

ARLINGTON CITY COUNCIL
MEETING MINUTES
JUNE 19, 2006

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

Members present: Mayor Czech, Borchert, Griep, Reetz, Voight, Wills

Members absent: None

Also Present: Administrator Krueger, Attorney Arneson, Dr. Lyle Rud, P&Z Administrator Jenness, Keith Doetkott, Fire Chief Jeff Otto, Paul Soeffker, Jim Soeffker

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

5.5) Fire Chief Jeff Otto – DNR Grant

20.5) Southern Minnesota Initiative - \$500 Donation.

16.) Correction: Authority to Start the Hiring Process for New Assistant Ambulance Manager.

It was the consensus of the Council to table approving the minutes from the June 5, 2006 meeting, due to the fact the minutes were incomplete. This will give city staff the opportunity to get the original tape back and review the end of the meeting to insure that all pertinent information is included in the minutes as the subject matter being discussed at the end of the meeting was very complex.

Motion by Griep, seconded by Reetz, and passed by unanimous vote to approve the bills as presented and Statement of Funds for May.

Fire Chief Jeff Otto stated that the Fire Department was awarded (for the 4th year in a row) a grant through the Department of Natural Resources back in November of last year. He stated that the department was looking at spending approximately \$7,000 for equipment (example: hose, nozzles, etc.) for the trucks of which \$3,500 would be reimbursed by the grant (50/50 match). He added that the equipment being purchased would be transferred to any future trucks, essentially less equipment to purchase later on.

Motion by Voight, seconded by Borchert, and passed by unanimous vote to authorize Fire Chief Jeff Otto to go ahead and purchase the equipment mentioned above.

Fire Chief Otto stated that the department had also received a grant from Minnesota Valley Electric Coop, which covered the full price of a gas monitor (detects 4 different gases) that they just received last week.

P&Z Administrator Jenness presented the final plat for the High Island Creek Addition Phase III. He reviewed the changes from the preliminary plat (changes in easement sizes, etc.). Jim & Paul Soeffker were present on behalf of the development to answer questions. Some discussion was held on where water and sewer lines were going to run. Jenness stated that the Planning & Zoning Board had met and reviewed the final plat and were recommending the Council approve it.

Motion by Reetz, seconded by Griep, and passed by unanimous vote to accept the Planning & Zoning Board's recommendation to approve the final plat of the High Island Creek Addition Phase III as presented.

Discussion was held about creating an "add hock" committee to work with Seneca Foods. Attorney Arneson commented that he had come up with the idea of forming a committee after he had spoken with Bruce Pinske about issues that may arise between the City and Seneca Foods (examples: silage pile, city limits, etc.). Mayor Czech asked Councilmembers Borchert and Wills to be on this committee.

Motion by Griep, seconded by Reetz, and passed by unanimous vote to appoint Councilmembers Wills and Borchert to the Seneca Committee.

Brief discussion was held on the road behind Seneca Foods. Attorney Arneson gave a brief history on the roadway. Voight commented on the number of trucks using roads that are not truck routes.

Administrator Krueger spoke on the A-GI Wastewater Facility Plan that had been presented by Engineer Tullis at the last meeting. The Council reviewed some graphs and information that Engineer Tullis had put together regarding the projected capacity of the wastewater treatment facility.

Motion by Griep, seconded by Wills, and passed by unanimous vote to authorize Engineer Tullis to proceed with the A-GI Wastewater Facility Plan at a cost of \$7,500.

Administrator Krueger talked about the Capital Improvement Plan. He explained how this tool would be used and how it would benefit the city.

Motion by Griep, seconded by Borchert, and failed (Borchert, Voight, Wills opposed) to move ahead with the Capital Improvement Plan at a cost of \$5,000.

Dr. Lyle Rud thanked the Council for putting ordinances together that regulate animals/pets within the city limits. He was glad to see that the City has put the licensed pet information on the internet to help pets get returned to their proper owners versus having to impound them. He also thanked the Police Department for their effort in dealing with strays/impounding. Dr. Rud informed the Council that he was retiring from large animal practice and that the status of how long his small animal practice would continue was questionable. He stated that strays are brought (impounded) to his business and if he fully retires, the City will need to find an alternative for them. He will try to work with the City as much as possible to find alternatives.

Discussion was held on the Conservation Improvement Program (CIP) that deals with rebates and is offered through MMPA (Minnesota Municipal Power Association). Administrator Krueger explained that the commercial lighting portion of the program has not really been used in the past, but is now becoming more evident. He stated that the Utilities Committee had met and discussed this. The city's rebate allotment is a percentage of our expected electric sales revenue for the year. The Utilities Committee determined that a 10% cap per customer would be fair.

Motion by Reetz, seconded by Wills, and passed by unanimous vote to set the single customer rebate limit at 10% of the city's annual allotment.

Discussion was held on the ambulance on-call pay increase that was approved back in February. There was some question about when the increase was supposed to take effect. It was the consensus of the Council that the increase was to take effect at the time it was approved, not retroactive.

Administrator Krueger reviewed what Auditor Mark Babcock had said about the 2005 Audit at a previous meeting.

Motion by Wills, seconded by Voight, and passed by unanimous vote to approve the 2005 Audit.

Attorney Arneson held the second reading of Ordinance No. 198 – An Ordinance Regulating Solicitors, Peddlers, Hawkers, Itinerant Merchants and Transient Vendors of Merchandise in the City of Arlington. He stated that no changes had been made after the first reading.

Motion by Reetz, seconded by Griep, and passed by unanimous vote to approve the following:

ORDINANCE NO. 198

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

AN ORDINANCE REGULATING SOLICITORS, PEDDLERS, HAWKERS, ITINERANT MERCHANTS AND TRANSIENT VENDORS OF MERCHANDISE IN THE CITY OF ARLINGTON.

Section 1.

The practice of going in and upon private residences in the said City of Arlington, by solicitors, peddlers, hawkers, itinerant merchants and transient vendors of merchandise, not having received an advance request or invitation to do so by an owner or adult occupant of said private residence, for the purpose of soliciting orders for the sale of goods, services, wares, produce or merchandise is hereby declared to be a nuisance and is prohibited.

Section 2.

This ordinance does not prohibit the distribution of informational or advertising flyers or brochures on to the doorsteps or doors of private residences, but such distribution right shall not be used as a subterfuge to obtain the prohibited face to face contact with any owner or occupant of a personal residence. Therefore, anyone distributing any such advertising or informational flyer or brochure shall not attempt to physically hand such material to any owner or occupant of a personal residence, and shall not knock on the structure, ring the doorbell, or make any other physical attempt to alert any owner or occupant of a personal residence that the delivery of the flyer or brochure is being made, it being considered that any such physical activity is a deliberate attempt to achieve the physical contact with the owner or occupant which is prohibited under this ordinance.

Section 3.

The practice of selling goods, services, wares, produce or merchandise on city streets, boulevards, rights of way, city parks or any other public property is hereby prohibited, unless a permit to conduct such activity has been issued by the City of Arlington, it being in the public interest to avoid the traffic hazards, parking congestion and health hazards that such practices create if unlicensed. The decision to issue any such permits shall be in the sole discretion of the city, in keeping with the health, safety and welfare of the citizens of Arlington, and the rights and expectations of the citizens to use said public property unencumbered by any physical barriers, congestion or unwanted solitations that such private business enterprises may create. Permits for such temporary sales locations on public property may be obtained upon application to the City Administrator. Forms and fees for such permits shall be set from time to time by the City Council.

Section 4.

As an exception to the permit process set out in Section 3 above, the City of Arlington in its sole discretion may issue event permits to Arlington organizations sponsoring special events. Such organizations include, but are not limited to, the Arlington Area Chamber of Commerce, Arlington-based fraternal, religious, and other non-profit organizations, and special interest clubs. Such an event permit would be issued to the organization sponsoring the event, and would cover all vendors of merchandise or services invited by the sponsoring organization to participate in such event. It would be the responsibility of the permitted sponsoring organization to screen and supervise the participating vendors, to include the requirement that said vendors provide proof that they are properly licensed and insured as required by government regulations. Any such event permit would cover only a specific time frame and a clearly defined area of public property. Only those vendors invited to participate in the event by the sponsoring organization will be covered by such permit, and only for the time frame and location specified in the permit. If the city decides to grant such an event permit, it may do so with conditions, which may include requirements for crowd and traffic control, defined parking areas, and refuse disposal. Forms and fees for such permits shall be set from time to time by the City Council.

Section 5.

Any violation of this ordinance shall be considered a misdemeanor, punishable by a jail term and/or monetary fine as set out for misdemeanors under state law from time to time.

Section 6.

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

This ordinance shall become effective immediately upon publication.

For City of Arlington

/s/ David Czech
By David Czech
It's Mayor

/s/ David L. Krueger
By David L. Krueger
It's City Administrator

Discussion was held on whether to charge a fee for Peddler Permits. Voight was opposed to charging a fee. No action was taken.

Attorney Arneson held the second reading of Ordinance No. 199 – An Ordinance to Create a Police Committee for the City of Arlington and to Set Operating Rules for said Committee. He stated that no changes had been made after the first reading.

Motion by Voight, seconded by Griep, and passed by unanimous vote to approve the following:

ORDINANCE NO. 199

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.

Section 1. Police Committee Purpose.

The Police Committee shall be made up of four (4) members. The committee shall include two (2) citizens of Arlington and one (1) Arlington City Council member, appointed by the Mayor with the advice and consent of the City Council. The Sibley County Sheriff or his appointed designee shall act as the fourth member of the committee, as an ex-officio, non-voting member. The Mayor shall also be an 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.

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 3.

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

Section 4.

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 5.

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 6.

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 7.

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 8.

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 9.

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 10.

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 11.

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 12.

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 13.

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

This ordinance shall become effective immediately upon publication.

For City of Arlington

/s David Czech

By David Czech

It's Mayor

/s David L. Krueger

By David L. Krueger

It's City Administrator

The Council reviewed the Lot Acquisition Loan Applications from the ADI, each for \$30,000 and located within the High Island Creek Addition Phase III (Lots 2-5)

Motion by Reetz, seconded by Wills, and passed by unanimous vote to approve the 2 Lot Acquisition Loans for ADI for \$30,000 each with the condition the ADI provides the accurate lot numbers on the applications.

Discussion was held on starting the process to hire a new Assistant Ambulance Manager. Ambulance Manager Thomes would like to appoint an Interim Assistant to help get the run forms processed in a timely manner. Administrator Krueger felt comfortable allowing Thomes appoint someone until a new assistant could be hired. It was the consensus of the Council to permit Ambulance Manager Thomes to appoint an Interim Assistant Ambulance Manager. It was also the consensus of the Council to authorize Administrator Krueger to start the hiring process for the Assistant Ambulance Manager position.

The Council reviewed the flyer that Marie Kreft had put together regarding Story Hour in Arlington and Green Isle. Attorney Arneson commented that the City of Green Isle did support the Story Hour and paid their portion.

The Council reviewed the thank you letter from the SEA Lions organization regarding the success of their pillow fluff fundraiser and also accepted a \$15 donation, which was to defray the cost of electricity used.

Mayor Czech commented that over 400 people had attended the Breakfast on the Farm during the Town & Country Days Celebration. He stated that Saturday during the day was good, up until the rain; the bands were able to finish out the evening indoors at the Arlington Haus Too and Neisen's Bar.

Mayor Czech informed the Council that the Arlington Good Samaritan Center would be having their ground breaking ceremony on Friday, June 30th at 11:00 a.m. and invited the Council to attend.

Mayor Czech invited the Council to attend the opening ceremony for the Sesquicentennial Celebration on Friday, August 18th. He was putting a proclamation together.

Reetz questioned if the "alleyway" would remain an ongoing topic on the agenda until the party requesting to be on it shows up (assuming the City will not taken action as long as he does not appear). He suggested that the City take action regardless. It was the consensus of the Council to put the alleyway on the next agenda to action.

It was the consensus of the Council to change the date of the first meeting in July to Wednesday the 5th due to the fact the 4th of July holiday will be on Tuesday and many people will be gone.

Administrator Krueger spoke on the Southern Minnesota Initiative Foundation. He stated that the City has contributed \$500 in the past. The question was asked if the residents of Arlington actually benefit from this. Voigt and Administrator Krueger said yes and gave a couple of examples as to how it is utilized.

Motion by Voight, seconded by Griep, and passed by unanimous vote to contribute \$500 to the Southern Minnesota Initiative Foundation.

Mayor Czech recessed the regular meeting and opened the closed portion of the meeting.

Administrator Krueger reviewed what was said during the Employee Relations Committee meeting on June 6th with regard to Keith Doetkott's compensation and reprimand.

Minutes Incomplete – See Council Folder for Complete Information

Motion by Voight, seconded by Reetz, and passed by unanimous vote to adjourn the closed meeting and reopen the regular meeting.

Mayor Czech reconvened the regular meeting.

Motion by Reetz, seconded by Griep, and passed by unanimous vote to accept the Employee Relations Committee's recommendation with regard to employee Keith Doetkott's compensation for ambulance service as follows:

1. To pay Keith a stipend of \$500 per month for his services on the ambulance. This amount is approximately \$2 per hour of on-call pay and will total \$6,000 per year.
2. This stipend amount would cover 5 days a week, 12 hours a day, 52 weeks a year. This amount does take into account 2 weeks of vacation and sick days.
3. To retroact this amount to January 2006 so that it follows all previously agreed to terms so that all acts of the Council on this matter follow the same time line.
4. This agreement will be reviewed in one year for the Council to fine tune or if other new items have changed such as more help on the day ambulance call or if the amount should be increased.

Borchert commented that he has heard that a few more members of the Ambulance Association will be quitting, which will create an even bigger problem. He suggested that the hospital needs to be approached about taking over the ambulance service and then the city won't have to worry about this anymore. Voight agreed and suggested getting the Hospital Board and City Council together to discuss this.

Comments from Reetz and Griep were basically that they disagreed that Doetkott should not have just walked off the job regarding the ambulance and that this was considered insubordination. They simply could not support Doetkott's request to get rid of the reprimand. All parties that spoke felt that the reprimand was needed and that it should remain.

Motion by Voight, seconded by Reetz, and carried (Borchert opposed) to uphold the reprimand for Keith Doetkott based on the facts that he had decided simply on his own to not perform what he felt was not part of his job and to not follow the proper channels by going to the Employee Relations Committee and not asking the Council to hold a closed meeting.

Motion by Voight, seconded by Wills, and passed by unanimous vote to adjourn the regular meeting at approximately 10:45 p.m.

Administrator David L. Krueger

Mayor David Czech