

ARLINGTON CITY COUNCIL
MEETING MINUTES
JUNE 5, 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, Miss Arlington Committee Members Trisha Rosenfeld & Cathy Kerber, Miss Arlington Jenny Schwope, P&Z Administrator Jenness, Mike Bubany (David Drown Associates), Engineer Lana Tullis, Engineer Joel Hawbaker, Buzz Matz, Ambulance Members: Brian Thomes, Amy Berger, Jim Pederson; Attorney Bill Cowell, Deputy Clerk Tesch, Street Supt. Thomes, Keith Doetkott, Kurt Menk, Fire Dept. Members: Jeff Otto, Tom Pomplun, Tim Haggemiller, Curtis Ling, Ralph Wacker, Grant Bening

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

- 20.) Grant for Police Department – Defibrillators
- 21.) Travel Request – Asst. EDA Director & Director Krueger
- Remove Item 6.) Individual requested to be at the June 19th meeting instead.

Motion by Griep, seconded by Voight, and passed by unanimous vote to approve the minutes from the May 15, 2006 meeting as presented.

Motion by Griep, seconded by Voight and passed by unanimous vote to approve the bills as presented.

Miss Arlington Committee members Trisha Rosenfeld and Cathy Kerber along with Miss Arlington Jenny Schwope were present to ask the Council for a monetary donation (\$600) to help the Miss Arlington Program for this year. Rosenfeld stated that the Council has helped in past years. It was noted that this program is no longer part of the Chamber of Commerce; they do their own fundraising and ask organizations for donations. Wills questioned what the total cost for the program was. Rosenfeld commented they do their own fundraising (work at Valley Fair), City donates \$600 and the Chamber donates \$600 (matches the City), and each candidate has to get her own sponsor; the total operating budget is approximately \$2,000 per year (includes: parade entry fees, items for the girls, donations to drivers-excluding family, scholarships for the girls, and each committee member gets something based on how much money is raised).

Motion by Voight, seconded by Borchert, and passed by unanimous vote to donate \$600 to the Miss Arlington Program.

The Council reviewed the diagram of how the streets are to be barricaded for the Town & Country Days Celebration on Main Street.

Motion by Reetz, seconded by Wills, and passed by unanimous vote to approve the barricading of the streets as presented for traffic control for the Town & Country Days Celebration.

Engineer Hawbaker presented a map showing additional streets to be included in the 2006 Street Improvement Project. He explained that the Streets Committee had met and decided to add these streets to the project due to the fact the bids came in way under budget. The estimated cost for the additions is \$60,000-\$70,000, which will still be under the allotted amount for the original project. Griep commented that the Streets Committee considered paving the parking lot near the Fire Hall and the parking lot on Main Street by Templo Maranatha Church at a cost of approximately \$15,000 each, but decided to do more street work at this time before the costs for doing this type of work increases. Engineer Hawbaker stated that the original project will be done prior to the Sesquicentennial Celebration and the addition portion will be done before hand as well, provided there is enough time, otherwise it will be done after the celebration.

Motion by Reetz, seconded by Borchert, and passed by unanimous vote to accept the Streets Committee's recommendation to add more streets to the 2006 Street Improvement project as a cost of \$60,000-\$70,000.

P&Z Administrator Jenness presented a Preliminary Re-Plat of High Island Creek Addition Phase IV. He explained the reason they are replatting this phase is to somewhat accommodate the ADI's need for lots in which to construct twin homes on as their demand to construct more twin homes continues to grow and there appears to be a shortage of these types of lots. He further explained that the replat will make a better transition from high density housing to single family housing. Jenness commented upon the Council's approval of this preliminary replat, the final plat would be presented at the June 19th meeting.

Motion by Reetz, seconded by Griep, and passed by unanimous vote to accept the Preliminary Re-Plat of High Island Creek Addition Phase IV as presented.

P&Z Administrator Jenness reviewed the monthly building permit report for May.

The Council reviewed the proposed Ordinance for the Use of Private Water and Sewer Systems and the proposed Ordinance for Individual Sewage Treatment Systems. Administrator Krueger has asked P&Z Administrator Jenness to be present to answer the Council's questions from the previous meeting. Reetz commented that the Planning & Zoning Board expressed concern about putting a mandated date on this and forcing the issue. Reetz suggested to them to have the Ordinances in place, but to include some language that would allow permits to be issued for them to continue using their existing systems as long as they were in compliance, did not need maintenance or to be re-drilled, and were tested regularly and provide the results to the City. This would be a good compromise. Jenness stated that the dates could be changed and language could be changed and/or added. He commented that the City can be more restrictive than the County and State, but not less restrictive. Jenness addressed the question of what happens when a property is sold. He stated that the seller must provide a Certificate of Compliance or Non-Compliance on the septic system. If neither certificate is provided, the Seller must hire an inspector to inspect the system and record the results at the County with the Deed. If the system is compliant, the inspection is good for 3 years; if non-compliant they have 3 years to get it compliant. Attorney Arneson stated that this is a term negotiated at the time of sale (who will pay for the replacement/upgrade of the system). Administrator Krueger reiterated that no one will be forced to hookup if it is not feasible at that time. Jenness was asking permission to take these ordinances to the Planning & Zoning Board and hold public hearings to keep this process moving forward. Jenness commented that it is good to get this on the record books now, so the City will have something in place and to work with when the next annexation happens. It was the consensus of the Council to send these 2 ordinances to the Planning & Zoning Board and to hold a public hearing.

Mike Bubany from David Drown Associates was present to discuss the Capital Improvement Planning (CIP) process. He stated that the first thing they advise be done is to set some "bench marks" to see what the City's strengths and weaknesses are (encompasses tax bases, revenues, debt per capita, water rates, cash flows, etc.). The next step is to determine what projects should be done and how they will be paid for (levies, assessments, etc.). He had a program that he plugged different scenarios into and it showed the long-term affects to the tax base, etc. The process takes approximately 3 months from start to finish and costs approximately \$5,000. Voight questioned why the City couldn't do this planning itself and expressed concern about all of the outsourcing that seems to be happening. Administrator Krueger stated that this program will help determine when to tax, when to bond and how future projects will have to be paid, when to raise rates, etc. He added that it is a tool to make the decision making process easier. Bubany commented that one benefit of the plan is that residents can plan ahead (they know when work is planned to be done in their area and how the associated costs will affect them, can start saving up).

Engineer Lana Tullis was present to talk about the A-GI Wastewater Committee recommendations regarding the Wastewater Treatment Facility Plan and Preliminary Engineering Design Report. She stated that the cost for the facility plan is \$7,500. The reason for doing a facility plan is to help determine when an upgrade/addition will be needed on the current system. She stated that the numbers are higher (capacity levels) than had been

projected last year during the rate analysis, and therefore an upgrade/addition to the system may be needed sooner than originally planned for when the facility was constructed. Tullis stated that they were looking at starting construction in 2009. Mayor Czech suggested holding off on this until more details could be worked out between Arlington and Green Isle.

Buzz Matz was present on behalf of the United Methodist Church to request that something be done in the alleyway next to the Methodist Church; whether it is blacktopped or concreted (they preferred blacktopping). He asked if the city does it and assesses them for it or what the process was to get this done (budget for next year). Administrator Krueger commented that this is an engineering issue and the property owners would have to petition the City to have this done, which then a public hearing would have to be held and the property owners would be assessed.

Motion by Voight, seconded by Reetz, and passed by unanimous vote to have Engineer Hawbaker evaluate the alley next to the United Methodist Church and bring his findings back to the City Council, which then the property owners will be notified.

Attorney Arneson reviewed the changes to Ordinance No. 198 – An Ordinance Regulating Solicitors, Peddlers, Hawkers, Itinerant Merchants and Transient Vendors of Merchandise in the City of Arlington that had been suggested at the last meeting. He stated that language was added regarding a “blanket” permit that covers vendors participating in the Town & Country Days Celebration and Sesquicentennial Celebration (example given was that the Chamber of Commerce would apply for a vendor permit for their event and all vendors in the partitioned area would be covered under this permit instead of a permit being given to each and every vendor). It was the consensus of the Council to hold the second reading of this ordinance at the next regular meeting. Administrator Krueger pointed out that the Chamber of Commerce was asking to be excluded under this ordinance for this year as it will not become effective until after their event.

Motion by Griep, seconded by Borchert, and passed by unanimous vote to grant the Chamber of Commerce an exclusion to the Peddler Permit process this year as the ordinance will not be in effect at the time of their event.

Attorney Arneson held the first 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 he made the suggested changes (added the Sibley County Sheriff or his designee as the fourth member of the Police Committee as an ex-officio, non-voting member). The second reading will be held at the next regular meeting.

Attorney Arneson reviewed his memo regarding Lot 1 Fairview Acres (Witt Development). He stated that this lot has city utilities running through the west 20 feet resulting in it being a non-build able lot and the City does not have an easement for said utilities. He stated that the City owns the lot and had attempted to sell it for \$10,000 to Karen Baumann (a resident whose property was adjacent to it). Ms. Baumann was interested but not at that price, the City in turn offered \$7,500. After about a year she came in with an offer of \$500 and explained that Dennis Van Moorlehem had offered to split the lot with her after she purchased it from the City, as he would have an interest in the south half of the lot (he has a shed or garden encroaching on the property line). He explained that he didn't think the City would sell the lot for this price but would pass the offer onto the City Council. He asked for guidance from the Council to see if they wanted to hold onto the lot for a utility corridor and pocket park or to sell the lot or a portion of the lot, retaining a utility easement. An issue of water drainage was discussed briefly. Voight suggested holding onto it. Attorney Arneson questioned if Mr. Van Moorlehem should be required to move his encroachment. No action was taken.

The Council reviewed the letter from Technical Services requesting to have the parking lot on the north side of the 400 Block on West Main Street paved/hard surfaced. Mayor Czech was in favor of this for safety reasons as pointed out in the letter. Street Supt. Thomes commented that if it would be paved, there would be a water issue that would have to be addressed, plus some curbing, etc. Administrator Krueger suggested having Engineer Hawbaker look at this area when he is next in town looking over the alley for the Methodist Church and then consider these as future projects. Voight commented that she would like to see the parking lot next to the fire hall paved before paving for the Methodist Church alley and the parking lot on Main Street. Attorney Arneson

commented that in past discussions it was suggested to have Technical Services and other businesses that use the parking lot contribute to the cost of the paving. Administrator Krueger suggested taking these projects back to the Streets Committee to research them further.

The Council reviewed the monthly police report and activity report that had been submitted by Chief Rovinsky along with a duty schedule. Attorney Arneson commented that it has been pretty easy and efficient to reach the Chief since he primarily takes the day call (is in the office). Borchert gave a summary of what happened at the last Police Committee Meeting. He stated that the Operating Rules and budget were reviewed. A committee member gave his verbal resignation from the Committee due to personal schedule conflicts.

Mayor Czech spoke on the upcoming Sesquicentennial Celebration. He stated that 1,080 copies of the Sesquicentennial Book had been printed and 315 had already sold. He also commented that the Committee was going to be meeting down at Four Seasons Park to see where they are going to put everything (figure out the layout).

Borchert commented that the Cemetery Board had met and started putting a 5-year plan together (prioritizing wants and needs). Some of the items discussed were leaving the island as is for now; putting in a new roadway south of the southern most roadway to service burials in that area better; making use of the area just inside the old entrance area on the left by closing it off and re-routing the roadway a bit to fix the radius of the curve (redirect traffic) and designate it for cremations only or create a granite structure for above ground burials (place to put ashes or urn into).

Administrator Krueger reminded the Council of the upcoming Sibley County Municipalities Meeting on June 8th in Green Isle.

Administrator Krueger commented that Golden Hearts is looking at expanding in the future and had inquired about using TIF. The EDA will work with them on this and also Shannon Sweeney about what kind of TIF District would have to be created and/or used for this.

Voight commented on the little green boxes (telephone or cable) that are around town that have been damaged for some time and questioned why they are not getting repaired/replaced. She suggested contacting the respective companies to get them fixed.

The Council reviewed the letter from South Central MN EMS regarding the approval of the \$1,375 grant (applied for by Police Department) for a defibrillator (AED unit) for the Arlington Community Center. Ambulance Manager Brian Thomes commented that there are different units available and suggested that they get a unit like the ambulance, fire department and hospital use so the equipment is all the same (use same type of pads). Voight commented that at the last Hospital Board meeting it was noted that the School did not want a particular type of defibrillator. Administrator Krueger will pass on the suggestion to Chief Rovinsky to check into before purchasing a unit. Fire Chief Otto commented that they should also check to make sure that it has a pediatric key code so it could be used for children under 55 pounds.

Motion by Reetz, seconded by Griep, and passed by unanimous vote to accept the \$1,375 grant from the South Central MN EMS for a defibrillator for the Arlington Community Center subject to the above mentioned suggestions/conditions.

Motion by Griep, seconded by Borchert, and passed by unanimous vote to approve the travel request for Asst. EDA Director Schultz to attend the Small Cities Development Meetings on June 20th in Owatonna or June 21st in Willmar.

Mayor Czech recessed the regular meeting and asked those present to leave the room for a short period of time, and opened the closed portion of the meeting.

Minutes Incomplete – See Council Folder for Complete Information

Considerable discussion was held on the Assistant Ambulance Manager position. Based on the review of the facts, the Council took the following action:

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

RESOLUTION NO. 11-2006

WHEREAS, the Arlington City Council held a closed meeting on Monday, June 5, 2006 to discuss an employment issue with Ms. Amy Berger.

BE IT RESOLVED, that the outcome of the meeting was as follows:

1. Ms. Berger is discharged from the position of Assistant Ambulance Manager.
2. Ms. Berger will remain on the Arlington Ambulance as a crew member.
3. Ms. Berger shall not have access to city computers.
4. Ms. Berger should not fill out run forms unless necessary and that if she does that a second ambulance member that is present must sign or initial the run form.
5. Ms. Berger will be on a probation period for one year. During this probationary period she will receive bi-annual performance evaluations. These evaluations will be done by the Ambulance Manager and will be given to the City Administrator for review. The results of the performance evaluations both positive and negative will be shared with the Employee Relations Committee.

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember Borchert and upon vote being taken thereon the following voted in favor thereof: Borchert, Voight, Mayor Czech to break the tie vote; and the following voted against the same: Griep, Reetz; and the following abstained from voting: Wills; and the following were absent: None.

Adopted by the City Council of the City of Arlington this 5th day of June, 2006.

Signed: /s/ David Czech
Mayor

Attested: /s/ David L. Krueger
City Administrator/Clerk/Treasurer

Whereupon said resolution was declared duly passed and adopted and was signed by the Mayor whose signature was attested by the City Administrator.

Brief discussion was held on the Post Office and how the mail is being treated (ripped, forced into mailboxes, dirty, etc.).

Considerable discussion was held on the alley that lies within the 400 Block of East Main Street and East Adams Street. It was noted that the signs the City has put up in the alley keep getting taken down. No action was taken.

The Council reviewed the information from the Employee Relations Committee regarding WW Supt. McCormick's performance while being on-call. Administrator Krueger was given the authority to handle the problem administratively, which he did. He just wanted to keep the Council apprized of the situation and what was done as this was a first-time offense.

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

Mayor Czech reconvened the regular meeting.

Attorney Arneson informed Keith Doetskott that he was entitled to a closed meeting due to the fact that the issue of employment would be discussed. It was noted that Doetskott had submitted a written note prior to the meeting requesting the meeting be open to the public. Attorney Arneson explained that he could still change his mind. Doetskott understood and reaffirmed that he wanted the meeting open. Administrator Krueger reviewed the Employee Relations Committee's findings and explained that a reprimand was given administratively for insubordination and refusal to perform his job/employment conditions. The questions before the Council were whether the reprimand was appropriate, should ambulance on-call be a condition of employment; is there appropriate compensation, would ambulance resignation include resignation from his other city duties. Doetskott gave his version and said he is not being compensated for the ambulance work he is performing and the stress level he is under. He stated that he has taken on more duties, which is not part of his job description, for the same pay (no increase) and over time he has lost pay (on-call pay and run-time when he is on ambulance calls). Administrator Krueger commented that the Council added to his job duties the condition he was to be on-call for the ambulance service during the day to help with day call as the ambulance was so short handed, which he had agreed to. Mayor Czech asked for some sense of order to help clarify the timeline involved. Voight commented that the City has worked with him all along, when he was getting overwhelmed with the Community Center cleaning, the Council found someone to come in and help out; when he couldn't work every weekend, the Council hired a Cleaning Service. She pointed out that he is working full-time in the streets department, which the City had not planned to hire anyone for. She felt the City has been fair enough. Reetz questioned if Doetskott was wanting off the ambulance for stress reasons or compensation. Doetskott said he would still like to help out, but was informed that he couldn't take night and weekend calls anymore due to the rules of the Fair Labor Standards Act (too much overtime). He felt he could deal with the stress as long as he was compensated accordingly. Considerable discussion was held on the FLSA rules and how to interpret them. The Council would like to keep the overtime down to as minimal as possible for budget reasons and suggested that Doetskott watch his hours and try to take some time off during the week when possible or take the time as comp time. Those present in the audience felt that he should be compensated accordingly and not discouraged from taking calls outside his normal work day. It was suggested to give Doetskott a stipend, which would be above his regular pay and on-call pay. Mayor Czech suggested the Doetskott sit down with the Employee Relations Committee to work things out. Doetskott commented that he felt he has done his part by trying to work with the City Administrator for the past 2 years or so (when the step program was adopted). It was the consensus of the Council to refer this back to the Employee Relations Committee to resolve the issue.

Doetskott addressed the issue of the reprimand. He does not feel that he should be reprimanded for refusing to take ambulance day-call as he never agreed to have this added to his job. Reetz stated that the Employee Relations Committee addressed this also. They felt that he made a rash decision without going through the correct process. They also felt that ambulance day call was part of his job and an employee does not have the right to decide what duties they will or will not perform at a moments notice. Doetskott commented that if this condition was added to his job description, it should be added to all city staffs' job descriptions as well.

It was agreed that the Employee Relations Committee and Doetskott would meet the next day to discuss both topics.

Motion by Borchert, seconded by Wills, and passed by unanimous vote to adjourn the regular meeting.

Administrator David L. Krueger

Mayor David Czech