

ARLINGTON CITY COUNCIL  
MEETING MINUTES  
FEBRUARY 27, 2006

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

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

Members absent: None

Also Present: Administrator Krueger; Street Supt. Thomes; Ambulance Manager Brian Thomes, Ambulance Staff Kristina Mechtel, Amy Berger, Deb Luskey, Neal Wisch, Marjorie Kloeckl, Mary Halverson, Michelle Halverson, Jim Pederson, Bob Lueth; P&Z Administrator Jenness; Jim Heiland

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

Motion by Reetz, seconded by Borchert, and passed by unanimous vote to approve the minutes from the February 6, 2006 meeting as presented.

Motion by Griep, seconded by Wills, and passed by unanimous vote to approve the bills and Statement of Funds for January as presented.

Discussion was held on increasing ambulance on-call pay. Administrator Krueger explained that Ambulance Manager Thomes, Deputy Clerk Tesch and himself had sat down together and reviewed the budget, revenues and expenses. Thomes had researched how other cities pay their ambulance staff and presented the information to the Council. He also pointed out that a couple of members live out of town, but drive to and stay in Arlington when they are on-call and at the current rate of pay, it really does not even out financially.

Motion by Borchert, seconded by Griep and passed by unanimous vote to increase the ambulance on-call pay to \$2.00 per hour and increase the holiday pay to \$4.00 per hour.

Discussion was held on the need to add gravel to the road behind Seneca Foods and in the Meadowlark Lane area. Street Supt. Thomes talked about maintenance on both roads. He had obtained bids from Klehr Grading and Cemstone for hauling the gravel. He spoke with Klehr Grading about the difference in the hauling prices and they would be willing to split the difference in half. He was recommending that Klehr Grading be awarded the job even though their bid was more, for the fact they have belly-style trucks which spread the gravel better than dump trucks and they can do all the work at one time (you don't have to coordinate 2 separate companies, essentially 1 to haul gravel and 1 to blade it).

Motion by Griep, seconded by Reetz, and passed by unanimous vote to authorize St. Supt. Thomes to hire Klehr Grading to haul gravel onto the road behind Seneca Foods and Meadowlark Lane and also grade it at a cost of \$3,530.50 for the reasons stated above.

Street Supt. Thomes gave a history on the John Deere lawn tractor/mower (that was purchased in 2002). He stated that he had obtained 7 bids for trading it off and replacing it. He was recommending the bid from Arnold's in the amount \$10,480 for a Kubota ZD18F-54 18hp diesel lawn mower with 54" deck. They offered \$5,860 for the John Deere tractor/mower. He stated that diesel engines don't get as hot as gas engines and go longer on a tank of fuel.

Motion by Reetz, seconded by Wills, and passed by unanimous vote to authorize Street Supt. Thomes to accept the bid from Arnold's in the amount of \$10,480 for the 18hp diesel Kubota lawn mower with 54" deck and trade in offer of \$5,860 for the John Deere lawn tractor/mower.

Street Supt. Thomes talked about setting the date for the annual Spring Cleanup Day. He stated that the last couple of years it has been pretty cold the third weekend in April and has noticed a decline in amount collected

due to the weather. He also suggested moving the drop off site to the city parking lot rather than the wastewater plant as some residents are unaware of how to get to the wastewater plant. He was recommending change the date the first weekend in May (6<sup>th</sup>).

Motion by Reetz, seconded by Griep, and passed by unanimous vote to set Saturday, May 6<sup>th</sup> as the annual Spring Cleanup day in Arlington to collect appliances, etc.

Discussion was held on setting a day as Community Water Cleanup day in Arlington. Thomes explained that this would be for cleaning up the gutters along the boulevards to help keep contaminants from entering the storm drains. It was suggested to set Saturday, April 22<sup>nd</sup> as the date in connection with "Earth Day". Mayor Czech suggested sending something out with the utility bills.

Motion by Reetz, seconded by Voight, and passed by unanimous vote to set Saturday, April 22<sup>nd</sup> as the date for the "Community Clean-up Planned for Cleaner Water" day.

Jim Heiland was present to request blocking off the streets (West Chandler Street from Hwy 5 to 6<sup>th</sup> Avenue NW) again this year for the Second Annual Racer Preview Day on April 22<sup>nd</sup>. Last year was the first year and went very well. Borchert commented that no signs had been displayed pointing out an alternate route to the hospital during the time the streets were barricaded.

Motion by Griep, seconded by Wills, and carried (Borchert opposed) to permit Liberty Station to hold its Second Annual Racer Preview Day on April 22<sup>nd</sup> and block off West Chandler Street from Hwy 5 to 6<sup>th</sup> Avenue NW from 8:00 a.m. to 3:00 p.m.

P&Z Administrator Jenness reviewed the changes that had been to the proposed Ordinance No. 192 – Rights of Way from the first reading, which was considered the second reading of said ordinance. The Council also reviewed the proposed fee schedule that had been put together. P&Z Administrator Jenness explained that the numbers had been put together by the League of Cities based on a \$40/hour charge. Reetz expressed concern about the insurance liability and the need to have a waiver put in the ordinance to cover "do-it yourselves". Jenness assured the Council that there is an appeal process.

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

#### ORDINANCE NO. 192

### **AN ORDINANCE TO ADMINISTER AND REGULATE THE PUBLIC RIGHT-OF-WAY IN THE PUBLIC INTEREST, AND TO PROVIDE FOR THE ISSUANCE AND REGULATION OF RIGHT-OF-WAY PERMITS WITHIN THE CITY OF ARLINGTON, SIBLEY COUNTY, MINNESOTA.**

The City Council of the City of Arlington hereby ordains:

#### **Sec. 1.01. Election to Manage the Public Right-of-Way**

In accordance with the authority granted to the city under state and federal statutory, administrative and common law, the city hereby elects pursuant to this chapter to manage rights-of-way within its jurisdiction. The city shall appoint a director to enforce the provisions of this ordinance.

#### **Sec. 1.02. Definitions.**

The definitions included in Minnesota Statute Section 237.162, Minnesota Rules 7819.0100 subps. 1 through 23, and Minnesota Rules 7560.0100 subps. 1 through 12 are hereby adopted by reference and are incorporated into this chapter as if set out in full.

#### **Sec. 1.03. Permit Requirement.**

Subd. 1. Permit Required. Except as otherwise provided in this code, no person may obstruct or excavate any right-of-way without first having obtained the appropriate permit from the city.

(a) Excavation Permit. An excavation permit is required to excavate that part of the right-of-way described in such permit and to hinder free and open passage over the specified portion of the right-of-way by placing facilities described therein, to the extent and for the duration specified therein.

(b) Obstruction Permit. An obstruction permit is required to hinder free and open passage over the specified portion of right-of-way by placing equipment described therein on the right-of-way, to the extent and for the duration specified therein. An obstruction permit is not required if a person already possesses a valid excavation permit for the same project.

Subd. 2. Permit Extensions. No person may excavate or obstruct the right-of-way beyond the date or dates specified in the permit unless such person (i) makes a supplementary application for another right-of-way permit before the expiration of the initial permit, and (ii) a new permit or permit extension is granted.

Subd. 3. Delay Penalty. In accordance with Minnesota Rule 7819.1000 subp. 3, and notwithstanding subd. 2 of this section, the city shall establish and impose a delay penalty for unreasonable delays in right-of-way excavation, obstruction, patching, or restoration. The delay penalty shall be established from time to time by city council resolution.

Subd. 4. Permit Display. Permits issued under this chapter shall be conspicuously displayed or otherwise available at all times at the indicated work site and shall be available for inspection by the director.

#### **Sec. 1.04. Permit Applications.**

Application for a permit shall contain, and will be considered complete only upon compliance with the requirements of the following provisions:

(A) Submission of a completed permit application form, including all required attachments, scaled drawings showing the location and area of the proposed project and the location of all known existing and proposed facilities, and the following information:

(1) Each permittee's name, Gopher One-Call registration certificate number, address and e-mail address, if applicable, and telephone and facsimile numbers.

(2) The name, address and e-mail address, if applicable, and telephone and facsimile numbers of a local representative. The local representative or designee shall be available at all times. Current information regarding how to contact the local representative in an emergency shall be provided at the time of registration.

(3) A certificate of insurance or self-insurance:

(a) Verifying that an insurance policy has been issued to the permittee by an insurance company licensed to do business in the State of Minnesota, or a form of self insurance acceptable to the director;

(b) Verifying that the permittee is insured against claims for personal injury, including death, as well as claims for property damage arising out of the (i) use and occupancy of the right-of-way by the permittee, its officers, agents, employees and permittees, and (ii) placement and use of facilities and equipment in the right-of-way by the permittee, its officers, agents, employees and permittees, including, but not limited to, protection against liability arising from completed operations, damage of underground facilities and collapse of property;

(c) Naming the city as an additional insured as to whom the coverages required herein are in force and applicable and for whom defense will be provided as to all such coverages;

(d) Requiring that the director be notified thirty (30) days in advance of cancellation of the policy or material modification of a coverage term;

(e) Indicating a minimum comprehensive liability coverage, automobile liability coverage, workers compensation and umbrella coverage of \$500,000 each to protect the city and the public and to carry out the purposes and policies of this chapter. The city reserves the right to require higher insurance coverage, depending on the scope of the project.

(f) The city may require a copy of the actual insurance policies.

(g) If the person is a corporation, a copy of the certificate required to be filed under Minn. Stat. 300.06, 302A, or other appropriate state law, as recorded and certified to by the Secretary of State.

(h) A copy of the person's order granting a certificate of authority from the Minnesota Public Utilities Commission or other applicable state or federal agency, where the person is lawfully required to have such certificate from said commission or other state or federal agency.

(B) Payment of money due the city for

- (1) permit fees, estimated restoration costs and other management costs,
- (2) prior obstructions or excavations;
- (3) any undisputed loss, damage, or expense suffered by the city because of applicant's prior excavations or obstructions of the rights-of-way or any emergency actions taken by the city;
- (4) franchise fees or other charges, if applicable.

**Sec. 1.05. Issuance of permit; conditions.**

Subd. 1. Permit Issuance. If the applicant has satisfied the requirements of this chapter, the director shall issue a permit.

Subd. 2. Conditions. The director may impose reasonable conditions upon the issuance of the permit and the performance of the applicant thereunder to protect the health, safety and welfare or when necessary to protect the right-of-way and its current use. In addition, a permittee shall comply with all requirements of local, state and federal laws, including but not limited to Minnesota Statutes, Section 216D.01-.09 (Gopher One Call Excavation Notice System) and Minnesota Rules Chapter 7560. In addition, all permitted projects shall be subject to delay or termination with the approval of the city, when seasonally prohibited or when weather or other conditions make it unreasonable to conduct such work.

Subd. 3. Trenchless Excavation. As a condition of all applicable permits, permittees employing trenchless excavation methods, including but not limited to Horizontal Directional Drilling, shall follow all requirements set forth in Minnesota Statutes, Chapter 216D and Minnesota Rules Chapter 7560, and shall require potholing or open cutting over existing underground utilities before excavating, as determined by the City.

**Sec. 1.06. Permit Fees.**

Subd. 1. The city shall establish an Excavation permit fee in an amount sufficient to recover the following costs:

- (A) the city management costs;
- (B) degradation costs, if applicable.

Subd. 2. Obstruction Permit Fee. The city shall establish the obstruction permit Fee and shall be in an amount sufficient to recover the city management costs.

Subd. 3. Payment of Permit Fees. No excavation permit or obstruction permit shall be issued without payment of excavation or obstruction permit Fees. The city may allow applicant to pay such fees within thirty (30) days of billing.

Subd. 4. Non refundable. Permit fees that were paid for a permit that the director has revoked for a breach as stated in Section 1.14 are not refundable.

Subd. 5. Application to franchises. Unless otherwise agreed to in a franchise, management costs may be charged separately from and in addition to the franchise fees imposed on a right-of-way user in the franchise.

Subd. 6. All permit fees shall be established consistent with the provisions of Minnesota Rule 7819.100. All permit fees shall be established from time to time by City Council Resolution.

**Sec. 1.07. Right-of-Way Patching and Restoration.**

Subd. 1. Timing. The work to be done under the excavation permit, and the patching and restoration of the right-of-way as required herein, must be completed within the dates specified in the permit, increased by as many days as work could not be done because of circumstances beyond the control of the permittee or when work was prohibited as unseasonable or unreasonable under Section 1.05.

Subd. 2. Patch and Restoration. Permittee shall patch its own work. The city may choose either to have the permittee restore the right-of-way or to restore the right-of-way itself.

(A) City Restoration. If the city restores the right-of-way, permittee shall pay the costs thereof within thirty (30) days of billing. If following such restoration, the pavement settles due to permittee's improper backfilling, the permittee shall pay to the city, within thirty (30) days of billing, all costs associated with having to correct the defective work.

(B) Permittee Restoration. If the permittee restores the right-of-way itself, it shall at the time of application for an excavation permit post a construction performance bond in accordance with the provisions of Minnesota Rules 7819.3000 unless waived by the city in its sole discretion, as appropriate for small projects.

(C) Degradation Fee in Lieu of Restoration. In lieu of right-of-way restoration, a right-of-way user may elect to pay a degradation fee. However, the right-of-way user shall remain responsible for patching and the degradation fee shall not include the cost to accomplish these responsibilities.

Subd. 3. Standards. The permittee shall perform patching and restoration according to the standards and with the materials specified by the city and shall comply with Minnesota Rule 7819.1100

Subd. 4. Duty to correct defects. The permittee shall correct defects in patching, or restoration performed by permittee or its agents. Permittee upon notification from the director, correct all restoration work to the extent necessary, using the method required by the director. Said work shall be completed within five (5) calendar days of the receipt of the notice from the director, not including days during which work cannot be done because of circumstances constituting force majeure or days when work is prohibited as unseasonable or unreasonable under Section 1.05.

Subd. 5. Failure to Restore. If the permittee fails to restore the right-of-way in the manner and to the condition required by the director, or fails to satisfactorily and timely complete all restoration required by the director, the director at its option may do such work. In that event the permittee shall pay to the city, within thirty (30) days of billing, the cost of restoring the right-of-way. If permittee fails to pay as required, the city may exercise its rights under the construction performance bond.

#### **Sec. 1.08. Supplementary Applications.**

Subd. 1. Limitation on Area. A right-of-way permit is valid only for the area of the right-of-way specified in the permit. No permittee may do any work outside the area specified in the permit, except as provided herein. Any permittee which determines that an area greater than that specified in the permit must be obstructed or excavated must before working in that greater area (i) make application for a permit extension and pay any additional fees required thereby, and (ii) be granted a new permit or permit extension.

Subd. 2. Limitation on Dates. A right-of-way permit is valid only for the dates specified in the permit. No permittee may begin its work before the permit start date or, except as provided herein, continue working after the end date. If a permittee does not finish the work by the permit end date, it must apply for a new permit for the additional time it needs, and receive the new permit or an extension of the old permit before working after the end date of the previous permit. This supplementary application must be submitted before the permit end date. Extensions may be granted by the director for a maximum of five work days without further fees, provided such work delays was due to circumstances beyond the control of the permit holder or the work was prohibited as unseasonable or unreasonable. Any extension beyond five work days requires a new permit and permit fees may be prorated depending on the scope of work to be completed.

#### **Sec. 1.09. Denial of permit.**

The city may deny a permit for failure to meet the requirements and conditions of this chapter or if the city determines that the denial is necessary to protect the health, safety, and welfare or when necessary to protect the right-of-way and its current use.

#### **Sec. 1.10. Installation Requirements.**

The excavation, backfilling, patching and restoration, and all other work performed in the right-of-way shall be done in conformance with Minnesota Rules 7819.1100 and other applicable local requirements, in so far as they are not inconsistent with the Minnesota Statutes Secs. 237.162 and 237.163.

**Sec. 1.11. Inspection.**

Subd. 1. Notice of Completion. When the work under any permit hereunder is completed, the permittee shall furnish a completion certificate in accordance Minnesota Rules 7819.1300.

Subd. 2. Site Inspection. Permittee shall make the work-site available to city personnel and to all others as authorized by law for inspection at all reasonable times during the execution of and upon completion of the work.

Subd 3. Authority of Director.

(A) At the time of inspection the director may order the immediate cessation of any work, which poses a serious threat to the life, health, safety, or well being of the public.

(B) The director may issue an order to the permittee for any work that does not conform to the terms of the permit or other applicable standards, conditions, or codes. The order shall state that failure to correct the violation will be cause for revocation of the permit. Within ten (10) days after issuance of the order, the permittee shall present proof to the director that the violation has been corrected. If such proof has not been presented within the required time, the director may revoke the permit pursuant to Sec. 1.14.

**Sec. 1.12. Work Done Without a permit.**

Subd. 1. Emergency Situations. Each person with facilities in the right-of-way shall immediately notify the city of any event regarding its facilities that it considers being an emergency. The owner of the facilities may proceed to take whatever actions are necessary to respond to the emergency. Within two business days after the occurrence of the emergency the owner shall apply for the necessary permits, pay the fees associated therewith and fulfill the rest of the requirements necessary to bring itself into compliance with this chapter for the actions it took in response to the Emergency. If the city becomes aware of an emergency regarding facilities, the city will attempt to contact the local representative of each facility owner affected, or potentially affected, by the emergency. In any event, the city may take whatever action it deems necessary to respond to the emergency, the cost of which shall be borne by the person whose facilities occasioned the emergency.

Subd. 2. Non-Emergency Situations. Except in an emergency, any person who, without first having obtained the necessary permit, obstructs or excavates a right-of-way must subsequently obtain a permit, and as a penalty pay double the normal fee for said permit, pay double all the other fees required by this code, deposit with the city the fees necessary to correct any damage to the right-of-way and comply with all of the requirements of this chapter.

**Sec. 1.13. Supplementary Notification.**

If the obstruction or excavation of the right-of-way begins later or ends sooner than the date given on the permit, permittee shall notify the director of the accurate information as soon as this information is known.

**Sec. 1.14. Revocation of Permits.**

Subd. 1. Substantial Breach. The city reserves its right, as provided herein, to revoke any right-of-way permit, without a fee refund, if there is a substantial breach of the terms and conditions of any statute, ordinance, rule or regulation, or any material condition of the permit. A substantial breach by permittee shall include, but shall not be limited to, the following:

(A) The violation of any material provision of the right-of-way permit;

(B) An evasion or attempt to evade any material provision of the right-of-way permit, or the perpetration or attempt to perpetrate any fraud or deceit upon the city or its citizens;

(C) Any material misrepresentation of fact in the application for a right-of-way permit;

(D) The failure to complete the work in a timely manner; unless a permit extension is obtained or unless the failure to complete work is due to reasons beyond the permittees control; or

(E) The failure to correct, in a timely manner, work that does not conform to a condition indicated on an order issued pursuant to Sec. 1.11.

Subd. 2. Written Notice of Breach. If the city determines that the permittee has committed a substantial breach of a term or condition of any statute, ordinance, rule, regulation or any condition of the permit the city shall make a written demand upon the permittee to remedy such violation. The demand shall state that continued violations might be cause for revocation of the permit. A substantial breach, as stated above, will allow the city, at its discretion, to place additional or revised conditions on the permit to mitigate and remedy the breach.

Subd. 3. Response to Notice of Breach. Within twenty-four (24) hours of receiving notification of the breach, permittee shall provide the city with a plan, acceptable to the city, which will cure the breach. Permittee's failure to so contact the city, or the permittee's failure to submit an acceptable plan, or permittee's failure to reasonably implement the approved plan, shall be cause for immediate revocation of the permit.

Subd. 4. Reimbursement of City Costs. If a permit is revoked, the permittee shall also reimburse the city for the city's reasonable costs, including restoration costs and the costs of collection and reasonable attorneys' fees incurred in connection with such revocation.

### **Sec. 1.15. Mapping Data.**

Subd. 1. Information Required. Each permittee shall provide mapping information required by the city in accordance with Minnesota Rules 7819.4000 and 7819.4100.

Subd. 2. Service Laterals. All permits issued for the installation or repair of service laterals, other than minor repairs as defined in Minnesota Rules 7560.0150 subpart 2, shall require the permittee's use of appropriate means of establishing the horizontal locations of installed service laterals, and the service lateral vertical locations in those cases where the city reasonably requires it. Permittees or their subcontractors shall submit to the city evidence of the installed service lateral locations. Compliance with this subdivision 2 and with applicable Gopher State One Call law and Minnesota Rules governing service laterals install after December 31, 2005, shall be a condition of any city approval necessary for 1) payments to contractors working on a public improvement project including those under Minnesota Statutes, Chapter 429, and 2) City approval of performance under development agreements, or other subdivision or site plan approval under Minnesota Statutes, Chapter 462. The city shall reasonably determine the appropriate method of providing such information. Failure to provide prompt and accurate information on the service laterals installed may result in the revocation of the permit issued for the work or for future permits to the offending permittee or its subcontractors.

### **Sec. 1.16. Location of Facilities.**

Subd. 1. Placement, location, and relocation of facilities must comply with the act, with other applicable law, and with Minnesota Rules 7819.3100, 7819.5000 and 7819.5100, to the extent the rules do not limit authority otherwise available to cities.

Subd. 2. Corridors. The city may assign specific corridors within the right-of-way, or any particular segment thereof as may be necessary, for each type of facilities that is or, pursuant to current technology, the city expects will someday be located within the right-of-way. All excavation, obstruction, or other permits issued by the city involving the installation or replacement of facilities shall designate the proper corridor for the facilities at issue.

Subd. 3. Limitation of Space. To protect health, safety, and welfare or when necessary to protect the right-of-way and its current use, the director shall have the power to prohibit or director shall strive to the extent possible to accommodate all existing and potential users of the right-of-way, but shall be guided primarily by considerations of the public interest, the public's needs for the particular utility service, the condition of the right-of-way, the time of year with respect to essential utilities, the protection of existing facilities in the right-of-way, and future city plans for public improvements and development projects which have been determined to be in the public interest.

### **Sec. 1.17. Damage to Other Facilities.**

When the city does work in the right-of-way and finds it necessary to maintain, support, or move facilities to protect it, the director shall notify the local representative as early as is reasonably possible and placed as required. The costs associated therewith will be billed to that facility owner and must be paid within thirty (30) days from the date of billing. Each facility owner shall be responsible for the cost of repairing any facilities in the right-of-way which it or its facilities damages. Each facility owner shall be responsible for the cost of repairing any damage to the facilities of another caused during the city's response to an emergency occasioned by that owner's facilities.

**Sec. 1.18. Right-of-Way Vacation.**

Reservation of right. If the city vacates a right-of-way that contains facilities, the facility owner’s rights in the vacated right-of-way are governed by Minnesota Rules 7819.3200.

**Sec. 1.19. Indemnification and Liability**

By applying for and accepting a permit under this chapter, a permittee agrees to defend and indemnify the city in accordance with the provisions of Minnesota Rule 7819.1250.

**Sec. 1.20. Abandoned Facilities.**

Removal of Abandoned Facilities. Any person who has abandoned facilities in any right-of-way shall remove them from that right-of-way if required in conjunction with other right-of-way repair, excavation, or construction, unless the director waives this requirement.

**Sec. 1.21. Appeal.**

A right-of-way user that: (1) has been denied registration; (2) has been denied a permit; (3) has had permit revoked; (4) believes that the fees imposed are invalid; or (5) disputes a determination of the city regarding Section 1.15 subd. 2 of this ordinance, may have the denial, revocation, fee imposition, or decision reviewed, upon written request, by the City council. The city council shall act on a timely written request at its next regularly scheduled meeting. A decision by the city council affirming the denial, revocation, or fee imposition will be in writing and supported by written findings establishing the reasonableness of the decision.

**Sec. 1.22. Reservation of Regulatory and Police Powers.**

A permittee’s rights are subject to the regulatory and police powers of the city to adopt and enforce general ordinances necessary to protect the health, safety and welfare of the public. Any violation of this Ordinance shall be considered a misdemeanor punishable by the fines and penalties set out in state law for misdemeanor level offenses. Each day that a violation exists shall be considered a separate misdemeanor.

This ordinance shall become effective immediately upon publication.

For the City of Arlington:

/s/ David Czech  
By David Czech  
Its Mayor

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

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

**Right of Way Permit Fee Schedule**

|   |          |
|---|----------|
| Registration Fee  | \$40.00  |
| Includes Administration, Review, Recording                                    |          |
| Excavation Permit Fees.....Hole   | \$125.00 |
| Includes Administration, Plan Review, Inspection, Test Result Review, Mapping |          |
| Excavation Permit Fees.....Trench   | \$275.00 |
| Includes Administration, Plan Review, Inspection, Test Result Review, Mapping |          |
| Obstruction Permit Fee  | \$50.00  |
| Includes Administration, Review, Inspection                                   |          |
| Permit Extension Fee  | \$55.00  |

Includes Administration, Review

|                         |                           |
|-------------------------|---------------------------|
| Delay Penalty           | \$60.00 for first 3 days, |
| Includes Administration | \$10.00/day thereafter.   |

Discussion was held on the possibility of increasing the liquor license fees. Administrator Krueger explained that the licenses are due for renewal July 1<sup>st</sup>. He stated that last year it was suggested to increase the fees in 2006. The current rates are \$1,100 for On-Sale, \$100 for Off-Sale, \$1,100 for Community Center On-Sale and no charge for Sunday licenses. It was agreed to have the Public Buildings Committee look into this and bring recommendations back to the Council.

Administrator Krueger talked about the need to have backup transformers for Seneca Foods and Cemstone. He explained that neither of these businesses can afford down time if their respective transformer goes down. He stated that the one for Seneca Foods would cost approximately \$16,000 and the one for Cemstone would cost approximately \$7,315.

Motion by Reetz, seconded by Wills, and passed by unanimous vote to purchase the respective transformers as presented above for Seneca Foods and Cemstone.

The Council reviewed the letter from Arlington Township Clerk Don Nuessmeier that talked about the city/township line road (6<sup>th</sup> Avenue SE). They also reviewed the memo from Attorney Arneson on the same topic. Administrator Krueger asked the Council for direction on this matter. It was agreed to have Administrator Krueger send a letter to Arlington Township explaining Attorney Arneson's findings. Mayor Czech commented that Administrator Krueger, Attorney Arneson and himself could attend the meeting of the Township Board on March 13<sup>th</sup> if necessary, depending on the Township's response to the letter.

The following travel requests were reviewed:

- a) EDA, Asst. EDA Director Schultz and EDA Director Krueger to attend the Choice Hotels International seminar at the Mall of America on March 15<sup>th</sup>;
- b) Police Chief Rovinsky to attend the 2006 Minnesota Chiefs of Police Executive Training Institute in St. Cloud on April 24-27;
- c) Administrator Krueger, Supt. Thomes, Supt. McCormick and Chief Rovinsky to attend the Safety & Loss Control Workshops (location and date to be decided upon)
- d) Mayor Czech, Administrator Krueger and Councilmembers to attend the 2006 Day at the Capitol on March 28<sup>th</sup>.

Motion by Wills, seconded by Griep, and passed by unanimous vote to approve the above travel requests.

The Council reviewed the scorecard advertising request from the Arlington Baseball Association. Mayor Czech suggested having some language about the sesquicentennial in the ad.

Motion by Voight, seconded by Borchert, and passed by unanimous vote to place an advertisement in the scorecard for the Arlington Baseball Association as we have in the past and incorporate some information about the sesquicentennial celebration.

The Council reviewed the following correspondence:

- a) Town Hall Meeting – Saturday, March 11<sup>th</sup> at 9:30 am
- b) Police Department Monthly Report
- c) Minnesota Valley Regional Rail Authority Letter.

It was recommended to have the new officer come to the next meeting to meet the Council.

Administrator Krueger explained that he had gone back in the minutes (September 19, 2005) and found the motion to split the cost with residents 50-50 for curb and gutter for the 2005 Street Improvement project. Brief discussion was held.

Administrator Krueger updated the Council on the Arlington Good Samaritan Center expansion project.

Mayor Czech commented that the Historical Society now has the money to do the front work on the old fire hall building.

Mayor Czech commented that the sesquicentennial fundraiser had gone very well, approximately 200 people had attended. There was approximately a \$2,000 profit.

Administrator Krueger informed the Council that tomorrow was Arlington Day on KNUJ.

Voight commented that the audit report on the hospital was very good.

Griep commented that the Cable Commission has approached the County Commissioners about setting them up with recording equipment to record County meetings. He stated that the GFW and Sibley East school districts were also to be contacted to see if there was any interest on their part.

Wills commented that with the housing that was discussed at the last meeting by Mr. Schnoecker, the City needs to pay special attention to the height of the buildings, nothing goes over 2 stories and/or how many additional buildings there are constructed, otherwise the city's fire rating changes and the fire department will need larger equipment (ladder trucks).

Wills questioned if there was a water leak on East Adams Street. Administrator Krueger commented that Supt. McCormick was aware of this situation, but it appears to be a resident problem and not a city problem.

Motion by Reetz, seconded by Wills, and passed by unanimous vote to adjourn the regular meeting at 8:00 p.m.

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Administrator David L. Krueger

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Mayor David Czech