

ARLINGTON CITY COUNCIL  
MEETING MINUTES  
MAY 4, 2009

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

Members present: Mayor Kreft, Griep, Pederson, Pichelmann, Reetz

Members absent: Vrklan

Also present: Administrator Jaunich, Attorney Arneson, Engineer Joel Hawbaker, Engineer Lana Tullis, Arlington Township Representatives Don Nuessmeier & Don Goethke; Library Committee Members: Kathy Homme, Sue Morrisette, Annmarie Trocke, Ellen Boreen; Police Chief Rovinsky

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

4H) Approve sponsoring Marie Kreft's Story Hour program during the summer at \$720

5B) Engineer Hawbaker regarding the 2009 Improvement Project.

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

- A) Approval of the April 20<sup>th</sup> Regular Meeting Minutes
- B) Approval of the Bills
- C) Approval of Bid from Tight Rope in the amount of \$2,300 for Exterior Water Tower Cleaning
- D) Approval of Bid from Klehr Grading & Excavating for graveling - \$103.50 per load for trucking and \$4.95 per ton for gravel
- E) Acceptance of an Arc Flash Assessment Proposal by Heartland Engineering Services not to exceed \$8,000
- F) Approval of the renewal of Life Insurance and Short-Term Disability policies for full-time city employees
- G) Approval of the selling of city-owned property (Street Lights) for \$10, \$15 & \$20.

It was noted that there were no public hearings scheduled.

Arlington Township Supervisor Don Goethke and township resident Don Nuessmeier expressed their concerns regarding a couple of comments that were published in the Arlington Enterprise (dated April 30<sup>th</sup>) regarding the city's southern border and orderly annexation. The concerns were acknowledged by both Attorney Arneson and Mayor Kreft. The Council was invited to the next regular Township meeting to discuss both items in more detail. It was noted that there were no other citizens present to address the Council on non-agenda items.

Engineer Hawbaker gave an update on the '09 Improvement project. He stated that he had met with the High Island Creek Watershed seeking permission to discharge the storm sewer runoff from the area into the creek (trunk storm sewer line south of Freedom Drive), which was denied (initial permit application). It was noted that the Watershed was requiring water quality treatment by either ponding the water or installing a structural treatment device. Reetz expressed concern that neither option is really viable as the area used to be the garbage dump. Hawbaker will bring this new information to the High Island Creek Watershed and explain that the City would prefer installing a treatment device in lieu of the garbage dump information. He also recommended postponing the bid opening until June 1<sup>st</sup> for the Street/Utility Improvement until the issue with the Watershed can be addressed.

The following announcements were reviewed:

- 1) Arbor Day Celebration – May 16<sup>th</sup>
- 2) Public Meeting on Sportsman's Park – May 17<sup>th</sup>
- 3) City Offices will be closed on Monday, May 25<sup>th</sup> for Memorial Day
- 4) League of MN Cities Annual Conference – June 24-26 in St. Paul
- 5) Thursday night @ 8:30 pm – Cake for EMS Week & Upgrade for ALS
- 6) I & I Plan for the Wastewater Treatment Plant was submitted and accepted

7) Invitation to the Amberfield Place Open House - May 6<sup>th</sup>.

The Council reviewed the following communications:

- 1) "Tree City USA" designation
- 2) April Building Permit Report.
- 3) City Administrator Project List

Library Committee Members Sue Morrisette, Annmarie Trocke, Ellen Boreen and Director Homme presented the annual report on the Library. Homme reviewed the hours for the library and how staff covers them. She informed the Council that Fran Ferch has submitted her resignation and they will be seeking an individual to fill the opening through the Experience Works Program. She gave a summary of the various events held at the library last year, which were all very well attended. She also gave some insight of what is planned for 2009 events. Homme also discussed the need to revamp the hours of the library at no additional cost to the city.

Police Chief Rovinsky presented his monthly police report. It was noted that the department had responded to 90 calls. He noted that the numbers were up dramatically and he contributed them to the nicer weather (more people out and about). He encouraged residents not to leave items (valuables) in their vehicles. Rovinsky commented that the Police Committee will be discussing overtime changes (including scheduling and patrolling). He noted that they should be hearing the results of the COPS grant in June. Mayor Kreft thanked Rovinsky for the information/updates in the weekly reports.

Engineer Tullis reviewed the bids received for the Wastewater Plant Improvement Project (digester modifications). She stated that the construction bid estimate was \$310,000. She commented that the bid included an aluminum cover, but there was an alternate bid with a fiberglass cover (shorter life span). The bids ranged from \$364,800 to \$387,000. She recommended awarding the low bid from Magney Construction with an aluminum cover. Adm. Jaunich presented information regarding the payback debt schedule and was recommending the 15-year schedule. He stated that this modification is needed now to meet mandates (compliances issues) and keep operation costs down, plus it will be utilized in the future when the entire facility needs to be updated. Reetz noted that the equipment being replaced is 19 years old and had a 20-year life expectancy based on population and loading.

Motion by Griep, seconded by Reetz, and passed by unanimous vote to accept the low bid from Magney Construction in the amount of \$364,800 with miscellaneous possible deductions for the Wastewater Plant Improvement/Remodeling Project.

Adm. Jaunich presented proposed Ordinance No. 243 – An Ordinance Amending Ordinance 198, Regulating Peddlers, Solicitors & Transient Merchants. He explained that this ordinance was being amended to address religious solicitations. He stated that the current ordinance does not permit such solicitations and is contradictory to a Supreme Court ruling. He also stated that the current ordinance is known as a "Green River" ordinance, which means that no one can get a permit to go-to-door. He spoke with Attorney Arneson and they both agreed that something is needed within the current ordinance that addresses the freedom of religion and speech (1<sup>st</sup> amendment) aspects. Adm. Jaunich questioned if the City would like to change the ordinance to allow individuals to obtain a permit to go-to-door. Reetz commented that he liked the current ordinance as it is, but agreed that a registration section and 1<sup>st</sup> Amendment aspects do need to be added. Adm. Jaunich and Attorney Arneson will work together to revise the current ordinance and present it for a first reading at a future meeting.

The first reading of Ordinance No. 244 – An Ordinance Relating to Criminal History Backgrounds for City Employees, Appointees and Licensees, was held. It was noted that the City Administrator is the only individual authorized to give permission to the Police Department to do any background check(s).

Lengthy discussion was held on the old substation and the needed repairs. The City's electrical engineer recommended that City begin the process of phasing out the old substation and transferring everything (over a period of time) to the new substation, which includes upgrading the distribution and feeder lines throughout

town. The Utility Committee has reviewed the information and was recommending moving forward with the transition.

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

**RESOLUTION NO. 30-2009**

**A RESOLUTION ORDERING A PRELIMINARY ENGINEERING REPORT ON ELECTRICAL IMPROVEMENTS**

WHEREAS, it is proposed to improve the City's electrical system by replacing the old substation by upgrading distribution and feeder lines throughout town; and

WHEREAS, the proposed project would be paid for through electrical fund reserves and/or user rates.

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

That the proposed improvement be referred to Curtis Cordt of Heartland Engineering Services for study and that Heartland Engineering is instructed to report to the Council with all convenient speed advising the council in a preliminary way as to whether the proposed improvement is necessary, cost-effective, and feasible and as to whether it should best be made as proposed or in connection with some other improvement, and the estimated cost of the improvement as recommended.

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember Pederson and upon poll being taken thereon the following voted in favor thereof: Griep, Pederson, Pichelmann, Reetz; 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 4<sup>th</sup> day of May, 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 increasing the electric rates. Adm. Jaunich stated that the last couple of years the city has experienced a deficit in its electric fund. He stated that there hasn't been a rate increase since 2001.

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

**RESOLUTION NO. 31-2009**

**A RESOLUTION TO RAISE THE USER RATE FEE ON ELECTRIC SERVICE**

WHEREAS, pursuant to City Ordinance 219, the City Council has the right to change rates and fees by resolutions; and

WHEREAS, sound financial planning by the City Council and staff is the purpose behind the electric rate increase; and

WHEREAS, the City Council has chosen to raise the user electric rate by \$.003/kw.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Arlington, that the user rate for electric service will be \$.07/kw.

BE IT FURTHER RESOLVED that this increase will become effective June 1, 2009.

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; 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 4<sup>th</sup> day of May, 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 unauthorized signs in the City right-of-way. Adm. Jaunich stated that a couple of months ago a citizen approached the City about placing a sign in front of their business on Main Street, which request was denied. It was noted that the citizen has proceeded to place a sign in the city's right-of-way. Adm. Jaunich has checked with the City's Insurance Company about what liability (if any) there would be to the city due to the placement to the signs. He was informed the city and property owner would be held liable. Adm. Jaunich noted that he had received several complaints about the sign. Attorney Arneson commented that the City has the control over any objects placed within the city right-of-way.

The Council reviewed a letter from Summer Recreation Director Flieth requesting that the City promote the Summer Recreation Program to be a "tobacco free activity". It was noted that if the city places signs at the ball fields (parks) during games and practices, the Summer Recreation Program would receive \$500 from the Department of Health to put towards their trip to a Twins game.

Motion by Griep, seconded by Reetz, and passed by unanimous vote to endorse the "Tobacco Free Activity" program as presented during the Summer Recreation Program this summer.

A letter from Tom Phillips, Sibley County Emergency Management Director, regarding the use of the Community Center as an alternate Emergency Operations Center for Sibley County was reviewed.

Motion by Reetz, seconded by Pederson, and passed by unanimous vote to approve the use of the Community Center as an alternate Emergency Operations Center for Sibley County.

Discussion was held on the need to enter into a Letter of Understanding for the purchase of 2 acres of land within the Industrial Park from Arneson/Hennies for the proposed wind turbine. Attorney Arneson excused himself from the conversation due to a conflict of interest. Adm. Jaunich commented that MMPA has expressed some concern about the costs the city is incurring for the wind turbine (\$27,500 per acre, plus infrastructure costs), as it was proposed to be little or no cost to the respective cities. Adm. Jaunich commented that he has been in contact with MMPA about the possibility of them helping to cover costs, but was waiting to hear back. Considerable discussion was held.

Motion by Pederson, seconded by Reetz, and passed by unanimous vote to table the approval/denial of a Letter of Understanding to purchase 2 acres of land in the Industrial Park from Arneson/Hennies for a wind turbine until such time that the City has heard back from MMPA regarding costs.

Reetz commented briefly on the grant that the Police Department has applied for regarding the addition of a third full-time officer 'free' for three years (salary paid for by the grant, which does not include weapon, uniform, overtime, etc.). Adm. Jaunich commented that the department needs to be evaluated to determine what is being paid for overtime, part-time officers and contracted services, etc.

Pichelmann stated that he and Vrklan had met with the Fire Department Officers regarding turnout gear and tanker trucks. They are in the process of getting pricing for same. Adm. Jaunich commented that the Department has applied for a grant for a tanker truck and have been told the prospects of being awarded it look good.

Pederson reminded the Council of the upcoming Sportsman's Park open house on May 17<sup>th</sup>.

Motion by Pederson, seconded by Reetz, and passed by unanimous vote to adjourn the meeting at 8:43 pm.