

**ARLINGTON CITY COUNCIL
MEETING AGENDA
OCTOBER 15, 2018 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 September 17th Regular Meeting Minutes.
 - B) Approval of the September 25th Special Meeting Minutes.
 - C) Approval of the September 25th Special Closed Meeting Minutes.
 - D) Approval of the September 28th Special Meeting Minutes.
 - ~~E) Approval of the October 1st Regular Meeting Minutes. (Removed)~~
 - F) Approval of Bills.
 - G) Approval of Three Day Temporary On-Sale Liquor Licenses for Sibley County Relay for Life for Events on November 3, 2018; February 16, 2019 & March 6, 2019.

PETITIONS, REQUESTS, & COMMUNICATIONS

5. Addressing the Council
6. Announcements
 - A) Arlington Police Department DEA National Med Takeback, October 22-27, 8:30 a.m. - 3:00 p.m.
 - B) Mayor and City Council Forum, Oct. 23rd, 7:00-8:15 p.m., Arlington Community Center.
 - C) Driving Program, Oct. 29th (4 Hr. Refresher) @ 5:30-9:30 p.m. or Nov. 28th-29th (8 Hr. First Time) @ 5:30-9:30 p.m., Arlington Community Center. Call 1-888-234-1294 or e-mail www.mnsafetycenter.org.
 - D) Arlington Chamber of Commerce's Fright Night, Wed. Oct. 31st, 5:30 -7:00 p.m., Main Street from Hwy 5 to 1st Avenue on Both Sides of the Street.

7. Communications
 - A) September Building Report.
 - B) Minnesota Department of Health Notification of Sanitary Survey Report for Arlington Public Water Systems.
 - C) Thank you to Arlington City and Staff for Assistance During the Tractor Ride Benefit for Darin Schultz.
 - ~~D) September City of Arlington Financial Report. (Removed)~~

REPORTS OF OFFICERS, BOARDS AND COMMITTEES

8. Police Department Update – Officer James Noxon.

ORDINANCES & RESOLUTIONS

9. Ordinances
 - A) Second Reading Ordinance No. 322 – An Ordinance Amending Chapter 6.08, Subd. (D) (1) (b) of the City Code Pertaining to the Storage of Fire Wood Within the City of Arlington.
 - B) Second Reading Ordinance No. 323 – An Ordinance Amending Chapter 6.06, Subd. (B), Pertaining to Fires Within the City of Arlington.
 - C) First Reading Ordinance No. 324 - Amending Chapter 11 of the City Code, Keeping of Animals.
10. Resolutions
 - A) Approve/Deny Resolution 65-2018 – Accepting a Donation and Designating Its Use.
 - B) Approve/Deny Resolution 66-2018 - Approving An Ordinance Amending Chapter 6.08, Subd. (D) (1) (b) of the City Code Pertaining to the Storage of Fire Wood Within the City of Arlington and Chapter 6.06, Subd. (B) Pertaining to Allowed Fires Within the City of Arlington.
 - C) Approve/Deny Resolution 67-2018- Amending the Purchase Agreement for PID #31.0884.000 with Caravel Ventures, LLC.
 - D) Approve/Deny Resolution 68-2018 - Approving Terms of a Loan to R & R Auto Repair from the Arlington EDA Façade Improvement Loan Program for a Project at 117 West Main Street.
(Added)

NEW BUSINESS

11. Approve/Deny Sale of 1988 Chevy Cheyenne 2500 Four-wheel Drive Standard Cab Pickup Based on High Bid with a Minimum of \$3,000.

MISCELLANEOUS BUSINESS

12. Council Member/Committee Updates.
13. Open Discussion.

ADJOURNMENT

Reminders:

Planning & Zoning – November 1st @ 7:00 pm
Library – November 13th @ 5:30 pm (Library)
Cemetery – November 15th @ 6 pm
Parks – November 15th @ 7 pm
EDA – November ____ (to be determined) @ 5:30 pm

**ARLINGTON CITY COUNCIL
MEETING MINUTES
OCTOBER 15, 2018**

The regular meeting was called to order at 6:40 p.m., Mayor Richard Nagel presiding.

Members present: Mayor Rich Nagel, Michelle Battcher, Adam Cowell, Tom Hatlestad, Jim Heiland, Ben Jaszewski

Members absent: None

Also present: City Adm. Pat Melvin, City Attorney Ross Arneson, Police Officer James Noxon, Kurt Menk

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

Remove item 4E) Approval of the October 1st Regular Meeting Minutes

Removed item 7D) September City of Arlington Financial Report

Add item 10D) Approve/Deny Resolution 68-2018 – Approving Terms of a Loan to R & R Auto Repair from the Arlington EDA Façade Improvement Loan Program for a Project at 117 West Main Street.

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

- A) Approval of the September 17th Regular Meeting Minutes
- B) Approval of the September 25th Special Meeting Minutes
- C) Approval of the September 25th Special Closed Meeting Minutes
- D) Approval of the September 28th Special Meeting Minutes**
- E) ~~Approval of the October 1st Regular Meeting Minutes~~ (removed)
- F) Approval of Bills.
- G) Approval of Three Day Temporary On-Sale Liquor Licenses for Sibley County Relay for Life for Events on November 3, 2018; February 16, 2019 & March 6, 2019.

**Minutes were amended to include the phrase “in the amount of a 6% increase” in the middle of the ‘Now Therefore’ paragraph of Resolution 62.

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 Police Department DEA National Med Takeback, October 22-27, 8:30 a.m. – 3:00 p.m.
- B) Mayor and City Council Forum, Oct. 23rd, 7:00-8:15 p.m., Arlington Community Center
- C) Driving Program, Oct. 29th (4 Hr. Refresher) @ 5:30 p.m.–9:30 p.m. or Nov. 28th-29th (8 Hr. First Time) @ 5:30 p.m.–9:30 p.m., Arlington Community Center. Call 1-888-234-1294 or e-mail www.mnsafetycenter.org.
- D) Arlington Chamber of Commerce’s Fright Night, Wed. Oct. 31st, 5:30 p.m.-7:00 p.m. Main Street from Hwy 5 to 1st Avenue on both sides of the street.

The Council reviewed the following communications:

- A) September Building Report
- B) Minnesota Department of Health Notification of Sanitary Survey Report for Arlington Public Water Systems
- C) Thank you to Arlington City and Staff for Assistance During the Tractor Ride Benefit for Darin Schultz

~~D) September City of Arlington Financial Report.~~

Police Officer James Noxon provided the monthly update for the Police Department. He reported that the department was staying busy. The League of Cities performed an audit of the department and found a few things, such as the need for an eye wash station in the gun cleaning area. Eye wash station and gun cleaning area will be set up in the new garage bay once the garage is done. All the parts for the new garage door were in; the door just needs to be installed. Chief Petterson and Attorney Arneson have been working on a Truancy ordinance. School patrols are being conducted and communication has improved with the radio system that was installed in the school. Electronic cigarettes are being utilized on school property by students and the officers are confiscating them. The Department has been participating as a non-funded partner in the Toward Zero Deaths program (against distracted driving, DUI, seatbelts, etc.) and hoping to become a funded partner in the future. Being funded entitles the department to apply for certain grants. The department has been trying to be more active on their Facebook page. Attorney Arneson commented that the department has been very active in enforcing nuisance ordinances and progress has been made around town.

The second reading of Ordinance No. 322 - An Ordinance Amending Chapter 6.08, Subd. (D) (1) (b) of the City Code Pertaining to the Storage of Fire Wood within the City of Arlington was held. Adm. Melvin stated the purpose of the ordinance amendment was to eliminate the two cord limitation, but added language pertaining to it being stacked in a neat and orderly manner.

The second reading of Ordinance No. 323 – An Ordinance Amending Chapter 6.06, Subd. (B), Pertaining to Fires within the City of Arlington was held. Adm. Melvin stated that this section was being amended to exempt the City’s compost site, whereby controlled burns would be allowed by City Staff.

The first reading of Ordinance No. 324 – An Ordinance Amending Chapter 11 of the City Code Relating to Animals, was held. Adm. Melvin stated that the City was made aware that some residents were keeping chickens and the Council favored the idea of revising the ordinance to allow them. The Planning Committee reviewed policies from other cities, talked about lot sizes and/or setbacks from property lines, number of chickens/ducks to allow and whether neighbors should be notified or not.

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

RESOLUTION NO. 65-2018

A RESOLUTION ACCEPTING A DONATION AND DESIGNATING ITS USE

WHEREAS, Minnesota State Statutes 465.03 states that cities may accept gifts of real or personal property, including money, and use them in accordance with the terms the donor prescribes; and

WHEREAS, the City may not, however, accept or use gifts for religious or sectarian purposes; and

WHEREAS, every such acceptance shall be by resolution of the governing body adopted by two-thirds majority of its members; and

WHEREAS, the City of Arlington has received a donation of a \$500 from Mary and John Cary of Arlington to be used toward the purchase of a Fire Truck Tanker; and

WHEREAS, charitable contributions to governmental units are tax-deductible under Section 170(c)(1) of the Internal Revenue Code if made for public purpose, and

WHEREAS, the Arlington City Council would like to express its thankfulness for this gracious community support, and

NOW THEREFORE BE IT RESOLVED, pursuant to Minnesota State Statute 465.03 the Arlington City Council does hereby accept the aforementioned donation.

The motion for the adoption of the foregoing Resolution was duly seconded by Cowell, and upon poll being taken thereon the following voted in favor thereof: Battcher, Cowell, Hatlestad, Heiland, Jaszewski; and the following 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 15th day of October, 2018.

Signed: /s/ Richard Nagel
Mayor Richard Nagel

Attested: /s/ Patrick Melvin
City Administrator Patrick Melvin

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

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

RESOLUTION NO. 66-2018

A RESOLUTION APPROVING ORDINANCE 322, ENTITLED “AN ORDINANCE AMENDING CHAPTER 6.08, SUBD. (D)(1)(b) OF THE CITY CODE PERTAINING TO STORAGE OF FIRE WOOD WITHIN THE CITY OF ARLINGTON, AND ORDINANCE NO. 323-CHAPTER 6.06, SUBD. (B) PERTAINING TO ALLOWED FIRES WITHIN THE CITY OF ARLINGTON.”

WHEREAS, the City of Arlington placed the City Code into effect several months ago; and,

WHEREAS, the Arlington City Council held a work session to discuss potential updates to the City Code, including removing a volume limit on the amount of fire wood able to be stored on private property in the City and has also become aware of the need to have enabling language to allow City staff to burn brush at the Compost site; and,

WHEREAS, the City Council requested preparation of a draft ordinance to amend Chapters 6.08 of the Code pertaining to fire wood and 6.06 of the Code pertaining to fires; and,

WHEREAS, the City Council requested input from the City of Arlington Planning and Zoning Commission and Administration pertaining to these matters; and,

WHEREAS, the Planning and Zoning Commission, following discussion, recommended the City Council approve the proposed ordinance change to Chapter 6.08 and Administration recommended changes to Chapter 6.06; and,

WHEREAS, the City Council held first reading of the Ordinances at a regular meeting on October 1, 2018; and,

WHEREAS, the City Council held second reading of the Ordinances at a regular meeting on October 15, 2018; and,

WHEREAS, the Ordinances are included as Exhibit A, attached to this resolution.

NOW, THEREFORE, BE IT RESOLVED, that the Arlington City Council hereby approves Ordinance No. 322 entitled: “An Ordinance Amending Chapter 6.08, Subd (D)(1)(b) Of The City Code Pertaining To Storage Of Fire Wood Within The City Of Arlington , and Ordinance 323 -Chapter 6.06, Subd. (B) Pertaining To Allowed Fires Within The City Of Arlington.”

The motion for the adoption of the foregoing Resolution was duly seconded by Heiland, and upon poll being taken thereon the following voted in favor thereof: Battcher, Cowell, Hatlestad, Heiland, Jaszewski; and the following 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 15th day of October, 2018.

Signed: /s/ Richard Nagel
Mayor Richard Nagel

Attested: /s/ Patrick Melvin
City Administrator Patrick Melvin

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

EXHIBIT A
ORDINANCE NO. 322

**AN ORDINANCE AMENDING CHAPTER 6.08, SUBD. (D)(1)(b) OF THE CITY CODE
PERTAINING TO STORAGE OF FIRE WOOD WITHIN THE CITY OF ARLINGTON**

- I. THE CITY COUNCIL OF THE CITY OF ARLINGTON, MINNESOTA TO PROMOTE THE PUBLIC SAFETY, HEALTH, AND WELFARE, HEREBY ORDAINS THAT CHAPTER 6.08, SUBD. (D)(1)(b) OF THE CITY CODE SHALL BE AMENDED AS FOLLOWS:**

(b) Fire wood, ~~not exceeding two cords,~~ for use only on the premises provided it is stored in an interior side or rear yard **stacked in a neat and orderly manner.**

- II. EFFECTIVE DATE: THIS ORDINANCE IS EFFECTIVE UPON ITS ADOPTION AND PUBLICATION AS PRESCRIBED BY LAW.**

Adopted by the City of Arlington on the 15th day of October, 2018.

/s/ Richard Nagel
Richard Nagel, Mayor

Attest: /s/ Patrick Melvin
Patrick Melvin, City Administrator

ORDINANCE NO. 323

**AN ORDINANCE AMENDING CHAPTER 6.06, SUBD. (B), OF THE CITY CODE
PERTAINING TO FIRES WITHIN THE CITY OF ARLINGTON**

- III. THE CITY COUNCIL OF THE CITY OF ARLINGTON, MINNESOTA TO PROMOTE THE PUBLIC SAFETY, HEALTH, AND WELFARE, HEREBY ORDAINS THAT CHAPTER 6.06, SUBD. (B) OF THE CITY CODE SHALL BE AMENDED AS FOLLOWS:**

6.06 FIRES

This Section does not apply to the City of Arlington brush and yard waste dump site, where occasional controlled burns of accumulated brush may take place by City Staff.

- IV. EFFECTIVE DATE: THIS ORDINANCE IS EFFECTIVE UPON ITS ADOPTION AND PUBLICATION AS PRESCRIBED BY LAW.**

Adopted by the City of Arlington on the 15th day of October, 2018.

/s/ Richard Nagel
Richard Nagel, Mayor

Attest: /s/ Patrick Melvin
Patrick Melvin, City Administrator

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

RESOLUTION NO. 67-2018

**A RESOLUTION APPROVING A PURCHASE AGREEMENT AMENDMENT BETWEEN
THE CITY OF ARLINGTON, A MINNESOTA MUNICIPAL CORPORATION, SELLER, AND
CARAVEL VENTURES, LLC, A MINNESOTA LIMITED LIABILITY COMPANY**

The City of Arlington, a Minnesota municipal corporation, seller, and Caravel Ventures, LLC, a Minnesota Limited Liability Company, buyer, entered into a purchase agreement dated August 1, 2018 for purchase of the property described below:

Part of the Northwest Quarter of the Northwest Quarter of Section 16, Township 113, Range 27 described as follows:

Commencing at the northwest corner of Said Section 16; thence on an assumed bearing of North 90 degrees 00 minutes 00 seconds East along the North line of said Northwest Quarter 436.50 feet to the point of beginning of the tract to be described; thence South 00 degrees 00 minutes 00 seconds West 200.00 feet thence North 90 degrees 00 minutes 00 seconds West 439.65 feet to the West line of said Northwest Quarter; thence South 00 degrees 54 minutes 05 seconds West along said West line 745.51 feet to the northerly right-of-way line of Trunk Highway Number 5; thence North 58 degrees 33 minutes 24 seconds East along said northerly right-of-way line 909.77 feet; thence North 00 degrees 00 minutes 00 seconds East 470.83 feet to the North line of said Northwest Quarter; thence South 90 degrees 00 minutes 00 seconds West along said North line 324.80 feet to the point of beginning.

Said purchase agreement called for closing of the sale on or before October 1, 2018.

The purchase agreement called for certain contingencies which have not yet been met. The parties hereby agree that the closing date is extended to on or before December 1, 2018, to allow time for resolution of such contingencies.

In Testimony Whereof, the parties sign this agreement, and bind themselves, their successors and assigns.

The motion for the adoption of the foregoing Resolution was duly seconded by Cowell, and upon poll being taken thereon the following voted in favor thereof: Battcher, Cowell, Hatlestad, Heiland, Jaszewski; and the following 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 15th day of October, 2018.

Signed: /s/ Richard Nagel
Mayor Richard Nagel

Attested: /s/ Patrick Melvin
City Administrator Patrick Melvin

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

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

RESOLUTION NO. 68-2018

A RESOLUTION APPROVING TERMS OF A LOAN TO R & R AUTO REPAIR FROM THE ARLINGTON EDA FAÇADE IMPROVEMENT LOAN PROGRAM FOR A PROJECT AT 117 WEST MAIN STREET

WHEREAS, Ross and Ryan Bergs, d.b.a. R & R Auto Repair, has applied for a Façade Improvement Loan available through the EDA; and

WHEREAS, the Applicant requests a forgivable loan in the amount of \$2,500 or fifty (50) percent of the actual project cost, whichever is less; and

WHEREAS, the purpose of the loan is to remove the basement, remodel the office with easier access, add a new front using brick, replace the roof and efficiency updates at 117 W Main Street in the Central Business District; and,

WHEREAS, the EDA has reviewed the loan application to determine compliance with loan policies and procedures.

NOW, THEREFORE, BE IT RESOLVED, that the Arlington Economic Development Authority hereby approves a façade improvement loan in the amount of \$2,500 to R & R Auto Repair as follows:

1. The City and the EDA previously approved the EDA's Façade Improvement Loan Program which is administered by the Arlington EDA.
2. Ross and Ryan Bergs, d.b.a. R & R Auto Repair (the "Borrower") have submitted an official application form requesting financial assistance from the EDA Façade Improvement Loan Program (the "Loan") in the amount of \$2,500 or fifty (50) percent of the project cost, whichever is less in order to finance removing the basement, remodel the office with easier access, add a new front using brick, replace the roof and efficiency updates (the "Project") at 117 W Main Street (the "Property").
3. The Loan is to be made from the EDA Façade Improvement Loan Program and will be forgiven provided the Borrower remains in business on the Property for at least one year following the disbursement of the Loan and the Project is substantially completed within a reasonable period of time defined as one hundred eighty (180) days.
4. The Board hereby approves the Loan proposed to be provided to the Borrower contingent on:
 - a. Execution of a Promissory Note by the Property Owner.

- b. Submittal of valid invoices from a licensed contractor relating to the work done on this project.
5. The Board has had an opportunity to review the Note to be executed by the Borrower. The Board hereby approves the form of Note.
6. Effective Date. This resolution shall be effective as of the date hereof.

I CERTIFY THAT the above Resolution was adopted by the City Council of the City of Arlington on October 15, 2018.

The motion for the adoption of the foregoing Resolution was duly seconded by Heiland, and upon poll being taken thereon the following voted in favor thereof: Battcher, Cowell, Hatlestad, Heiland, Jaszewski; and the following 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 15th day of October, 2018.

Signed: /s/ Richard Nagel
Mayor Richard Nagel

Attested: /s/ Patrick Melvin
City Administrator Patrick Melvin

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

Sealed bids were reviewed for the 1988 Chevy Cheyenne 2500 Four-wheel Drive Standard Cab Pickup that the City was selling. The high bid was from Jay Jensen in the amount of \$6,150. It was noted that there were 11 bids received for the pickup. The range of bids was from \$3,333.33 to \$6,150.

Motion by Battcher, seconded by Cowell, and passed by unanimous vote to accept the high bid from Jay Jensen in the amount of \$6,150 for the 1988 Chevy Cheyenne 2500 Four-wheel Drive Standard Cab Pickup.

Battcher talked about the Marketing Hometown America meeting that she attended recently. She felt it went well with good community involvement and there was great excitement. Adm. Melvin stated that four committees were formed at meeting: signs and promotions, builders and developers, marketing, and culture and support for new businesses. The information will be put on the website and individuals are encouraged to still join a committee.

Battcher talked about the meeting she attended pertaining to the City's insurance provided. She stated that it was a very informative session. It was noted that Arlington is part of a pool and its market rates are well below everyone else's; that is why it has been experiencing such increases the last couple of years (to get caught up/leveled off). It was noted that the City offers its employees a very nice insurance package. Adm. Melvin commented that he would like to look for a new insurance representative; one who would be more involved/interactive.

Motion by Hatlestad, seconded by Battcher, and passed by unanimous vote to adjourn the meeting at 7:43 pm.

City Administrator Patrick Melvin

Mayor Richard Nagel