

ARLINGTON CITY COUNCIL
MEETING MINUTES
APRIL 21, 2008

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

Members present: Mayor Kreft, Borchert, Griep, Reetz, Wills

Members absent: Vrklan

Also present: Administrator Jaunich, Attorney Arneson, MVRRA Chair Bruce Pinske, EDA Director Schultz

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

13D) Resolution No. 21 – Small Cities Grant

14.5) Replace tree being removed in Memorial Park.

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

- A) Approval of the April 7th Regular Meeting Minutes
- B) Approval of the Bills
- C) Approve sponsorship of Summer Story Hour
- D) Approve the computer/technology lease agreement (renewal) and laptop purchases with Venture Computers
- E) Acceptance of the Evergreen Sanitation contract extension proposal
- F) Approve the taking down of a tree (with replacement) and an addition to Memorial Park
- G) Approve the road repair work at the Cemetery
- H) Approve the replacement of the Sludge Transfer Pump at the Wastewater Plant
- I) Approval of EDA Lot Loan Extension.

Reetz had requested that items D, G and I above be taken off the consent agenda for discussion purposes and were put on the regular agenda as items 14.6 (D), 14.7 (G) and 8C (I).

Minnesota Valley Regional Rail Authority (MVRRA) President Bruce Pinske presented the annual report to the Council. He summarized where the rail line runs and how it is getting used, which the usage continues to increase every year. He commented briefly on the grants that they have applied for and been awarded, in conjunction with what their plans are for restoring the rail line (to allow for increasing the speed of the train) to make it self sufficient. It was noted that the MVRRA is trying to form a Coalition of Support with the cities, townships and counties for legislative reasons. Pinske commented on the trespassing issues they continue to encounter, such as snowmobiles, etc. He also commented that crossing arms are expected to be installed in 2010 due to safety hazards.

Mayor Kreft noted that there were no citizens present to address the Council.

Adm. Jaunich noted the upcoming events, meetings, seminars and/or conferences as follows:

- 1) Arbor Day – Friday, April 25th
- 2) Spring Clean Up Day – Saturday, May 3rd from 8:00 am to 1:00 pm at the Municipal Parking Lot
- 3) Meeting with Brimeyer Group at 5:00 pm on Monday, May 5th
- 4) City Auditor Mark Babcock will be at the May 19th meeting to go over the audit report.

The Council reviewed the following:

- 1) Monthly Financial Reports
- 2) 2007 Property Sales Report
- 3) Community Water Supply report from MN Dept. of Health.

EDA Director Schultz gave an update on the Small Cities Development Grant program (commercial, residential and rental areas). He stated that Pettipiece & Associates was suggesting a change be made to the Commercial Rehabilitation Program Policies & Procedures document regarding the repayment policy for deferred loans (reduce the payback to 5, 6 and 7 years versus 10 years). He explained that they have been having difficulty filling the commercial rehab portion of the grant and DEED is not will to expand the target area at this time. They are hopeful that the change will entice businesses (within the target area) to come forward and utilize the grant monies still available. Schultz noted that the City of Gaylord had already approved the change and the Arlington EDA was recommending approval also.

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

RESOLUTION NO. 21-2008

A RESOLUTION AMENDING “SECTION O” OF THE ARLINGTON/GAYLORD 2007 SCDP COMMERCIAL REHABILITATION PROGRAM POLICIES & PROCEDURES

NOW THEREFORE, BE IT RESOLVED, Section O.1 – Amendments is amended as follows:

These procedural guidelines may be amended or supplemented from time to time by the Arlington and Gaylord City Councils and the Program Administrator in joint agreement, and by issuance of revised pages to be effective on the date of issue subject to approval by the Minnesota Department of Employment and Economic Development.

NOW, THEREFORE, BE IT FURTHER RESOLVED, Section O.2 – Council Approval is amended as follows: Upon a motion made and seconded, the “Rehabilitation Policies” for the Arlington/Gaylord Commercial Rehabilitation Program are hereby amended and adopted, subject to any changes recommended by the Minnesota Department of Employment & Economic Development in its capacity as funding agency for the Small Cities Development Program.

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

Adopted by the City Council of the City of Arlington this 21st day of April, 2008.

Signed: /s/ James R. Kreft
Mayor

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

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

EDA Director Schultz spoke on the property owned by the EDA (f/k/a Nickel Farm and Swenson property). He explained that both of these properties have been leased to one individual who has had a cover crop on them. He reported that the lease on the former Nickel property expired December 31, 2007 and the lease on the former Swenson property was good for 1 more year; however the tenant had not paid his rent for 2007. A letter was sent to the tenant giving him 10 days to pay otherwise he would be considered in default of the lease agreements. Schultz commented that they did not hear from the tenant in the time allowed and the EDA directed him to advertise the property for rent, which there has been some inquiries. Action will be taken by the Council at their next regular meeting on any bids received.

A letter from the Arlington Developer's Inc. requesting an extension on an EDA Lot Loan was reviewed. Some concern was expressed about setting precedence. Schultz commented that the EDA had discussed this and felt that due to the current (depressed) housing market a one year extension was not out of line. The EDA also stipulated that the ADI would be responsible for all legal fees incurred associated with the extension of the lot loan.

Motion by Reetz, seconded by Wills, and passed by unanimous vote to accept the EDA's recommendation to grant a one year extension on the EDA Lot Loan issued to the Arlington Developer's Inc. with the understanding that all legal fees will be paid by the ADI and Attorney Arneson will draft the papers.

Discussion was held on renewing the computer/technology lease with Venture Computers, along with purchasing five new laptop computers. The Council reviewed the proposal from Venture Computers in the amount of \$18,472.03 (over a three year period).

Motion by Reetz, seconded by Wills, and passed by unanimous vote to accept the proposal in the amount of \$18,472.03 from Venture Computers as presented, plus an additional \$1,250 to buy back 5 laptops.

The second reading of Ordinance No. 223 – An Ordinance to Amend Ordinance 143, Regulating the Collection of Solid Waste in the City of Arlington was held. Adm. Jaunich noted what changes had been made after the first reading.

Motion by Griep, seconded by Reetz, and passed by unanimous vote to approve Ordinance No. 223 – An Ordinance to Amend Ordinance 143, Regulating the Collection of Solid Waste in the City of Arlington, as follows and becomes effective upon publication:

ORDINANCE 223

AN ORDINANCE TO AMEND ORDINANCE 143, REGULATING THE COLLECTION OF SOLID WASTE IN THE CITY OF ARLINGTON

WHEREAS, to promote the public safety, health and welfare of the City of Arlington;

THE CITY COUNCIL OF THE CITY OF ARLINGTON, MINNESOTA, DOES ORDAIN AS FOLLOWS:

Ordinance 143 is amended to read as follows:

The City deems it to be in the best interest of the citizens, and necessary to preserve public health, safety, property values, and city streets and alleyways, to license both residential and commercial haulers of all solid waste whom operate within city limits. The City Council of the City of Arlington hereby ordains:

Section 1. That the City shall grant up to three (3) licenses authorizing haulers to pick up mixed residential solid waste within city limits. The City shall grant such licenses in its own discretion, after considering whether the services being offered, the prices for such services, and the equipment, personnel and reputation and experience of the haulers are the best available for the citizens and in keeping with city needs and policies.

Section 2. All haulers wishing to be licensed under this ordinance shall submit an application to the City Administrator on forms and at times as approved by the City Council. Licenses will be issued for a twelve month term. The yearly license fee shall be set by the City Council from time to time by resolution, and shall be paid before the license is issued. There shall be no refund of any license fee once paid. No license may be sold, transferred or assigned by the hauler to which it is issued.

Section 3. Mixed residential solid waste, for the purpose of this ordinance, is defined as waste generated by any dwelling unit of up to four separate family living quarters, to include solid waste, rubbish and garbage of any kind accumulated in the operation of a normal household. This may include organic matter such as grass, leaves and tree trimmings collected on a yard, but the City shall not require any licensee to pick up such organic material. No hazardous waste shall be included in this collection system. Licensee shall be required to offer large item pickup service for such things as sofas, mattresses, and other non-hazardous items, under a separate extra charge system.

Section 4. Recyclable materials shall be picked up at curbside in a commingled fashion as part of the service to be offered by the licensees, to be delivered back into the recycle stream in a manner and place in keeping with state and local regulations.

Section 5. No licensees shall refuse service to any residential customer because the customer cannot physically move the refuse containers to a designated pickup point. Licensees shall make available to such persons a valet pickup at the door of the residence if requested, but may charge a reasonable extra fee for such service.

Section 6. To preserve city streets and alleys, and to promote public safety and the neat appearance of the community, the City shall designate at the time of each license issuance the days of the week, times of day, and routes to be used by the licensee in conducting the collection activity, taking into consideration the needs of the customers, the reasonable convenience of the hauler, and the volume of collection needed.

Section 7. Haulers of commercial refuse, which is defined as refuse created by any residence exceeding four family living units or any business enterprise, are not allowed to operate within city limits unless they are licensed under this Ordinance. The City will limit the number of commercial haulers to six (6) within city limits. The city shall grant such licenses at its own discretion, taking into account the reputation and experience of the haulers. If more than six commercial haulers with reputation and experience acceptable to the city apply for a license under this ordinance, the first six such haulers who have submitted a completed application to the city shall be awarded said licenses.

Section 8. The City license activity under this ordinance is intended to allow the City to screen refuse haulers serving city customers, and to provide those haulers with the rules and regulations of hauling solid waste within city limits. The City shall not participate, regulate or have any responsibility for any record keeping, billing, tax payments, or any other obligations of the licensees in the normal running of their business. The licensees shall obey all county, state, federal, and any other government agency rules and regulations that pertain to their industry.

Any violation of this ordinance or the specific terms under which a license is issued under this ordinance shall be considered a misdemeanor punishable as such. Each day a violation occurs shall be considered a separate misdemeanor. The City reserves the right to cancel any license issued under this ordinance for good cause at any time, as determined by the City Council.

This Ordinance shall become effective immediately upon publication.

Adopted by the City Council of the City of Arlington on the 21st day of April, 2008.

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

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

The second reading of Ordinance No. 224 – An Ordinance Regulating the Use of Refuse Dumpsters in the City of Arlington was held. Adm. Jaunich noted what changes had been made after the first reading.

Motion by Reetz, seconded by Wills, and passed by unanimous vote to approve Ordinance No. 224 – An Ordinance Regulating the Use of Refuse Dumpsters in the City of Arlington, as follows and becomes effective upon publication:

ORDINANCE 224

AN ORDINANCE REGULATING THE USE OF REFUSE DUMPSTERS IN THE CITY OF ARLINGTON

WHEREAS, to promote the public safety, health and welfare of the City of Arlington;

THE CITY COUNCIL OF THE CITY OF ARLINGTON, MINNESOTA, DOES ORDAIN AS FOLLOWS:

SECTION 1. *Definitions.* “Refuse Dumpster or Dumpster” is any portable container used or designed for collection of, transportation of, or disposal of refuse, waste, construction/demolition materials, or the like. Refuse dumpster shall include, but is not limited to, “roll off” boxes or containers, collection bins, tubs, and portable storage containers.

SECTION 2. *License Requirements.* The company owning and emptying the dumpster within city limits must be licensed to operate within the City.

SECTION 3. *Rules.*

- A. Dumpsters must be well maintained and in good working condition, displaying the name or logo and telephone number of the owner of the dumpster, and be suitably supported at each contact point to prevent damage to paved surfaces.
- B. Dumpsters must be covered when materials inside are easily airborne, pose a hazard, emit an odor or are otherwise offensive.
- C. Debris must be placed inside the dumpster; not along side or on top of it.
- D. All dumpsters are required to be emptied when full. For the purpose of this ordinance, full is defined as when the contents of the dumpster reach an average level of one foot below the top edge of the dumpster sides. Any dumpster which has reached the full status, and is not emptied within seven (7) calendar days shall be considered in violation of this ordinance.
- E. Cleaning dumpsters on the street or sidewalk is not permitted.

SECTION 4. *Dumpsters in the Public Right-of-Way.*

- A. A dumpster placed in the public right-of-way must have a flasher or reflector on the outside corner facing traffic at all times. Where traffic may approach from either side, the dumpster must have a flasher or reflector on the outside corner on both sides. Type I or Type II barricades can be used as an alternate to flashers or reflectors.
- B. Dumpsters shall not block a public sidewalk or be placed in a location that restricts the "sight lines" of an intersection. "Sight lines" will be determined by the Streets Supervisor.
- C. Dumpsters placed in the public right-of-way for construction, remodeling or demolition projects shall be removed immediately upon the completion of the project. No dumpster shall be placed in the public right-of-way for more than ninety (90) days. An extension of the 90 day rule may be allowed with written permission from the City.
- D. No dumpster shall be placed on streets, sides of streets or areas designated as "No Parking". Dumpsters shall not be placed in public parking lots or parks without prior written permission from the City.
- E. The owner and/or the user of a dumpster on a public right-of-way **is/are** responsible for any public property, street, curb and gutter, or public infrastructure damage.
- F. No dumpster shall be placed in the public right-of-way during the winter snow season, defined for this purpose of this ordinance as the period from November 1 to the next following April 1.

SECTION 5. *Denial of Dumpster Use.*

- A. The City Council may deny the use of dumpsters in the public right-of-way if the dumpster is too wide to allow public safety vehicles through, or due to any other traffic concerns.
- B. The City Council may also deny the use of dumpsters to protect public health or safety concerns.

SECTION 7. *Violation of this Ordinance.* Any violation of this ordinance is a misdemeanor.

- A. The City may remove or have a container removed from the public right-of-way, if the container is in violation of this ordinance.
- B. The owner of the container, or if the owner cannot be determined, the person placing it in the public right-of-way shall pay all costs, fees, penalties or other expenses incurred by the City in removal, storage fees and disposal of any container and its contents.
- C. If the container is not claimed within 30 days by its owner or person responsible for placing it in the public right-of-way, it may be disposed of as abandoned property, but disposal shall not diminish the responsibility of the owner or the person responsible for placing the container in the public right-of-way to pay all amounts due.
- D. The City shall not release a container from storage until all amounts due under this section have been paid.

This Ordinance shall become effective immediately upon publication.

Adopted by the City Council of the City of Arlington on the 21st day of April, 2008.

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

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

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

RESOLUTION NO. 19-2008

A RESOLUTION AUTHORIZING SUMMARY PUBLICATION OF ORDINANCE 223 ENTITLED “AN ORDINANCE TO AMEND ORDINANCE 143, REGULATING THE COLLECTION OF SOLID WASTE IN THE CITY OF ARLINGTON”

WHEREAS, the City Council of Arlington routinely passes ordinances to promote the public safety, health and welfare of the residents of Arlington; and

WHEREAS, the City Council initiated an ordinance (223) to amend Ordinance 143, regulating the collection of solid waste in the City of Arlington; and

WHEREAS, the City Council held a first reading of Ordinance 223 at its regular meeting on April 7, 2008; and

WHEREAS, the City Council approved the second reading and adoption of Ordinance 223 at its regular meeting on April 21, 2008; and

WHEREAS, the City Council of the City of Arlington has determined that the publication of the title and a summary of Ordinance 223 entitled “An Ordinance to amend Ordinance 143, regulating the collection of solid waste in the City of Arlington” would clearly inform the public of the intent and effect of Ordinance 223; 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. 223 to be published in the City’s official newspaper at the earliest practicable date.

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

“On April 21, 2008, the City Council of the City of Arlington approved Ordinance 223 entitled ‘An Ordinance to amend Ordinance 143, regulating the collection of solid waste in the City of Arlington.’ 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 purpose of the Ordinance is to amend Ordinance 143, regulating the collection of solid waste in the City of Arlington. Ordinance 143 is being amended to address the haulers of commercial refuse by requiring commercial haulers to obtain a license from the City. Licenses will be limited to six within city limits.”

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

Adopted by the City Council of the City of Arlington this 21st day of April, 2008.

Signed: /s/ James R. Kreft
Mayor

Attest: /s/ Matthew Jaunich
City Administrator

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

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

RESOLUTION NO. 20-2008

A RESOLUTION AUTHORIZING SUMMARY PUBLICATION OF ORDINANCE 224 ENTITLED “AN ORDINANCE REGULATING THE USE OF REFUSE DUMPSTERS IN THE CITY OF ARLINGTON”

WHEREAS, the City Council of Arlington routinely passes ordinances to promote the public safety, health and welfare of the residents of Arlington; and

WHEREAS, the City Council initiated an ordinance (224) to regulate the use of refuse dumpsters in the City of Arlington; and

WHEREAS, the City Council held a first reading of Ordinance 224 at its regular meeting on April 7, 2008; and

WHEREAS, the City Council approved the second reading and adoption of Ordinance 224 at its regular meeting on April 21, 2008; and

WHEREAS, the City Council of the City of Arlington has determined that the publication of the title and a summary of Ordinance 224 entitled "An Ordinance regulating the use of refuse dumpsters in the City of Arlington" would clearly inform the public of the intent and effect of Ordinance 224; 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. 224 to be published in the City's official newspaper at the earliest practicable date.

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

"On April 21, 2008, the City Council of the City of Arlington approved Ordinance 224 entitled 'An Ordinance regulating the use of refuse dumpsters in the City of Arlington.' 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 purpose of the Ordinance is to regulate and set rules & guidelines for using refuse dumpsters within the City of Arlington. The Ordinance addresses rules and proper markings for dumpsters, dumpsters in the public right-of-way, the denial of use of dumpsters by the City, and violations relating to Ordinance 224."

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, Wills; and the following voted against the same: None; and the following abstained from voting: None; and the following were absent: Vrklan.

Adopted by the City Council of the City of Arlington this 21st day of April, 2008.

Signed: /s/ James R. Kreft
Mayor

Attest: /s/ Matthew Jaunich
City Administrator

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

Attorney Arneson spoke briefly on the two properties (Stuewe and Morgan) that petitioned for annexation at the previous meeting. He presented a proposed resolution for annexation that has to be submitted to the State. He also explained how the taxes would be affected for the property owners, the City of Arlington and Arlington Township.

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

RESOLUTION NO. 18-2008

ANNEXATION RESOLUTION

In the matter of the Resolution of the City of Arlington for annexation of certain areas as described herein, under Minnesota Statute 414.0325.

WHEREAS, the City of Arlington, hereafter “city”, entered into a Joint Resolution for Orderly Annexation with the Town of Arlington, said agreement dated September 2, 1997, approved by the State of Minnesota on August 7, 1998; and

WHEREAS, under paragraph 3(c) of said joint resolution, the city may at any time annex property for which it receives a property – owner petition for annexation, for land abutting municipal corporate limits within the sector of Area 2 as identified in said Joint Resolution, which is urban in nature, and the property owners have requested city utility services to the premises; and

WHEREAS, the City of Arlington has received petitions for annexation by all of the owners of the property described at Appendix A attached hereto and made a part hereof; and

WHEREAS, the property described at Appendix A attached hereto abuts present city limits, is about to become urban in character, and it is the intention of the city to provide said area with city utility services, and it is therefore appropriate to annex said property to the City of Arlington at this time.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Arlington that the city hereby petitions for annexation and hereby resolves to annex the property described at Appendix A attached hereto.

Said property is located within the area described as Area 2 of the Joint Resolution. Under paragraph 3 (c) and 3 (d) of said Joint Resolution, no hearing is required. The State of Minnesota, by the Office of Administrative Hearings, Municipal Boundary Adjustments, may review and comment, but shall within 30 days of receipt of said resolution, order the annexation of the area designated therein in accordance with the terms and conditions of the Joint Resolution. Under paragraph 5 of the Joint Resolution, the tax rate of the area annexed shall be increased in substantially equal proportions over 6 years to equality with the tax rate of the property already within the city. However, the annexed property shall be assessed for the cost of providing city utility services to the property under the city's standard improvement assessment policy and assessment payment schedule, in the same manner as applied to all other property within the city limits.

Under paragraph 6 of the Joint Resolution, and as required by state law, Arlington Township shall be reimbursed for the loss of taxes generated from the annexed property as follows: For six years following the tax year that Arlington Township last collects a levy, the city will reimburse the township 100 percent of the amount of taxes that were collected by the township in the year the land was annexed. Thereafter, the City of Arlington will no longer reimburse Arlington Township for such lost tax revenue.

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, Wills; and the following voted against the same: None; and the following abstained from voting: None; and the following were absent: Vrklan.

Adopted by the City Council of the City of Arlington this 21st day of April, 2008.

Signed: /s/ James R. Kreft
Mayor

Attest: /s/ Matthew Jaunich
City Administrator

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

APPENDIX A

Parcel 1:
West 290 feet of East 563 feet of South 150 feet of SE ¼ of SE ¼, Section 4, Township 113 North, Range 27 West.

Parcel 2:
East 273 feet of South 150 feet of SE ¼ of SE ¼, Section 4, Township 113 North, Range 27 West.

An email from P&Z Adm. Smith-Strack was reviewed regarding 5 possible sites for a wind generator to be placed and setbacks for each. Adm. Jaunich commented that MMPA has reviewed all 5 sites and their

preferred (first choice) site is the EDA property that lies north of the racetrack (f/k/a the Nickel Farm). He stated that the EDA has discussed this and are unable to make a recommendation to the Council. There is some concern about interfering with the flight paths for the helipad. It was noted that one member of the EDA wanted the property to be used for housing as it was originally intended for. Mayor Kreft expressed his reservations about using the EDA property also. Considerable discussion was held on the amount of land needed (setback reasons) and the possibility of future expansion needs (multiple towers). It was suggested to have the city's electrical engineer involved in the process.

Motion by Griep, seconded by Reetz, and passed by unanimous vote to authorize Adm. Jaunich, EDA Director Schultz and P&Z Adm. Smith-Strack to find a more suitable location for a wind turbine (other than the EDA property).

Discussion resumed (from previous meeting) on having a Memorandum of Understanding done for the High Island Creek Subdivision. Adm. Jaunich explained that the Parks Committee would like to have the park dedication fee money versus a sidewalk/trail put around the storm water holding pond. Some concern was expressed about creating a financial burden on the developer. Wills commented that the Park Committee intended the money to be used in Frenzel Park, which included a trail from the development to the park.

Motion by Griep, seconded by Reetz, and passed by unanimous vote to approve the Memorandum of Understanding for the High Island Creek Subdivision as follows:

**MEMORANDUM OF UNDERSTANDING BETWEEN THE DEVELOPERS OF HIGH ISLAND CREEK
SUBDIVISION AND THE CITY OF ARLINGTON, MINNESOTA REGARDING PARK DEDICATION
WITHIN THE SUBDIVISION AND COST SHARING FOR THE CONSTRUCTION OF EIGHTH AVENUE
FROM THE SUBDIVISION BOUNDARY TO MAIN STREET.**

This agreement is made and entered into this ___ day of _____, 2008, by and between the Developers of the High Island Creek Subdivision acting by and through _____ hereinafter referred to as "Developer" and the City of Arlington, MN acting by and through its governing body hereinafter referred to as "City".

The purpose of this agreement is to outline expectations and obligations mutually agreed upon by and between the Developer and the City relating to parkland dedication requirements for the High Island Creek Subdivision and cost-sharing for the construction of Eighth Avenue from the High Island Creek Subdivision boundary to Main Street.

The City and the Developer agree the required storm water pond is specifically excluded from consideration dedication to the City as park land due to the fact the facility is required under State law for storm water purposes.

The City hereby agrees to reimburse the Developer for one-half (50%) of the actual construction costs for that portion of Eighth Avenue from the High Island Creek Subdivision boundary to Main Street. To initiate the payment, the Developer shall submit an invoice to the City. The invoice submitted by the Developer shall include itemized proof of actual construction costs. The City shall reimburse the Developer within sixty (60) calendar days of receipt of the invoice.

The City and the Developer agree to accept the payment of a fee in lieu of parkland dedication. The total amount of the fee in lieu of parkland dedication shall be \$39,470.00 which is as prescribed within the High Island Creek Subdivision Developers Agreement.

Timing of payment of the fee shall be dictated by the pace of improvements. That is, the percentage of the Subdivision which is improved with centralized sewer/water shall be the same as the percentage of the total value of the required park dedication fee. At this time fifty-six (56) percent or fifty-five (55) of the ninety-eight (98) lots within the High Island Creek Subdivision are improved; therefore, the Developer shall pay the City \$22,103.20 by December 1, 2008.

The remainder of the fee in lieu of parkland dedication (i.e. \$17,366.80) shall be paid in equal annual installments (\$1,736.68) over a ten year term with no interest accrual. In the event the Developer proceeds with installation of additional municipal improvements within the development, any outstanding fee in lieu of parkland dedication shall be due prior to the initiation of construction of improvements.

FOR THE DEVELOPER:

By: _____

By: _____

Its: _____

Its: _____

FOR THE CITY:

By: _____

By: _____

James R. Kreft

Matthew Jaunich

Its: _____

Its: _____

Mayor

City Administrator

Discussion was held on selling some city vehicles. Adm. Jaunich commented that there are 5 vehicles to be sold: Dodge Dakota, Ford Explorer, and 3 squad cars.

Motion by Wills, seconded by Griep, and passed by unanimous vote to authorize Adm. Jaunich to advertise the above vehicles for sale by sealed bids to be opened May 15th at 2:00 p.m. with the condition that the City has the right to refuse all bids.

Adm. Jaunich explained that the City’s worker’s compensation is due to expire. He questioned if the Council was interested in changing the coverage to include elected officials and volunteers (other than EMS personnel) and/or adding a deductible, which has not been done in the past.

Motion by Reetz, seconded by Borchert, and passed by unanimous vote to renew the Worker’s Compensation plan with a \$1,000 deductible and appropriate premium credit; do not cover elected officials or volunteers; and to get certification statements from the police and fire departments for non-smoking members.

Brief discussion was held on the locust tree being removed by City Staff in Memorial Park. The Parks Committee was recommending that the tree be replaced. It was noted that Traverse des Sioux would be willing to bring a tree and plant it on Arbor Day. The Council left the type of tree (most suitable for the location) to be planted up to the nursery.

Motion by Wills, seconded by Griep, and passed by unanimous vote to replace the tree being taken down in Memorial Park with a tree of Traverse des Sioux’s discretion not to exceed \$400 in conjunction with Arbor Day.

Discussion was held on the number of bids obtained for the road repair work to be done at the Cemetery. Reetz expressed concern that more than one bid should be obtained and not just go with the local contractor. He expressed concern about the quality of work that has been done in the past by the contractor. Adm. Jaunich commented that he authorized Supt. Thomes do go ahead with some of the work (patching, etc.) previous to the bid coming in.

Motion by Reetz, seconded by Borchert, and passed by unanimous vote to table discussion on the road repair work at the Cemetery until the next meeting so other bids may be obtained.

Wills commented that the playground equipment for Fairview Park has arrived and Supt. Thomes was checking into the “sentence to serve” program with the County to see if they could provide additional man power for putting the equipment up.

Griep gave a brief update on the Hospital Board. He stated that they had interviewed a doctor, who appeared to be a very good prospect.

Adm. Jaunich spoke briefly on the upcoming renewal of liquor licenses. He stated that a concern had been brought to his attention about requiring the renewal license fee before the existing license expires. He stated that renewal forms have been mailed out and asked to be returned with renewal fee by mid May, when in fact, the licenses do not expire until June 30th. It was the consensus of the Council that the fee did not have to be paid at the time the application was brought in for approval, but would have to be paid prior to issuance of the renewed license.

Brief discussion was held the utilities and updating the public improvement policy.

Reetz gave an update on the A-GI Wastewater Joint System. He stated that the Committee had discussed the failing equipment. He stated that the engineer is working on getting some prices, which will be presented to both cities for bonding consideration.

Mayor Kreft recessed the regular meeting to hold a closed meeting.

The Council held the 3-month Work Development Plan of Police Chief Rovinsky.

Mayor Kreft adjourned the closed meeting and reconvened the regular meeting.

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

City Administrator Matthew Jaunich

Mayor James R. Kreft