

**ARLINGTON CITY COUNCIL  
MEETING AGENDA  
SEPTEMBER 19, 2011 AT 6:30 PM  
COUNCIL CHAMBERS**

*The City Council is provided background information for agenda items in advance by city staff, committees and boards. Many decisions regarding agenda items are based upon this information, as well as: City policy and practices, input from constituents, questions or information that has not yet been presented or discussed regarding an agenda item. If you have a concern or question, please ask to be recognized by the Mayor during the "Citizens addressing the Council" portion of the agenda— state your name and address for the record. Please keep comments under 5 minutes. Individuals wishing to speak for more than five minutes should ask to be included on the agenda in advance. All comments are appreciated, but please refrain from personal or derogatory attacks on individuals.*

1. Call meeting to order and Pledge of Allegiance
2. Roll Call
3. Approve the agenda and any agenda additions

**CONSENT AGENDA**

*The items listed for consideration will be enacted by one motion unless the Mayor, a member of the City Council, City Staff or a person in attendance requests an item to be removed from the Agenda.*

4. Approval of Consent Agenda
  - A) Approval of the August 15<sup>th</sup> Regular Meeting Minutes
  - B) Approval of the September 6<sup>th</sup> Regular Meeting Minutes
  - C) Approval of Bills
  - D) Approval of American Red Cross Shelter Agreement

**PUBLIC HEARINGS**

**PETITIONS, REQUESTS, & COMMUNICATIONS**

5. Addressing the Council
  - A) Citizens Addressing the Council
6. Announcements
  - A) District 25 "In-District Office Hours" – September 24<sup>th</sup> @ 8 – 9:30 a.m. (Chambers)
  - B) SMC Strategic Planning Session – September 29<sup>th</sup> @ 5:15 p.m. (SMC)
7. Communications
  - A) August Financial Reports
  - B) MMPA 2<sup>nd</sup> Quarter 2011 Financial Statement

**REPORTS OF OFFICERS, BOARDS & COMMITTEES**

**ORDINANCES & RESOLUTIONS**

8. Ordinance 264 (2<sup>nd</sup> Reading) – Sibley East School Property Rezoning

9. Resolutions

- A) 57-2011 – Summary Publication of Ordinance 264
- B) 58-2011 – Providing for the Competitive Negotiated Sale of GO Utility Refunding Bonds

**UNFINISHED BUSINESS**

10. Discussion/Review of Changing Liquor/Beer Ordinances

- A) Approve/Deny Calling a Public Hearing

**NEW BUSINESS**

11. Approve/Deny Purchase of Christmas Lights

12.

13. CLOSED MEETING – Preliminary Consideration of Discipline on an Employee

14. Approve/Deny Disciplinary Action on Employee (Open)

**MISCELLANEOUS BUSINESS**

15. Council Committee Updates

16. Open Discussion

**ADJOURNMENT**

Reminders:

- 1) Library – September 21<sup>st</sup> @ 6:30 pm (Library)
- 2) SMC Board – September 26<sup>th</sup> @ 5:00 pm (SMC)
- 3) Parks – September 26<sup>th</sup> @ 7 pm
- 4) EDA – September 27<sup>th</sup> @ 6 pm

**ARLINGTON CITY COUNCIL  
SPECIAL CLOSED SESSION &  
REGULAR MEETING MINUTES  
SEPTEMBER 19, 2011**

Mayor Kreft called to order the special closed meeting at 6:30 p.m. He stated that the purpose of the closed meeting was to give preliminary consideration on the discipline of an employee. It was noted that Councilmembers: Pederson, Pichelmann, Reetz, Ruehling & Wills, Mayor Kreft, City Administrator Jaunich, City Attorney Arneson and Grant Bening were present. Discussion was held with no action.

Motion by Wills, seconded by Reetz, and passed by unanimous vote to adjourn the special closed meeting at 6:40 pm.

The regular meeting was called to order at 6:45 p.m., Mayor Kreft presiding.

Members present: Mayor Kreft, Pederson, Pichelmann, Reetz, Ruehling, Wills

Members absent: None

Also present: City Administrator Jaunich, Attorney Arneson, Shannon Sweeney, Arlington Dugout  
Owner Matt Carney, Kurt Menk

Motion by Wills, seconded by Pederson, and passed by unanimous vote to approve the agenda as presented.

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

- A) Approval of the August 15<sup>th</sup> Regular Meeting Minutes
- B) Approval of the September 6<sup>th</sup> Regular Meeting Minutes
- C) Approval of the Bills
- D) Approval of American Red Cross Shelter Agreement.

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) District 25 "In-District Office Hours" – September 24<sup>th</sup> @ 8-9:30 am (Chambers)
- 2) SMC Strategic Planning Session – September 29<sup>th</sup> @ 5:15 pm (SMC).

The Council reviewed the following communications:

- 1) August Financial Reports
- 2) MMPA 2<sup>nd</sup> Quarter 2011 Financial Statement.

Financial Advisor Sweeney was present to discuss the Competitive Negotiated Sale of \$1,485,000 General Obligation Utility Refunding Bonds. He explained that at the last meeting he was instructed to look into refinancing the 2003 & 2004 Utility Revenue Bonds through the MIDI Program offered by MN Rural Water. After doing some research, he found out that this program will not produce as high of a savings as a competitive sale. He gave a brief summary of the process involved with doing a competitive negotiated sale. He also noted that there would be a savings of approximately \$90,000.

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

**RESOLUTION 58-2011**  
**A RESOLUTION APPROVING PROVIDING FOR THE COMPETITIVE NEGOTIATED SALE OF**  
**\$1,485,000 GENERAL OBLIGATION UTILITY REFUNDING BONDS, SERIES 2011A**

*(See official resolution book for complete resolution.)*

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

Approved by the City Council of the City of Arlington this 19<sup>th</sup> day of September, 2011.

CITY OF ARLINGTON, MINNESOTA  
/s/ James R. Kreft, Mayor

Attest: /s/ Matthew Jaunich, City Administrator

It was noted that there were no reports from Officers, Boards & Committees.

The second reading of Ordinance 264 – An Ordinance Amending Section 4, Subdivision 1, of Ordinance 169, The Official Zoning Map to Rezone the Property at 202 3<sup>rd</sup> Avenue NW (PID #310012010, Sibley East School District Property) from R-1, One and Two Family Residence to P/I Public-Institutional District, was held. Adm. Jaunich stated that there have been no changes made after the first reading.

Motion by Wills, seconded by Reetz, and passed by unanimous vote to approve Ordinance 264 - An Ordinance Amending Section 4, Subdivision 1, of Ordinance 169, The Official Zoning Map to Rezone the Property at 202 3<sup>rd</sup> Avenue NW (PID #310012010, Sibley East School District Property) from R-1, One and Two Family Residence to P/I Public-Institutional District , as follows:

**ORDINANCE 264**

**AN ORDINANCE AMENDING SECTION 4, SUBDIVISION 1, OF ORDINANCE 169, THE OFFICIAL ZONING MAP TO REZONE THE PROPERTY AT 202 3<sup>rd</sup> AVENUE NW (PID #310012010, SIBLEY EAST SCHOOL DISTRICT PROPERTY) FROM R-1, ONE AND TWO FAMILY RESIDENCE TO P/I PUBLIC-INSTITUTIONAL DISTRICT**

- I. THE CITY COUNCIL OF THE CITY OF ARLINGTON, MINNESOTA TO PROMOTE THE PUBLIC SAFETY, HEALTH, AND WELFARE, HEREBY ORDAINS THE PROPERTY AT 202 3<sup>RD</sup> AVENUE NW (PID #310012010, legally described as: All of BLK 3, Original City; Lots 1-12 ex N 35 FT of W 45 FT of Lot 6, BLK 4 Scheer Bros. Addn; 300 FT x 350 FT Parcel N of BLK 3 Orig City and S of BLK 4 Scheer Bros Addn of Section 9-113-027) SHALL BE REZONED FROM R-1 TO PUBLIC/INSTITUTIONAL DISTRICT AND SECTION 4, SUBDIVISION 1 OF ORDINANCE 169, THE OFFICIAL ZONING MAP SHALL BE UPDATED TO REFLECT THE CHANGE.
- II. EFFECTIVE DATE. This Ordinance is effective upon its adoption and publication as prescribed by law.

Adopted by the City of Arlington on the 19<sup>th</sup> day of September, 2011.

Signed: /s/ James R. Kreft, Mayor

Attest: /s/ Matthew Jaunich, City Administrator

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

**RESOLUTION 57-2011**  
**A RESOLUTION APPROVING ORDINANCE 264 ENTITLED “AN ORDINANCE AMENDING**  
**SECTION 4, SUBDIVISION 1, OF ORDINANCE 169, THE OFFICIAL ZONING MAP TO REZONE THE**  
**PROPERTY AT 202 3<sup>RD</sup> AVENUE NW (PID # 310012010, SIBLEY EAST SCHOOL DISTRICT**

**PROPERTY) FROM R-1, ONE AND TWO FAMILY RESIDENCE TO P/I PUBLIC-INSTITUTIONAL DISTRICT” AND PROVIDING FOR SUMMARY PUBLICATION THEREOF**

**WHEREAS**, Sibley East School District has applied for rezoning of the property at 202 3<sup>rd</sup> Avenue NW in the City of Arlington; and

**WHEREAS**, the request is to rezone the property from R-1 One and Two Family Residence District to Public Institutional District; and

**WHEREAS**, a public hearing was properly noticed and held on August 11, 2011 by the City of Arlington Planning Commission; and

**WHEREAS**, the Planning Commission approved a resolution recommending the City Council approve Ordinance 264; and

**WHEREAS**, the City Council approved the first reading of Ordinance 264 at its regular meeting on September 6, 2011; and

**WHEREAS**, the City Council approved second reading and the adoption of Ordinance 264 at its regular meeting on September 19, 2011; and

**WHEREAS**, the proposed ordinance is itemized in Exhibit A which is attached to this resolution; and

**WHEREAS**, the City Council of the City of Arlington has determined the publication of the title and a summary of Ordinance 264 would clearly inform the public of the intent and effect of the Ordinance 264; 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 Council of the City of Arlington hereby approves Ordinance 264 as presented in Exhibit A which is attached to this resolution; and

**BE IT FURTHER RESOLVED** that the City Administrator shall cause a summary of Ordinance No. 264 to be published in the City’s official newspaper at the earliest practicable date; and

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

“On September 19, 2011 the City Council of the City of Arlington approved Ordinance 264, entitled, ‘An Ordinance Amending Section 4, Subd. 1, of Ordinance 169, the Official Zoning Map to Rezone the Property at 202 3<sup>rd</sup> Avenue NW (PID #310012010, Sibley East School District Property) from R-1, One and Two family Residence to P/I Public Institutional District’. 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 Ordinance rezones the property as requested”.

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

Approved by the City Council of the City of Arlington this 19<sup>th</sup> day of September, 2011.

CITY OF ARLINGTON, MINNESOTA

/s/ James R. Kreft, Mayor

Attest: /s/ Matthew Jaunich, City Administrator

Discussion was held on the Liquor/Beer Ordinances. Adm. Jaunich stated that at the last meeting the Council was asked to consider changing their ordinance regarding Sunday licensing and also to extend the hours of on-sale to 2 AM (Fridays and Saturdays). After doing some research he found 20 various ordinances related to liquor. He presented a copy of an ordinance template (from the League of Cities) that pretty much covers the various areas related to alcohol (essentially combining the City Ordinances into one document). Attorney Arneson explained that a public hearing was not needed to amend the Liquor Ordinance, but felt it was a good idea to obtain public input due to the subject matter. Discussion was held on what qualifies as a ‘restaurant’ (small establishment). Reetz expressed concerns about the

different criteria for “food service or liquor service” and having to decide which one more suits the circumstances. Pederson was in favor of using the draft ordinance as presented, but to use the definition for the “small establishment” when it comes to Sunday liquor licensing. Wills expressed opposition to changing the time to 2 AM. Ruehling commented that he needed more information, more specifically what influx of patrons from other communities would there be by extending the time and how police services could be affected. Adm. Jaunich and Attorney Arneson will put a draft ordinance together and present it at the next regular meeting for consideration.

Motion by Pichelmann, seconded by Ruehling, and passed by unanimous vote to hold a public hearing on Monday, October 3<sup>rd</sup> at 6:30 pm to consider amendments to the liquor ordinance.

The Council reviewed 3 bids for Christmas lights; each bid included a price for LED lights and/or Incandescent lights.

Motion by Reetz, seconded by Ruehling, and passed by unanimous vote to approve the bid from Mainstreet Designs, Inc. for either the LED or Incandescent lights; with Street Supt. Thomes deciding which ones fit the city’s needs best.

Adm. Jaunich explained that a closed meeting had been held earlier in the evening (before the regular meeting) regarding an employee issue. He stated that action must take place during an open meeting. Adm. Jaunich explained that the Employee Relations Committee was seeking disciplinary action against Firefighter Grant Bening for failure to pass his fit-testing. The Committee was recommending that he be suspended indefinitely for a period of 30 days (from all fire department activities) or until he passes his fit-test; with further consideration of termination if not taken care of in 30-days. It was noted that Bening plans to get his testing done as soon as he can.

Motion by Ruehling, seconded by Reetz, and passed by unanimous vote to suspend Grant Bening from all Fire Department activities for a period of 30-days or until he passes his fit-test.

Pederson provided an update on the Trails Committee. He explained that the road going out to the Sportsman’s Park will be closed/under construction in 2013; this includes the replacement of the 2 bridges and installation of the trail along side of it. He also talked about the use of TIF funds, along with the application for a Legacy grant to be used for sidewalks in 2013. He commented that next year the Committee would be applying for a DNR Legacy Grant which deals with prairie, forests and wetlands.

Wills commented that he was unable to attend the Township/Fire/Ambulance meeting and inquired how it went. Pichelmann stated that it was the same as always with questions of why rates are increasing.

Adm. Jaunich stated that he had attended the LMC Regional Meeting in New Ulm recently. He noted one of the topics covered was the Market Value Homestead Exemption (formerly credit). He commented on how the changes may/not affect Arlington and the proposed tax levy.

Motion by Ruehling, seconded by Wills, and passed by unanimous vote to adjourn the meeting at 8:02 pm.

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City Administrator Matthew Jaunich

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Mayor James R. Kreft