

ARLINGTON CITY COUNCIL
MEETING MINUTES
FEBRUARY 20, 2007

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

Members present: Mayor Kreft, Borchert, Griep, Reetz, Vrklan, Wills

Members absent: None

Also Present: Administrator Krueger, Bruce Pinske

Motion by Reetz, seconded by Vrklan, and passed by unanimous vote to approve the agenda as presented.

Motion by Griep, seconded by Wills, and passed by unanimous vote to approve the minutes from the February 5, 2007 meeting as amended.

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

Minnesota Valley Regional Rail Authority Chairman Bruce Pinske presented a report on the railroad, the improvements being made, grants applied for and projected increase in usage, which will also help aid in Arlington's future growth. He stated that the Railroad has been looking into what is called quiet zones within cities where the railroad runs through. He stated that if crossing arms are installed, the Conductors don't have to blow the whistles anymore (or as much) when they travel through a city (certain times of the day/evening are disruptive to the public). He explained that there are grants available to help cover the costs of crossing arms, which Arlington would be responsible for 3 and Seneca Foods for 1. He also expressed concern about the problem with snowmobiles traveling over the railroad right-of-way (not supposed to be within 50 feet of the tracks), which according to the law the railroad is held liable if any individuals get hurt or their personal property is damaged. He thanked the City of Arlington for its support that it has provided in the past.

The Council held the second reading of Ordinance No. 202 – An Ordinance to Create a Police Committee for the City of Arlington and to set Operating Rules for said Committee. It was noted that sections 1 and 2 were revised; the number of members was increased and added officer positions (Chairman, etc.).

Motion by Reetz, seconded by Wills, and passed by unanimous vote to approve Ordinance No. 202 as follows:

ORDINANCE NO. 202

THE CITY COUNCIL OF THE CITY OF ARLINGTON, MINNESOTA TO PROMOTE THE PUBLIC SAFETY, HEALTH AND WELFARE, HEREBY ORDAIN AS FOLLOWS:

AN ORDINANCE TO CREATE A POLICE COMMITTEE FOR THE CITY OF ARLINGTON AND TO SET OPERATING RULES FOR SAID COMMITTEE. THIS ORDINANCE SUPERSEDES ORDINANCE 199 IN ITS ENTIRETY.

Section 1. Police Committee Purpose and Composition. The Police Committee shall be made up of seven (7) voting members. The committee shall include five (5) citizens of Arlington and two (2) Arlington City Council members, appointed by the Mayor with the advice and consent of the City Council. The Sibley County Sheriff or his appointed designee shall act as an ex-officio, non-voting eighth (8) member. The Mayor shall also be ex-officio member of the committee. The purpose of the Committee will be to act as a resource for the City Council, the Police Department and the citizens of Arlington in collecting information, comments, complaints and suggestions, and formulating and presenting recommendations to the City Council for action, on matters pertaining to law enforcement and public safety issues in the City of Arlington.

Section 2. Police Committee Organization. The Police Committee members by a simple majority vote shall elect a Chairman, Vice Chairman and Secretary from their members. The Chairman shall preside at Committee meetings. The Vice Chairman shall preside at Committee meetings in the Chairman's absence. The Secretary shall keep written records of the Committee proceedings.

Section 3. Police Committee Meetings. The Police Committee shall meet whenever its Chairman deems appropriate, but no less often than monthly. Meetings shall be held at a time and place as set by the Chairman, to most conveniently accommodate the schedules of the Committee members.

Section 4: Communication with City Council. The Police Committee shall issue periodic reports to the City Council, either in written form or by appearance at City Council meetings, whenever the Committee feels the need has arisen to communicate with the Council, or whenever the Council requests a report from the Police Committee. It is expected that the Mayor and the City Council members on the Committee shall also function as communicators between the City Council and the Committee. Minutes of all Police Committee meetings shall be submitted to the City Council.

Section 5. The Police Committee is an advisory committee to the City Council.

- A. Its findings and suggestions serve as a guide for the Council to follow in dealing with public safety in our community.
- B. The Council in return will take into account the Committee's background investigations and findings when determining policy and regulations.

Section 6. The Police Committee will encourage community input whenever possible and appropriate, when reviewing issues involving the police department and public safety.

Section 7. The Police Committee will assist in the hiring process when the need arises for a replacement and/or additional officer. After approval by the City Council to start the hiring process, the Police Committee will work with the Police Chief to provide a list of potential Police Officers to fill any vacancies or new positions. The Police Committee will follow POST Board and City guidelines when assisting in the hiring process. After the committee has completed its hiring review process, it shall make a recommendation to the City Council ranking the applicants in numerical order, assigning the Number 1 to the applicant the committee ranks highest. The City Council shall then conduct any final hiring interviews it deems appropriate, and make the hiring decision.

Section 8. Complaints, compliments, or suggested changes to police activities shall be directed to the Police Committee where they will be investigated and reported to the Council at its next regular monthly meeting.

Section 9. In the event of a complaint against an officer for improper conduct or dereliction of duty, the Police Committee shall refer the matter to the Employee Relations Committee for hearing, who in turn shall report their findings to the City Council and Police Committee. In keeping with the operating rules of the Employee Relations Committee, no complaints against an officer shall be considered or referred to the Employee Relations Committee unless said complaint is in written form and signed by the complainant. In other words, no anonymous complaints shall be considered. The identity of the complainant shall be kept strictly confidential, unless or until the complainant's testimony is required at a disciplinary or criminal hearing against the officer who is the subject of the complaint. As required by State law, any complaints against a specific officer shall also be kept strictly confidential until or unless final disciplinary action is imposed on the officer by the City Council, in which case the City Council will formulate a notice to the general public regarding the disciplinary action or criminal charges brought against the officer.

Section 10. In the event of a complaint or question of a general police issue, the Police Committee shall investigate and report its findings (in writing) to the City Council at the next regular Council meeting. If the individual that brought the complaint or question is not satisfied with the findings or answer of the Police Committee, the individual may bring the matter to the City Council. All complaints or questions shall be documented including the findings or answers.

Section 11. The Committee may serve as spokesman for the Police Department on general police enforcement or public safety issues to the City Council if the committee feels it is necessary.

Section 12. The Committee may recommend to the City Council any major purchases for the Police Department after determining if they are necessary and checking on prices for such items or provide alternatives to such purchases.

Section 13. The Committee shall review the budget (maintenance of vehicles, future capital outlay, and building maintenance and officer hours) at each meeting with the thought in mind to maximize the efficiency of the dollars within the budget.

Section 14. The Committee shall work with the Police Chief to review schedules to minimize patrol officer shift duplications, overtime pay and part-time officer use.

Section 15. The Committee will work with the Police Chief to make sure that normal vehicle maintenance and major repairs shall be spread as equally as possible among local businesses through a fair and ethical process.

Section 16. The Committee will review any incidents involving Arlington Police Department officers responding to calls outside of city limits. The Committee shall obtain from the Police Department a written report of the purpose and result of such calls, and pass on to the City Council a written report thereof. The purpose of this review is to make sure that the City Public Safety resources are being properly used to protect the health, welfare and safety of the residents to the City of Arlington as its primary function. It is understood that it is the City policy that Arlington Police officers respond to "out of city limits calls" only in emergency situations, based on requests by the Sibley County Sheriff's office, or other jurisdictions with which we have a mutual aid agreement.

This ordinance shall become effective immediately upon publication.

For City of Arlington:

/s/ James R. Kreft
By James R. Kreft
Its Mayor

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

Administrator Krueger talked about the Police Department call outs, on-call (phone coverage) and work times, and the respective compensation for each and what State law allows for.

Motion by Reetz, seconded by Griep, and passed by unanimous vote to establish a policy that states that the full-time police officers will work 12 hours on duty and 12 hours on-call within a 24-hour period. During the 12-hour on-call period 8 hours will be designated as sleep time and they will not answer the cell phone, but may be called out for emergencies by the Sibley County Sheriff's Dispatch and the remaining 4 hours the officers will answer the cell phone and use their discretion on what needs to be handled at that time (considered a call out) or wait until they go back on duty. The policy will become effective immediately and the rate of pay will be \$2.75 per hour, unless called out, then the rate of pay would be their regular hourly wage and count as part of their 80 hour pay period.

Mayor Kreft stated that the Police Committee had recommended that the Council should hold a special meeting to determine the scope of services for the contract with the Sheriff's Department for police services. Vrklan stated that Sheriff Ponath and Chief Deputy Sheriff Nienaber were at the meeting to answer the Police Committee's questions and provide their input on how other contracts are working in Winthrop and Green Isle. Reetz commented that if a special meeting were held the ICR's from the Police Department and County could be reviewed to see what types of calls are occurring and if they should be included in the scope of services.

It was the consensus of the Council to hold a special meeting on Monday, February 26, 2007 at 5:30 p.m. at the Technology Center in order to put a scope of services together for a Law Enforcement Contract with Sibley County Sheriff's Department. A backup date would be Thursday, March 1st before the Planning & Zoning meeting. Mayor Kreft presented a tentative timeline that showed the process of getting a contract put together and approved.

Administrator Krueger commented that the Utility Committee and City Staff have discussed the electric rates and the need to make changes to them. He explained that the City receives power from MMPA and how the fluctuating electric adjust charge worked. He stated that the Committee was recommending shifting \$.01 (one

cent) from the electric adjust item line to the regular electric rate line each month on the utility billing. The electric usage rate would become \$.077/kw and the electric adjust line item would then be decreased by \$.01 from whatever the MMPA billed amount is. This change would allow the City Electric Department to continue meeting its power costs, while trying to minimize the fluctuating electric adjust line item amount (balance things out a bit). Krueger explained that the City will not be making more money with this concept at the utility customers will be paying the same amount, but their bills will be easier to understand and they should see a more normalized billing each month (less fluctuating). Brief discussion was held on the proposed wind generator. Krueger explained that the 13 cities that belong to the MMPA will each be receiving 1 wind powered generator through grant money, which will help to lower rates at some point. It was the consensus to put this into resolution format and put on the next regular meeting agenda.

Krueger stated that the Utility Committee and City Staff have also discussed the water rates and need to change them. He stated that the current water rate structure is a base fee of \$2.77/month plus \$4.00/1,000 gallons of usage. There is a minimum usage stipulation of 1,500 gallons per month. So currently the standard base fee plus the minimum 1,500 gallons equals \$8.77/month. Based on the fairly simplified rate analysis that was presented, a base fee of \$8.77/month charge would require a usage fee of \$4.38/1,000 gallons of usage. The proposal includes eliminating our current minimum usage. Reetz commented that he went online and compared the proposed rates with the surrounding communities and found them to be in the middle. It was the consensus to put this in resolution format and put on the next regular meeting agenda.

The Council reviewed the Notice from the County Assessor regarding the upcoming open book meeting of the Board of Appeal and Equalization on April 10th from 3:00 p.m. to 8:00 p.m. at the County Assessor's Office.

The Council reviewed the letter from the POLKA Festival Committee that included various requests such as: being considered a non-profit group for their event in May, which allows them to pay the reduced fees at the Community Center; a one-day special liquor license and need to pay for a police officer. Krueger suggested having the Public Buildings Committee review the requests and make a recommendation to the Council. The Council also reviewed an estimate for putting electrical outlets around the parking lots at the Community Center. Reetz stated that he had spoken with the POLKA Festival Committee member who had contacted him about the outlets and explained that this was going to be too costly and would not be done.

The Council reviewed a letter from the Sibley County Public Health regarding the Freedom to Breathe Act. It was the consensus that this should be handled on the State level.

Motion by Griep, seconded by Vrklan, and passed by unanimous vote to authorize EDA Director Krueger and Assistant Director Schultz to attend a hotel conference at the Mall of America on March 14th.

Vrklan commented briefly on the LMC Conference that he and Mayor Kreft had attended for newly elected/re-elected officials. He stated that he attended a Comprehensive Land Use Seminar and presented the highlights of it. Mayor Kreft commented on the session he attended. He stated that upon becoming Mayor, Attorney Arneson had met with him and reviewed what his duties included or not included as being Mayor, which was very helpful during the session.

Administrator Krueger commented that a meeting had been held with SMC Administrator Reker, Deputy Clerk Tesch, Officer Worker Woehler and Ambulance Manager Thomes regarding preliminary talks about converting the ambulance service to a hospital based service. He stated that many things need to be worked out but overall the transition will be a positive one for both the hospital and ambulance.

Reetz updated the Council on what was happening with the Planning & Zoning Board. He stated that for the last 2 months discussion has been held on the Preliminary Plat for Polar Circle Second Addition that Jeff Hennen was proposing for development. He stated that a meeting was held with Attorney Arneson, P&Z Administrator Jenness, P&Z Chairman Nagel, Administrator Krueger and himself regarding the proposed plat

and Seneca Foods' concerns about the same. They determined what options were available and would be presenting them to the P&Z Board for consideration (before the final decision to approve or deny the plat). Mayor Kreft commented that if the plat passes, the EDA is anticipating the request for TIF assistance for the development.

Wills commented that the Fire Department is continuing to work on their selection process (job descriptions/qualifications for officers) versus election process. Administrator Krueger commented that they are hopeful to have it completed by July so everyone can review it (get used to it) and use it at the end of the year instead of the election process. Reetz stated that they are trying to be as flexible as possible and mold the policy around the age group of the members to ensure they all have equal representation. The process continues to move along slowly (cautiously) and in a non-discriminatory manner.

Wills stated that the City of Gibbon has joined the Joint Trail System. Administrator Krueger stated that he had been contacted by the Henderson newspaper inquiring about the trail system. He believes a representative from Henderson would be attending the next meeting of the Executive Board. Krueger explained what would be happening at the next few meetings (creating a map, website, and pamphlets, etc.).

Mayor Kreft commented that at the next regular meeting the Council would be re-introduced to Ordinance No. 200 (Private Wells & Septic Systems), the lawn mower bids, resolutions for water and electric rate changes, recommendation from the Public Buildings Committee, and recommendation from the upcoming Special Council meeting.

Reetz questioned how things were progressing with the vehicle inventory reduction. Administrator Krueger stated that the Streets Committee has started working on it, but was waiting for the outcome with the lawn mower bids. Reetz also questioned if the Council would be seeing the EDA Lot Loan report soon or if this would be part of the EDA's annual report to the Council. It was suggested to have Assistant Director Schultz include the information with his monthly activity report. Reetz commented that he would like Supt. Thomes to research the cost of bituminous before the summer projects get started to ensure the City is not paying more than it should be. He also expressed concern that the advertisement for contracting for lawn mowing included mowing ditches when at the last meeting the Council approved the purchase of a new mower strictly for this. Administrator Krueger will get the ad corrected.

Brief discussion was held on the sound quality of the meetings being played on the public access channel. Griep commented that it has something to do with the equipment used to play the recordings and they are trying to get this problem corrected. Administrator Krueger added that when the furnace and/or the air conditioner run during the meeting affects the sound quality as well.

Wills stated that he had been questioned by numerous individuals about why the City was purchasing land at a recent land auction. Administrator Krueger assured the Council that the City was not purchasing land. Denny Schultz was at the auction bidding for his brother-in-law. Krueger stated that several members of the city staff attended the auction only to see who would be the new owner for zoning reasons. He added that Schultz made it very clear at the auction that he was not representing the City in any way.

Motion by Vrklan, seconded by Griep, and passed by unanimous vote to adjourn the meeting at 8:45 p.m.

Administrator David L. Krueger

Mayor James R. Kreft