

Glyndon City Council

11/27/2019

6:00 p.m. Regular Council Meeting
City Hall Council Chambers

1. **Call to Order:** Mayor Cecil Johnson called the meeting to order at 6:00 p.m.
2. **Roll Call:** Council Members Present: Dave Owings, Justin Schreiber, Joe Olson, Kimberly Savageau; City Clerk Wendy Affield; Police Chief Michael Cline; City Maintenance Supervisor Scott Lofgren.

As Per Sign in Sheet: Dennis Huber, Mike Huber, Peyton Wilson, and Jacob Strand.

3. **Motion to Approve Consent Agenda** – A motion to approve the Consent Agenda was made by Joe Olson, seconded by Kimberly Savageau. All in Favor.

Motion Carried.

- a. **Minutes – 11/13/19 Council Minutes**

- b. **Approve Resolution of Payments**

- c. **Miscellaneous Items:**

- **Approve Southview Special Assessment Draw Down on the Letter of Credit**

4. **Additions to Agenda**



5. **Motion to Approve Agenda** – A motion to approve the agenda was made by Justin Schreiber, seconded by Dave Owings. All in Favor.

Motion Carried.

6. **New Business**

- a. **Complaint of Elevator Dust/Chaff/Bees Wings – Dennis & Mike Huber** – Dennis Huber began the discussion by distributing a packet for the Council to review highlighting his presentation. The packet was informational regarding State laws and statutes regarding pollution. His position and request of the Council is concerning his property, 211 Parke Avenue S, which abuts an elevator property owned by Dakota Ag Cooperative at 108 3rd Street. Huber stated he is the owner of the property, but noted to Council his son Mike is the one who lives there. He stated their main issue is the amount of corn dust and other agricultural byproduct residue permeating his property, causing unsightliness, hazardous health conditions, and is an overall nuisance to maintain. He said wind causes this dust to cover his entire property, and wishes to ask Council to address the issue. Huber feels it is not right for the elevator to be able to contaminate the air with the corn dust, and does not think the elevator owners have made any effort to contain their byproduct residue. He feels the City can do more to assist in the situation, and would like to present some solutions. He stated he disagrees with the City Building Inspector Steve Schroeder's prior determination in January 2019 that the matter is not a municipal one, but rather a civil one between Huber and the elevator. He acknowledges the elevator was farmer-owned in the past prior to being sold to a private firm, but he says current laws and regulations address specific pollution problems. He does not believe the elevator expanded their corn storage buildings with proper building permits, or by following correct zoning laws. Huber also would like the City to address whether the zoning for the

elevator is considered industrial or agricultural, and what zoning regulations may apply. He is concerned the corn byproduct dust is detrimental to all residents, especially those with respiratory ailments. Huber stated he does not agree with the Building Inspector when he says "this structure is considered an Ag Building; they are exempt from building permits". In summation of his presentation, Huber is asking Council to draft a resolution requesting the City Attorney file a Notice of Public Nuisance violation to the owners of the elevator. Mayor Johnson thanked Huber for his comments and research results, and said he and City Clerk Affield have had recent conversations about the issue with the Minnesota Pollution Control Agency. He asked Affield to relay the outcome of her conversations to the Hubers and rest of the Council. Affield said after she received the Hubers' complaint, she contacted City Attorney Ken Norman and he recommended her calling the MPCA. She said he did reiterate this matter is a civil issue. Affield said she spoke with Clint Leeper at the MPCA, and she provided him some background information about the elevator and local zoning. She said Leeper sent her a couple of web links regarding MN State laws on agricultural elevators, which are listed in the Council Meeting packet. Affield said Leeper stated, this matter is something the Hubers need to work with the MPCA on, and they are opening an investigation into the elevator. She also noted there was another MPCA representative who had visited the City back in May about the same issue. Huber asked Affield to give the City Attorney a synopsis he had stating this can be a private nuisance but it also can be a public nuisance. Schreiber asked if the open storage bin needs to be covered, then it would be up to the MPCA to decide and enforce it? Affield said yes. Huber acknowledged the MPCA's goals align with his and his sons, but does not feel they will do anything to enforce the zoning issues. Affield noted she researched permits issued to Huber's property at 215 Parke Avenue, and stated a permit from 2005 for an "office addition" was found and the zoning at the time for his property was C-1, which is commercial. Huber acknowledged this is correct. Affield asked him at what point was this property then turned into a house? Huber says he came to City Hall for a permit for the house in 2004 or 2005, and he said he had the zoning changed from industrial to commercial at the same time. Affield asked if she could have a copy of their building permit, and also asked why they built a residential home in a commercial zone? Huber stated within City limits it is legal to build a residential home in a commercial district. Huber said it was the decision of the City at the time to keep the zoning at commercial, and he stated he went along with the decision at the time. Huber asked Affield why she was asking these questions. Olson said it is imperative of the Council to know the whole story, and it would be important information to have before going forward with the issue to the City Attorney. He said all of the information presented tonight will be looked at by Council and then forwarded on to the City Attorney. Savageau agreed, and wanted to make clear to the Hubers that members of the Council are not attorneys, and so the information needs to be thoroughly gone over. Mayor Johnson said after the conversation with the MPCA, it will come down to the findings of their investigation regarding the amount of residue falling on the ground surrounding the property and throughout the City. He stated it should be the intention of the Council to wait on those results, and then discuss the follow up process with the City Attorney. Huber feels the City simply needs to decide whether the elevator is running afoul of City ordinances, and follow through with enforcement. Olson said all information and facts need to be gathered from several sources, including hearing from the owners of the elevator, before the City can go ahead with any proper enforcement action. Huber also thanked the Council for listening and is looking forward to continuing the conversation about the issue.

b. Schedule Department Head Reviews – Affield stated Council had previously discussed doing department head reviews during an open meeting/closed door. She is asking Council if they are wanting to schedule those now? These reviews would be for herself as City Clerk, Cline as Police Chief, and Lofgren as City Maintenance Supervisor. Schreiber stated since Cline is retiring next year, Council will most likely not have a review for him. Owings said a decision should be made whether reviews are conducted on anniversary hire dates, or annually at the end of the year? He said his preference would be to have all reviews finished by the end of each year in order to account for the next year's budget. Savageau feels there is already a lot going on in December for the Council, and it may be difficult to schedule reviews at that time. Mayor Johnson said he felt it would be good to tie up all reviews by year

end. Council agreed, and scheduled the City Clerk review for Wednesday, December 11th, and Lofgren on Monday, December 23rd.

c. Discuss Wage for New Police Chief & When to Advertise – Council decided to post the job application for the new Police Chief on Monday, December 2nd. The wage range for the position is to be set at sixty-seven thousand to seventy-two thousand dollars (\$67,000 to \$72,000) per year. Affield asked Cline if he would like to suggest who should sit in during the interviewing process? Cline suggested having present the Police Commission, himself, the Police Chief from Hawley and the City Clerk (to ask the questions). Savageau questioned what does are Employee Handbook state for the interviewing process. After reviewing the policy, it was noted it did not state for the Chief position, only Police Officer positions. Council will need to decide how they want to proceed with the hiring process. Cline feels the ad should run for a minimum of three (3) weeks in order to allow applicants adequate time to get their resumes together. Schreiber mentioned Council Committees will change members in 2020, we may want to decide after the first of the year.

d. Employee Wages for 2020 – Affield said the sheet she handed out to Council are just numbers for budget purposes. She said she has the final wage numbers set by David Drown Associates in the computer already. Savageau asked if Council agrees to the grid, does it start in 2021 or right away in 2020? Affield said these would be for starting wages in 2020, and the numbers would move up each year going forward. Olson said he does not see any potential problems with adopting the new grid based on the numbers. Affield said a representative from DDA will be at the next Council meeting on December 11th to discuss the packet and explain the numbers in more detail. Owings said he would like these numbers implemented into the budget sheets, and then discuss more after the DDA representative is here. Council agreed.

7. Discuss Additions to the Agenda

8. Old Business/Unfinished Business

a. Xcel Franchise Fee – Adjust Rate from Percentage to Set Fee – Affield stated to Council her and Mayor Johnson met with representatives from Xcel yesterday, and were provided with sheets which are currently in the packet. She said Xcel would rather have a monthly fee implemented, instead of a yearly percentage due to Minnesota having different regulations than North Dakota. Xcel broke down the one (1) percent fee to a monthly cost per resident. Affield said an ordinance needs to be made first, and once the ordinance is made Xcel will have ninety (90) days to implement the fee. Affield stated we are still working on the Franchise Agreement with Xcel on the section for removing abandoned gas lines; an issue which has not yet been finalized. A motion to withdraw the previous one (1) percent fee to instead be changed to a monthly fee was made by Joe Olson, seconded by Justin Schreiber. All in favor. Motion Carried.

b. Fuchs Sanitation Proposal for Curbside Recycling – Affield said she checked with Dilworth on their current charges for curbside recycling, and noted Dilworth receives a better rate because they locked into the price before MinnKota Recycling increased their rates. Affield contacted Shannon Thompson with Clay County Recycling to see if the City had the ability to be reimbursed for a portion of the costs. Thompson stated the County has been having meetings regarding their own financial difficulties in offering reimbursements. Thompson did say a portion would be reimbursed, but at this time they do not know how much. Schreiber asked if the current numbers he is looking at on the sheet are what Fuchs Sanitation is going to charge residents? Affield responded those numbers are what Fuchs is going to charge the City. She then said the City will add a five dollar and thirty-three cents (\$5.33) administrative fee to the bill. All totaled, residents would be charged twenty-two dollars and two cents (\$22.02) per month for garbage pick up and curbside recycling together. Schreiber said he would be more

inclined to do just the wheeled-cart service for garbage only, instead of including the curbside recycling. Owings agreed, and noted how Fuchs Sanitation previously mentioned how certain items cannot be put into the bins regardless. Olson said if he is going to be charged for curbside recycling as a resident, he is going to want to be able to put glass and everything together and not have to separate items. Savageau asked if there would be any need then to change from what the City currently has for garbage removal? Schreiber said he thinks the larger wheeled carts would be easier for everyone to use instead of dragging out one or two cans each week. Olson said the larger carts are also less likely to blow over in the wind. Affield said a change can be made, but a new contract will need to be drawn up. Schreiber asked to clarify if the City still has until February 2020 to decide? Mayor Johnson said yes, and Affield said she just needs numbers to apply to the budget.

c. Discussion – Community Center Repairs – Dave Owings – Owings asked Lofgren if he has any plans regarding the ductwork at the Community Center? Lofgren stated he is still waiting to hear back from Runger's on a quote. Currently the building has a down draft furnace, and will be needing an updraft furnace instead. Lofgren explained the water and humidity issue is due to the down draft furnace pushing air through ducts which are below the floor, which is frequently filled with ground water seeping through the concrete. He did say the only furnace needing to be replaced is the one on the south side of the building, as the north side furnace is fine. Lofgren said if he had to estimate what the final replacement cost would be, he thinks it may be about nine or ten thousand dollars (\$9,000 - \$10,000) which would include the furnace, ductwork, and labor. Savageau asked if this kind of repair would be something the City should seek bids for? Lofgren said yes, and thinks the City should seek out at least three (3) bids. Owings then said perhaps Council should direct Lofgren to have three (3) bids ready for the next regular meeting? Lofgren said he is already working on a bid from Rungers, but is not sure he would have enough time by the December 11th meeting to get two (2) more bids. He said by the time of the meeting on the 23rd he could have those ready. Schreiber asked if there are any potential water issues from having ductwork placed in the ceiling? Lofgren said ceiling ductwork now is commonly soft and insulation-wrapped, more conducive to forced-air and more flexible. Olson asked how old the north side furnace is? Lofgren said it is fairly new, and he is just proposing replacement of the south side furnace. Owings stated it would be beneficial time-wise to have the bids ready, the vendor decided on, and then also pick a time to have the Community Center closed down for the repairs by the meeting on December 23rd. He also said if the building will be temporarily shut down, what other maintenance items might also be able to be done at the same time? Lofgren said the light fixtures are old and need updating, the ceiling tile is bad, any fluorescent lighting should be replaced with LED lighting. He said the windows are all fairly new, but the interior could also use a new coat of paint. Savageau said the faucets in the kitchen need to be replaced and the sinks in the bathrooms need replacing. Owings said with all of these suggestions, perhaps an official checklist needs to be compiled for Lofgren to go over? Lofgren said a checklist would be great, and he can compile some costs for the repairs. Olson then asked if these repairs mean the City is investing in order to keep the current building? He noted how the parking lot is in complete disrepair as well, and will need total replacement. Owings said these types of repairs are more maintenance related and should be considered as such. He asked Lofgren if the panels in the ceiling are going to be removed, should the spray insulation be done at the same time? Lofgren said it would be the most cost-effective time to do it. Council agreed to set in motion compiling a checklist of potential repairs for the building in order for Lofgren to obtain any necessary bids and costs by the regular meeting on December 23rd.

d. Discussion – Part-Time Maintenance Worker – Dave Owings – Owings stated to Council he and Schreiber met with Lofgren earlier this week to discuss offering the seasonal maintenance worker a twenty (20) hour work week the 1st of the year, to cover the other twenty (20) hours not being filled by the employee coming back from workman's comp. This would then fill the need for one full-time position. Owings said Lofgren was informed if the workman's comp employee is not able to come back full-time, then a separate position can be opened and the seasonal employee is welcome to apply for it.

Olson asked if the workman's comp employee is able to make a full recovery at this point? Lofgren said this employee is still undergoing physical therapy twice a week, and it is unclear what his recovery status is. Owings said Affield is waiting to receive doctor's notes about his recent visits, and from there perhaps this employee can be placed in a different position within the City.

9. Department Reports / Committee Reports

a. **Mike Cline, Police Chief** – Not Present.

b. **Bob Cuchna, Fire Chief** – Not Present.

c. **Scott Lofgren, Maintenance/Public Works Supervisor** – Lofgren said the Stockwood street lights have been installed, a total of five (5). He said both stormwater lift stations have been serviced last week, and are up and running. He wanted to suggest to Council the addition of some lighting for those lift stations, and he feels security lighting would be the cheapest insurance option for them. He said those lift stations are something the City has invested a lot of money for, and should be protected in some way. Olson asked Lofgren if there are any plans for a skating rink this year, considering the construction on the ponds? Lofgren said no, there will not be a rink this year. He said the location of the rink next year could be moved to more west of the pond, closer to where the sliding hill and warming house are. Schreiber said it probably would not be wise to have kids skating on top of the pond either. Mayor Johnson asked about the speed sign, and whether it belongs to the County? Lofgren agreed, and noticed it is not working, he thinks Arvig might have hit something by accident when they were working in that area. Savageau asked if Arvig should have been required to pull a permit prior to doing the work they are in town for? Lofgren said he felt because the work is still tied to the Parke Avenue construction, they would not be required to take out a permit in this instance. Mayor Johnson asked if Arvig has been made aware of the new right-of-way permits? Affield said yes, and has also contacted all the other utility companies to let them know. Lofgren wondered if the City can require a permit for work being done on a County road? Schreiber said he would think so because the work is being done on City infrastructure. Savageau said even if there is no fee involved due to work being tied to Parke Avenue construction, she feels Arvig and others should still be required to give the City advance notice before digging. Affield said she would do more checking on this. Mayor Johnson then asked about the status of the lift station at the southside trailer park, and if the pumps need repair? Lofgren said the propellers are getting continuously plugged and are tired, and it is actually the oldest lift station in the City. The last major repair to this station was back in December of 1995. Lofgren said he did get a quote from Hughes Lift Station for eight (8) thousand dollars per pump. He said the panel is even older, and was installed prior to his hiring. Lofgren said City Engineer Kris Carlson felt it would be in the City's best interest to rehab the entire site. Mayor Johnson asked if one pump at a time can be repaired? Lofgren said yes. Olson asked if a new panel is even more expensive? Lofgren said new panels for this size station can typically run about fifteen (15) thousand dollars. He said for budget reasons, he can ask Carlson to run some numbers for what it would cost to do a full rehab of the station. Right now, Lofgren said he or his employees are over there at least three times a week to fix it. Owings asked for clarification on what an entire "rehab" means? Lofgren said it would involve using the existing structure and taking the "guts" out of the station. Owings asked if this means the work could be done relatively soon? Lofgren said yes, it can be done at any time. Council gave direction to Lofgren to search out bids for two pumps and a panel. Owings then asked Lofgren about whether employee reviews have been completed for his department? Lofgren said no not yet, but he will get them done soon. Affield asked if Lofgren has the HR 360 review sheets? Lofgren said he has them. Owings then mentioned he had Affield print off the Public Works Superintendent job description by David Drown Assoc., and wanted to make sure everyone including Lofgren had a copy. Affield informed Council all employees will receive a copy as there is an appeal process which can be filed if the job descriptions are not correct. Savageau asked if the HR 360 review sheets are going to be used at reviews or only used by herself and Schreiber as members of the HR committee? Olson said there is a lot of information to be gathered from these sheets, so it may be difficult to get five (5) people to compile all of it. Savageau said they could be used as guidelines instead. Schreiber asked if these sheets are score-

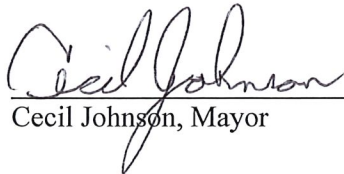
based? He said each individual person is going to rank differently on what they think is important, but from those answers they can determine a score. Savageau said she can talk to her contact at the County, where they conduct closed-door reviews of their administrators and see what their process is.

d. Wendy Affield, City Clerk – Affield mentioned she discussed with Sellin Bros. and Kris Carlson how to snow blow the gravel on Parke Avenue, and was told once a few layers of snow are compacted on the gravel then you should not have an issue with the stones. She also said regarding 418 2nd Street, City Attorney Norman will be moving forward with the court proceedings in order to gain entry to the home. She wanted to inform Council she has changed her comp to hour-for-hour instead of time-and-a-half in the Banyon system.

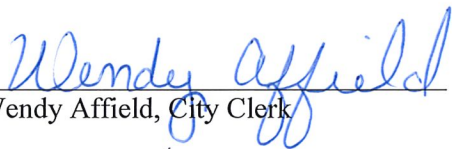
10. Open Forum

11. Miscellaneous Announcements

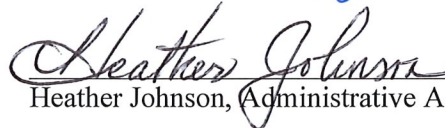
12. Adjournment – A motion was made by Justin Schreiber to adjourn at 7:55 p.m., seconded by Kimberly Savageau. All in favor.
Motion Carried.



Cecil Johnson, Mayor



Wendy Affield, City Clerk



Heather Johnson, Administrative Assist.

November 27th, 2019 Glyndon City Council Meeting Minutes