

ARLINGTON CITY COUNCIL  
MEETING MINUTES  
JANUARY 18, 2011

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

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

Members absent: None

Also present: City Administrator Jaunich, City Attorney Arneson, Chris Neisen

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

8.5) Resolution 9-2011 – Accepting a Donation.

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

- A) Approval of the January 3<sup>rd</sup> Regular Meeting Minutes
- B) Approval of the Bills
- C) Accepting the Resignation of Kyle Rewerts from the Arlington Fire Department
- D) Accepting an \$8,000 MBFTE Grant and Designating its use to the Fire Department.

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 Conference for Newly Elected and Experienced Officials is set for January 28-29 in Mankato or February 25-26 in Brooklyn Center
- 2) New Member/City Council Orientation Workshop – February 7<sup>th</sup> @ 5:00 pm.

The Council reviewed the following communications:

- 1) December Financial Reports
- 2) December Water/Wastewater Report
- 3) 2010 Compensation Report
- 4) 2010 Overtime Report
- 5) City Administrator Project List.

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

**RESOLUTION 8-2011**  
**A RESOLUTION TRANSFERRING CITY FUNDS**

WHEREAS, sound financial planning by the City Council of the City of Arlington and City Staff is the purpose behind the transfer of funds; and

WHEREAS, the City Council deems it expedient under the circumstances to transfer the following funds:

- \$60,098 -- From the General Fund (101) to the 2008 GO Equipment Certificate Fund (320)
- \$21,115 -- From the Sewer Fund (602) to the 2008 GO Equipment Certificate Fund (320)
  - To Cover Debt Service Payments
  
- \$156,000 -- From the General Fund (101) to the Capital Equipment Fund (401)
- \$4,000 -- From the Fire Fund (201) to the Capital Equipment Fund (401)
- \$2,500 -- From the Ambulance Fund (202) to the Capital Equipment Fund (401)
- \$7,500 -- From the Community Center Fund (203) to the Capital Equipment Fund (401)

\$3,000 -- From the Cemetery Fund (207) to the Capital Equipment Fund (401)  
- To Increase the Capital Improvement Fund Balance

NOW THEREFORE BE IT RESOLVED, that the aforementioned funds are hereby transferred to said funds of the City of Arlington.

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 18<sup>th</sup> day of January, 2011.

CITY OF ARLINGTON, MINNESOTA

/s/ James R. Kreft  
Mayor

Attest: /s/ Matthew Jaunich  
City Administrator

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

**RESOLUTION 9-2011**  
**A RESOLUTION ACCEPTING A DONATION AND DESIGNATING ITS 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 a donation of money from the Arlington Baseball Association to be used within the City Park System; 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 the Arlington Baseball Association and designates its use to the General Fund to be used within the Park and Recreation budget.

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 18<sup>th</sup> day of January, 2011.

CITY OF ARLINGTON, MINNESOTA

/s/ James R. Kreft  
Mayor

Attest: /s/ Matthew Jaunich  
City Administrator

Considerable discussion was held on the Conditional Use Permit for the Neisen property and whether it should or should not be revoked. Mayor Kreft commented that the City is within its full right to revoke the CUP based on past experience with the property/business owner. The Council reviewed two memos from Planning & Zoning Administrator Smith-Strack regarding the continued violations against the CUP. Attorney Arneson provided an update on the court action related to said CUP violations. It was noted that Chris Neisen was present to represent the business. Mayor Kreft expressed his dissatisfaction with the (appearance) condition of the property and how it reflects on the rest of the City of Arlington. Mayor Kreft explained (as noted in Smith-Strack's memo dated January 18, 2011) that if the CUP is revoked the property will remain zoned as a B-1 Service Business District and eligible uses prescribed by the Zoning Ordinance will be allowed on the site. He commented that the Neisen's business is considered 'heavy-duty construction', which is not a permitted use within said district, and therefore all construction equipment would have to be removed and outdoor storage would have to cease on the property. Mayor

Kreft commented that if the CUP were allowed to continue (a good faith effort by the City), that a zero tolerance for any further violations would be strictly adhered to by City Staff. Neisen commented that they are in the process of trying to get the property into compliance.

Motion by Wills, seconded by Pichelmann, and passed by unanimous vote to deny revocation of the Conditional Use Permit for Mike Neisen's Hwy 5 property.

Motion by Reetz, seconded by Wills, and passed by unanimous vote to instruct Staff to do a weekly (no set time or day) drive through inspection of the property checking for compliance; if non-compliance is found, the property owner is to be contacted immediately and given 24-hour notice to get the property back into compliance and if compliance is not achieved in said time, the Council will take action at their next closest meeting.

Attorney Arneson gave a brief 'tutorial' on the court system (staffing, scheduling, etc.).

Considerable discussion was held on the "Fiber to the Home" Project. Mayor Kreft had compiled a listing of various concerns about the project and shared them with the Council. It was commented that due to financial reasons this project should be run as a County only project or Cities only project, not both together. Concern was expressed about the unknowns (true dollar amounts/costs, risk and liability factors, etc.). The Council discussed various options available to the City. It was the consensus of the Council that a lot more information and/or another meeting is needed before the City can make any decisions.

Reetz commented that the Planning & Zoning Committee had reviewed a list of projects that PZ Adm. Smith-Strack had put together and determined order of importance (2011 goal or future goal).

Pichelmann stated that the SMC Board offered the Administrator position to one of the candidates interviewed and it was accepted.

Reetz asked Adm. Jaunich to double check the billing for snow removal for businesses to make sure everyone was getting billed that should be. He also commented that if the City is not getting reimbursed from the State, that Staff should not be blowing/removing snow on Hwy 5.

Pederson commented that he attended the Regional Owner/Operator 800 MHz Radio meeting in Mankato. He stated that it will be a good thing when it's done, but a lot of training will be needed.

Adm. Jaunich informed the Council that Consultant Smith-Strack's desk would be getting moved from the Services Building to the Council Chambers in the Community Center for two reasons: poor internet service and customer convenience.

Mayor Kreft commented that he had met with SMC Interim Adm. Curt Nielson last week to start discussion of the goal of Exploration of Affiliation with Ridgeview Medical Center. Kreft stated that he also expressed the Council's disappointment with the fact SMC was not utilizing the Ambulance Service as they had agreed to. Nielson had contacted Adm. Jaunich on this and was looking into it. It was noted that the new SMC Adm. would be starting mid-late March.

Motion by Reetz, seconded by Wills, and passed by unanimous vote to adjourn the meeting at 8:57 pm.