

**OWATONNA CITY COUNCIL  
MEETING AGENDA  
OCTOBER 18, 2010 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 October 4<sup>th</sup> Regular Meeting Minutes
  - B) Approval of the October 13<sup>th</sup> Special Meeting Minutes
  - C) Approval of Bills
  - D) Approve the Purchase of 1 Truckload of Wood Mulch from Midwest Playscapes
  - E) Approve the Bid to Remove 4 Boulevard Trees
  - F) Approval of special liquor license to Arlington Lions Club for event on November 12<sup>th</sup>

**PUBLIC HEARINGS**

**PETITIONS, REQUESTS, & COMMUNICATIONS**

5. Addressing the Council
  - A) Citizens Addressing the Council
6. Announcements
  - A) Southern Minnesota Initiative Foundation Annual Luncheon ó Thursday, October 21<sup>st</sup> @ 11:30 a.m. in Owatonna
  - B) Meet the Candidates Forum ó Thursday, October 21<sup>st</sup> @ 7:00 p.m. in the Community Center
7. Communications
  - A) August Water/Wastewater Report
  - B) September Financial Reports
  - C) Boulevard Tree Assessment Report
  - D) 3<sup>rd</sup> Quarter EDA Director's Report
  - E) Arli-Dazzle Parade Participation

## ICERS, BOARDS & COMMITTEES

### ORDINANCES & RESOLUTIONS

8. Ordinances
  - A) 255 (1<sup>st</sup> Reading) ó Update of Official Zoning Map
  - B) 256 (1<sup>st</sup> Reading) ó Pets in Residential Zones
9. Resolutions
  - A) 49-2010 ó Establishing a Tobacco-Free Policy for Arlington Parks and Recreation Areas
  - B) 50-2010 ó Ordering Upgrades and Preparation of Plans for an Expansion of the Wastewater Treatment Facility
  - C) 51-2010 ó Authorization to Establish and Maintain an Account

### UNFINISHED BUSINESS

#### NEW BUSINESS

10. Approve/Deny Lifting the Restrictions on Decorating Devices from the Ceiling in the Community Center
- 11.

### MISCELLANEOUS BUSINESS

12. Set Next Budget Workshop Meeting
13. Council Committee Updates
14. Open Discussion

### ADJOURNMENT

#### Reminders:

- 1) Police Committee ó October 25<sup>th</sup> @ 1 pm (Tech Center)
- 2) Hospital Board ó October 25<sup>th</sup> @ 5 pm (SMC)
- 3) EDA ó October 27<sup>th</sup> @ 6 pm (Tech Center)

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

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

Members absent: None

Also present: City Administrator Jaunich, City Attorney Arneson, Engineer Swanson, Tami LaGow, Lori Doering, Randi Niklekaj, Kurt Menk

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

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

- A) Approval of the October 4<sup>th</sup> Regular Meeting Minutes
- B) Approval of the October 13<sup>th</sup> Special Meeting Minutes
- C) Approval of the Bills
- D) Approve the Purchase of 1 Truckload of Wood Mulch from Midwest Playscapes
- E) ~~Approve the Bid to Remove 4 Boulevard Trees~~ (Removed for discussion purposes and listed as item 11).
- F) Approval of special liquor license to Arlington Lions Club for event on November 12<sup>th</sup>.

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) Southern Minnesota Initiative Foundation Annual Luncheon ó Thursday, October 21<sup>st</sup> @ 11:30 am in Owatonna
- 2) Meet the Candidates Forum ó Thursday, October 21<sup>st</sup> @ 7:00 pm in the Community Center.

The Council reviewed the following communications:

- 1) August Water/Wastewater Report
- 2) September Financial Reports
- 3) Boulevard Tree Assessment Report
- 4) 3<sup>rd</sup> Quarter EDA Director's Report
- 5) Arli-Dazzle Parade Participation.

It was noted that there were no Officers, Boards or Committees reporting to the Council.

The first reading of Ordinance 255 ó An Ordinance Amending Ordinance 169, The Arlington Zoning Ordinance, by Repealing and Replacing the Official Zoning Map Under Section 4, Subdivision 1, was held. A memo from PZ Adm. Smith-Strack was reviewed that noted the various proposed changes to the current zoning map.

The first reading of Ordinance 256 ó An Ordinance Amending Section 5, Subdivision 2(6)(C) and Section 6, Subdivision 2 (5)(C) of Ordinance No. 169 the Arlington Zoning Ordinance, Relating to the Keeping of Pets as Accessory Uses in Residential Districts, was held. A memo from PZ Adm. Smith-Strack was reviewed which noted a discrepancy in the number of pets allowed in a stand alone pet ordinance and a couple of sections within the Zoning Ordinance.

...ing resolution and moved for its adoption:

**RESOLUTION 49-2010**

**A RESOLUTION ESTABLISHING A TOBACCO-FREE POLICY FOR ARLINGTON PARKS AND RECREATION AREAS**

WHEREAS, the City of Arlington believes that tobacco use in the proximity of children and adults engaging in or watching outdoor recreational activities at City-owned or operated parks and facilities is detrimental to their health and can be offensive to those using such facilities; and

WHEREAS, the City has a unique opportunity to create and sustain an environment that supports a non-tobacco norm through a tobacco-free policy, rule enforcement, and adult-peer role modeling on City-owned outdoor parks and recreational facilities; and

WHEREAS, the City believes parents, leaders, and officials involved in recreation are role models for youth and can have a positive effect on the lifestyle choices they make; and

WHEREAS, the tobacco industry advertises at and sponsors recreational events to foster a connection between tobacco use and recreation; and

WHEREAS, cigarettes, once consumed in public spaces, are often discarded on the ground requiring additional maintenance expenses, diminish the beauty of the City's parks and recreational facilities, and pose a risk to toddlers due to ingestion; and

WHEREAS, the City Park Board and City Council determine that the prohibition of tobacco use at the City's parks and recreational facilities serves to protect the health, safety and welfare of the citizens of our City.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Arlington, that tobacco use is prohibited in the City of Arlington's Playground Areas at all times, and athletic fields during youth activities. No person shall use any form of tobacco at or on any of these areas.

FURTHERMORE BE IT RESOLVED, that enforcement of this policy shall be done accordingly:

1. Appropriate signs shall be posted in the above specified areas.
2. The community, especially facility users and staff, will be notified about this policy.
3. Staff will make periodic observations of the areas to monitor for compliance.
4. Any person found violating this policy may be subject to immediate ejection from the area.

FURTHERMORE, this policy shall become effective immediately upon publication in the *Arlington Enterprise* and upon placement of signs in the above specified areas.

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember Vrklan and upon poll being taken thereon the following voted in favor thereof: Pederson, Pichelmann, Reetz, Vrklan, 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 18<sup>th</sup> day of October, 2010.

CITY OF ARLINGTON, MINNESOTA

/s/ James R. Kreft  
Mayor

Attest: /s/ Matthew Jaunich  
City Administrator

Pederson thanked Tami LaGow from Sibley County Public Health (TFY) for all her help in putting the policy together.



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...d about the need to upgrade the wastewater treatment facility through the Public Facilities Authority (PFA) and MPCA. He very favorable for the City of Arlington's facility based on current conditions and proposed future regulations (State permit requirements). He recommended moving forward with the upgrades to the wastewater plant. It was noted that the City of Green Isle would also have to approve the proposed upgrades per the A-GI WW (Joint Powers) Agreement. Engineer Swanson explained what the process and time line would be for the proposed project. He also explained that the current facility would be revitalized and expanded.

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

**RESOLUTION 50-2010  
A RESOLUTION ORDERING AN UPGRADE AND PREPARATION OF PLANS TO THE WASTEWATER TREATMENT FACILITY PLANT**

WHEREAS, a resolution of the City Council adopted on April 19, 2010, called for an update to the Facility Plan for the Wastewater Treatment Plant along with a Finance Package for a future construction project; and

WHEREAS, a resolution of the City Council adopted on May 3, 2010, approved amendments to the Wastewater Treatment Facility Plan, and authorized and directed the Facility Plan to be sent to the Minnesota Pollution Control Agency for review and approval; and

WHEREAS, the City has heard back from the Minnesota Pollution Control Agency on the proposed Facility Plan; and

WHEREAS, the City Council has received and reviewed the preliminary report and proposal from Bolton & Menk for the Facility Upgrade to the Wastewater Treatment Plant; and

WHEREAS, the report shows that grant money is available this year, the effluent limits are favorable, and the timing aligns closely with the project needed in 2012-2013.

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

1. Such upgrade is necessary, cost-effective, and feasible as detailed in the report.
2. Such upgrade is hereby ordered as proposed in the Facility Plan, which was adopted by resolution on the 3<sup>rd</sup> day of May, 2010.
3. Kris Swanson of Bolton & Menk is hereby designated as the engineer for this improvement. The proposal presented to the City by Bolton & Menk on October 14, 2010 and the contents of the proposal are hereby approved.
4. The engineer shall prepare plans and specifications and obtain the necessary permits from the MPCA for the making of such upgrades to the Wastewater Treatment Plant.
5. The engineer shall also provide assistance in preparing applications for PFA funding and grants.

BE IT FURTHER RESOLVED, that the City Administrator is hereby authorized to present a copy of this Resolution to the City of Green Isle, and that the project shall not go forward until it has been approved by the City of Green Isle.

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, Vrklan, 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 18<sup>th</sup> day of October, 2010.

CITY OF ARLINGTON, MINNESOTA

/s/ James R. Kreft  
Mayor

Attest: /s/ Matthew Jaunich  
City Administrator



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...wy 5 Liftstation. He stated that the project/upgrade has been with cellular technology has been installed, which over time should be a big savings to the City.

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

**RESOLUTION 51-2010  
A RESOLUTION ESTABLISHING AND MAINTAINING ACCOUNTS WITH MULTI-BANK SECURITIES, INC. AND PERSHING, LLC**

WHEREAS, that the named Authorized Persons of the City of Arlington are the City Administrator and the Deputy Clerk and they hereby are, and each of them is, authorized and empowered, for and on behalf of the City of Arlington (herein called the "City"), to establish and maintain one or more accounts with Multi-Bank Securities, Inc. (herein called the "Brokers") and Pershing LLC, its successors or assigns, and for the purpose of purchasing, investing in, or otherwise acquiring, selling, possessing, transferring, exchanging, pledging, or otherwise disposing of or realizing upon, and generally dealing in and with; any and all forms of securities including, but not by way of limitation, shares, stocks, options, stock options, stock index options, foreign currency options and debt instrument options, bonds, debentures, notes, scrip, participation certificates, rights to subscribe, warrants, certificates of deposit, mortgages, choses in action, evidence of indebtedness, commercial paper, certificates of indebtedness and certificates of interest of any and every kind and nature whatsoever, secured or unsecured, whether represented by trust, participating and/or other certificates or otherwise; and

WHEREAS, The fullest authority at all times with respect to any such commitment or with respect to any transaction deemed by any of the said Authorized Persons and/or agents to be proper in connection therewith is hereby conferred, including authority (without limiting the generality of the foregoing) to give written or oral instructions to the Brokers with respect to said transactions; to bind and obligate the City to and for the carrying out of any contract, arrangement, or transaction, which shall be entered into by any such Authorized Persons and/or drafts drawn upon the funds of the City such sums as may be necessary in connection with any of the said accounts to deposit funds with the Brokers; to deliver securities and/or contracts to the Brokers; to order the transfer or delivery thereof to any other person whatsoever, and/or to order the transfer record of any securities, or contracts, or titles, to any name selected by any of the said Authorized Persons or agents; to affix the City's seal to any documents or agreements, or otherwise; to endorse any securities and/or contracts in order to pass title thereto; to direct the sale or exercise of any rights with respect to any securities; to sign for the City all releases, powers of attorney and/or other documents in connection with any such account, and to agree to any terms or conditions to control any such account; to direct the Brokers to surrender any securities to the proper agent or party for the purpose of effecting any exchange or conversion, or for the purpose of deposit with any protective or similar committee, or otherwise; to accept delivery of any securities, to borrow money and securities, if applicable, and to secure repayment thereof with the property of the City; to appoint any other person or persons to do any and all things which any and all things which any of the said Authorized Persons and/or agents is hereby empowered to do, and generally to do and take all action necessary in connection with the account, or considered desirable by such Authorized Persons and/or agents with respect thereto; and

WHEREAS, That the Brokers may deal with any and all of the persons directly or indirectly by the foregoing resolution empowered, as though they were dealing with the City directly; and

WHEREAS, That the person signing this Non-corporate Resolution on behalf of the City be and hereby is authorized, empowered and directed to certify to the Brokers: (a) a true copy of these resolutions; (b) specimen signatures of each and every person by these resolutions empowered; (c) a certificate (which, if required by brokers, shall be supported by an opinion of the general counsel of the City, or other counsel satisfactory to the Brokers) that the City is duly organized and existing, that its governing rules empower it to transact the business by these resolutions defined, and that no limitation has been imposed upon such powers by the governing rules of the City or otherwise; and



the certified copy of the resolutions, specimen signatures, and  
and until the Brokers shall receive due written notice of change or  
other form of notice shall not constitute a waiver of this provision. nor

shall the fact that any person hereby empowered ceases to be an Authorized Person of the City or becomes an  
Authorized Person under some title, in any way affect the powers hereby conferred, but the failure to supply any  
specimen signature shall not invalidate any transaction where the party authorizing the same has been actually  
empowered thereto by or in conformity with these resolutions; and

WHEREAS, That in the event of any change in the office of powers of persons hereby empowered, an Authorized  
Person shall certify such changes to the Brokers in writing in the manner herein above provided, which notification,  
when received, shall be adequate both to terminate the powers of the persons therefore authorized, and to empower  
the persons thereby substituted; and

WHEREAS, That the Authorized Persons of the City be, and hereby is, authorized and empowered to countersign  
items as aforesaid; and

WHEREAS, That the foregoing resolutions and the certificates actually furnished to the Brokers by the Authorized  
Person of pursuant thereto, be and they hereby are made irrevocable until written notice of the revocation thereof  
shall have been received by the Brokers.

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: Pederson, Pichelmann, Reetz, Vrklan, 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 18<sup>th</sup> day of October, 2010.

CITY OF ARLINGTON, MINNESOTA

/s/ James R. Kreft  
Mayor

Attest: /s/ Matthew Jaunich  
City Administrator

Discussion was held on possibly lifting restrictions on decorating devices from the ceiling in the  
Community Center. Adm. Jaunich explained that current City policy is not to allow any decorations from  
the ceiling for liability reasons and simple wear-n-tear on the ceiling tile/suspension devices. He stated  
that a request had been received from Randi Niklekaj asking for the policy to be changed as she has the  
center reserved for her wedding next June and would like to have ceiling decorations (essentially to give  
the room a different look/effect). She presented pictures of other facilities that allowed various types of  
ceiling decorations. She feels the current policy is too restrictive. It was noted that Staff recommended  
leaving the policy as is and not allow ceiling decorations. Reetz noted that the ceiling is a tile-grid system  
suspended by wire. Attorney Arneson commented that the policy was established for the safety of the  
renters of the facility. He also commented on the City's past experience with decorations at the former  
community hall. Concern was expressed about the long-term wear and tear on the grid system and whose  
responsibility it would be to determine what the system could/not handle, along with changing the policy  
and/or setting a precedent. It was commented that if the policy is changed to allow ceiling decorations,  
the City should look into the cost of putting up some permanent universal hanging devices. Mayor Kreft  
suggested implementing a separate (deposit) fee for allowing ceiling decorations.

Motion by Wills, seconded by Reetz, and passed by unanimous vote to deny the request from Randi  
Niklekaaj to hang decorations from the ceiling in the Community Center.

Discussion was held on whether or not to change the policy for allowing ceiling decorations at the  
Community Center. It was suggested to contact some other facilities in the area to see what they allow  
and to also contact some Decorating Companies to obtain information on the various types of hanging  
devices, including weights limitations of each. Adm. Jaunich will research the matter further.

the removal of boulevard trees. Wills expressed some concern about the issue of responsibility for property gets (example parking lot or sidewalk) damaged when the trees are dropped.

Motion by Reetz, seconded by Pederson, and passed by unanimous vote to accept the bid price and authorize the City Administrator to work out the notation as to liability and permission with the contractor for the above bid for tree removal.

It was the consensus of the Council to set November 22<sup>nd</sup> at 5:30 pm for a budget workshop meeting.

Pederson gave an update on the Parks Committee. He stated that certain members and Sib. Cty. Public Works Director Mielke had met out at the Sportsmanø Park to discuss locations for putting a walking bridge back in.

Motion by Vrklan, seconded by Wills, and passed by unanimous vote to adjourn the meeting at 7:38 pm.

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City Administrator Matthew Jaunich

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Mayor James R. Kreft