ARLINGTON CITY COUNCIL
MEETING MINUTES
MARCH 2, 2009

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

Members present: Mayor Kreft, Griep, Pederson, Pichelmann, Reetz, Vrklan
Members absent: None
Also present: Administrator Jaunich, Attorney Arneson, SMC Adm. Rhonda Matz, Police Chief Rovinsky, Engineer Hawbaker, Kurt Menk

Motion by Griep, seconded by Pichelmann, and passed by unanimous vote to approve the agenda as amended:
Add item 4G) Accept Steve Ziegler's letter of resignation from the Fire Department
Remove item 20) as information was not ready for the meeting.

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

A) Approval of the February 17th Regular Meeting Minutes
B) Approval of the February 19th Special Meeting Minutes
C) Approval of the Bills
D) Approve the purchase of 100 trees for a city tree bank
E) Approve the hiring of a grant writer for the Fire Department at a price not to exceed $600
F) Approve the renewal of 3.2 Malt Liquor Licenses and Setup Licenses for the Arlington Baseball Association, Arlington Raceway, Spare Time Bowling and American Legion
G) Accept Steve Ziegler's letter of resignation from the Fire Department.

It was noted that there were no public hearings scheduled.

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

The following announcements were reviewed:

1) MMUA Winter Legislative conference is March 25-27 in Bloomington
2) League of MN Cities Safety & Loss Control Workshop is April 1st in Mankato
3) Board of Appeal & Equalization Hearing is April 13th from 3-8 pm at the Sibley County Assessor's Office.

The Council reviewed the following communications:

1) February Building Permit Report.

SMC Adm. Rhonda Matz presented the annual report on the Sibley Medical Center/Clinics, which included there financial audit. She stated that it was a very productive year and that they have accomplished many things on their Needs Assessment from the previous year. She commented on the numbers for staff and/or specialists continue to grow and improve patient care. She also commented that they will be changing over to an electronic medical records system by fall. She mentioned some of the new equipment that they have purchased or leased. Matz talked briefly about changes and/or improvements planned for this year, which included the HVAC system. She stated that due to the current economy they will be watching their expenses, budget and staffing very closely. Mayor Kreft thanked SMC Adm. Matz and SMC's staff for all the support and help with the upgrading of the ambulance service.

Police Chief Rovinsky presented his monthly police report. It was noted that the department had responded to 65 calls. Chief Rovinsky thanked the public for their calls about suspicious activity in their neighborhoods and encouraged them to continue to call as the department appreciates the help.

The second reading of Ordinance No. 239 – An Ordinance Regulating the Dissemination of Information and Compliance with the Minnesota Government Data Practices Act was held.

Motion by Vrklan, seconded by Reetz, and passed by unanimous vote to approve Ordinance No. 239 – An Ordinance Regulating the Dissemination of Information and Compliance with the Minnesota Government Data Practices Act as follows:

ORDINANCE NO. 239

AN ORDINANCE REGULATING THE DISSEMINATION OF INFORMATION AND COMPLIANCE WITH THE MINNESOTA GOVERNMENT DATA PRACTICES ACT

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. *Purpose*. The purpose of this policy is to establish and maintain uniform procedures for the provision and/or prohibition of access to Public Data, Private or Nonpublic Data, and Confidential or Protected Nonpublic Data, as defined under the Minnesota Government Data Practices Act, hereafter referred to as "Act".

Section 2. *Policy*. It is the Policy of the City of Arlington, hereinafter called City; that it will provide and/or prohibit access to government data in accordance with the Minnesota Government Data Practices Act, such Act to be considered a part of this policy as if reproduced in its entirety herein. In adopting this policy, the City recognizes both it responsibility to its constituents and the interested public and to the subject of the data it collects.

Section 3. *Procedures for Access to Government Data.*

A. General.

All requests to examine or for copies of private or nonpublic data, must be in writing and signed by the requesting party. Requests for government data shall be made to the responsible authority or designee. All requests to inspect data will be limited to normal business hours of the City. Every attempt will be made to comply with requests in an appropriate and prompt manner as specified by these procedures and by the Minnesota Government Data Practices Act.

Employees and the requesting public should be aware that government records are maintained by certain functional classifications depending upon the purpose and use of the data. Therefore, a request for a certain type of information may not correspond with the City's alphabetic, numeric or functional method of keeping such records. When this is the case, staff will make an effort to facilitate the identification of the appropriate records, but their collection for review may go beyond their normal scope of work.

If a request for public information is of such a nature or volume as to go beyond the reasonable scope of work, the Responsible Authority may determine the earliest possible date for production and direct same.

B. Examination of the Data.

All Government data falls into one of three categories: Public Data, Private or nonpublic Data, and Confidential or Protected Nonpublic Data. Before responding to any request, the Responsible Authority must determine the classification in which the requested data falls by consulting the Act or the appropriate statute. Requests for data determined not to be public, must be approved by the Responsible Authority.

1. Public Data: Any person upon request to the responsible authority may examine public government data without charge. Any person requesting an opportunity to inspect public information shall be allowed to do so in a conference room or work station under the direct supervision of the Responsible Authority or the Responsible Authority's designee.
2. Private or Nonpublic Data: Examination of private or nonpublic government data is available without charge only to: a) the subject of the data; b) persons within the City whose work assignment reasonably requires access; c) agencies authorized by state for federal law; and d) agencies or individuals who have the express written consent of the subject of the data. Any such person or agency seeking examination must identify themselves by presenting a Minnesota driver's license or other picture identification card acceptable to the Responsible Authority.
3. Confidential or Protected Nonpublic Data: Examination of confidential or protected nonpublic data is limited to: a) persons within the City whose work assignments reasonably require access; and b) agencies or individuals authorized by state or federal law to gain access. Any such person or agency seeking examination must identify themselves by appropriate identification acceptable to the Responsible Authority. The Responsible Authority cannot disclose the actual confidential data is maintained on him/her. The subject of the data may gain access to this knowledge only upon: a) appearance at the City Office with a Minnesota driver's license or other picture identification acceptable to the City; or b) appearance by the subject's personal representative identified by a Minnesota driver's license or other picture identification acceptable to the City and with a written and notarized authorization by the subject of the data.

C. Explanation of the Data.

Employees are not able to interpret policy decisions of legislative bodies. Therefore, the Responsible Authority and other city employees are not expected or authorized to provide such interpretations or explanations of data. They may only

provide minutes, resolutions and other factual documentation of such decisions.

D. Copies of Data
Any person, upon written request to the Responsible Authority, may receive copies of any data which he/she is entitled to inspect. The Responsible Authority will provide copies, within a reasonable time, after receipt of the written request. Reasonable response time, for the purpose of this section, shall be considered to be no more than 5 business days after receipt of the written request for copies of the data, unless the volume of the request and/or the time demands of the Responsible Authority's other regular duties, require a longer response time.

Copies of requested information shall be provided at a rate established by the City Council from time to time in their annual Fee and Rate Schedule Resolution. Under any other circumstances, the Responsible Authority may require the person requesting the copies of data to pay the actual costs of searching for and retrieving the data, including the cost of employee time, and for making, certifying, compiling and electronically transmitting the copies of the data.

A City employee shall prepare all copies.

When a request involves data that has commercial value and is entire formula, pattern, compilation, program, devise, method, technique, process, data base, or system developed with a significant expenditure of public funds, the Responsible Authority may charge a reasonable fee for the date in addition to charges of producing the copies.

E. No original documents may be loaned or checked out.

Section 4. *Responsible Authority*. The Responsible Authority for purposes of this ordinance shall be the City Administrator or their designee, or such other city official or staff person as designated by the City Council by resolution from time to time.

Section 5. *Responsibility*. The Responsible Authority shall have primary responsibility for the implementation and coordination of this policy and the Minnesota Government Data Practices Act.

This ordinance shall become effective immediately upon publication.

Adopted by the City of Arlington on the 22nd day of January, 2009.

/s/ James R. Kreft _____ Attest:/s/ Matthew Jaunich _____

James R. Kreft, Mayor Matthew Jaunich, City Administrator

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

RESOLUTION NO. 18-2009

A RESOLUTION AUTHORIZING SUMMARY PUBLICATION OF ORDINANCE 239 ENTITLED "AN ORDINANCE REGULATING THE DISSEMINATION OF INFORMATION AND COMPLIANCE WITH THE MINNESOTA GOVERNMENT DATA PRACTICES ACT"

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 (239) to establish and maintain uniform procedures for the provision and/or prohibition to public data, private or nonpublic data, and confidential or protected nonpublic data; and

WHEREAS, the City Council held a first reading of Ordinance 239 at its regular meeting on February 17, 2009; and

WHEREAS, the City Council approved the second reading and adoption of Ordinance 239 at its regular meeting on March 2, 2009; and

WHEREAS, the City Council of the City of Arlington has determined the publication of the title and a summary of Ordinance 239 entitled "An Ordinance Regulating the Dissemination of Information and Compliance with the Minnesota Government Data Practices Act" would clearly inform the public of the intent and effect of Ordinance 239; 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 239 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 March 2, 2009, the City Council of the City of Arlington approved Ordinance 239 entitled 'An Ordinance Regulating the Dissemination of Information and Compliance with the Minnesota Government Data Practices Act'. 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 establish and maintain uniform procedures for the provision and/or prohibition to public data, private or nonpublic data, and confidential or protected nonpublic data, as defined under the Minnesota Government Data Practices Act."

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: Griep, Pederson, Pichelmann, Reetz, Vrklan; 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 2nd day of March, 2009.

Signed: /s/ James R. Kreft_____ Attested: /s/ Matthew Jaunich_____
Mayor City Administrator

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

Considerable discussion was held on the proposed 2009 Street/Utility Improvement project. It was noted that the tone of the public hearing held earlier in the evening was good and the residents appeared to be favorable to moving forward with the project. Some concern was expressed that the property owner (Trocke) who owns the field behind the southern-most properties (still in city limits) is not being assessed and should be as he will benefit from the utility improvements also. Adm. Jaunich commented that another public hearing would have to be held and the project would be delayed at least a month. Engineer Hawbaker commented that the tile line in the low area could be moved further north so ponding water wouldn't get to intakes and therefore reducing the immediate benefit to the property owner in question. Some concern was also expressed that Peace Lutheran Church would also benefit from the improvements and wasn't being assessed. Reetz expressed his feelings that he wasn't against the project, but would like to see the costs reduced where possible. Discussion was held on what items could be removed to help reduce the costs. Four financing options were reviewed for this project.

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

RESOLUTION NO. 19-2009

A RESOLUTION ORDERING IMPROVEMENT AND PREPARATION OF PLANS

WHEREAS, a resolution of the City Council adopted the 2nd day of February, 2009, fixed a date for a Council hearing on the proposed improvement of Circle Lane from 4th Avenue SE to the end of Circle Lane on the east, along with Horseshoe Drive from Freedom Drive to the end of Horseshoe Drive on the south; and

WHEREAS, ten days' mailed notice and two weeks published notice of the hearing was given, and the hearing was held on the 2nd day of March, 2009, at which time all persons desiring to be heard were given an opportunity to be heard thereon.

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

1. Such improvement is necessary, cost-effective, and feasible as detailed in the Engineer's feasibility report.
2. Such improvement is hereby ordered as proposed in the council resolution adopted on the 2nd day of February, 2009.
3. Such improvement has no relationship to the Arlington Comprehensive Plan.
4. Joel Hawbaker of Bolton and Menk, Inc. is hereby designated as the engineer for this improvement project. The engineer shall prepare plans and specifications for the making of such improvement.
5. The City Council declares its official intent to reimburse itself for the costs of the improvement from the proceeds of tax exempt bonds.

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

Adopted by the City Council of the City of Arlington this 2nd day of March, 2009.

Signed: /s/ James R. Kreft_____ Attested: /s/ Matthew Jaunich_____
Mayor City Administrator

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

Discussion was held on the proposed improvements to the parking lot on West Main Street that lies between the Templo Maranatha Church and Reetz Floral. Attorney Arneson commented that he had mailed a letter to the Pastor of the Church, but has not heard back from them. He commented that because Technical Services uses this parking lot the most and has been pushing for the improvement, maybe they should be asked to contribute to the cost. Adm. Jaunich commented that the entire project could be covered using TIF funds.

Motion by Reetz, seconded by Griep, and passed by unanimous vote to table Resolution No. 20-2009 – A Resolution Ordering A Preliminary Engineering Report.

Adm. Jaunich stated that he had spoken with Leon Dose, President of the Arlington A's Baseball Association, about the need for them to carry Dram Shop Insurance this year due to hosting the State Baseball Tournament and having projected sales over $25,000. It was noted that the State does not require this, but leaves the decision up to the individual cities. Attorney Arneson explained that the liability falls on the Baseball Association and School District (alcohol sales are held on school property), the City is free and clear.

Motion by Vrklan, seconded by Pederson, and passed by unanimous vote to deny the requirement for the Arlington A's Baseball Association to carry Dram Shop Insurance for 2009, and that the School District needs to be made aware of said decision. If the School District wishes the A's to carry the Dram Shop, they will have to notify the City, at which time the City will then require the insurance.

Adm. Jaunich stated that the Parks Committee was recommending to the Council to have the Sportsman's Park surveyed. An email from Engineer Hawbaker was reviewed that pertained to surveying the park, along with doing a topographical site map. It was noted that $5,000 had been budgeted for this same purpose.

Motion by Reetz, seconded by Pederson, and passed by unanimous vote to have the Sportsman's Park surveyed, including a topographical site map.

Mayor Kreft commented that he and Adm. Jaunich had reviewed the rates for both Fire and Ambulance Services. They were proposing to (step) increase the coverage rates per section for both services over a 3-year period. The rate for the Fire Department should be at $266.26 (starting in 2010 the rate will be $200 and then equal increases for the remaining 2 years, plus waiving the $6.50 back pay for the grants) and the Ambulance should be at $95.15 (starting in 2010 the rate will be $50 and the equal increases for the remaining 2 years). Adm. Jaunich commented that he will be reviewing the numbers for both services every year and adjust them as needed. Mayor Kreft and Adm. Jaunich herd from representatives from Arlington Township, Dryden Township and Green Isle Township about the proposed rate increases, generally not in favor of purchasing a new truck if the rates go up as proposed.

Motion by Reetz, seconded by Pederson, and passed by unanimous vote to notify the Townships that the rates for fire coverage will increase to $200 per section starting 2010, plus the City will be waiving the additional fees for the recovery of the grant percentage.

Motion by Griep, seconded by Vrklan, and passed by unanimous vote to notify the Townships that the rates for ambulance coverage will increase to $50 per section starting 2010. It was noted that the City of Green Isle was not included in this fee increase, as they are charged a flat rate and on a different budgeting schedule than the townships.

Adm. Jaunich presented an amended 2009 Budget to the Council. He explained that just over $73,000 had been cut and from which departments and/or areas. It was noted that the Finance Committee had reviewed the amended budget and was recommending that it be approved. Some discussion was held on the stimulus package the President was proposing and how it would affect Minnesota.

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

RESOLUTION NO. 21-2009

A RESOLUTION AMENDING THE 2009 ARLINGTON MUNICIPAL BUDGET

WHEREAS, sound financial planning by the City Council is the purpose behind the amendment of the 2009 municipal budget; and

WHEREAS, due to potential Local Government Aid cuts, the City Council finds it necessary and prudent to amend the 2009 municipal budget found in Resolution 70-2008.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Arlington that the attached revenues and expenditures of the City's funds be adopted as the new 2009 municipal budget for the City of Arlington.

BE IT FURTHER RESOLVED, that a summary of the revenues and expenditures be published in the official newspaper of the City.

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember Pichelmann and upon poll being taken thereon the following voted in favor thereof: Griep, Pederson, Pichelmann, Reetz, Vrklan; 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 2nd day of March, 2009.

Signed: /s/ James R. Kreft_____ Attested: /s/ Matthew Jaunich_____
Mayor City Administrator

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

Brief discussion was held on a work order change related to the Energy Audit Improvement project, which if approved increases the cost by $14,000. It was noted that the change was for a 40kW generator versus a 10kW generator at the wastewater treatment plant.

Motion by Vrklan, seconded by Griep, and passed by unanimous vote to approve the work change order for the Energy Audit Improvement project as stated above.

Vrklan gave an update on the Cemetery Committee. He stated that the Committee would like to plant 5 trees within the cemetery for aesthetic reasons, some of which are proposed to occupy a few lots. The Committee plans to do a walk through in May to see what, if anything else, can be done this year.

Reetz gave an update on the Police Committee. He stated that they discussed the Personnel Policy and merging it with the City's Employee Personnel Policy.

Some discussion was held on what kinds of trees should be purchased for the tree bank program that was approved earlier in the evening.

Reetz expressed his feelings about the snow plowing that has been done this season, paying overtime and working a co-op student on weekends. He stated that certain practices with plowing need to be changed to help reduce costs/expenses. Considerable discussion was held on the overtime issue. It was suggested to have a policy in place related to overtime.

Adm. Jaunich gave an update on the status of the snow blower.

Motion by Vrklan, seconded by Reetz, and passed by unanimous vote to adjourn the meeting at 8:50 pm.

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City Administrator Matthew Jaunich Mayor James R. Kreft