

**ARLINGTON CITY COUNCIL
MEETING AGENDA
OCTOBER 16, 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 October 2, 2017 Meeting Minutes
 - B) Approval of Bills
 - C) Approval of Personnel Agenda
 - D) Approval of Application and Permit for a 1-Day to 4-Day Temporary On-Sale Liquor License (Sibley County Relay for Life)

PUBLIC HEARINGS

PETITIONS, REQUESTS, & COMMUNICATIONS

5. Addressing the Council
 - A) Citizens Addressing the Council
6. Announcements
 - A) Arlington Fire Department Fall Block Party, October 14 @ 5:30 pm, Arlington Fire Hall
 - B) 7th Annual Halloween Fright Night, Tuesday, October 31st from 5:30 – 7 p.m. along Main Street
7. Communications
 - A) Monthly Financial Report – September
 - B) Monthly Police Reports – September
 - C) Sibley County Community Development Newsletter

REPORTS OF OFFICERS, BOARDS & COMMITTEES

ORDINANCES & RESOLUTIONS

8. Resolutions/Proclamations
 - A) 2017-75 Resolution to Amend 2017 Budget

UNFINISHED BUSINESS

- 9. Johnson Controls Update – City Attorney Arneson
A) ~~Closed Session for the purpose of discussing potential litigation attorney/client privilege, pursuant to Minn. Stat. § 13D.05, Subd. 3(b) removed~~
- 10. Sibley County Fair Utilities Work Session Update/Action

NEW BUSINESS

- 11. Approve/Deny Partial Pay Estimate No. 3 to Wm. Mueller & Sons, Inc. (\$80,168.44)
- 12. Approve/Deny Partial Pay Estimate No. 2 to Juul Contracting Co. (\$122,775.06)
- 13. Approve/Deny Partial Pay Estimate No. 1 to Nielsen Blacktopping, Inc. (\$76,206.63)
- 14. 2017 Street/Infrastructure Project Updates and Discussion

MISCELLANEOUS BUSINESS

- 15. Council Member/Committee Updates
- 16. Open Discussion

ADJOURNMENT

Reminders:

- EDA – October 23rd @ 5:30 pm
- Pat Melvin (City Administrator) Start Date – November 8
- Planning & Zoning – November 2 @ 7 pm

**ARLINGTON CITY COUNCIL
MEETING MINUTES
OCTOBER 16, 2017**

The regular meeting was called to order at 6:40 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, City Administrator Appointee Patrick Melvin, City Engineer Jason Femrite, Kurt Menk

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

Remove the “closed session for the purpose of discussing potential litigation-attorney/client privilege” from 9A) Johnson Controls Update – Attorney Arneson.

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

- A) Approval of the October 2, 2017 Meeting Minutes
- B) Approval of Bills
- C) Approval of Personnel Agenda
- D) Approval of Application and Permit for a 1-day to 4-Day Temporary On-Sale Liquor License (Sibley County Relay for Life).

It was noted that there were no public hearings scheduled.

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

The following announcements were reviewed:

- A) Arlington Fire Department Fall Block Party, October 14 @ 5:30 p.m., Arlington Fire Hall
- B) 7th Annual Halloween Fright Night, Tuesday, October 31st from 5:30 – 7 p.m. along Main Street.

The Council reviewed the following communications:

- A) Monthly Financial Report – September
- B) Monthly Police Reports – September
- C) Sibley County Community Development Newsletter.

Interim Adm. Elvebak stated that the City has received a grant from DEED. As a requirement of that grant, the City must show funding sources (transfers in/out) within the budget for the Circle Drive Improvements; therefore a resolution was needed to amend the budget by adding a line item showing the transfers.

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

RESOLUTION NO. 75-2017

A RESOLUTION TO AMEND THE 2017 BUDGET

WHEREAS, the local municipal budget for the year 2017 was approved on the 19th day of December, 2016, and

WHEREAS, the public hearing on said budget had been held as advertised, and

WHEREAS, it is desired to amend said approved budget,

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Arlington, County of Sibley, Minnesota, that the following amendments to the approved budget of 2017 be made:

Fund 419 – Circle Drive Imp. Project

Revenues:

419-49350-33400	State Grant	\$66,275
419-49350-36100	Special Assessments	\$166,558
419-49350-39203	Transfer In from Other Fund	\$166,600

Expenditures:

419-49350-303	Engineering	\$54,950
419-49350-430	Miscellaneous	\$1,000
419-49350-730	Construction Costs	\$176,883
419-49350-733	Transfer Out to Other Fund	\$166,600

Fund 401 – Capital Equipment Fund

Revenues:

401-46550-39203	Transfer In from Other Fund	\$166,600
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Expenditures:

401-46550-733	Transfer Out to Other Fund	\$166,600
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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.

Adopted by the City Council of the City of Arlington this 16th day of October, 2017.

Signed: /s/ Richard Nagel
Mayor

Attest: /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.

Attorney Arneson provided an update on the Johnson Controls matter. He stated the Attorney looking at the case had requested additional information, which staff provided. He was hopeful to have the Attorney's summation soon.

Mayor Nagel provided a brief summary of the details of the meeting held with the Fair Board just prior to the regular Council meeting. He stated that the City and Fair Board agreed to split the cost of installing a water meter at the entrance to the fairgrounds and then eliminate the meters on the various individual buildings except the grand stand. It was also noted that the Legion Building would be metered separately from the Fair Board. Cowell commented that he would like to see the three problem sewer areas capped properly. Battcher expressed some concern about going against city policy with regards to hookup fees and setting precedent. Attorney Arneson stated that the City would not be setting a precedent as the Fair Board was not a new customer.

Motion by Heiland, seconded by Hatlestad, and passed by unanimous vote to enter into an Agreement with the Sibley County Agriculture Association to split the cost 50/50 to install a water meter at the entrance of the fairgrounds; along with waiving the late fees on the September utility bill and also have the three sewer inlets capped properly.

The Council reviewed Partial Pay Estimate No. 3 to WM. Mueller & Sons, Inc. in the amount of \$80,168.44 for the Circle Drive Improvement Project. Engineer Femrite stated that 90-95% of the work has been completed. He stated that 5% would be retained until the project was completed, which wouldn't be until at least 70% grass coverage was achieved (next spring).

Motion by Battcher, seconded by Cowell, and passed by unanimous vote to approve Partial Pay Estimate No. 3 to WM. Mueller & Sons, Inc. in the amount of \$80,168.44 for the Circle Drive Improvements.

The Council reviewed Partial Pay Estimate No. 2 to Juul Contracting Co. in the amount of \$122,775.06 for the Project 13-Tile 6A Improvement Project. Engineer Femrite stated that the project was essentially complete; there were just a couple of things left. It was noted that the project costs were being split with the Watershed (the City will invoice 80% to the watershed).

Motion by Battcher, seconded by Hatlestad, and passed by unanimous vote to approve Partial Pay Estimate No. 2 to Juul Contracting Co. in the amount of \$122,775.06 for the Project 13-Tile 6A Improvement Project.

The Council reviewed Partial Pay Estimate No. 1 to Nielsen Blacktopping, Inc. in the amount of \$76,206.63 for the Cemetery Improvements. Engineer Femrite stated that the majority of the work was complete, other than turf restoration in spring. He stated that some damage was done and the contractor will be fixing them.

Motion by Battcher, seconded by Cowell, and passed by unanimous vote to approve Partial Pay Estimate No. 1 to Nielson Blacktopping, Inc. in the amount of \$76,206.63 for the Cemetery Improvements.

Engineer Femrite provided an update on the 2017 Street & Utility Improvement Project. The construction portion of the project was essentially complete and the substantial completion date has been met. Final payment will be held until next spring. He provided a detailed summary about the project, including the number of rain days (8 total) and when actual substantial completion was achieved (37 days late). Due to substantial completion being achieved late, the contract allows for liquidated damages at \$500/day totaling \$18,500. Engineer Femrite commented that they have attempted to find out as to why the project took longer and have not heard from the contractor. Concerns were expressed about the project and the delays experienced. Engineer Femrite stated that typically there is good communication with contractors during projects; that was not the case with this project as there was none. It was noted that the contractor at no time communicated with Bolton & Menk that they were experiencing problems, nor asked for an extension (additional days).

Motion by Cowell, seconded by Hatlestad, and passed by unanimous vote to make a written demand based upon language in the contract for the 2017 Improvement Project and charge OMG (the contractor) \$18,500 (\$500/day x 37 days) liquidated damages.

Mayor Nagel questioned why sealcoating was done this year to the streets from the improvement project two years ago as they were new roads. Engineer Femrite explained that new roads are typically sealcoated a year after their final wear course is put on; it is the best time to get the oils into the pavement to protect it.

Brief discussion was held on what will be the next project area. The drainage issue in the East Baker/Clinton area was mentioned.

Hatlestad provided an update on the most recent Police Committee meeting. He stated that a conditional offer of employment had been made to an individual for the full-time police officer position, which was accepted. The background process was getting started. A total of nine candidates were interviewed.

Hatlestad provided an update on the Cable Commission. He and Interim Adm. Elvebak have been reviewing where the funds come/go from within the budget.

Jaszewski provided an update on the Parks Committee. The Maintenance Department had a used water fountain and suggested installing it at the Sportsman's Park. They believe the water line is already there, just needs to be uncapped. A storage shed is needed to keep the portable pitching mound and other equipment in the off season. They discussed putting some kind of backing on the "Buck Thomes" sign so it would be more visible. Four Seasons Park needs to be patrolled more, as it is being left a mess after people are using it. Mayor Nagel suggested that cameras should be installed to help monitor the area.

Battcher provided an update on the Planning & Zoning Committee. They reviewed the current zoning map and some changes were suggested to be made. Their rental code discussion is ongoing; it is a large topic and they are taking small parts at a time. Battcher commented that a new law went into effect regarding wireless devices/antennae on public infrastructure (poles, etc.) and how it affects Arlington.

Battcher provided an update on the most recent Employee Relations Committee meeting. It was noted that a new item: Personnel Agenda was added within the Consent Agenda starting with this meeting. They are reviewing pay scales currently.

Mayor Nagel commented that he took the new police chief around town and introduced him to the business district owners recently. He intends to do the same with the new City Administrator. It was noted that while walking with the police chief, there was radio reception issues within many buildings.

Jaszewski commented that there has been a lot of employee turn around this year and questioned if exit interviews are being done. If they are not, he would like to have them start being done; he would like to know why employees are leaving.

Cowell commented that Fahey's were looking for land around Arlington to hold their auctions since the area they were using in Green Isle has been sold. He questioned if Arlington had anything to accommodate them. Interim Adm. Elvebak was directed to contact the EDA Director and have her reach out to Fahey's.

Heiland talked about a tourism summit he attended in Henderson recently. He stated that if Arlington is interested, there are many sources out there to help.

Heiland also talked about expanding the trail system. Hatlestad commented that the Sibley County EDA is also discussing this topic currently.

Motion by Hatlestad, seconded by Battcher, and passed by unanimous vote to adjourn the meeting at 8:10 pm.

Interim City Administrator Laura Elvebak

Mayor Richard Nagel