

**ARLINGTON CITY COUNCIL
MEETING AGENDA
JUNE 4, 2012 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 May 21st Regular Meeting Minutes
 - B) Approval of Bills
 - C) Approve the Renewal of On Sale, Off Sale, Sunday & Community Center Liquor Licenses for the Arlington Haus
 - D) Approve the Renewal of On Sale, Off Sale, Sunday & Community Center Liquor Licenses for The Dugout
 - E) Approve the Renewal of an Off Sale Liquor License for Arlington Liquor
 - F) Approve 2 Temporary Liquor Licenses for the Sibley County Agricultural Association

PUBLIC HEARINGS

PETITIONS, REQUESTS, & COMMUNICATIONS

5. Addressing the Council
 - A) Historical Society
 - B) Citizens Addressing the Council
6. Announcements
 - A) Sibley County Municipalities Association Meeting ó Thursday, June 14th @ 6 p.m. (Arlington)
7. Communications
 - A) April Water/Wastewater Report
 - B) May Building Permit Report
 - C) May Police Calls Report
 - D) Memo on MMPA Underlying Authority, Structure & Board Responsibilities
 - E) MMPA 1st Quarter Financial Statement
 - F) 2011 Drinking Water Report
 - G) MPCA Compliance Inspection Report on the Septic System at 862 4th Avenue SE

REPORTS OF OFFICERS, BOARDS & COMMITTEES

8. 2011 Audit Report ó Tom Olinger (Abdo, Eick & Meyers)
 - A) Approve/Deny 2011 Audit Report
9. Yearly Economic Development Authority Report

ORDINANCES & RESOLUTIONS

10. Ordinance 272 (2nd Reading) ó Regulating the Selling and Furnishing of Alcoholic Beverages through a Caterer's Permit
11. Resolutions
 - A) 38-2012 ó Summary Publication of Ordinance 272
 - B) 39-2012 ó Approving Plans & Specifications and Ordering Advertisement for Bids on the Railroad Crossings Project
 - C) 40-2012 ó Approving Plans & Specifications and Ordering Advertisement for Bids on the 2012 Street & Utility Improvement Project
 - D) 41-2012 ó Approve/Deny Construction Easement

UNFINISHED BUSINESS

12. Emergency Manager Position

NEW BUSINESS

13. Approve/Deny Bids
 - A) 2012 Seal Coat Project
 - B) 1998 Chevy Pickup
14. Approve/Deny the Purchase of Radios and Equipment in the amount of approximately \$35,000 for the County-Wide Radio Upgrade Project
15. Review of Proposed Ordinance 273 ó An Ordinance Establishing a Storm Water Drainage Utility
 - A) Approve/Deny Calling a Public Hearing for 6:30 p.m. on June 18, 2012
- 16.

MISCELLANEOUS BUSINESS

17. Council Committee Updates
18. Open Discussion

ADJOURNMENT

Reminders:

- A) P&Z Meeting ó June 7th @ 7 pm
- B) SMC Board ó June 18th @ 5 pm (SMC)
- C) Parks ó June 25th @ 7 pm
- D) EDA ó June 26th @ 6 pm

**ARLINGTON CITY COUNCIL
MEETING MINUTES
JUNE 4, 2012**

The regular meeting was called to order at 6:45 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, Engineer Hawbaker, Engineer Femrite, Auditor Tom Olinger, Historical Society Members Dwight Grabitske & Greg Goblirsch, EDA President Mark Lundstrom, Kurt Menk

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

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

- A) Approval of the May 21st Regular Meeting Minutes
- ~~B) Approval of Bills (were removed – not ready for the meeting)~~
- C) Approve the Renewal of On Sale, Off Sale, Sunday & Community Center Liquor Licenses for the Arlington Haus
- D) Approve the Renewal of On Sale, Off Sale, Sunday & Community Center Liquor Licenses for the Dugout.
- E) Approve the Renewal of an Off Sale Liquor License for Arlington Liquors
- F) Approve 2 Temporary Liquor Licenses for the Sibley County Agricultural Association.

It was noted that there were no public hearings scheduled.

Historical Society Members Grabitske and Goblirsch presented a picture of John Morland Thompson, who was President (Mayor) in 1923-1925, which is to be added to the mayor photo gallery that had been started several years ago. Grabitske stated that Thompson's major accomplishment while in office was to obtain a bonding bill for \$25,000, which allowed for the construction of the old Community Hall Building on West Main Street. Grabitske commented that the Historical Society is still actively trying to find photos of past Village Presidents/Mayors, which there are approximately 15 yet to get.

It was noted that there were no citizens present to address the Council on non-agenda items.

The following announcements were reviewed:

- 1) Sibley County Municipalities Association Meeting ó Thursday, June 14th @ 6 pm (Arlington).

The Council reviewed the following communications:

- 1) April Water/Wastewater Report
- 2) May Building Permit Report
- 3) May Police Calls Report
- 4) Memo on MMPA Underlying Authority, Structure & Board Responsibilities
- 5) MMPA 1st Quarter Financial Statement
- 6) 2011 Drinking Water Report
- 7) MPCA Compliance Inspection Report on the Septic System at 862 4th Avenue SE.

Tom Olinger of Abdo, Eick & Meyers presented the 2011 Audit Report and Management Letter. He noted the changes/improvements made from the previous year.

Motion by Wills, seconded by Pederson, and passed by unanimous vote to approve the 2011 Audit Report and Management Letter as presented.

Mark Lundstrom presented the annual report for the EDA Committee.

Engineers Hawbaker and Femrite presented Plans and Specifications for the Railroad Crossings Project. Brief discussion was held. It was noted that this project had to be completed this year for funding reasons.

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

RESOLUTION 39-2012
A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ORDERING AN
ADVERTISEMENT FOR BIDS ON THE RAILROAD CROSSINGS PROJECT

WHEREAS, pursuant to an agreement with Sibley County and MN/DOT, the city engineer (Bolton & Menk) has prepared plans and specifications for an improvement titled "State Aid Project No. 072-634-002" which includes the improvement of the curb & gutter and bituminous paving on Main Street and Adams Street at the Railroad Crossings, such an improvement would make safety improvements for the Railroad Upgrade and Crossings Project being done by the Minnesota Valley Regional Rail Authority (MVRRA); and has presented such plans and specifications to the council for approval;

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

1. Such plans and specifications, a copy of which is attached hereto and made a part hereof, and are hereby approved.
2. The City Engineer shall prepare and cause to be inserted in the official paper and in the *Construction Bulletin or similar trade magazine*, an advertisement for bids upon the making of such improvement under such approved plans and specifications. The advertisement shall be published for two weeks, shall specify the work to be done, shall state that bids will be received by the City Administrator until 10:30 a.m. on June 29, 2012, at which time they will be publicly opened in the council chambers of the community center by the City Administrator and Engineer, will then be tabulated, and will be considered by the Council at 6:30 p.m. on July 2, 2012, in the council chambers of the community center. Any bidder whose responsibility is questioned during consideration of the bid will be given an opportunity to address the council on the issue of responsibility. No bids will be considered unless sealed and filed with the City Administrator and accompanied by a cash deposit, cashier's check, bid bond or certified check payable to the City Administrator for five (5) percent of the amount of such bid.
3. The City Administrator shall work with the City Engineer on a specific bid date deadline if the dates selected in bullet #2 do not work.

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, 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 4th day of June, 2012.

CITY OF ARLINGTON, MINNESOTA

/s/ James R. Kreft, Mayor

Attest: /s/ Matthew Jaunich, City Administrator

Engineers Hawbaker and Femrite presented the Plans and Specifications for the 2012 Street and Utility Improvement Project. Brief discussion was held.

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

RESOLUTION 40-2012
A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ORDERING AN
ADVERTISEMENT FOR BIDS ON THE 2012 STREET AND UTILITY IMPROVEMENT PROJECT

WHEREAS, pursuant to a resolution (36-2012) passed by the Council on May 7, 2012, the city engineer (Bolton &

Menk) has prepared plans and specifications for an improvement titled "The 2012 Street & Utility Improvement Project" which includes the improvement of the street surface including curb and gutter, sanitary sewer main and services, water main and services, and storm sewer improvements on Marion Drive and the street surface including curb and gutter, sanitary sewer main and services, water main and services, and storm sewer improvements on Shamrock Drive east of Marion Drive; and has presented such plans and specifications to the council for approval;

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

1. Such plans and specifications, a copy of which is attached hereto and made a part hereof, and are hereby approved.
2. The City Engineer shall prepare and cause to be inserted in the official paper and in the *Construction Bulletin or similar trade magazine*, an advertisement for bids upon the making of such improvement under such approved plans and specifications. The advertisement shall be published for two weeks, shall specify the work to be done, shall state that bids will be received by the City Administrator until 10:30 a.m. on June 29, 2012, at which time they will be publicly opened in the council chambers of the community center by the City Administrator and Engineer, will then be tabulated, and will be considered by the Council at 6:30 p.m. on July 2, 2012, in the council chambers of the community center. Any bidder whose responsibility is questioned during consideration of the bid will be given an opportunity to address the council on the issue of responsibility. No bids will be considered unless sealed and filed with the City Administrator and accompanied by a cash deposit, cashier's check, bid bond or certified check payable to the City Administrator for five (5) percent of the amount of such bid.
3. The City Administrator shall work with the City Engineer on a specific bid date deadline if the dates selected in bullet #2 do not work.

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, 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 4th day of June, 2012.

CITY OF ARLINGTON, MINNESOTA

/s/ James R. Kreft, Mayor _____

Attest: /s/ Matthew Jaunich, City Administrator

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

RESOLUTION 41-2012

A RESOLUTION APPROVING A CONSTRUCTION EASEMENT FOR THE FOUR SEASONS PARK AND SPORTSMAN'S PARK TRAIL PROJECT

WHEREAS, the plans for the Prairie Line Trail Phase II Construction Project, and the reconstruction of 387th Avenue by Sibley County has been presented to the City of Arlington and they have been reviewed and approved by the Arlington City Council; and

WHEREAS, the City of Arlington has jurisdiction over and ownership of Four Seasons Park and Sportsman's Park; and

WHEREAS, the occupancy will cause no harm in nature to Four Seasons Park and Sportsman's Park and there will be no change in ownership of the land; and

WHEREAS, there are no anticipated permanent adverse physical impacts nor will there be interference with the activities or purposes of the park on a either a permanent or temporary basis; and

WHEREAS, the land being used will be fully restored to a condition that is at least as good as the one that existed prior to the project

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Arlington, Minnesota, that the City agrees with the work that is being proposed to be done, and that a construction easement for the Prairie Line Trail Phase II Construction Project is hereby approved for Four Seasons Park and Sportsman's Park.

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 4th day of June, 2012.

CITY OF ARLINGTON, MINNESOTA

/s/ James R. Kreft, Mayor

Attest: /s/ Matthew Jaunich, City Administrator

The second reading of Ordinance 272 ó An Ordinance Regulating Sale Provisions Governing Persons Selling or Furnishing Alcoholic Beverages Pursuant to a Catererø Permit Issued Pursuant to M.S. § 340A.404(12), was held. Adm. Jaunich noted that one minor change had been made with reference to the Community Center.

Motion by Reetz, seconded by Wills, and passed by unanimous vote to approve Ordinance 272 ó An Ordinance Regulating Sale Provisions Governing Persons Selling or Furnishing Alcoholic Beverages Pursuant to a Catererø Permit Issued Pursuant to M.S. § 340A.404(12), as follows:

ORDINANCE 272

AN ORDINANCE REGULATING SALE PROVISIONS GOVERNING PERSONS SELLING OR FURNISHING ALCOHOLIC BEVERAGES PURSUANT TO A CATERER'S PERMIT ISSUED PURSUANT TO M.S. § 340A.404(12)

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

Whereas, Ordinance 267, Section 10 is hereby amended to add the following:

SECTION 10.1. CATERERS; SPECIAL PROVISIONS

(A) *City Council findings.* The City Council makes the following findings regarding the need to enact additional sale provisions governing persons selling or furnishing alcoholic beverages pursuant to a catererø permit issued pursuant to M.S. § 340A.404(12), as it may be amended from time to time. This statute authorizes the holder of such a permit to provide alcoholic beverages at unlicensed locations provided that the sale is incidental to a larger food service. This section is enacted in order to preserve the incidental nature of the catererø permit and to preserve the underlying state and local framework for permanent on-sale intoxicating liquor licenses. The issuance of a catererø permit does not allow a person to, in effect, operate a permanent on-sale intoxicating liquor establishment; rather it entitles the person to provide temporary alcoholic beverages as an incidental part of a food service that prepares meals at special locations apart from the licenseeø permanent location. The location requirements in this section for the sale of alcoholic beverages at catered events are enacted to assure compliance with existing state and local provisions regarding on-sale licenses. Numerous events conducted at one location where alcoholic beverages are provided by caterersøthwarts the licensing scheme for permanent on-sale intoxicating liquor establishments.

(B) *Regulations.* Events that are catered in accordance with M.S. § 340A.404(12), as it may be amended from time to time, shall comply with the following additional sale provisions.

- (1) No one location shall have more than 26 days of catered events in one calendar year, with an exemption given to the Arlington Community Center, at which alcoholic beverages are served to the general public, and in no case shall any one event of this type be for more than three consecutive days.
- (2) All such catererø licenses shall be approved by the City Council, although no public hearing shall be required.
- (3) The fee for such license will be that of a temporary license.

This ordinance shall become effective immediately upon publication.

For City of Arlington

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

/s/ Matthew Jaunich
By Matthew Jaunich
Itø City Administrator

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

RESOLUTION 38-2012

A RESOLUTION AUTHORIZING SUMMARY PUBLICATION OF ORDINANCE 272 ENTITLED “AN ORDINANCE REGULATING SALE PROVISIONS GOVERNING PERSONS SELLING OR FURNISHING ALCOHOLIC BEVERAGES PURSUANT TO A CATERER’S PERMIT ISSUED PURSUANT TO M.S. § 340A.404(12)”

WHEREAS, the City Council of Arlington routinely passes ordinances to promote the public safety, health and welfare of the residents of Arlington; and

WHEREAS, the City Council initiated an ordinance (272) to regulate sale provisions governing persons selling or furnishing alcoholic beverages pursuant to a caterer’s permit issued pursuant to M.S. § 340.A.404(12) within the City of Arlington; and

WHEREAS, the City Council held a first reading of Ordinance 272 at its regular meeting on May 21, 2012; and

WHEREAS, the City Council approved the second reading and adoption of Ordinance 272 at its regular meeting on June 4, 2012; and

WHEREAS, the City Council of the City of Arlington has determined the publication of the title and a summary of Ordinance 272 entitled “An ordinance regulating the sale provisions governing persons selling or furnishing alcoholic beverages pursuant to a caterer’s permit issued pursuant to M.S. § 340.A.404(12) within the City of Arlington, Minnesota”; and

WHEREAS, prior to the publication of the title and summary, the Council has read and approved the text of the summary and determined that it clearly informs the public of the intent and effect of the Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the City Administrator shall cause a summary of Ordinance 272 to be published in the City’s official newspaper at the earliest practicable date.

BE IT FURTHER RESOLVED, the summary publication shall read as follows:

“On June 4, 2012, the City Council of the City of Arlington approved Ordinance 272 entitled “An ordinance regulating the sale provisions governing persons selling or furnishing alcoholic beverages pursuant to a caterer’s permit issued pursuant to M.S. § 340.A.404(12) within the City of Arlington, Minnesota”. The Ordinance in its entirety is available for review and/or photocopying during regular office hours at the City of Arlington, 204 Shamrock Drive, Arlington, Minnesota 55307. The purpose of the ordinance is to regulate the sale or furnishing of alcoholic beverages through a caterer’s permit.”

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, 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 4th day of June, 2012.

CITY OF ARLINGTON, MINNESOTA

/s/ James R. Kreft, Mayor

Attest: /s/ Matthew Jaunich, City Administrator

Adm. Jaunich commented that he has finally heard back from the County regarding the Emergency Manager Position. It was noted that they are not interested in taking this on for the City at this time.

Adm. Jaunich expressed concern that after posting the position internally no one has stepped forward/expressed an interest. He noted that the Police Chief was appointed to this position on a temporary basis.

The Council reviewed four bids for the 2012 Sealcoat project.

Motion by Wills, seconded by Pederson, and passed by unanimous vote to approve the low bid from Pearson Bros., Inc. in the amount of \$88,059.49

Adm. Jaunich stated that 12 bids had been received for the 1998 Chevy Diesel Pickup Truck, with the high bid being \$3,250.

Motion by Ruehling, seconded by Reetz, and passed by unanimous vote to approve the high bid in the amount of \$3,250 from Bonnie Weber/Weber Farms for the 1998 Chevy Diesel Pickup Truck.

The Council reviewed a proposal for radios and equipment in the amount of \$35,000 for the County-Wide Radio Upgrade Project for the EMS Services. Adm. Jaunich commented that the County was covering the majority of the costs, but the balance would be covered by either reserve funds or from the Capital Improvement Plan.

Motion by Reetz, seconded by Wills, and passed by unanimous vote to authorize the City Administrator to spend up to \$35,000 for the radios and equipment for the County-Wide Radio Upgrade Project.

Adm. Jaunich presented proposed Ordinance 273-An Ordinance Establishing a Storm Water Drainage Utility and Authorizing the Imposition of Storm Water Drainage Charges, for the Council to review. He stated that the Utility Committee had already reviewed the proposed ordinance. It was noted that agricultural land was not addressed. Considerable discussion was held.

Motion by Wills, seconded by Reetz, and passed by unanimous vote to call a public hearing at 6:30 pm on June 18th regarding the implementation of proposed Ordinance 273 as mentioned above.

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

Pederson commented that the Parks Committee reviewed some proposals for play equipment for the Sportsmanø Park, and benches and picnic tables for Four Seasons Park at their last meeting.

Reetz gave a brief update on the A-GI WW Committee meeting that was held.

Adm. Jaunich reported that the individual who was going to be the Summer Rec Director was in a serious vehicle accident and will no longer be able to hold the position. Matt Pichelmann, who was to be an assistant coach, has stepped into the Director position.

Motion by Wills, seconded by Ruehling, and passed by unanimous vote to adjourn the meeting at 8:02 pm.

City Administrator Matthew Jaunich

Mayor James R. Kreft