing age, at risk of exposure through inhabiting the property, visiting the property or using or being exposed to contaminated personal property.

1.02 Definitions. For the purpose of this section, the terms defined herein shall have the following meaning ascribed to them. These definitions are intended to also include any applicable definitions under Minnesota State Law.

“Child” means any person less than 18 years of age.

“Chemical dump site” means any place or area where chemicals or other waste materials have been located.

“Clandestine drug lab” means the unlawful manufacture or attempt to manufacture controlled substances.

“Clandestine drug lab site” means any place or area where law enforcement has determined that conditions associated with the operation of an unlawful clandestine drug lab exist. A clandestine drug lab site includes any dwellings, accessory structures, buildings, a chemical dump site, a vehicle, boat, trailer or other similar appliance or any other area, land or location.

“Cleanup” means proper removal and/or containment of substances hazardous to humans and/or the environment at a clandestine drug lab site or chemical dump site.

“Controlled substance” means any drug, substance or immediate precursor in Schedules I through V of Minnesota Statutes Section 152.02. The term does not include distilled spirits, wine, malt beverages, intoxicating liquors or tobacco.

“Owner” means any person, firm, corporation, or other entity who owns, in whole or in part, the land, building, structure, vehicle, boat, trailer or other location associated with a clandestine drug lab site or chemical dump site.

“Public Health Nuisance” means a nuisance as defined under Minnesota Statute Section 145A.02, subdivision 17.

“Remediation” means methods such as assessment, evaluation, testing, venting, detergent scrubbing, enclosure, encapsulation, demolition, and/or removal of contaminated materials from a clandestine drug lab site or chemical dump site.

1.03 Declaration of Property As a Public Health Nuisance.

Subd. 1. Any property containing a clandestine drug lab or chemical dump site will be declared a public health nuisance.

Subd. 2. No person may occupy, enter or allow occupancy or entrance to property declared a public health nuisance under this Section until such declaration is vacated or modified to allow occupancy.

1.04 Law Enforcement Notice to Other Authorities. Upon identification of a clandestine drug lab site or chemical dump site deemed to place neighbors, visiting public, or present and future occupants of the affected property at risk for exposure to harmful contaminants and other associated conditions, law enforcement officials shall notify the City Health Official and other appropriate municipal, child protection, and public health authorities of the property location, the property owner if known, and conditions found.

1.05 Seizure of Property.

Subd. 1. If a clandestine drug lab or chemical dump site is located inside a vehicle, boat, trailer, or other form of moveable personal property, law enforcement authorities may immediately seize such property and transport it to a more secure location.

Subd. 2. Personal property may not be removed from a clandestine drug lab site or a chemical dump site without the prior consent from the City Health Official.

1.06 Action by City Health Official.

Subd. 1. Upon notification by law enforcement authorities, the City Health Official or other appropriate municipal or public health authority will issue a Declaration of Public Health Nuisance for the affected property and post a copy of the Declaration at all probable entrances to the dwelling or property.

Subd. 2. Removal of the posted Declaration of Public Health Nuisance by anyone other than the Health Official, law enforcement authorities, or their designees, is prohibited.

Subd. 3. The City Health Official shall also attempt to notify the following parties of the Declaration of Public Health Nuisance:

- A. Owner of the property;
- B. Occupants of the property;
- C. Neighbors within close proximity that can be reasonably affected by the conditions found;
- D. The Sibley County Sheriff's Department; and
- E. Other state and local authorities, such as the Minnesota Pollution Control Agency and the Minnesota Department of Public Health, which are known to have public and environmental protection responsibilities applicable to the situation.

Subd. 4. Any rental license issued by the City for the property is immediately suspended upon issuance of the Declaration of Public Health Nuisance. Such license will be reinstated only after full compliance with an abatement order.

Subd. 5. After issuance of the Declaration of Public Health Nuisance, the City Health Official will issue an order to the property owner to abate the public health nuisance. The abatement order will include the following:

- A. A copy of the Declaration of Public Health Nuisance;
- B. An order to immediately vacate those portions of the property, including building or structure interiors, which may place the occupants or visitors at risk;
- C. Notification of suspension of the rental license, if applicable;
- D. A summary of the owner and occupant's responsibilities;
- E. Information on locating professional services necessary to remove and abate the public health nuisance status as provided in this Ordinance and Minnesota Statute Section 145A.04; and
- F. Information about the potentially hazardous condition of the clandestine drug lab site or chemical dump site.

1.07 Responsibilities of Owner.

Subd. 1. Upon receipt of an abatement order by the City's Health Official, the property owner must, at the owner's expense:

- A. Immediately vacate those portions of the property, including building or structure interiors that may place the occupants or visitors at risk. This includes dwellings, buildings, motor vehicles, trailers, boats, appliances or any other affected area or location. No person shall occupy, enter or allow occupancy or entrance to a building or structure declared a Public Health Nuisance until such declaration is vacated or modified to allow occupancy;

- B. Properly secure and post warning signs on the perimeter of any contaminated areas on the property in an effort to avoid exposure to unsuspecting parties;
- C. Promptly contract with one or more acceptable environmental hazard testing and cleaning firms (acceptable firms are those that have provided assurance of appropriate equipment, procedures, and personnel, as determined by the Minnesota Department of Health) to accomplish the following:
 - 1. A detailed on-site assessment of the extent of contamination at the site and the contamination of the personal property therein;
 - 2. Soil testing of the site and testing of all property and soil in proximity to the site that the environmental hazard testing and cleaning firm determines may have been affected by the conditions found at the site;
 - 3. A complete cleanup of all property and soil at the site and in proximity to the site that is found to be affected by conditions found at the site (including but not limited to, the cleanup or removal of contaminated plumbing, ventilation systems, fixtures and contaminated soil) or a demolition of the site and a complete cleanup of the demolished site;
 - 4. Remediation testing and follow-up testing to determine all health risks are sufficiently reduced, according to the Minnesota Department of Health guidelines, to allow safe human occupancy and use of the site and use of the personal property therein.
- D. Regularly notify the City of actions taken and reach agreement with the City on the cleanup schedule. The City shall consider practical limitations and the availability of contractors in approving the schedule for cleanup; and
- E. Provide written documentation to the City of the cleanup process, including a signed, written statement that the property is safe for human occupancy and that the cleanup was conducted in accordance with Minnesota Department of Health guidelines.

Subd. 2. The property may not be re-occupied or used in any manner until the City has obtained the written statement in Subdivision (1) (E) and has confirmed that the property has been cleaned in accordance with the guidelines established by the Minnesota Department of Health.

1.08 Owner's Responsibility for Costs. The owner is responsible for all costs associated with nuisance abatement and cleanup of the clandestine drug lab site or chemical dump site, including, but not limited to, costs for:

- A. Emergency Response;
- B. Posting and physical security of the site;
- C. Notification of affected parties;
- D. Expenses related to the recovery of costs, including the assessment process;
- E. Laboratory Fees;
- F. Cleanup services;
- G. Administrative fees; and
- H. Other associated costs.

1.09 City Authority to Initiate Cleanup and Recovery of Costs.

Subd. 1. If, within ten (10) days after service of notice of the Declaration of Public Health Nuisance, the City is unable to locate the property owner or if the City Health Official determines that the owner refuses to, or cannot

pay the costs, or arrange timely assessment and cleanup that is acceptable to the City, the City Health Official is authorized to proceed in a prompt manner to initiate the on-site assessment and cleanup.

Subd. 2. The City may abate the nuisance by removing any hazardous structure, building, or otherwise, in accordance with Minnesota Statutes Chapter 463, or by any other means provided under law.

Subd. 3. If the City abates the public health nuisance, in addition to any legal remedy, it is entitled to recover all costs associated with such abatement plus an additional 25% of the City's costs for administration. In addition to any other legal remedy, the City may recover costs by civil action against the person or persons who own the property or by assessing such costs as a special tax against the property in the manner that taxes and special assessments are certified and collected pursuant to Minnesota Statutes Section 429.101.

1.10 Authority to Modify or Remove Declaration of Public Health Nuisance.

Subd. 1. The Health Official is authorized to modify the Declaration conditions or remove the Declaration of Public Health Nuisance.

Subd. 2. Such modifications or removal of the Declaration shall only occur after documentation from a qualified environmental or cleaning firm stating that the health and safety risks, including those to neighbors and potential dwelling occupants, are sufficiently abated or corrected to allow safe occupancy of the dwelling.

1.11 Penalties. Any person violating any provision of this Ordinance is guilty of a misdemeanor and upon conviction shall be subject to the penalties set forth in Minnesota Statute Section 609.02, subdivision 3.

1.12 Severability. Should any section, subdivision, clause or other provision of this Ordinance be held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of the Ordinance as a whole, or of any part thereof, other than the part held to be invalid.

1.13 Amendment or Replacement of State Statutes. All references to state statutes in this ordinance shall be considered to include any future amendments or replacements enacted by the legislature for such statutes.

This ordinance shall become effective immediately upon publication.

For the City of Arlington

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

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

The Council reviewed the monthly permit report for March as it was presented by P&Z Administrator Jenness. He reviewed how permit fees are determined.

The Council reviewed the letter from Region 9 asking the City to pass a resolution in support of the E-85 Renewable Energy bill.

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

RESOLUTION NO. 8-2006

**RESOLUTION SUPPORTING RENEWABLE ENERGY FUELS AND ENCOURAGING THE USE OF
25% RENEWABLE FUELS FOR TRANSPORTATION USE BY 2025**

WHEREAS, R9 Energy Task Force was organized and made up by representatives of Gustavus Adolphus College, Minnesota State University Mankato, Blue Earth County, Nicollet County, Brown County, Martin County, Watonwan County, Rural Advantage, Blue Earth River Basin Initiative, Region Nine Development

Commission, Three Rivers Resource Conservation and Development, Southern MN Cooperative Institute, the Minnesota Project, Benco Electric, Blue Ribbon Foundation, and citizens at large.

And, its mission is "TO EXPLORE AND SUPPORT RENEWABLE ENERGY USES IN THE NINE COUNTY AREA TO ENHANCE OUR QUALITY OF LIFE."

WHEREAS, eighty-three percent of the rural communities in the counties of Blue Earth, Brown, Faribault, Le Sueur, Martin, Nicollet, Sibley, Waseca and Watonwan, Minnesota have populations less than 2,500 people and revenue generating capability on a per capita basis is decreasing each year. It is imperative that local communities look at the future and work differently with regard to economic development;

WHEREAS, it is important to preserve the natural landscape with developing renewable energy fuels;

WHEREAS, renewable energy fuels have become increasingly important and technically feasible and have recently proven to be economically viable for our region, the State of Minnesota, and the United States. Our national security and our dependence on foreign oil, drilling in Alaska, record high gas prices and emissions control – all contribute to a desire to look at renewable energy fuels as part of a long-term plan for fuel independence and homeland security.

WHEREAS, much of the region has the capacity to efficiently produce and process crops suitable for our transportation fuel needs, thus creating new jobs and strengthening rural communities; and use of Minnesota's renewable energy resources can create new good local jobs, keep energy dollars local, and strengthen local economies;

WHEREAS, it is projected that world oil will reach peak capacity within the next 20 years, and other fossil fuels have limitations;

WHEREAS, Minnesota has taken legislative steps to encourage the development and use of renewable energy by mandating that gasoline be blended with up to 10% by volume agriculturally derived and denatured ethanol.

WHEREAS, Minnesota most recently in the year 2005, established a 2% mandate use of biodiesel in alternative fuel vehicles.

NOW, THEREFORE BE IT RESOLVED, that the City of Arlington supports the use of renewable energy fuels,

BE IT FURTHER RESOLVED, the City of Arlington encourages the State of Minnesota to increase the use of renewable energy fuels for transportation to 25% by the year 2025, and

BE IT FURTHER RESOLVED, the City of Arlington encourages every governmental entity in the State of Minnesota to support the increased use of renewable energy fuel and to increase the use of renewable energy fuels for transportation to 25% by the year 2025.

FINALLY, BE IT RESOLVED, the City of Arlington encourages each governmental entity to purchase new flexible fuel vehicles with biodiesel or E85 use capabilities whenever economically feasible and available.

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

Adopted by the City Council of the City of Arlington this 3rd day of April, 2006.

Signed: /s/ David Czech

Mayor

Attested: /s/ David L. Krueger

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 the new proposed cleaning contract with Jay's Cleaning Service. Councilmembers Voight and Borchert (Public Buildings Committee) met with Jay's Cleaning to negotiate a new contract. The following suggestions were made during that meeting:

- 1) To terminate the old contract effective immediately and not finish out the 90-day termination period;
- 2) Make the new contract effective April 7th;
- 3) Charge a flat rate of \$175 per event to the City in place of an hourly rate;
- 4) Jay's would notify the Office if they encountered any damage to the facility so renters could be charged (deposit withheld);
- 5) Jay's would provide the number of hours it takes to clean so the non-profit groups could be billed accordingly;
- 6) Change the access time to 7:00 a.m. from 6:00 a.m. with the understanding the kitchen would be ready for breakfast fundraisers to start food preparation;
- 7) Everyone should be out of the facility by 2:00 a.m.

Reetz expressed concern about paying the cleaning service a flat rate, but charging the non-profit organizations an hourly rate. Administrator Krueger commented that this should still even out over the course of the year. Administrator Krueger commented that having everyone out of the building by 2 am is not realistic, as it takes time to disassemble decorations and band/DJ equipment. It was suggested that all decorations, etc. could be moved over to Room 1 (west side of building) and be within 20 ft. of the overhead door so the cleaning service could start cleaning the other 2/3 of the facility. Discussion was tabled so the 7:30 p.m. public hearing could be held.

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

At 7:30 p.m. Mayor Czech called to order the 2005-2006 Street Improvement Curb and Gutter Assessments. It was noted that Engineer Joel Hawbaker, Street Supt. Thomes, Fran Ferch and Barb Meyers were present. Engineer Hawbaker explained that the 2005 Street project did not get done and was being incorporated into the 2006 Street Project. He reviewed what streets were affected by seal coating, mill and overlay, and which properties were affected by curb and gutter replacement. It was noted that curb and gutter assessments would be split 50-50 with the residents. Fran Ferch questioned when the project was to start. Engineer Hawbaker commented that they were hopeful for the end of May in order to make sure all work is done before the 150 year celebration. Barb Meyers suggested waiting until after June 1st that way school would be over and they would not have to contend with all the vehicles. Meyers commented that she would rather have a handicap ramp put in where the sidewalk intersects the curbing instead of replacing the curbing. Engineer Hawbaker said that it could be done.

Mayor Czech adjourned the public hearing and reconvened the regular meeting.

Administrator Krueger explained that this project is now over budget. He stated that last year when the budget was being put together, the 50-50 split had not been figured into the plan and the cost of gravel and petroleum products have gone up considerably. He stated that there is a surplus of \$85,000 in the general budget from 2004-2005 (funds were not spent) along with \$141,500 in the Buildings/Streets/Parks Improvement Fund that could be used to make up the difference (approximately \$60,000). He suggested transferring funds from these 2 areas as costs probably will only continue to increase in the next couple of years or the project will have to be scaled back to reduce costs.

Motion by Wills, seconded by Borchert, and passed by unanimous vote to authorize Engineer Hawbaker to start the bidding process for the 2006 Street Improvement Project. Administrator Krueger will review the budget and bring some numbers to the next Council meeting.

Discussion resumed on the Community Center Cleaning Contract with Jay's Cleaning. Borchert questioned if the old contract should be terminated before the new contract is voted on. Attorney Arneson suggested adding a clause to the new contract that states the previous contract is replaced and made void by the new contract or all sections of the new contract supersede the old contract. Attorney Arneson suggested attaching a copy of the cleaning responsibilities to the new contract from the old contract.

Motion by Borchert, seconded by Voight, and passed by unanimous vote rescind/terminate the existing Community Center Cleaning Contract with Jay's Cleaning Service immediately and replace it with a new contract effective April 7th. Administrator Krueger will work with Attorney Arneson to draft a new contract.

Mayor Czech talked briefly about Historical Society Committee and their project, the Sesquicentennial Committee and the celebration, and also on the Fundraiser that was held at the Community Center for Brent Doebbling for his stem cell procedure.

Administrator Krueger stated that the Park Board will be getting together soon to discuss the water line and the Good Samaritan Center expansion project.

Administrator Krueger thanked the Council for allowing him to attend the Lobbying Day at the Capital. He stated that a big topic discussed was eminent domain and shared some of the information that he learned.

Borchert commented on a Driver Awareness program that is being started and run through the County. More information would be coming.

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

Administrator David L. Krueger

Mayor David Czech