

ARLINGTON CITY COUNCIL  
MEETING MINUTES  
MARCH 19, 2007

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

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

Members absent: None

Also Present: Administrator Krueger, Attorney Arneson, P&Z Administrator Jenness, Bruce Pinske, Police Chief Rovinsky, Jim Heiland, Anne Hennen, Dan Buresie, Paul Wiemann, Bill Pinske, Curt Kallio, Greg Goblirsch, Bernet Pinske, Jerome Gildea, Kurt Menk

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

9c) Lawn mower bids

11.1) Letter of Resignation from Marge Kloeckl

11.2) LMC Safety & Loss Workshop.

Motion by Reetz, seconded by Borchert, and passed by unanimous vote to approve the minutes from the March 5, 2007 meeting as presented.

Motion by Vrklan, seconded by Griep, and passed by unanimous vote to approve the bills as presented. The Statement of Funds for February was reviewed.

Jim Heiland was present to talk about the 3<sup>rd</sup> Annual Racer Preview day that is scheduled for Saturday, April 21<sup>st</sup>. He requested permission to block off Chandler Street from Hwy 5 up to 6<sup>th</sup> Avenue as has been done for the last 2 years from 8 am – 3 pm. He stated that he had purchased legal signage for redirecting the hospital route during this time period and that there were no problems last year. Heiland stated that parking has not been an issue. He stated that people park their cars/trailers at the Community Center in the west parking lot and he provides a shuttle bus service that goes back and forth.

Motion by Reetz, seconded by Borchert, and passed by unanimous vote to grant Jim Heiland permission to block of Chandler Street from Hwy 5 to 6<sup>th</sup> Avenue for the 3<sup>rd</sup> Annual Racer Preview Day on April 21<sup>st</sup>.

Heiland commented that he has been working with Bob & Susan Allen on having a Chamber night at the races. They have chosen May 12<sup>th</sup> and were extending an invitation to the Mayor and Council to join them.

P&Z Administrator Jenness held the second reading of Ordinance No. 200 – An Ordinance Regulating the Use of Private Water and Sewer Systems within the City of Arlington and Providing for the Administration and Enforcement of such Regulations. It was noted that there were no changes from the first reading. Jenness stated that the Planning & Zoning Board was recommending approval of the ordinance.

Motion by Vrklan, seconded by Reetz, and carried (Griep opposed) to approve Ordinance No. 200 as follows:

**ORDINANCE NO. 200**

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

**AN ORDINANCE REGULATING THE USE OF PRIVATE WATER AND SEWER SYSTEMS WITHIN THE CITY OF ARLINGTON AND PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF SUCH REGULATIONS.**

**PRIVATE WATER SYSTEM UNLAWFUL:**

- A. It shall be unlawful for any person to install a new private or community water system and/or well in the city limits.
- B. In newly platted areas, only lots that have city water and sewer service can be issued a building and occupancy permit. In no circumstances will new private wells be allowed.
- C. For those households within city limits that currently do not have city water connections and have private wells, mandatory hookup to city water will be required prior to transfer or sale of property, when private well fails, or no later than September 1, 2020, whichever of said three events happens first.
- D. To determine whether or not such public water is available for an existing private connection each person or corporation must make application for connection to the public system within 60 days of adoption of said ordinance. Upon determination of the Code Enforcement Officer that access to the public water system is not within 500 feet of the applicant's structure that requires the public water system and the Council determines that it is not financially feasible for the City to provide access to connect the applicant's premises to the public water system, then the applicant shall be granted a permit to continue the use of their private system (well) for a maximum increment of two (2) years. After the application expires, the process would have to be repeated and reviewed. Properties that are using the public sewer system and a private well as a water supply shall attach an automated metering system to the private well that will be read by city staff for billing usage of the public sewer system until the property is connected to the public water system. Cost of the automated metering system shall be billed to the property owner. Each well shall be tested yearly by the owner or by the City and the results reported to the City. A fee may be charged for this permit with costs set by Council resolution.
- E. All existing private wells within city limits that are on property already connected to the city water system and are not being used solely for ground irrigation will be sealed at the property owners expense and in accordance with Minnesota Department of Health requirements on or before October 1, 2007.
- F. Owners of existing private wells must present the City of Arlington with documentation of completion of sealing the private well by October 1, 2007.
- G. ABATEMENT: The Code Enforcement Officer shall be charged with the enforcement of verifying sealing of any non-permitted private wells that exist on premises in the City. The Officer shall notify in writing the owner or occupant of the premises of such fact and order that such well be sealed. The notice shall be served in person, or by certified or registered mail. If the notice is not complied with within the time specified (60 days), the Enforcement Officer shall report that fact forthwith to the City Council. Thereafter the City Council shall cause the well to be sealed by the City.
- H. RECOVERY OF COSTS: Personal Liability: The owner of premises on which the City has sealed a well shall be personally liable to the City for the cost of the sealing, including administrative costs. As soon as the work has been completed and the costs determined, the City Clerk shall prepare a bill for the cost and mail it to the owner. Thereupon the amount shall be immediately due and payable at the Office of the City Clerk.
- I. ASSESSMENT: Once the well is sealed and payment is not received, the City Clerk shall, on or before December 1 next following the abatement of the well, list the total unpaid charges along with all other such charges, as well as other charges for current services to be assessed under Minnesota Statutes Section 429.101, or any laws amending or replacing such law, against each separate lot or parcel to which the charges are attributable. The City Council may then spread the charges against such property under that statute and other pertinent statutes for certification to the County Auditor and collection along with the current taxes the following year or in annual installments, not exceeding ten (10) years as the City Council may determine in each case.
- J. PENALTY: Any violation of this Ordinance shall be considered a misdemeanor punishable by the misdemeanor fines and penalties set forth in Minnesota Statute Section 609.02, Subdivision 3, or any laws amending or replacing such law.

**PRIVATE SEWER SYSTEM UNLAWFUL:**

- A. It shall be unlawful for any person to install a new private or community sewer system in the city limits.
- B. In newly platted areas, only lots that have city water and sewer service can be issued a building and occupancy permit. In no circumstances will new private sewers/holding tanks be allowed.
- C. For those households within city limits that currently do not have city sewer connections and have private sewer/holding tanks, mandatory hookup to city sewer will be required prior to transfer or sale of property, when private septic system fails, or no later than September 1, 2020, whichever of said three events happens first.
- D. To determine whether or not such public sewer is available for an existing private connection each person or corporation must make application for connection to the public system within 60 days of adoption of said ordinance. Upon determination of the Code Enforcement Officer that access to the public sewer system is not within 500 feet of the applicant's structure that requires sewer services and the Council determines it is not financially feasible for the City to provide access to connect the applicant's premises (structure) to the public sewer system, then the applicant shall be granted a permit to continue the use of their private sewer system for a maximum increment of two (2) years. The applicant shall provide a valid Certificate of Compliance for the private sewer system with the application. All private sewer systems must comply with Minnesota Rules Chapter 7080 and the City of Arlington's Septic Ordinance.

After the application expires, the process would have to be repeated and reviewed. A fee may be charged for this permit with costs set by Council resolution.

- E. All existing private sewers within city limits that are on property already connected to the city sewer system will be removed and rendered inoperable (i.e. pumped and filled with dirt or sand) at the property owner's expense and in accordance with Minnesota Department of Health requirements on or before October 1, 2007.
- F. Owners of existing private sewers must present the City of Arlington with documentation of completion of dismantling the private sewer by October 1, 2007.
- G. ABATEMENT: The Code Enforcement Officer shall be charged with the enforcement of verifying sealing of any non-permitted private sewers that exist on premises in the city. The Officer shall notify in writing the owner or occupant of the premises of such fact and order that such sewer be dismantled. The notice shall be served in person, or by certified or registered mail. If the notice is not complied with within the time specified (60 days), the Enforcement Officer shall report that fact forthwith to the City Council. Thereafter the City Council shall cause the sewer to be dismantled by the City.
- H. RECOVERY OF COSTS: Personal Liability: The owner of premises on which the City has dismantled a sewer shall be personally liable to the City for the cost of the work, including administrative costs. As soon as the work has been completed and the costs determined, the City Clerk shall prepare a bill for the cost and mail it to the owner. Thereupon the amount shall be immediately due and payable at the Office of the City Clerk.
- I. ASSESSMENT: Once the sewer is sealed and billed to the owner, the City Clerk shall, on or before December 1 next following the abatement of the sewer, list the total unpaid charges along with all other such charges, as well as other charges for current services to be assessed under Minnesota Statutes section 429.101, or any laws amending or replacing such law, against each separate lot or parcel to which the charges are attributable. The City Council may then spread the charges against such property under that statute and other pertinent statutes for certification to the County Auditor and collection along with the current taxes the following year or in annual installments, not exceeding ten (10) years as the City Council may determine in each case.
- J. PENALTY: Any violation of this Ordinance shall be considered a misdemeanor punishable by the misdemeanor fines and penalties set forth in Minnesota Statute Section 609.02, Subdivision 3, or any laws amending or replacing such law.

Any provisions of Ordinance 133 not in conflict with this ordinance remain in full force and effect.

This ordinance shall become effective immediately upon publication.

For City of Arlington

/s/ James R. Kreft  
By Jim Kreft  
It's Mayor

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

Motion by Reetz, seconded by Wills, and passed by unanimous vote to authorize P&Z Administrator Jenness to attend the Southwest Building Officials quarterly meeting in Redwood Falls on March 21<sup>st</sup>.

The Council reviewed the 2006 MinnRail Shippers Activity Report from the Minnesota Valley Regional Rail Authority. No action was needed.

The Council reviewed the letter of resignation from Marge Kloeckl from the ambulance service. Vrklan commented that he served on the ambulance service with Marge and that she will be missed greatly. Borchert commented that she deserves a big thank you. Administrator Krueger stated that she will continue to help out with the Ambulance Association activities.

Motion by Borchert, seconded by Griep, and passed by unanimous vote to accept Marge Kloeckl's letter of resignation from the ambulance service effective March 31, 2007.

Administrator Krueger handed out some information on an upcoming LMC conference being held in Mankato on April 4<sup>th</sup> and requested permission for city staff and his self to attend; he also encouraged the Council to attend.

Motion by Griep, seconded by Wills, and passed by unanimous vote to authorize Administrator Krueger and City Staff to attend the LMC Conference in Mankato on April 4<sup>th</sup>.

P&Z Administrator Jenness stated that Jeff Hennen was requesting approval of a Conditional Use Permit for a Preliminary Plat for a Residential Planned Unit Development for Polar Circle Second Addition. He stated that the P&Z Board had reviewed said plat, held a public hearing and was recommending the City Council to approve it with the following conditions:

- 1) All property within proposed plat must be annexed before approval of Final Plat;
- 2) Developer's Agreement must be completed and approved before approval of Final Plat;
- 3) City Engineer must approve Final Plat before approval by City Council;
- 4) All development fees must be paid before Final Plat approval;
- 5) Provide access to Highway 5 and a right turn lane and a left turn lane (bypass lane) on Highway 5;
- 6) Construct a berm and plant trees in a Conservation Easement adjacent to Highway 5 right of way in Block 7 & 8;
- 7) Provide written covenant informing buyers of possible odors and increased truck traffic during canning season at Seneca Foods;
- 8) In Block 3, Lots 1 & 2 will be market rate housing
- 9) Adjacent property owners responsible for Outlot F;
- 10) Park dedication fees in Developer's Agreement instead of actual park land.

Reetz expressed some concern about the timeline involved and the fact that the plat has changed since it was introduced as a sketch plan. Attorney Arneson spoke on this issue and clarified that it is legal to do so long as the changes are not substantial. Discussion was held on how much of the property was or was not within city limits and how it was zoned and how the PUD status changes (overlays) the zoning. Hennen's Engineer Curt Kallio questioned if this could be done in phases (only plat what is in city limits now and the rest upon annexation). Jenness stated that phasing is permitted as long as the entire property is in city limits. Reetz commented that he would like to see the B-1 zoning buffer stay along Hwy 5. Anne Hennen commented on Jeff's behalf that he is the owner of the property and is not interested in developing any portion of it for commercial purposes. Mayor Kreft permitted comments from those in the audience, but re-iterated to the Council that the decision being made was related to zoning, not public input. Paul Wiemann and Bruce Pinske spoke on Seneca Foods' behalf. They stated that Seneca is not opposed to the entire project and the conditions mentioned earlier do not benefit Seneca in any way and feel that a buffer zone should be in place between residential and commercial/industrial areas. Bruce Pinske also spoke on the Railroad Authority's behalf to express its opposition to the proposed development. Bill Pinske commented on the current housing market within the Arlington city limits; that there is not a need for an affordable housing development at this time, there are plenty of houses available. Anne Hennen reviewed for the Council's benefit the Building Better Neighborhoods program and how it works (is funded, etc.). Administrator Krueger commented that he would like to see the participation of the Greater Minnesota Housing Partnership Fund with this type of development. It was noted that Hennen will have to petition the City to get the property annexed into city limits.

Motion by Reetz, seconded by Vrklan, and passed by unanimous vote to send the Preliminary Plat for Polar Circle Second Addition back to the Planning & Zoning Board based on the following:

- 1) a large portion of the property is not annexed and must be annexed before a Preliminary Plat is approved; and
- 2) the P&Z Board should strongly consider allowing a PUD to not overlay an existing B-1 zoned district and the of the City Council's potential to apply the B-1 zoning to any land that is annexed along Hwy 5 in the future.

Mayor Kreft requested that P&Z Administrator Jenness and the Planning & Zoning Board review the Zoning & Subdivision Ordinances to come up with a new Planned Unit Development ordinance.

Greg Goblirsch introduced Bernet Pinske and Jerome Gildea as the 2 new Cemetery Board members. He presented the Cemetery Board's annual report. The Cemetery Board is putting a 5-year plan together, which

includes a new roadway, putting in a curve near the old entrance and designating a cremation area with a columbarium structure. Goblirsch commented that the Board has decided to hold off with continuing their landscaping project until the roadway/curve is done. He stated that the cemetery (unused portion) had been surveyed and stakes were placed to show boundaries, which there were some problems with adjacent residents infringing on city property.

Mayor Kreft recessed the meeting for a short break and then reconvened said meeting.

Police Chief Rovinsky requested permission to attend the Police Chief's Convention in St. Cloud on April 16-19<sup>th</sup> as part of his continuing education.

Motion by Griep, seconded by Wills, and passed by unanimous vote to authorize Chief Rovinsky to attend the above mentioned conference.

Chief Rovinsky presented his monthly police report.

Mayor Kreft commented that he was recommending Councilmember Galen Wills and residents Tim Kloeckl and Denise Swenson for appointment to the Police Committee, which said appointments would be for the remaining 2007 calendar year. He stated that there still would be 1 open seat left to fill by another resident.

Motion by Reetz, seconded by Vrklan, and passed by unanimous vote to appoint Councilmember Galen Wills and residents Tim Kloeckl and Denise Swenson to the Police Committee.

Chief Rovinsky stated that he had copied the Police Policy Handbook to a CD for the Council to review at that their leisure, which included the job description for the Chief. Mayor Kreft stated that the job description within the handbook is more detailed and up-to-date than previous ones; however it has not formally been approved. Reetz suggested having the Police Committee review the job description and make recommendations to the Council for changes/amendments, if any. Chief Rovinsky suggested starting with a smaller group consisting of the 2 Councilmembers on the Police Committee and him self. Brief discussion was held on the performance evaluation for the Chief also. It was noted that it was primarily for a patrol officer and should be revised to include administrative duties.

It was the consensus of the Council to allow Vrklan, Wills and Chief Rovinsky to review the job descriptions and performance evaluation forms for the Chief of Police and Police Officers and make recommendations to the Police Committee and Council for approval.

Discussion was held on who should evaluate the Chief and how often. Mayor Kreft read a section from the January 29<sup>th</sup> Special Joint Police Committee meeting minutes that said the Mayor was to do quarterly evaluations of the Chief and then give copies to the Police Committee for them to review and finally to the full Council for their consideration when they do the annual evaluation of the Chief at year end. Wills suggested having the Council do 1 evaluation at year end. It was agreed that the Mayor should do 3 quarterly evaluations; provide said evaluations to the Police Committee for their review. The Police Committee would then pass on a synopsis of the evaluations to the Council for consideration when the Council does the year end evaluation of the chief. It was agreed that the chief's evaluation would not take place until the job description and evaluation form was revised and approved by the Council.

Mayor Kreft commented that he has asked P&Z Administrator Jenness and Police Chief Rovinsky to re-initiate their conversation on an ordinance enforcement policy now. This policy should be presented to the Council at a future meeting.

Vrklan thanked Chief Rovinsky for the opportunity to do a ride along with him and Officer Josh Stelter recently on a Saturday night. He stated that it gave him the opportunity to ask questions and put things into perspective on how/why things are done the way they are.

Attorney Arneson presented Ordinance No. 203 – An Ordinance to Create a Parks Committee for the City of Arlington and to Set Operating Rules for said Committee for its second reading. He reviewed the changes that had been made from the first reading.

Motion by Reetz, seconded by Wills, and passed by unanimous vote to approve Ordinance No. 203 as follows:

**ORDINANCE NO. 203**

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

AN ORDINANCE TO CREATE A PARKS COMMITTEE FOR THE CITY OF ARLINGTON AND TO SET OPERATING RULES FOR SAID COMMITTEE.

Section 1. Parks Committee Composition. The Parks Committee shall consist of seven members. The Committee shall include 6 citizens of Arlington and 1 Arlington Council member, appointed by the Mayor with the advice and consent of the City Council. The Mayor shall appoint the committee at the first Council meeting in January each year to serve for that calendar year. The Mayor shall also be an ex-officio member of the committee.

Section 2. Parks Committee Purpose. The purpose of the Committee will be to act as a resource for the City Council and the citizens of Arlington in collecting information, citizen comments and suggestions, and formulating and presenting recommendations to the City Council for action, on matters pertaining to the parks, trails, and recreational programs maintained by the City of Arlington.

Section 3. Parks Committee Organization. The Parks Committee members by a simple majority vote shall elect a Chairman and Vice Chairman from their members. The Chairman shall preside at Committee meetings. The Vice Chairman shall preside at Committee meetings in the Chairman's absence. The Committee by a simple majority vote may also elect a secretary from their members, to produce written records of the committee proceedings, prepare meeting notices and other correspondence of the committee. However, if the City Council determines that the secretary position is unduly burdensome for a citizen member of the committee, the City Council may instead assign a City Office staff person to the committee to act as secretary. In such case, the City staff person functioning as committee secretary shall not be a voting member of the committee.

Section 4. Parks Committee Meetings. The Parks Committee shall meet whenever its Chairman deems appropriate, but no less often than quarterly. Meetings shall be held at a time and place as set by the Chairman, to most conveniently accommodate the schedules of the Committee members.

Section 5. Citizen Input. The Parks Committee shall encourage citizen input, including complaints, complements, or suggested changes to the park system or recreational programs. The Committee shall also review citizen input as referred to the Committee by the City Council. Such input shall be summarized and passed on to the City Council, along with the Committee recommendations for any action based on such citizen input.

Section 6. Communication with City Council. The Parks Committee shall issue periodic reports to the City Council, either in written form or by appearance at City Council meetings, whenever the Committee feels the need has arisen to communicate with the Council, or whenever the Council requests a report from the Parks Committee. It is expected that the Mayor and the City Council member on the Committee shall also function as communicators between the City Council and the Committee.

Section 7. Summer employment review. The Parks Committee shall assist the City Council by reviewing applications for the summer recreation program and making hiring recommendations to the City Council.

This ordinance shall become effective immediately upon publication.

For City of Arlington

/s/ James R. Kreft  
By James R. Kreft  
Its Mayor

/s/ David L. Krueger  
By David L. Krueger  
Its City Administrator

Attorney Arneson presented Ordinance No. 204 – An Ordinance to Create a Library Committee for the City of Arlington and to set Operating Rules for said Committee for its first reading. He stated that a Committee of 4 members did exist, but there was not an ordinance on record creating/governing it. He pointed out that the number of members would increase to 6 citizens and 1 Councilmember. Mayor Kreft questioned if the Librarian should be included in the Committee. Attorney Arneson will add the Librarian as an ex-officio member and suggested that the Library Committee review the ordinance before a final reading is done.

Motion by Vrklan, seconded by Wills, and passed by unanimous vote to accept Ordinance No. 204 – An Ordinance to Create a Library Committee for the City of Arlington and to set Operating Rules for said Committee for its first reading.

The Council reviewed the request from Librarian Homme to have the Public Library open an additional 3 hours a week (9:00-12:00 on Tuesdays) and cost approximately \$3,000 more a year. The Council reviewed the budget for the Library for the past 3 years.

Motion by Borchert, seconded by Reetz, and passed by unanimous vote to accept Librarian Homme’s request to have the Public Library open on Tuesdays from 9:00-12:00 and cover the costs (wages) associated therewith.

Wills suggested that the City should look into increasing the hours again at budget time in order to have the Library open more like surrounding communities. Mayor Kreft agreed and felt this was an excellent idea.

Attorney Arneson stated that the Historical Society is requesting permission to change their By-Laws to increase the number of members to a maximum of 12. He stated that they currently have 5 members and are an incorporated non-profit organization under the sponsorship of the City.

Motion by Vrklan, seconded by Griep, and passed by unanimous vote to approve the amended By-Laws of the Arlington Historical Society as follows:

#### **BY-LAWS OF ARLINGTON HISTORICAL SOCIETY, INC.**

A Corporation duly organized under the Laws of the State of Minnesota

#### **ARTICLE I**

Section 1. The registered office of the corporation shall be c/o City of Arlington, 204 Shamrock Drive, Arlington, MN 55307 and the corporation shall have other offices at such places as the board of directors may from time to time determine.

#### **ARTICLE II - BOARD OF DIRECTORS**

Section 1. Appointment of Directors. The property and business of this corporation shall be managed by its board of directors, who shall be no less than five and no more than twelve in number. They shall be appointed by the Mayor of Arlington, with the advice of the Arlington City Council. Each director shall be appointed to serve one year. Directors may be appointed to an unlimited number of consecutive terms.

Section 2. Vacancies. Any vacancy occurring on the board will be filled by appointment of the Mayor of Arlington, with the advice of the Arlington City Council. A director appointed to fill a vacancy shall serve the unexpired term of the predecessor.

Section 3. Meetings and Notice. The board shall meet whenever necessary to conduct the business of the corporation, as requested by the president or any director. Meetings of the board may be held upon ten (10) days written notice. Notice may be waived in writing or orally before or after the time of such meeting, and attendance of a director at a meeting shall constitute a waiver of notice thereof. Neither the business to be transacted at, nor the purpose of, any meeting need be specified in the notice of such meeting.

Section 4. Quorum. At all meetings of the board, a majority of the directors shall constitute a quorum for the transaction of business, and the act of a majority of the directors present at any meeting at which there is a quorum, shall be the act of the board.

Section 5. Order of Business. The board may determine the order of business at their meeting. The usual order of business at such meetings shall be as follows:

1. The meeting is called to order by the president at the time and on the date of the meeting.
2. Roll call -- quorum being present the meeting proceeds with business.

3. Reading of minutes of secretary of previous meeting and their approval.
4. Consideration of communications.
5. Old business.
6. New business.
7. Motion to adjourn.

### **ARTICLE III - POWERS OF DIRECTORS**

Section 1. In Addition to the powers conferred upon them by these By-Laws, the board shall have the power to do all lawful acts necessary to the business of this corporation that are not conferred upon the members by these By-Laws, the Articles of Incorporation, or statute.

### **ARTICLE IV - OFFICERS**

Section 1. Officers. The board at its first annual meeting shall elect a president and a secretary-treasurer. Each officer shall hold office until a successor is elected notwithstanding an earlier termination of their office as director.

Section 2. Other Officers. The board may appoint such other officers and agents as it shall deem necessary who shall hold their offices for such terms and with powers and duties as determined by the board.

Section 3. Terms of Office. The officers of the corporation shall hold office until their successors are chosen and qualify in their stead. Notwithstanding an earlier termination of their office as directors, any officer elected or appointed by the board may be removed by the vote of a majority of the whole board with or without cause.

Section 4. President. (A) The president shall be the chief executive officer of the corporation; said officer shall preside at all meetings; said officer shall have general management of the business of the corporation, and shall see that all orders of the board are carried into effect. (B) The president shall execute all bonds, mortgages and other contracts. (C) The president shall be ex-officio a member of all standing committees, and shall have the general powers and duties usually vested in the office of the president of a corporation.

Section 5. Secretary. The secretary shall keep the minutes of all meetings and give all notice of meetings as directed by these By-Laws. The secretary shall join with the president in the signing of all corporate contracts, notes, and obligations. The secretary, upon written authorization of the president, may legally bind the corporation by signing of notes, contracts and obligations, for and in place of the president.

Section 6. Treasurer. The treasurer shall have custody of all corporate funds, shall disburse funds as ordered by the board, and shall keep a full record of receipts and disbursements.

### **ARTICLE V - GENERAL MATTER**

Section 1. Inspection of Books. Members shall be permitted to inspect the books of the corporation at all reasonable times.

Section 2. Checks. All checks of the corporation shall be signed by the Treasurer, or by such other officers or agents as may be designated by resolution of the board of directors.

Section 3. Fiscal Year. The fiscal year of the corporation shall be set from time to time by resolution of the board of directors.

Section 4. Directors' Annual Statement. The board shall, at least once each year and when called by vote of any number of members, present a clear statement of the business and condition of the corporation.

Section 5. Amendments to By-Laws. These By-Laws may be amended by at least 2/3 vote of the whole board of directors, provided that notice of such proposed amendments shall have been given in the notice of such meeting. Such authority in the board is subject to the powers of the members to change or repeal such By-Laws by a majority vote of the members present and represented at any annual meeting, or at any special meeting called for that purpose, and the board shall not amend the By-Laws fixing their number, qualification or term of office. An amendment to the By-Laws shall be put to the vote of the members if a petition for such vote is submitted in writing to the board by at least two Directors entitled to vote.

Section 6. Vacancies. If the office of any officer becomes vacant by reason of death, resignation, retirement, or otherwise, the directors then in office, although less than a quorum, by a majority vote may choose a replacement who shall hold office for the unexpired term of the said predecessor.

Section 7. Executive Committees. The board may, by unanimous vote of the entire board, designate one or more of their number to constitute an executive committee, which to the extent determined by unanimous vote of the entire board, shall have the authority of the board in the management of the business of the corporation. Any such executive committee shall act only in the interval between meetings of the board, and shall be subject at all times to the control and direction of the board.

Section 8. Compensation of Directors and Officers. Compensation may be paid to directors and officers from time to time as set by majority vote of a quorum of the members entitled to vote at any duly held meeting of the membership.

Section 9. Seal. The corporation shall have no corporate seal.

### **ARTICLE VI - DISSOLUTION**

Section 1. Voluntary proceedings for dissolution may be instituted whenever a resolution for that purpose is adopted by at least 4/5 of the voting power of all corporation members at a members' meeting duly called for that purpose. Upon the dissolution of the Corporation, the Board of Directors shall, after paying or making provisions for the payment of all of the liabilities of the Corporation, dispose of all of the assets of the Corporation exclusively for the purposes of the Corporation in such manner, or to such organization or organizations organized and operated exclusively for charitable, education, religious or scientific purposes as shall at the time qualify as an exempt organization or organizations under Section 501(c) (3) of the Internal Revenue Code of 1986 (or the corresponding provisions of any future United States Internal Revenue Law), as the Board of Directors shall determine. Any of such assets not so disposed of shall be disposed of by the District Court of the county in which the principal office of the Corporation is then located, exclusively for such purposes or to such organization or organizations as said court shall determine, which are organized and operated exclusively for such purposes.

Dated: \_\_\_\_\_, 2007

\_\_\_\_\_  
President

\_\_\_\_\_  
Secretary

Attorney Arneson presented a revised Contract for Police Services for the Council to review. He stated that the only real change was the appendix (scope of services) had been deleted and would be made into a Letter of Understanding instead; this would allow for changes to be made from time-to-time to the "scope of services" without directly affecting the contract. He stated that the County Board, Sheriff and County Attorney have approved and signed the Contract and are awaiting the signatures from the City of Arlington. It was suggested to see if the Sheriff's Department would be able to start on March 26<sup>th</sup>, otherwise April 1<sup>st</sup> would be the official start date.

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

**RESOLUTION NO. 12-2007  
CONTRACT FOR POLICE SERVICES**

**THIS AGREEMENT**, made effective the \_\_\_ day of \_\_\_\_\_, 2007 by and between the County of Sibley, hereinafter referred to as the "County" and the City of Arlington, hereinafter referred to as the "City", and Bruce Ponath, Sibley County Sheriff, hereinafter referred to as the "Sheriff".

**WITNESSETH;**

**WHEREAS**, the parties to this agreement are municipal governments of the State of Minnesota which have the responsibility for the enforcement of their ordinances and the laws of the State of Minnesota for the public safety of their citizens;

**WHEREAS**, the City desires to enter into a contract with the County and the Sheriff whereby the County, through its Sheriff's Office, would provide law enforcement services within the boundaries of the City; and

**WHEREAS**, the County and the Sheriff agree to render such services upon the terms and conditions hereinafter set forth; and

**WHEREAS**, such contracts are authorized by the provisions of Minnesota Statutes §436.05 and §471.59.

**NOW, THEREFORE**, in consideration of the mutual covenants herein contained, it is agreed between the parties as follows:

1) The County agrees, through the Office of the Sheriff of the County, to provide police protection within the corporate limits of the City to the extent and in the manner hereinafter set forth.

Except as otherwise specifically provided herein, the service to be provided by the County shall encompass those duties and functions which are the type normally coming within the jurisdiction of and customarily rendered by the Sheriff under the applicable statutes of the State of Minnesota.

It is agreed that the City shall receive police protection to be provided by such personnel as may be assigned by the Sheriff using such vehicles as the Sheriff, in his discretion, shall deem necessary. The police protection contemplated hereby shall include patrolling and answering police calls within the City. The manner in which such service is rendered, the standards

of performance, discipline of officers and all matters incident to the performance of such service or the control of personnel employed to render such service shall be and remain in the County through its Sheriff's Office. In the event a dispute arises between the parties concerning the services to be rendered hereunder, the level thereof or the manner in which such services is provided, the Sheriff of the County shall determine such dispute and it shall be conclusive and binding on the parties hereto.

2) The services contemplated hereby are scheduled police services which will, in fact, be provided to the City during the hours of the day that the Arlington Police Department does not have an officer on duty. Any matter responded to by County shall be investigated and resolved by County or in conjunction with the Arlington Police Department. It shall not include situations in which, in the opinion of the Sheriff, a police emergency occurs which requires a different use of the officer and/or the patrol vehicle or the performance of special details relating to the law enforcement service. It shall not include the enforcement of City Ordinances with regard to zoning ordinances, building codes or such other matters which are primarily regulatory in nature.

3) It is hereby agreed that the City and all of its officers, agents and employees shall render full cooperation and assistance to the County and the Sheriff to facilitate the provisions of the services contemplated hereby.

4) It is agreed that the County shall provide all necessary labor, supervision, equipment, communications facilities, dispatching and necessary supplies to maintain and provide the police service to be rendered hereunder. The County shall furnish a police vehicle and any additional equipment deemed necessary and reasonable by the Sheriff for the performance of such police service, and all expenses incurred with respect to the operation of such police vehicle and the furnishing of police services (including but not limited to benefits and salaries paid, gas, oil, repairs, maintenance, telephone, car insurance, and liability insurance) shall be paid by the County.

5) The City does not assume any liability for the direct payment of any salaries, wages, or other compensation to personnel employed by the County to perform the services contemplated hereby, nor does it assume any other liability other than that provided for in this agreement.

It is agreed that all personnel employed to render the services contemplated hereby shall be employees of the County and that the County shall therefore be responsible for providing worker's compensation insurance and all other benefits to which such personnel shall become entitled by reason of their contract with the County entered into through its collective bargaining unit.

The County agrees that all insurance required to adequately cover vehicles, personnel and equipment used by the County in the provision of the services contemplated herein will be provided by the County at its own expense.

6) The County, its officers and employees and the Sheriff shall not be deemed to assume liability for any intentional or negligent acts of the City. The City agrees that it will hold the County and the Sheriff harmless from and shall defend its officers, agents and employees against any claim for damages resulting from such acts.

The County does further agree to hold harmless and indemnify the City as to all actions, causes of action, claims, judgments, and expenses incurred by the City arising out of the services to be performed and furnished to the City pursuant to the terms of this contract.

7) This initial agreement shall commence on the 1<sup>st</sup> day of April, 2007, and terminate on the 31<sup>st</sup> day of December, 2007. This agreement will automatically renew each year, unless it is terminated as provided herein.

This agreement may be terminated by either party without cause upon sixty (60) days written notice to the other party sent by certified mail, notice complete upon mailing. Monthly compensation paid by the City to the County during this transition period shall be at the rate established by the County as provided herein.

8) The City shall reimburse the County for the full cost to the County of providing policing services as described herein. The initial (2007) year contract amount shall be \$40.00 per hour that a County law enforcement officer spends responding under the terms of this agreement, with a minimum of \$40.00 per response. The hourly charge shall not apply to the travel time of the officer to and from the City, except that travel time will be reimbursed for travel which involves the transportation of persons arrested in City to the Sheriff's Office for booking and processing.

The County will bill City monthly for the police services provided to the City. Annual contract amounts for subsequent years shall be based on the County's full cost of providing policing services, as noted above.

To the extent that salary costs or employee benefit costs change, the rate will be adjusted accordingly. Written notification of the change will be provided to City by County and will become the new rate the month following notification.

This contract does not include additional services, which the City may hire for special activities in the City requiring more than the services contracted under this agreement.

Sheriff will maintain documentation as to time devoted to City police protection services. Upon request of the City, Sheriff will provide this documentation to City.

Upon request of the City, the County will provide reasonable documentation supporting the County's cost of providing police services under this agreement.

9) The Arlington City Attorney's Office will prosecute all City prosecution level criminal violations occurring during the period of this contract. Monetary fine revenue or prosecution costs derived from police protection services provided to City under this contract will be paid to City, to the extent state law or court rule provides for distribution to the City. Forfeitures

shall be distributed as required by state law, with the City retaining any portion of such forfeitures allocated to the prosecuting authority and the Sheriff retaining any portion of such forfeitures allocated to the law enforcement agency.

**IN WITNESS THEREOF**, The City has caused this Agreement to be executed by its Mayor and its Clerk, by the authority of its governing body adopted by Resolution on the \_\_\_\_\_ day of \_\_\_\_\_, 2007 and the County of Sibley has caused this Agreement to be executed by its Chair and its County Auditor pursuant to the authority of the Board of County Commissioners by Resolution duly adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 2007.

CITY:

COUNTY OF SIBLEY:

By: \_\_\_\_\_  
James R. Kreft  
Mayor, City of Arlington

By: \_\_\_\_\_  
Harold Pettis  
Chair, County Board of Commissioners

By: \_\_\_\_\_  
David L. Krueger  
Clerk, City of Arlington

By: \_\_\_\_\_  
Lisa Pfarr  
County Auditor

By: \_\_\_\_\_  
Bruce Ponath  
County Sheriff

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

Approved to form and execution

Approved to form and execution

\_\_\_\_\_  
City Attorney  
Ross R. Arneson

\_\_\_\_\_  
County Attorney  
David E. Schauer

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

Adopted by the City Council of the City of Arlington this 19<sup>th</sup> day of March, 2007.

Signed: /s/ James R. Kreft \_\_\_\_\_  
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 city's vehicle inventory. Administrator Krueger stated that the Streets Committee was recommending the following vehicles to be sold:

1988 Chevy S-10 Pickup 4-speed, 47,435 miles

1990 Chevy Blue Pickup 5-speed, 93,755 miles

1963 GMC Water Truck, 8,614 miles

1985 Ford Ambulance Mobile Generator, 62,923 miles.

Wills suggested that the 2002 Dodge Dakota should be designated for Adm. Krueger and P&Z Jenness to use when traveling in or out of town (to cut down on mileage reimbursement). He commented that one of the 1998 Chevy trucks (red or white) should be designated for Keith Doetkott (maintenance) to drive year-round and the other as the summer truck. Reetz agreed, as he was opposed to having the plow (red) truck only being used 4 months during the winter, the white truck used 3-4 months during the summer while the Dodge was being driven year-round as a maintenance vehicle.

Motion by Vrklan, seconded by Wills, and passed by unanimous vote to sell the above 4 vehicles as-is by sealed bids with a deadline of April 30<sup>th</sup>. All bids will be opened at the May 7<sup>th</sup> Council meeting. It was understood that the Council reserves the right to refuse any and all bids received if it so chooses.

Administrator Krueger explained that the Streets Committee had discussed possibly getting rid of either the digger truck or the bucket truck, but could not come to an agreement. He explained that both trucks are used weekly and for what purposes, plus gave a brief description of the how they worked (up/down, out and sideways). Vrklan commented that both trucks are paid for. Wills commented that the City does not need 2 trucks that do essentially the same things. It was suggested to have a fair market value appraisal done on both vehicles. Considerable discussion was held.

Motion by Wills, seconded by Reetz, and carried (Griep and Vrklan opposed) to find out the fair market value of the 1995 Chevy Bucket Truck and winch, advertise it for sale by sealed bid with a deadline of April 30<sup>th</sup>, which bids will be opened at the May 7<sup>th</sup> Council meeting with the understanding that the City has the right to refuse any and all bids.

Mayor Kreft commented that the Streets Committee had reviewed the bids for a new lawn mower with heated cab and snow blower unit. They were not recommending the purchase of such a unit at this time. It was agreed by the Committee that notices should be sent out next fall with the utility bills that explained that residents must clean their sidewalks within 48 hours of a snowfall. This will be monitored to see how much of a problem there really is and if the City can justify the purchase of a snow blower unit. The Streets Committee had agreed to revisit the purchase of a new lawn mower early in 2008.

Reetz commented that the Planning & Zoning Board had made a recommendation to put an RFP (Request for Proposal) together for a Comprehensive Land Use Plan. Mayor Kreft appreciated the recommendation, but feels there are a few things that have to be done first.

Administrator Krueger gave a brief update on how things were progressing in the EDA with prospective hotels.

Mayor Kreft reminded the Council of the upcoming Comprehensive Land Use Plan seminar being held in St. Paul on April 18<sup>th</sup>. Administrator Krueger will pre-register those who are interested in going to the seminar.

Discussion was held on possibly changing the meeting time and day of the week the meetings are held on, along with going to a consent agenda (with workshop before meetings). No action was taken.

Mayor Kreft commented that he had received a complaint about how poor the sound quality was of the Council meetings on the public access channel. Administrator Krueger will get in touch with the company that installed the system to see what if anything can be done to improve the sound quality. Mayor Kreft also commented that he had been receiving complaints that the meetings being played on the public access channel are not being played entirely. Administrator Krueger commented that this had something to do with where the tapes or DVD's are played and how the equipment is set up.

Mayor Kreft commented that the individuals who contracted with the City for snow removal have requested to meet to go over a few things before next year. Administrator Krueger will have staff set up a meeting date and time with the Streets Committee.

Motion by Vrklan, seconded by Wills, and passed by unanimous vote to adjourn the meeting at 10:20 p.m.

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Administrator David L. Krueger

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Mayor James R. Kreft