

**ARLINGTON CITY COUNCIL
MEETING AGENDA
JULY 17, 2017 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 July 5th Regular Meeting Minutes
 - B) Approval of Bills
 - C) Approval of Application for Transient Merchants, Peddlers, Solicitors, & Canvassers Permit

PUBLIC HEARINGS

PETITIONS, REQUESTS, & COMMUNICATIONS

5. Addressing the Council
 - A) Citizens Addressing the Council
 - B) Arlington Area Chamber of Commerce – Small Town Grant
6. Announcements
 - A) Arlington Farmer’s Market, July – September 25th @ 4-6:30 p.m., Arlington Community Center West Parking Lot.
 - B) MMPA Annual Meeting & Dinner, July 25th @ 4:00 – 8:30 p.m., Shakopee Energy Park and Canterbury Park.
 - C) Arlington Night Out, August 1st @ 5-7:30 p.m., Four Seasons Park.
 - D) 2018 Budget Workshop, August 7th @ 5:00 p.m., Council Chambers.
 - E) Deadline to Register for 2017-2018 “Leading Sibley Together” Leadership Program, August 4th.
7. Communications
 - A) Correspondence - SMIF
 - B) June Building Permit Report
 - C) June Police Reports
 - D) July Sibley County Community Development Newsletter

REPORTS OF OFFICERS, BOARDS & COMMITTEES

ORDINANCES & RESOLUTIONS

8. Ordinances

- A) First Reading: Ordinance 313 – An Ordinance Enacting a Code of Ordinances for the City of Arlington, Minnesota, Amending, Restating, Revising, Updating, Codifying, and Compiling Certain Ordinances of the City Dealing with the Subjects Embraced in the Code of Ordinances, and Providing Penalties for the Violation of the Code of Ordinances.
- Chapter 11 - Animal Control
 - Chapter 12 - Building Code
 - Chapter 13 - Cemetery
 - Chapter 14 - Demolition of Structures
 - Chapter 15 - Drones
 - Chapter 16 - Drug Lab Sites
 - Chapter 17 - Fences
 - Chapter 18 - Flood Plain Management
 - Chapter 19 - Franchises
 - Chapter 20 - Gambling
 - Chapter 21 - Garbage Disposal
 - Chapter 22 - Parks
 - Chapter 23 - Public Dances
 - Chapter 24 – Solicitors
- B) Seconded Reading: Ordinance 315 – An Ordinance to Amend the City of Arlington Off-Sale Liquor License Regulations.

9. Resolutions

- A) 67-2017 – Authorize/Deny Business Development Infrastructure Application
- B) 68-2017 – Authorize/Deny Encouragement to attend the Grand Opening of the Minnesota State Capital

UNFINISHED BUSINESS

10. 2017 Alley Improvement Assessment (CM Hatlestad)
11. Johnson Controls Update (City Attorney Arneson)

NEW BUSINESS

12. Hot Patching Quotes (Weckworth)
- ~~12.~~ 13. City Administrator Recruitment
14. August 7 Council Meeting Date Change

MISCELLANEOUS BUSINESS

- ~~13.~~ 15. Department Update – Police
- ~~14.~~ 16. Council Member/Committee Updates
- ~~15.~~ 17. Open Discussion.

ADJOURNMENT

Reminders:

Parks – July 24th @ 7 pm

Planning & Zoning – August 3rd @ 7 pm (Joint with City Council 7:15 p.m.)

**ARLINGTON CITY COUNCIL
MEETING MINUTES
JULY 17, 2017**

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

Members present: Mayor Nagel, Battcher, Cowell, Hatlestad, Heiland, Jaszewski

Members absent: None

Also present: Interim City Adm. Elvebak, City Attorney Arneson, Engineer Jason Femrite, Keith Dressen, Tom Kluver, Roberta Zaske, Becky Sickmann, Elizabeth McConnell, Pastor Rod Stemme, Curt Reetz, Gary Weirs of David Drown Associates, Police Officer Voigt, Maint. Supvr. Kirby Weckworth, Kurt Menk

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

Add item 9B) Resolution 68-2017 – Authorize/Deny Encouragement to attend the Grand Opening of the Minnesota State Capital

Add item 12) Hot Patching Quotes (Weckworth)

Add item 14) August 7 Council Meeting Date Change.

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

- A) Approval of the July 5th Regular Meeting Minutes
- B) Approval of Bills
- C) Approval of Application for Transient Merchants, Peddlers, Solicitors, & Canvassers Permit.

It was noted that there were no public hearings scheduled.

It was noted that the Chamber of Commerce was on the agenda regarding a Small Town Grant, but no one was present from the Chamber.

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

The following announcements were reviewed:

- A) Arlington Farmer’s Market, July – September 25th, 4-6:30 p.m. Arlington Community Center West Parking Lot
- B) MMPA Annual Meeting & Dinner, July 25th @ 4:00 – 8:30 p.m., Shakopee Energy Park and Canterbury Park
- C) Arlington Night Out, August 1st @ 5-7:30 p.m., Four Seasons Park
- D) 2018 Budget Workshop, August 7th @ 5:00 p.m., Council Chambers
- E) Deadline to Register for 2017-2018 “Leading Sibley Together” Leadership Program, August 4th.

The Council reviewed the following communications:

- A) Correspondence - SMIF
- B) June Building Permit Report
- C) June Police Reports
- D) July Sibley County Community Development Newsletter.

The first reading of Ordinance 313 – An Ordinance Enacting a Code of Ordinances for the City of Arlington, Minnesota, Amending, Restating, Revising, Updating, Codifying, and Compiling Certain Ordinances of the City Dealing with the Subjects Embraced in the Code of Ordinances, and Providing

Penalties for the Violation of the Code of Ordinances, was held. The Council reviewed the following chapters: Chapter 11-Animal Control, Chapter 12-Building Code, Chapter 13-Cemetery, Chapter 14-Demolition of Structures, Chapter 15-Drones, Chapter 16-Drug Lab Sites, Chapter 17-Fences, Chapter 18-Flood Plain Management, Chapter 19-Franchises, Chapter 20-Gambling, Chapter 21-Garbage Disposal, Chapter 22-Parks, Chapter 23-Public Dances, and Chapter 24-Solicitors. Attorney Arneson explained that he split Chapter 13-Miscellaneous (as presented at a previous meeting) into additional individual chapters. He reiterated that he is not changing content within and/or re-writing ordinances, but rather re-organizing them.

The second reading of Ordinance 315 – An Ordinance to Amend the City of Arlington Off-Sale Liquor License Regulations, was held. Attorney Arneson explained the purpose of the ordinance was to allow the City to either opt in or out to accept the State law change regarding off-sale liquor sales on Sundays. The City Council at a previous meeting decided to opt in.

Motion by Jaszewski, seconded by Cowell, and carried (Heiland opposed) to approve Ordinance 315 – An Ordinance to Amend the City of Arlington Off-Sale Liquor License Regulations as follows:

ORDINANCE NO. 315

AN ORDINANCE TO AMEND THE CITY OF ARLINGTON OFF-SALE LIQUOR LICENSE REGULATIONS

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

Section 1: No Sale of an intoxicating liquor may be made by an off-sale licensee:

- (1) on Sundays, except between the hours of 11:00 a.m. and 6:00 p.m.;
- (2) before 8:00 a.m. or after 10:00 p.m. on Monday through Saturday;
- (3) on Thanksgiving Day;
- (4) on Christmas Day, December 25; or
- (5) after 8:00 p.m. on Christmas Eve, December 24;

Section 2: No delivery of alcohol to an off-sale licensee may be made by a wholesaler or accepted by an off-sale licensee on a Sunday. No order solicitation or merchandising may be made by a wholesaler on a Sunday.

Section 3: This ordinance amends and supersedes all other city ordinances in conflict with the provisions of this ordinance.

This ordinance shall become effective immediately upon publication.

For City of Arlington:

/s/ Richard Nagel
By Richard Nagel
Its Mayor

/s/ Laura Elvebak
By Laura Elvebak
Its Interim City Administrator

Discussion was held on the proposed Business Development Infrastructure Application. It was noted that the funds would be put towards making improvements in the new industrial park on the south side of town. Engineer Femrite stated that the City did a similar application for the improvements along Circle Drive. He stated the City was not committing to anything at this time by submitting the application; it was checking to see if it qualified for some of the available funds.

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

RESOLUTION 67-2017

**LOCAL GOVERNMENT RESOLUTION
BUSINESS DEVELOPMENT INFRASTRUCTURE APPLICATION**

Applicants must adopt and submit the following resolution. This resolution must be adopted prior to submission of the forms package.

BE IT RESOLVED that the City of Arlington act as the legal sponsor for the project contained in the Business Development Infrastructure Application to be submitted on July 17, 2017 and that Richard Nagel, Mayor (Title of First Authorized Official) and Laura Elvebak, Interim City Administrator (Title of Second Authorized Official) are hereby authorized to apply to the Department of Employment and Economic Development for funding of this project on behalf of the City of Arlington.

BE IT FURTHER RESOLVED that the City of Arlington has the legal authority to apply for financial assistance, and the institutional, managerial, and financial capability to ensure matching funds, adequate construction, operation, maintenance and replacement of the proposed project for its design life.

BE IT FURTHER RESOLVED that the City of Arlington has not violated any Federal, State, or local laws pertaining to fraud, bribery, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice.

BE IT FURTHER RESOLVED that upon approval of its application by the state, the City of Arlington may enter into an agreement with the State of Minnesota for the above-referenced project, and that it will comply with all applicable laws and regulations as stated in all contract agreements.

BE IT FURTHER RESOLVED that the non-BDPI source(s) of funds identified in the sources and uses outline in the application in the total amount of \$1,375,000 are committed and adequate to fully fund the project identified in the application.

BE IT FURTHER RESOLVED that per MN statute 116J.431 Subd. 7, the City of Arlington understands the grant may be cancelled if the project identified in the Application is not proceeding within 18 months of the execution of a grant agreement, or if not complete after five years of any grant award.

The City of Arlington certifies that it will comply with all applicable laws, regulations, and rules of the Business Development Infrastructure Application.

NOW, THEREFORE BE IT RESOLVED that Richard Nagel, Mayor (Title of First Authorized Official) and Laura Elvebak, Interim City Administrator (Second Authorized Official), or their successors in office, are hereby authorized to execute such agreements, and amendments thereto, as are necessary to implement the project on behalf of the applicant.

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember Hatlestad, and upon poll being taken thereon the following voted in favor thereof: Battcher, Cowell, Hatlestad, Heiland, Jaszewski; and the following voted against the same: None; and the following abstained from voting: None; and the following were absent: None.

The foregoing resolution was adopted by the City Council of the City of Arlington this 17th day of July, 2017.

Signed: /s/ Richard Nagel
Mayor

Attested: /s/ Laura Elvebak
Interim City Administrator

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

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

RESOLUTION 68-2017

A RESOLUTION ENCOURAGING THE PEOPLE OF THE CITY OF ARLINGTON TO ATTEND THE GRAND OPENING OF THE MINNESOTA STATE CAPITAL

WHEREAS, the Capital of the State of Minnesota is having a Grand Opening celebration on August 11, 12, and 13, 2017.

WHEREAS, Governor Mark Dayton has asked that the mayor and the people from the city of Arlington, Minnesota come to Saint Paul and celebrate the Grand Opening of the Minnesota State Capital.

WHEREAS, the Grand Opening celebration is following the four year, \$310 million dollar restoration project that has returned the Capital to its former glory and will position the building to be able to meet the needs of the public for another 100 years with improved functionality.

WHEREAS, the Capital was designed and built by Minnesota's native son, Cass Gilbert, and the architectural design elements of Cass Gilbert's work were among the most important aspects of the restoration.

WHEREAS, during the Grand Opening there will be concerts, lectures, exclusive access tours, fireworks and much more. The events will be interesting, educational, and fun and were created to entertain Minnesotans from across the state of Minnesota.

WHEREAS, when the Capital building originally opened in 1905 there was not a celebration, making this the first ever Grand Opening of the Minnesota State Capital.

WHEREAS, the Minnesota State Capital Building is the People’s House. It is important to the State of Minnesota that Minnesotans use their State Capital in ways that are meaningful to them, and that the Capital is a place where all people feel at home.

WHEREAS, The Grand Opening of the State Capital Building is an opportunity to invite Minnesotans back to the Capital and for them to get familiarized with their newly restored space.

NOW THEREFORE, BE IT RESOLVED, that the city of Arlington on behalf of the Governor of the State of Minnesota, encourages the people of the city to attend the Grand Opening of the Minnesota State Capital August 11, 12, and 13, 2017.

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember Heiland, and upon poll being taken thereon the following voted in favor thereof: Battcher, Cowell, Hatlestad, Heiland, Jaszewski; and the following voted against the same: None; and the following abstained from voting: None; and the following were absent: None.

The foregoing resolution was adopted by the City Council of the City of Arlington this 17th day of July, 2017.

Signed: /s/ Richard Nagel
Mayor

Attested: /s/ Laura Elvebak
Interim City Administrator

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

Discussion was held on the assessments related to the 2017 Alley Improvement Project (alley adjacent to the Methodist Church). Hatlestad commented that he wanted to discuss the project, the changes and process used at the June 19th Council meeting pertaining to assessments. He explained that he was contacted by a resident about the subject matter being on the July 5th agenda and inquired if a change was going to occur with the assessments. Hatlestad stated he was unaware and reached out to the City Administrator and was told the assessments were to be approved, no changes were expected. He relayed that information to the resident. However, during the June 19th meeting, the Council ended up voting to *change* the assessments versus approving them as they were presented (as was the intent/reason for them being on the agenda). The day after the meeting he was contacted by several residents expressing their opposition to the changes made and the fact they were not given an opportunity to appear/speak on the matter. In an effort to make things right, Hatlestad felt the City Council should hold a special meeting so that all parties could meet one last time and clear things up. Attorney Arneson provided his legal opinion on the subject. He stated the action of the Council on June 19th was legal; however there was validity in that the residents were not given an opportunity to speak. He stated that the Council could re-open the issue if it so chose to; if not, the action taken on the June 19th would stand.

Motion by Battcher, seconded by Hatlestad, and carried (Cowell, Heiland opposed) to hold a special meeting to re-evaluate the 2017 Alley Improvement Project.

It was the consensus of the Council to hold a special meeting on Monday, July 24th at 7 pm to re-evaluate the 2017 Alley Improvement Project.

Attorney Arneson provided an update on the Johnson Controls issue. He stated that since the last council meeting, he attempted to reach out to their legal counsel and regional representative. He was unsuccessful, no contact was made. He recommended contacting an outside legal firm (one who handles contract/corporate law) to meet with the City Council in order to evaluate the case. It was the consensus of the Council to have Attorney Arneson provide names of legal firms and obtain a quote on how much it will cost to evaluate if a lawsuit should be brought.

Quotes for hot patching on city streets were reviewed. Concerns were expressed about the discrepancies (amount of materials being removed/added) between the estimates.

Motion by Battcher, seconded by Hatlestad, and passed by unanimous vote to approve the low bid (by yard) from WM. Mueller & Sons in the amount of \$9,150 for hot patching on the city streets.

Gary Weirs of David Drown Associates addressed the Council regarding the recruitment process for the City Administrator position. The Council reviewed the position profile, salary range, and job description, and discussed dates for selecting candidates and holding interviews. Weirs commented on the various locations the position will be advertised.

Motion by Battcher, seconded by Heiland, and passed by unanimous vote to set the salary range for the City Administrator position at \$70,000 to \$90,000.

Interim Adm. Elvebak commented that she had a conflict in her schedule for the August 7th Council meeting and inquired about the possibility of changing to another date. It was the consensus to set Thursday, August 3rd at 5:30 p.m. as the date for the next regular Council meeting.

Interim Adm. Elvebak stated that the City received 12 applications for the police chief position. She and Interim Chief Nienaber will be going through them together to determine which candidates should be interviewed. Hatlestad inquired where things were at pertaining to the potential hire for the full-time officer position. Interim Adm. Elvebak stated that they were almost through the (testing) process. Cowell inquired if there was any news on the break-in at the police department. Officer Voigt commented it was still under investigation. It was noted that things were coming together for the upcoming Arlington Night Out event.

Jaszewski commented on news stories about police officers in other communities interacting with and/or having good relations with the public. He suggested publishing the monthly police reports for the public to show that things are being done within the community.

Jaszewski commented that Bob Stevens retired as CEO of Ridgeview Medical Center and Mike Phelps was elected as the new CEO.

Motion by Hatlestad, seconded by Battcher, and passed by unanimous vote to adjourn the meeting at 8:28 pm.

Interim City Administrator Laura Elvebak

Mayor Richard Nagel