

**ARLINGTON CITY COUNCIL
MEETING AGENDA
MARCH 17, 2014 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 March 3rd Regular Meeting Minutes.
 - B) Approval of the March 3rd Special Workshop Meeting Minutes.
 - C) Approval of Bills.
 - D) Approve Raceway Ambulance Service Agreement.
 - E) Release Final Payment of 2014 Fire Pumper Truck to CustomFire on March 26, 2014.
 - F) Approval of Bid from Mini Biff Inc. for Portable Toilets at City Parks at \$170.68/month.
 - G) Approve Temporary Closure of Chandler Street at 1st Street NW on Saturday May 17, 2014; Rain date Sunday, May 18th for Cancer Cruise of Sibley County.

PUBLIC HEARINGS

PETITIONS, REQUESTS, & COMMUNICATIONS

5. Addressing the Council
 - A) Citizens Addressing the Council.
 - 1) Mike Scharping, NAPA.
 - 2) Cierra Thibert, Sibley County Partnering in Prevention.
6. Announcements
 - A) Open House for the 2014 Electrical Improvements Project, Monday, April 7, 2014; 5-6:30 p.m., Community Center.
 - B) Special Workshop Meeting for the 2015 Street Improvements Project, Monday, April 7, 2014 at 5:30 p.m., City Council Chambers.
 - C) 2014 LMCIT Safety & Loss Control Workshops, Various Locations, April, 2014.
 - D) Local Board of Appeal and Equalization Open Book Meeting: Tuesday, April 22, 2014; 3-8 p.m. Sibley County Assessor's Office, Gaylord.
 - E) Early Bird Registration for LMC's Annual Meeting in St. Cloud – June 18-20, 2014.

7. Communications

- A) February Financial Reports.
- B) February Water/Wastewater Report.
- C) Letter from Jim Heiland, Liberty Station Commending Snow Removal Crew.
- D) Thank You Card from Marv Snyder to City for Operating Ice Rink.

REPORTS OF OFFICERS, BOARDS & COMMITTEES

8. Parks/Trails Annual Report (Alan Ihrke).

ORDINANCES & RESOLUTIONS

9. Ordinances

10. Resolutions

- A) Resolution 24-2014 – Gambling Permit Sibley County Agricultural Association.
- B) Resolution 25-2014 – Authorizing the City of Arlington to Rejoin the RS Fiber Joint Powers Board by Approving the Amended Joint Powers Agreement as Presented with the Expectation the City will Participate in the G.O. Tax Abatement Process.

UNFINISHED BUSINESS

11. Discussion of Frozen Water Service Lines

- A) Approve/Disapprove Credit to Customer Utility Bills Who Notify City They Opt to “Let It Run”.
- B) Approve/Disapprove City of Green Isle Request to Credit Sewer Charges.

NEW BUSINESS

12. Karian Peterson Power Line Contracting, LLC. Bid Bond for 2014 Electrical Improvements Project.

- A) Approve/Disapprove Recommendation from Electrical Engineer to Forego Pulling Karian Peterson’s Bid Bond.

MISCELLANEOUS BUSINESS

13. Council Committee Updates

14. Open Discussion

ADJOURNMENT

Reminders:

- 1) Parks – March 24th @ 7 pm
- 2) EDA – March 25th @ 6 pm
- 3) Planning & Zoning – April 3rd @ 7 pm

**ARLINGTON CITY COUNCIL
MEETING MINUTES
MARCH 17, 2014**

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

Members present: Jaszewski, Mayor Kreft, Nuesse, Reetz, Ruehling, Wills

Members absent: None

Also present: City Administrator Donabauer, City Attorney Arneson, Al Ihrke, Mike & Julie Scharping, Jim Heiland, Cierra Thibert & Todd Sandberg for Sib. County Partnering in Prevention, Mike & Julie Scharping, Kurt Menk

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

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

- A) Approval of the March 3rd Regular Meeting Minutes
- B) Approval of the March 3rd Special Workshop Meeting Minutes
- C) Approval of Bills
- D) Approve Raceway Ambulance Service Agreement
- E) Release Final Payment of 2014 Fire Pumper Truck to CustomFire on March 26, 2014
- F) Approval of Bid from Mini Biff Inc. for Portable Toilets at City Parks at \$170.68/month
- G) Approve Temporary Closure of Chandler Street at 1st Street NW on Saturday May 17, 2014; Rain date Sunday, May 18th for Cancer Cruise of Sibley County.

It was noted that there were no public hearings scheduled.

Mike and Julie Scharping, owners of the NAPA store were present to discuss their utility bill. Mike explained that the water service line has been frozen since February 6th; and they had tried to open the line (twice) without success. He stated that he had contacted the City Office about the line being frozen and was informed that he would still be billed for the base rate fees (both sewer and water). He felt the fees should be waived due to the circumstances. Mayor Kreft suggested to the Scharplings to put their request in writing and then submit it to the City Adm., who will then put it on the agenda for consideration at the next regular Council meeting. Adm. Donabauer explained that staff had been researching what other cities' policies were with regards to frozen water lines and possibly compensating their residents. She stated that the Council would be discussing this later in the meeting. Scharping also discussed the idea of possibly moving his water service line to the eastern edge of his property.

Jim Heiland, owner of Liberty Station and the property (old Mobile station) located immediately across the street from NAPA, commented that he too had a frozen water service line. He noted that the line has been frozen since early March. Again, Mayor Kreft stated that Mr. Heiland should put any request he may have regarding fees in writing and submit it to the City.

Cierra Thibert and Todd Sandberg were present to talk about the Sibley County Partnering in Prevention program. Thibert commented that the Coalition had been in existence since 2011 and was funded through a grant from the Minnesota Dept. of Human Services, Alcohol and Drug Abuse Division. She provided a brief summary of information about the Coalition/Program. Sandberg talked about partnering and/or getting the communities involved with the program. It was the consensus of the Council that Adm. Donabauer be assigned as the City Representative to this group. It was also suggested to include the new Police Chief when he/she is hired.

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

The following announcements were reviewed:

- A) Open House for the 2014 Electrical Improvements Project, Monday, April 7, 2014; 5-6:30 p.m., Community Center.
- B) Special Workshop Meeting for the 2015 Street Improvements Project, Monday, April 7, 2014 at 5:30 p.m., City Council Chambers
- C) 2014 LMCIT Safety & Loss Control Workshops, Various Locations, April, 2014
- D) Local Board of Appeal and Equalization Open Book Meeting: Tuesday, April 22, 2014; 3-8 p.m., Sibley County Assessor's Office, Gaylord
- E) Early Bird Registration for LMC's Annual Meeting in St. Cloud – June 18-20, 2014.

The Council reviewed the following communications:

- A) February Financial Reports
- B) February Water/Wastewater Report
- C) Letter from Jim Heiland, Liberty Station Commending Snow Removal Crew
- D) Thank You Card from Marv Snyder to City for Operating Ice Rink.

Al Ihrke presented the annual report for the Parks/Trails Committee. He commented that 2013 was more of a planning year, which included touring the parks, and looking at maintenance issues such as need for mulch, equipment, etc. He commented that in 2014 their main focus will be on the Sportsman's Park; as they are looking at repairing some of the buildings and making improvements to the ball field (applied for a grant through the Minnesota Twins). It was noted that the Prairie Line Trail was scheduled to start this year and eventually run through the Sportsman's Park. Ihrke commented that the Parks Committee was in support of the joint Community Ed/Recreation Director position.

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

RESOLUTION 24-2014

A RESOLUTION APPROVING THE APPLICATION FOR A LAWFUL GAMBLING PERMIT FOR THE SIBLEY COUNTY AGRICULTURAL ASSOCIATION

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Arlington hereby approves the application for a Lawful Gambling Permit as submitted by the Sibley County Agricultural Association for an event on September 6, 2014.

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember Reetz and upon poll being taken thereon the following voted in favor thereof: Jaszewski, Nuesse, Reetz, Ruehling, Wills; 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 March, 2014.

CITY OF ARLINGTON, MINNESOTA

/s/ James R. Kreft, Mayor

Attest: /s/ Liza M. Donabauer, City Administrator

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

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

RESOLUTION 25-2014

A RESOLUTION APPROVING THE CITY OF ARLINGTON REJOINING THE RENVILLE-SIBLEY (RS) COUNTY FIBER COOPERATIVE JOINT POWERS BOARD BY APPROVING THE AMENDED JOINT POWERS AGREEMENT AS PRESENTED WITH THE EXPECTATION THE CITY WILL PARTICIPATE IN THE G.O. TAX ABATEMENT PROCESS

WHEREAS, the Arlington City Council approved a joint powers agreement for the consideration of a communications networks, known as RS Fiber, with the adoption of Resolution 14-2011 on February 22, 2011; and

WHEREAS, the City made its first half payment of \$10,710 with the second half payment of the same amount currently being requested; and

WHEREAS, the Arlington City Council put much thought, time and consideration into whether or not they wanted to continue with their participation with the RS Fiber Joint Powers Board.

WHEREAS, the City Administrator provided a notice to the RS Fiber Board Chair with a copy of Resolution 27-2012 of the City's decision to withdraw effective March 19, 2012.

WHEREAS, in late 2012, the poor economy and revenue bond market prevented financing for the project backed by the RS Fiber Joint Powers Board.

WHEREAS, the members of the RS Fiber Joint Powers Board looked at options and concluded that a private cooperative would make it easier to get financing and greatly lower the financial risk to everyone involved.

WHEREAS, the City of Arlington has been invited to rejoin the RS Fiber Cooperative Project and has been presented with an updated Joint Powers Agreement and a bond memo from Jenny Boulton at Kennedy Graven regarding tax abatement bonds for the Fiber Optic Broadband Communications Project.

NOW, THEREFORE BE IT RESOLVED, it is the intent of the City Council of the City of Arlington to rejoin the RS Fiber Joint Powers Board.

FURTHERMORE BE IT RESOLVED it is the intent of the City Council of the City of Arlington to approve the amended Joint Powers Agreement as presented with the expectation the City will participate in the G.O. Tax Abatement Process.

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember Reetz and upon poll being taken thereon the following voted in favor thereof: Jaszewski, Nuesse, Reetz; and the following voted against the same: Ruehling, Wills; 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 March, 2014.

CITY OF ARLINGTON, MINNESOTA

Mayor, James R. Kreft

Attest: _____
City Administrator, Liza M. Donabauer

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

After the motion and second were made, but before the roll call vote was taken for the above resolution, discussion was held on the RS Fiber project. Jaszewski commented that when the Hospital was trying to coordinate things with the Board, technology was important. He added that the school was having trouble with their technology (speed) and the fiber project would help improve this. Jaszewski listed several reasons he was in favor of the project; and added that he didn't want Arlington to fall behind. Nuesse commented that she agreed with Jaszewski and added her reasons she was in favor of the project, which included speed, clarity and cost of the fiber, along with it being a way to draw business to and/or retain in Arlington. Ruehling commented he understands that there is a benefit to the fiber and many people want it, but there is a more significant number that aren't being heard that do not want it. He added that by joining this, the City is essentially forcing a tax on those people who do not want or will not benefit from the service. Mayor Kreft commented that fiber optic services (through other companies) are already in

Arlington at both the hospital and the school. Reetz commented that he had called Mediacom, who advertises that they have fiber. He was told that Arlington wasn't wired and it would cost him thousands of dollars to hook up his property. Mayor Kreft commented that if fiber optics is wanted in town, he would rather work with the present provider and incentivize them to do so. He expressed his concerns about the \$165,000 per year levy (22% tax levy increase) if the project fails and investing in a hypothetical business with no customers or money of its own. Wills expressed his concerns about the service area numbers (potential participants) being presented. A memo from Attorney Arneson was reviewed on the subject matter.

Mayor Kreft stated that he was opposing the approval of Resolution 25-2014 (and therefore would not be signing it) under the Arlington City Charter Chapter 6, Section 4, as follows:

Chapter 6, Section 4 of the Arlington City Charter reads: Approval By Mayor. Every ordinance or resolution of the Council, except emergency ordinances, shall before it takes effect be presented to the Mayor for approval. If the Mayor approves it, the Mayor shall sign the same, but if the Mayor disapproves it, the Mayor shall return it to the City Administrator with objections thereto to be presented to the Council at its next regular meeting or at a special meeting called for that purpose. Upon the return of any ordinance or resolution by the Mayor, the question shall again be put upon its passage and, if upon reconsideration the same shall pass by a four-fifths vote of all the Council Members, it shall go into effect as if approved by the Mayor. If an ordinance or resolution is not returned by the Mayor within three business days after being presented to the Mayor, it will be considered approved.

Mayor Kreft stated that he would put his objections in writing and submit them to the City Administrator, who will then distribute them to the City Council for review. He stated that the exact same Resolution will be placed on the next regular Council Meeting Agenda, which then must pass by a 4/5's vote.

Discussion was held on the frozen water service line problem. Adm. Donabauer explained that City Staff had attempted through various methods to inform the public about the "Let It Run" policy promoted at the last Council meeting. She stated that a few residents had called in and said they were going to let their water run since they had taken the temperature of their water and it was at risk and/or had been frozen at some point. She added that the City was aware of four (4) frozen service lines. It was noted that other communities are experiencing the same problems and some were issuing a credit to their customers. Staff had calculated letting the water run at a pencil-size stream to be approximately 10,800 gallons per month; and at current rates of \$63.29 for water and \$39.74 for sewer (totaling \$103.03 a month or \$24.24 a week). Staff has been documenting dates when residents contact the City that they are 'letting it run'. Staff was recommending that for those residents who notify the City they are opting to run their water, be issued a weekly (combined water/sewer) credit of \$24.24 starting upon notification date. Reetz expressed his feelings about issuing credits and waiving the base fees for frozen lines and/or snowbirds, vacant or unoccupied homes. It was commented that the residents are also responsible for letting the City know when they stop running their water.

Motion by Nuesse, seconded by Wills, and passed by unanimous vote to approve a \$24.24 weekly credit to utility customers who opt to "let it run"; with the understanding the resident must notify the City of when the water temperature is no longer at risk (turning it off).

Adm. Donabauer commented that the City of Green Isle Clerk had inquired what, if anything, Arlington was going to do for its residents with regards to the 'let it run' program. They requested that if Arlington issued a credit to its residents, that the City of Green Isle also be given a credit. Adm. Donabauer stated that Staff felt it was only fair to issue a credit to the sewer portion of the A-GI Wastewater System, and again calculated the rate to be \$3.50 per 1,000 gallons for sewer charges. It was noted that Green Isle had not decided what, if anything, it was doing for its residents yet, as they were waiting to see what Arlington did.

Motion by Reetz, seconded by Ruehling, and passed by unanimous vote to approve a credit in the amount of \$3.50 per 1,000 gallons (sewer charge) to the City of Green Isle in conjunction with the 'let it run' program.

Adm. Donabauer explained that when the bid opening for the 2014 Electrical Improvement Project was held, the apparent low bidder was Karian-Peterson Power Line Contracting, LLC. However, shortly after the opening, they had contacted the City's Electrical Engineer and withdrew their bid, as they had inadvertently omitted the numbers for the materials portion of the bid. Donabauer stated that because they were the low bidder and withdrew their bid, the City had the right to keep their bid bond (which is equal to 5% of their bid amount). The General Manager of Karian-Peterson had met with Adm. Donabauer and questioned if the City would be open to other options versus pulling their bond. As was explained to her during their meeting, pulling the bond was an extreme measure and would affect their ability to bond in the future. The Electrical Engineer opposed pulling the bond and preferred other options, such as accepting a check for the 5% from bidder or trade labor for other work such as pole replacement. It was noted that the Electrical Engineer had worked with this firm before and they do quality work.

Motion by Wills, seconded by Nuesse, and passed by unanimous vote to table action on the recommendation from the Electrical Engineer to Forego Pulling Karian-Peterson's Bid Bond until the next regular meeting, in order to obtain more information.

Wills gave an update on the Library Committee. It was noted that the new hire Becky Ziegler was working out very well. Employee hours had been redone and they were given daily housekeeping assignments. He stated that the front door weather stripping will need to be replaced when it gets warmer. They are ramping up for the summer reading program.

Jaszewski gave an update on the Community Center Committee. They are pursuing the idea of having only one beverage provider to cover the entire year in place by January 1, 2015 (providers will have to bid for Community Center Contract); repairing areas of drywall before the painting starts; discussing fees to charge caterers using the kitchen and also modifying the current fee charged to non-profit organizations.

Jaszewski commented that a meeting was held with various organizations regarding the proposed use of the old fire hall building. All organizations were interested in some form of storage space, but were concerned about security. The City's Building Official will be asked to review the building and provide his input. It was noted that the Veteran's would be willing to donate some money to the building/project with the condition they are allowed to display their items.

Adm. Donabauer commented that the sign company had contacted her about the installation of the LED sign. It originally was planning for March 20th, but they wish to wait until the sign panels are designed (based on the design of the new website); that way everything is done all at once. Once they receive the new design, the sign and panels could be ready for install within 2-3 weeks.

Adm. Donabauer provided an update on the new website. The new company is planning to have a couple new design concepts ready within a couple of weeks. The Committee will review and make a recommendation to the Council for approval.

Adm. Donabauer stated that 12 applications had been received for the Police Chief Position, of which 5 were selected for interview. The day interviews were to be held, one was a no show as he mixed up the date, one withdrew his application, leaving three to interview (of those 2 were called back for a second interview). Again prior to the second interview, one withdrew his application. The Police Committee has decided to stop and re-evaluate where to go from this point forward.

Motion by Wills, seconded by Nuesse, and passed by unanimous vote to adjourn the meeting at 8:05 pm.

City Administrator Liza M. Donabauer

Mayor James R. Kreft