

**ARLINGTON CITY COUNCIL  
MEETING AGENDA  
SEPTEMBER 6, 2011 AT 7:00 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 (removed)~~
  - B) Approval of the August 15<sup>th</sup> Budget Meeting Minutes
  - C) Approval of Bills
  - D) Approval of HeatShare Program Agreement for 2011-2012
  - E) Approval of "Volunteer Fire Assistance" Grant Award Contract

**PUBLIC HEARINGS**

**PETITIONS, REQUESTS, & COMMUNICATIONS**

5. Addressing the Council
  - A) Citizens Addressing the Council
6. Announcements
  - A) LMC Regional Meetings – Various Locations in September and October
  - B) Ambulance's 19<sup>th</sup> Annual Harvest Event – Friday, September 16 from 4 – 8 p.m.
7. Communications
  - A) July Water/Wastewater Report
  - B) August Building Permit Report
  - C) August Police Calls Report
  - D) "Safe Routes to School" Grant
  - E) City Administrator Project List
  - F) Part-Time Comm. Center/Office Assistant Position

**REPORTS OF OFFICERS, BOARDS & COMMITTEES**

## **ORDINANCES & RESOLUTIONS**

### 8. Ordinances

- A) 262 (2<sup>nd</sup> Reading) – Accessory Structure Size
- B) 263 (2<sup>nd</sup> Reading) – Variance Standards
- C) 264 (1<sup>st</sup> Reading) – Sibley East School Property Rezoning

### 9. Resolutions

- A) 49-2011 – Approve/Deny Variance for 103 7<sup>th</sup> Avenue NW
- B) 51-2011 – Summary Publication of Ordinance 262
- C) 52-2011 – Summary Publication of Ordinance 263
- D) 53-2011 – Mayoral Appointments for Fire Dept. Advisory Committee
- E) 54-2011 – Accepting Donations and Designating their Use
- F) 55-2011 – Approve/Deny Lawful Gambling Permit

## **UNFINISHED BUSINESS**

- 10. Approve/Deny Paying Bill from Michelle & Derek Uhden on Driveway Improvements

## **NEW BUSINESS**

- 11. Approve/Deny Direction on the Refinancing of 2003 & 2004 Utility Revenue Bonds
- 12. 2012 Budget
  - A) Approve/Determine Preliminary Tax Levy (Resolution 56-2011)
  - B) Set time and place of public comment meeting
- 13. Approve/Deny Advertisement for Bids on the Calumet Sludge Wagon (Spare Honey Wagon)
- 14. Approve/Deny Bids
  - A) Infrared Patching
  - B) Asphalt Repairs
- 15. Letter from Matt Carney of Arlington Dugout

## **MISCELLANEOUS BUSINESS**

- 16. Council Committee Updates
- 17. Open Discussion

## **ADJOURNMENT**

### Reminders:

- 1) Twp/Fire/Amb. – September 15<sup>th</sup> @ 7:30 pm
- 2) Library – September 21<sup>st</sup> @ 6:30 pm (Library)
- 3) SMC Board – September 26<sup>th</sup> @ 5:00 pm (SMC)
- 4) Parks – September 26<sup>th</sup> @ 7 pm
- 5) EDA – September 27<sup>th</sup> @ 6 pm

**ARLINGTON CITY COUNCIL  
MEETING MINUTES  
SEPTEMBER 6, 2011**

The meeting was called to order at 7:02 p.m., Mayor Kreft presiding.

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

Members absent: None

Also present: City Administrator Jaunich, Attorney Arneson, Roger & Karen Schatz, Matt Carney, Shannon Sweeney, Kurt Menk

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

15) Letter from Matt Carney of Arlington Dugout.

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

- A) ~~Approval of the August 1<sup>st</sup> Regular Meeting Minutes (removed)~~
- B) Approval of the August 15<sup>th</sup> Budget Meeting Minutes
- C) Approval of the Bills
- D) Approval of HeatShare Program Agreement for 2011-2012
- E) Approval of "Volunteer Fire Assistance" Grant Award Contract.

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) LMC Regional Meetings – Various Locations in September and October
- 2) Ambulance's 19<sup>th</sup> Annual Harvest Event – Friday, September 16 from 4-8 pm.

The Council reviewed the following communications:

- 1) July Water/Wastewater Report
- 2) August Building Permit Report
- 3) August Police Calls Report
- 4) "Safe Routes to School" Grant
- 5) City Administrator Project List
- 6) Part-Time Comm. Center/Office Assistant Position
- 7) Resignation, effective October 1<sup>st</sup>, from Rich Mueller for Community Center Cleaning.

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

Financial Advisor Shannon Sweeney was present to discuss the refinancing of the 2003 & 2004 Utility Revenue Bonds. He stated that the City is currently paying an average interest rate of 4.3% for these loans; however, if the City were to consider refinancing them, the new rates are in the 1.5-1.8% range for a savings of \$90,000. He noted that there are two options available for refinancing: Competitive Sale and/or MIDI Program-MN Rural Water and explained the differences/benefits of each one. Adm. Jaunich noted that the 2 bonds were the sole responsibility of the City of Arlington and not part of the A-GI system.

Motion by Reetz, seconded by Pederson, and passed by unanimous vote to proceed with refinancing the 2003 & 2004 Utility Revenue Bonds through the MIDI Program (MN Rural Water).

Discussion was held on the Variance request from Roger & Karen Schatz at 103 7<sup>th</sup> Avenue NW. Adm. Jaunich explained that this had been tabled at the previous meeting, along with being sent back to the Planning Committee for further clarification/consideration. He stated that a CUP was no longer needed as the Schatz's had decided to change the size of the garage and attach it to the house. A memo from PZ Adm. Smith-Strack was reviewed, which detailed the Planning Committee's findings and/or conditions for approval.

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

**RESOLUTION 49-2011**  
**A RESOLUTION APPROVING A VARIANCE FOR AN ATTACHED GARAGE AT 103 7<sup>TH</sup> AVENUE NW**  
**IN THE CITY OF ARLINGTON**

**WHEREAS**, Karen and Roger Schatz (Applicants) have submitted a request for a variance to lot coverage to allow the construction of an attached garage at 103 7<sup>th</sup> Avenue NW in the City of Arlington (PID #310324000); and legally described as the North 52' of Lot 5, Block 9, Streissguth's Subdivision, City of Arlington; and

**WHEREAS**, the Applicants initial request required: (a) a variance to allow additional lot coverage under Section 5, Subd. 4, Subs. 5(E) of the Zoning Ordinance; (b) a variance to allow encroachment into the rear yard setback under Section 5, Subd. 4, Subs. 4(A) and/or to allow the construction of an accessory structure closer than ten feet from a principal structure as required under Section 13, Subd. 6(B) of Ordinance 169; and (c) a conditional use permit to allow an accessory structure to be greater than 10% of the subject lot size under Section 13, Subd. 6(G) of Ordinance 169; and

**WHEREAS**, notice of a public hearing to accept input on the CUP and variance requests were published in the official newspaper on July 28, 2011 and sent to property owners within 350 feet of the property; and

**WHEREAS**, the Planning and Zoning Commission conducted individual public hearings on the CUP and variance requests on August 11, 2011; and

**WHEREAS**, subsequent to consideration by the Planning Commission and a request for more information redirect to the Planning Commission from the City Council, the Applicants have submitted a revised schematic illustrating an attached garage resulting in the need only for a variance for relief of a lot coverage; and

**WHEREAS**, following discussion on the initial request at the August 11, 2011 meeting the Planning and Zoning Commission approved Resolution 05-2011 recommending the City Council approve the CUP and variance requests conditioned on a number of factors; and

**WHEREAS**, the Applicants submitted a revised request at the August 15, 2011 Regular meeting of the City Council at which the City Council was to take action on the initial request and subsequent recommendation of the Planning Commission; and

**WHEREAS**, the City Council declined to take action on the request, returning the request to the Planning Commission for additional review; and

**WHEREAS**, the Applicants submitted a second revised request on August 22, 2011 illustrating an attached garage meeting all requirements of the Zoning Ordinance with the exception of Section 5, Subd. 4, Subs. 5(E) relating to lot coverage restrictions; and

**WHEREAS**, the Planning and Zoning Commission has reviewed the variance request and has made the following findings:

1. The proposed project will replace a non-conforming structure (side and rear yard setback encroachment) that has exceeded its useful life, resulting in a positive impact the architectural appearance and functional design of the residential use and site. The proposed attached garage shall meet all setback requirements. All sides of the dwelling and attached garage will have essentially the same or coordinated, harmonious exterior finish materials and treatment.

2. Practical difficulties exist with the subject parcel based on the lot size of 3,900 square feet as compared to a typical base lot of 6,038 sf. The practical difficulty is not the result of action taken by the property owner.
3. The variance request is consistent with the Comprehensive Plan.

**WHEREAS**, the Planning and Zoning Commission approved Resolution PC 10-2011 recommending the City Council conditionally approve the variance request.

**NOW, THEREFORE, BE IT RESOLVED THAT:** The City Council of the City of Arlington hereby approves a variance to allow construction of an attached garage at 103 7<sup>th</sup> Avenue NW subject to the following:

1. The garage shall not exceed 624 square feet in area.
2. No other accessory structures shall be permitted at the subject property.
3. The variance issuance does not excuse the property owner from obtaining required building permits or complying with building code requirements.
4. This variance is in effect for the property at 103 7<sup>th</sup> Avenue NW and assigned to the current and/or any future owner of the property.
5. If approved a resolution executed by the City Council related to the variance request shall be recorded at the Sibley County Recorder's Office.

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, 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 6<sup>th</sup> day of September, 2011.

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

Attest: /s/ Matthew Jaunich, City Administrator

Arlington Dugout Owner Matt Carney was present to discuss the possibility of allowing him to have a temporary Sunday Liquor License (trial period during football session) and also to change the closing time to 2 am on Friday and Saturday nights. Adm. Jaunich reviewed the City and State Ordinances regarding liquor licenses. It was noted that the City's ordinances regarding Sunday licenses were stricter than the State's and would have to be amended to accommodate Mr. Carney's requests. Wills expressed opposition to the 2 am closing time, as it will place a burden on the police department. Attorney Arneson and Adm. Jaunich will draft a revised ordinance for the Council's consideration.

The second reading of Ordinance 262 – An Ordinance Amending Section 13, Subdivision 6(G) of Ordinance 169, the Arlington Zoning Ordinance, Relating to the Maximum Size of Accessory Structures within the City, was held. It was noted that there were no changes after the first reading.

Motion by Reetz, seconded by Pichelmann, and passed by unanimous vote to approve Ordinance 262 - An Ordinance Amending Section 13, Subdivision 6(G) of Ordinance 169, the Arlington Zoning Ordinance, Relating to the Maximum Size of Accessory Structures within the City as follows:

**ORDINANCE 262**

**AN ORDINANCE AMENDING SECTION 13, SUBDIVISION 6(G) OF ORDINANCE 169, THE ARLINGTON ZONING ORDINANCE, RELATING TO THE MAXIMUM SIZE OF ACCESSORY STRUCTURES WITHIN THE CITY**

- I. THE CITY COUNCIL OF THE CITY OF ARLINGTON, MINNESOTA TO PROMOTE THE PUBLIC SAFETY, HEALTH, AND WELFARE, HEREBY ORDAINS SECTION 13, SUBD. 6(G) OF ORDINANCE 169 SHALL BE AMENDED AS FOLLOWS:

SECTION 13. GENERAL STANDARDS.

SUBDIVISION 6. ACCESSORY STRUCTURES.

G. Size Limit. Accessory structures shall be clearly and reasonably subordinate to the principal structure in terms of both scale and bulk. Total accessory structure square footage, excluding attached garages shall not exceed the greater of 576 square feet or ten (10) percent of the lot area within the R-1, R-2, Manufactured Home or any Commercial District unless a Conditional Use Permit is issued. Total accessory structure square footage within the Agricultural Residence District or any Industrial District shall not exceed fifteen (15) percent of the lot area unless a Conditional Use Permit is issued. In addition, aggregate square footage of building coverage per lot shall not exceed the maximum allowed within the applicable zoning classification.

II. EFFECTIVE DATE. This Ordinance is effective upon its adoption and publication as prescribed by law.

Adopted by the City of Arlington on the 6<sup>th</sup> day of September, 2011.

Signed: /s/ James R. Kreft, Mayor

Attest: /s/ Matthew Jaunich, City Administrator

The second reading of Ordinance 263 – An Ordinance Amending Section 16, Subd. 3 of Ordinance 169, the Arlington Zoning Ordinance, Relating to Findings of Fact for Approval of Variances, was held. It was noted that there were no changes after the first reading.

Motion by Ruehling, seconded by Pederson, and passed by unanimous vote to approve Ordinance 263 - An Ordinance Amending Section 16, Subd. 3 of Ordinance 169, the Arlington Zoning Ordinance, Relating to Findings of Fact for Approval of Variances, as follows:

**ORDINANCE 263**

**AN ORDINANCE AMENDING SECTION 16, SUBD. 3 OF ORDINANCE 169, THE ARLINGTON ZONING ORDINANCE, RELATING TO FINDINGS OF FACT FOR APPROVAL OF VARIANCES**

I. THE CITY COUNCIL OF THE CITY OF ARLINGTON, MINNESOTA TO PROMOTE THE PUBLIC SAFETY, HEALTH, AND WELFARE, HEREBY ORDAINS SECTION 16, SUBD. 3 (FINDINGS OF FACT) OF ORDINANCE 169 RELATED TO THE BOARD OF ZONING ADJUSTMENT SHALL BE AMENDED AS FOLLOWS:

**SUBDIVISION 3. FINDINGS OF FACT.**

A variance shall not be recommended for approval by the Board or granted by the Council unless the Board first considers the following standards.

- A. The variance is consistent with the adopted Comprehensive Plan.
- B. The variance is in harmony with the general purposes and intent of the ordinance.
- C. The Applicant establishes that there are ‘practical difficulties’ in complying with the zoning ordinance. Practical difficulties as used in connection with the granting of a variance, means that:
  - 1. The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;
  - 2. The plight of the landowner is due to circumstances unique to the property not created by the landowner; and
  - 3. The variance, if granted, will not alter the essential character of the locality.

~~A. An ‘undue hardship’ exists. “Undue hardship” as used in connection with the granting of a variance shall mean all three of the following conditions exist: the property in question cannot be put to a reasonable use if used under conditions allowed by this Ordinance, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality. The Board/Council shall make a written finding of fact that supports each of the aforementioned conditions exist.~~

- D. Economic considerations alone shall not constitute ~~practical difficulties an undue hardship if reasonable use for the property exists~~ under the terms of the Ordinance.
- E. ~~Practical difficulties shall Undue hardship also~~ includes, but is not limited to, inadequate access to direct sunlight for solar energy systems.
- F. Variances shall be granted for earth sheltered construction as defined in MN. Stat. 216C.06, Subd. 14 as may be amended, when in harmony with the zoning ordinance.
- G. EFFECTIVE DATE. This Ordinance is effective upon its adoption and publication as prescribed by law.

Adopted by the City of Arlington on the 6<sup>th</sup> day of September, 2011.

Signed: /s/ James R. Kreft, Mayor

Attest: /s/ Matthew Jaunich, City Administrator

The first 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. The Council reviewed a memo from PZ Adm. Smith-Strack which noted the Planning Committee’s recommendation for same.

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

**RESOLUTION 51-2011**

**A RESOLUTION APPROVING ORDINANCE 262 ENTITLED “AN ORDINANCE AMENDING SECTION 13, SUBDIVISION 6(G) OF ORDINANCE 169, THE ARLINGTON ZONING ORDINANCE, RELATING TO THE MAXIMUM SIZE OF ACCESSORY STRUCTURES WITHIN THE CITY” AND PROVIDING FOR SUMMARY PUBLICATION THEREOF**

**WHEREAS**, the City of placed Ordinance 169 into effect several years ago; and

**WHEREAS**, the Arlington Planning Commission finds portions of Ordinance 169 relating to accessory structures in residential zones are in need of updating; and

**WHEREAS**, the Planning Commission initiated an amendment to Ordinance 169 relating to the maximum size of detached accessory structures; and

**WHEREAS**, the Arlington Planning Commission has reviewed and studied the issue and developed text to be included in Ordinance 262; 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 262; and

**WHEREAS**, the City Council approved the first reading of Ordinance 262 at its regular meeting on August 15, 2011; and

**WHEREAS**, the City Council approved second reading and the adoption of Ordinance 262 at its regular meeting on September 6, 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 262 would clearly inform the public of the intent and effect of the Ordinance 262; 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 262 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. 262 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 6, 2011 the City Council of the City of Arlington approved Ordinance 262, entitled, ‘An Ordinance amending Section 13, Subdivision 6(G) of Ordinance 169 the Zoning Ordinance, Relating to Accessory Structures within the City.’ 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 assigns the maximum size of detached accessory structures in the R-1, R-2, MH, and Commercial Districts to be the greater of 576 sf or ten percent of the lot size.

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 6<sup>th</sup> day of September, 2011.

CITY OF ARLINGTON, MINNESOTA

/s/ James R. Kreft, Mayor

Attest: /s/ Matthew Jaunich, City Administrator

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

**RESOLUTION 52-2011**

**A RESOLUTION APPROVING OF ORDINANCE 263 ENTITLED “AN ORDINANCE AMENDING SECTION 16, SUBD. 3 OF ORDINANCE 169, THE ARLINGTON ZONING ORDINANCE, RELATING TO FINDINGS OF FACT FOR APPROVAL OF VARIANCES” AND PROVIDING FOR SUMMARY PUBLICATION THEREOF**

**WHEREAS**, Minnesota Statutes regarding consideration of variances by municipalities in Minnesota has been changed; and

**WHEREAS**, the Arlington Planning Commission finds portions of Ordinance 169 relating to the criteria for approving variances is in need of updating so as to be consistent with State law; and

**WHEREAS**, the Planning Commission initiated an amendment Ordinance 169 relating to the necessary findings of facts related to variance approval; and

**WHEREAS**, the Arlington Planning Commission has reviewed and studied the issue and developed text to be included in Ordinance 263; 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 263; and

**WHEREAS**, the City Council approved the first reading of Ordinance 263 at its regular meeting on August 15, 2011; and

**WHEREAS**, the City Council approved second reading and the adoption of Ordinance 263 at its regular meeting on September 6, 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 263 would clearly inform the public of the intent and effect of the Ordinance 263; 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 263 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. 263 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 6, 2011 the City Council of the City of Arlington approved Ordinance 263, entitled, ‘An Ordinance Amending Section 16, Subd. 3 of Ordinance 169, the Arlington Zoning Ordinance, Relating to Findings of Fact for Approval of Variances’. 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 redefines the criteria and required findings of fact when considering variances. The update brings the standard consistent with MN Statutes amended earlier this year”.

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember Wills 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 6<sup>th</sup> day of September, 2011.

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

Attest: /s/ Matthew Jaunich, City Administrator

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

**RESOLUTION 53-2011  
A RESOLUTION RATIFYING ADDITIONAL MAYORAL APPOINTMENTS**

**BE IT RESOLVED** that Mayor James R. Kreft has appointed the following individual to the following appointment:

*Fire Department Capital Equipment Committee:*

Staff Representatives:	Fire Chief Jeff Otto 1 <sup>st</sup> Assistant Chief John Zaske
Council Representatives:	Councilmember Galen Wills Councilmember Bob Pichelmann
Township Representatives:	Kevin Biermann – Green Isle Township Ron Otto – Dryden Township Mary-Ann Buck – Kelso Township Travis Tuchtenhagen – Arlington Township (Vacant) – Jessenland Township (Vacant) – New Auburn Township

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: 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 6<sup>th</sup> day of September, 2011.

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

Attest: /s/ Matthew Jaunich, City Administrator

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

**RESOLUTION 54-2011  
A RESOLUTION ACCEPTING DONATIONS AND DESIGNATING THEIR USE**

**WHEREAS**, the City of Arlington may accept a gift of real or personal property, including money, and use it in accordance with the terms prescribed by the donor; and

**WHEREAS**, the City may not, however, accept or use gifts for religious or sectarian purposes; and

**WHEREAS**, the City of Arlington has received donations of money from Minnesota Valley Electric Cooperative and the Arlington Baseball Association; and

**NOW THEREFORE BE IT RESOLVED**, by the City Council of the City of Arlington that the City accepts the \$2,000 donation in full from Minnesota Valley Electric Cooperative and designates its use to the Ambulance Department.

**BE IT FURTHER RESOLVED** that the City accepts the \$300 donation in full from the Arlington Baseball Association and designates its use to the Library.

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember Wills 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 6<sup>th</sup> day of September, 2011.

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

Attest: /s/ Matthew Jaunich, City Administrator

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

**RESOLUTION 55-2011**

**A RESOLUTION APPROVING THE APPLICATION FOR A LAWFUL GAMBLING PERMIT FOR THE SIBLEY EAST WOLVERINES BOOSTERS**

**NOW THEREFORE, BE IT RESOLVED**, that the City Council of the City of Arlington hereby approves the application for a Lawful Gambling Permit as submitted by the Sibley East Wolverines Boosters, Inc. for an event on October 19, 2011.

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: 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 6<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 Uhden driveway (continued from the previous meeting). Adm. Jaunich explained that the Uhden's had taken it upon themselves to hire a contractor to fix their driveway and was submitting a bill to the City for reimbursement. It was noted that the bill was for cracking filling and sealing the entire driveway. Adm. Jaunich stated that at the previous meeting Bolton & Menk (at their expense) on behalf of the City did offer to pay for the crack filling and sealant on the right-of-way (approximately 15%) portion of the driveway, but was requested by the property owner at that time to delay action. The property owner wanted to have a couple of contractors look at the driveway to give their opinion and then she would report back to the Council with her findings. Mayor Kreft and Reetz suggested paying a portion of the bill (crack filling and right-of-way portion of sealant).

Motion by Reetz, seconded by Wills, and failed (Wills, Ruehling, Pichelmann, Pederson opposed) to pay/reimburse the property owner 15.3% (\$40.03) of the total bill of \$261.60 based on the affected area (right-of-way) of the construction project.

Pederson commented that he would like to see if Bolton & Menk would offer to pay a portion of the bill that the Uhden's presented, as they had previously offered to cover.

Discussion was held on the 2012 (Budget) Preliminary Tax Levy. Adm. Jaunich stated that he was proposing a 5% increase over the current budget. He added that the Preliminary Tax Levy has to be set by September 15<sup>th</sup>. Mayor Kreft stated that it is the Council's intent to lower the amount as much as possible before setting the final levy amount at the end of the year.

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

**RESOLUTION 56-2011**  
**A RESOLUTION PROPOSING THE 2011 TAX LEVY, COLLECTIBLE IN 2012**

**BE IT RESOLVED**, by the City Council of the City of Arlington, County of Sibley, Minnesota, that the following sums of money be levied for the current year, collectible in 2012, upon taxable property in the City of Arlington, for the following proposed purposes:

General Fund	\$615,700
Fire Certificate	\$ 21,600
2004 Improvement Bond	\$ 55,000
Pub. Proj. Lease Rev.	\$ 50,000
2009 G.O. RF Bonds	<u>\$ 35,500</u>
Total Tax Levy	\$777,800

**TOTAL CERTIFIED TAX LEVY    \$ 777,800.00**

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: 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 6<sup>th</sup> day of September, 2011.

CITY OF ARLINGTON, MINNESOTA

/s/ James R. Kreft, Mayor

Attest: /s/ Matthew Jaunich, City Administrator

Motion by Reetz, seconded by Pichelmann, and passed by unanimous vote to set Monday, December 5<sup>th</sup> at 6:00 pm as the date/time for the Truth In Taxation Hearing for Taxes Payable in 2012.

Motion by Ruehling, seconded by Wills, and passed by unanimous vote to approve the advertisement for bids for the 1986 Calumet 2250 Sludge Wagon.

Motion by Reetz, seconded by Pederson, and passed by unanimous vote to accept the bid from Bargaen Inc. in the amount of \$3,880 for infrared patching.

Motion by Pederson, seconded by Pichelmann, and passed by unanimous vote to accept the low bid from Mueller & Sons in the amount of \$2,520 (3 locations) for asphalt repairs + \$150 per ton for random street patching.

Reetz gave a brief update on the Fiber to the Home project. He stated that the various sub-committees have been meeting, but nothing for official action has been brought to the Joint Powers Board yet.

Wills commented that the Fire Department is advertising for the two open firefighter positions. He added that officer elections will also be coming up soon.

Pichelmann gave an update on the hospital board. He stated that they will be receiving a \$294,000 Healthy Trust Grant that they applied for.

Pederson gave an update on the Park Board. He stated that they had discussed the boulevard tree program that the Lions had proposed. He commented that they had checked with several nurseries and each one has a slightly different version of what constitutes a boulevard tree.

Pederson gave an update on the radios for the Fire and Ambulance Departments. He stated that all services within the County did have their paperwork in on time for the grant. However the Police Departments are not included in the grant anymore; they will have to do something different (on their own).

Brief discussion was held on the Neisen properties and what happens to the current charges against same if they would sell. Attorney Arneson stated that the charges would remain against the business.

Motion by Wills, seconded by Pederson, and passed by unanimous vote to adjourn the meeting at 8:48 pm.

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City Administrator Matthew Jaunich

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Mayor James R. Kreft