

Glyndon City Council

12/12/2018

6:30 p.m. Regular Council Meeting
City Hall Council Chambers

1. **Call to Order:** Mayor Cecil Johnson called the meeting to order at 6:33 p.m.
2. **Roll Call:** Council Members Present: Dave Owings, Justin Schreiber, Joe Olson and Kimberly Savageau, City Clerk Wendy Affield and Administrative Assistant Susan Dayley. Arriving at 6:56 p.m. - Public Works Supervisor Scott Lofgren and Fire Chief Bob Cuchna.

As Per Sign in Sheet: Kerri Westgard, Jasmyn Pompe, Angelida Garza, Leighton Wilson, Dennis Huber, Mike Huber and Bryant DeVries.

3. **Motion to Approve Consent Agenda**

- a. Minutes – 11/28/18 Public Hearing – 2 Year Tax Abatement for 2019-2020
- b. Approve Resolution of Payments – A motion was made by Justin Schreiber to approve the Consent Agenda, seconded by Kimberly Savageau. All in favor.
Motion Carried.

4. **Additions to Agenda**

- Elevator Corn Dust – Dennis Huber
- Lugo House – Dave Owings

5. **Motion to Approve Agenda**

A motion to approve the 12/12/2018 Agenda was made by Joe Olson, seconded by Dave Owings. All in favor.
Motion Carried.

6. **New Business**

a. **DGF 8th Grade Plastic Recycling Project Presentation** – Ms. Westgard’s 8th grade students Angelida Garza, Leighton Wilson and Jasmyn Pompe gave a presentation to Council promoting Glyndon to have curbside pickup. The students discussed how plastic pollution in the oceans and on land are affecting the world. They are proposing curbside pickup for recyclables in Glyndon and have an online survey they would like all the residents to complete to collect data to find out if people would participate in curbside recycling. Owings stated the City could put a link to the survey on the City Website. Affield recommends having the information in the monthly newsletter to encourage resident to complete the survey. Mayor Johnson explained he needs to meet with Fuchs Sanitation and Shannon at the County from Waste Management to determine the costs of adding this service to the City. Olson commented he would recycle more if there was recycling curbside pickup.

b. **Approve Application for Gaming Permit – Glyndon Rod & Gun for January 26, 2019 – Fishing Derby at the Glyndon Community Center** - A motion was made by Kimberly Savageau to Approve Application for Gaming Permit – Glyndon Rod & Gun for January 26, 2019 – Fishing Derby at the Glyndon Community Center, seconded by Dave Owings. All in favor.
Motion Carried.

c. Approve 1-Day Liquor License - Glyndon Rod & Gun for January 26, 2019 – Fishing Derby at the Glyndon Community Center – A motion was made by Justin Schreiber to Approve the 1-Day Liquor License - Glyndon Rod & Gun for January 26, 2019 – Fishing Derby at the Glyndon Community Center, seconded by Kimberly Savageau. All in favor. Motion Carried.

Additions to the Agenda:

Corn Dust Addition – Dennis Huber – Mayor Johnson addressed the concerns of the residents and informed them a meeting has been scheduled next week with the elevator owners. The City Attorney sent an email with his recommendations. Owings read out loud a few paragraphs from the email as follows:

In his message Mr. Huber references a Minnesota statute regarding public nuisances. This statute is part of the criminal code and would require investigation and action by local law enforcement. That falls outside the governance of the Council and firmly into the jurisdiction of the City police. Accordingly, this should be referred to the police for further action if Mr. Huber is willing to discuss that matter with the police. The Council should not place itself in the position of enforcing the criminal statutes or direct law enforcement.

It was my understanding that a number of things were going to be done by you (Affield) and the mayor (Mayor Johnson) which included contacting health and pollution enforcement agencies and discussing the matter with the elevator operator. I will assume that those steps are in progress and should continue.

Finally, the private citizen is certainly allowed to make those contacts himself or to seek private enforcement of a cause of action against the elevator operator.

Mr. Huber commented he appreciates the City Attorney's comments in the email. There are two statutes; Public Nuisance and Administrative Rules, which are under the Minnesota Pollution Control Agency. Huber reported having video of the elevator deliberately shoveling 'bees wings' from the top of the elevator. Owings stated the videos would be evidence to present to the Police Department. Huber believes the owners are purposely polluting residences' property and it is not acceptable to throw stuff in the air to settle on property other than your own. Huber contributed there is a lack of permits, the operation has gotten much bigger, and a large dryer and bin have been installed. No permits have been issued for any of these additions to the operation. Any new construction has to be built according to state codes and needs to be reviewed by a Building Inspector. Huber wonders if there is an agency that regulates elevators. There is grain laying on the ground outside the bin which attracts rodents and diseases. Another question by Huber is when has the elevator been inspected for fire hazards. Huber is grateful the City is doing what they can to address this issue and just wants the polluting to stop. Huber stated if it does not cease, he will contact OSHA, MPCA, grain handlers and the fire department, he will do whatever it takes to have this come to an end. Mayor Johnson proposes Huber contact Police Chief Cline next week regarding his concerns. Olson commented there are legitimate questions that do need to be answered, beginning with the City Building Inspector to consider his recommendations, get up to date on permit protocol for elevators, and have a conversation with elevator owners on these issues. When meeting with the owners, discuss how they could operate without polluting the City and if they are willing to do whatever it takes to resolve the issue. Other municipalities could be contacted and asked what their practice is for inspecting elevators. Huber asked Fire Chief

Cuchna if the elevator has been inspected for fire hazards. Cuchna stated the elevator has not been inspected because the Glyndon Volunteer Fire Department does not conduct inspections but do inspect the sprinkler systems in elevators when asked to do so. Cuchna recommends contacting the State Fire Marshall to justify asking for an inspection. Owings asked Cuchna if he could contact the State Fire Marshall regarding an inspection. Cuchna stated if there is a written complaint, he can initiate the call to have it inspected by the State Fire Marshall. Mayor Johnson added the City Attorney advises Huber's make a formal complaint with the Police Department and if it warrants contacting OSHA or the MPCA, the Police Department will take care of contacting them. Owings asked Cuchna what type of concerns will the State Fire Marshal be looking for, grain blowing on the ground or a sprinkler system that has not been inspected for many years. Owings believes a complaint to the Police and Fire Departments are two separate issues, GPD for the nuisance of the debris and the GFD for the fire hazard. Cuchna is not sure if elevators need to be inspected on a regular basis. Cuchna stated you cannot single out a business, if you are going to request it be inspected you would need to do all the businesses in Glyndon. Cuchna suggested checking with the USDA with their concerns. Lofgren informed Council there are three (3) grain dryers within a quarter mile of Parke Avenue, not all the corn dust is coming from the elevator located in town. Conclusion is to contact the elevator owners first then go forward from there.

d. Stockwood Industrial Park Lighting Quotes from Xcel Energy and Moorhead Electric – Lofgren reported he has received bids from Xcel Energy and Moorhead Electric. Angela from Xcel Energy gave two options; one for 5 LED Cobras on a 30' direct buried fiberglass pole, second is with a concrete pedestal bolting the pole to the concrete, these poles are 18' high. Moorhead Electric gave a quote for the same types of poles or save \$10,000 by having wooden poles. Lofgren informed Council the City pays \$5.00 per pole, per month to the electric companies. Affield added this construction will not begin until Spring. Owings stated wood poles should not be used in town, fiberglass poles look more updated. Schreiber added when money is spent on a new road, fiberglass poles would look better than wood poles.

Discussion was had among Council and Staff regarding the Parke Avenue Project on which type of poles are going to be put up. Council is all in agreement to have the fiberglass poles and will contact the City Engineer, Kris Carlson. Olson offered to follow up with the County and Carlson for pricing on different types of light poles. Advertising for bids on the Parke Avenue project will go out on December 24, 2018. A change order may be necessary along with the design plan changed and placed in the bid packet as an add on. Bids for the Parke Avenue Project will be opened January 22, 2019. Affield explained, the way she understood regarding the electrical poles, if the City wanted to change from the wood poles, they would be responsible for the upcharge, otherwise Xcel would cover the expense of removing and installing the wooden poles.

Moved to Item 7a.

7a. Update Concerning City Prosecution Services 2019 Increase - Mayor Johnson informed Council he and Affield attended a meeting in Dilworth with the small cities to discuss City Prosecution Services in 2019. Affield explained an attorney currently employed at the County has been hired for the lead attorney position for the City Prosecution Services in 2019 and will begin January 2, 2019 at the City of Moorhead. Three applications for the second attorney has been received, which all are currently working at the County as well. They are looking to hire a strong Paralegal and an Administrative Assistant. Costs have not been set for services which will be the topic of discussion at a meeting scheduled for January 7, 2019. John Shockley from Ohnstad Twichell will be the backup attorney if someone is needed to cover vacations and such. Conversation discussing an advisory board was recommended with one person from each

city on the board to develop a partnership. The County was requesting \$419,000 for services in 2019 so the City of Moorhead will try to stay within that number range. If there are overages in starting up the prosecution services, Moorhead will cover them. Council discussed using an office at the new police facility the Moorhead Police Department leases from the County but would need approval by the County Board. The City of Moorhead would like to have the Council's endorsement to support the future plans. A contract or joint powers agreement will be drawn up for services to be reviewed at the meeting on January 7, 2019, in the meantime, a letter of support is requested. Savageau explained, with a set fee and if we sign on with the City of Moorhead, she wants to keep a close eye on services received. Chief Cline can report back to Council on results of prosecuting cases. Mayor Johnson stated in the meeting, it was discussed to keep the rate for a certain amount of years. Savageau wants to make sure the City is not taken advantage of when paying a set fee. Discussion among Council is skeptical on signing a letter of intent. Council agreed if Hawley, Dilworth and Barnesville are standing behind the City of Moorhead we also will follow.

Additions to the Agenda:

Lugo House – Dave Owings – Owings reported he met with Habit for Humanity and learned the City of Glyndon is considered a rural community, making the City of Glyndon eligible for USDA grants or loans. Owings stated there is a possibility, if the City owned the Lugo property, the City could apply for a USDA rural grant or loan to demolish and remove the asbestos in the house. This would be added on to the property as a second mortgage and whoever purchased the property, as long as they lived there 10-12 years, the second mortgage would be forgiven. Owings questions the actual value of the lot because of what is indicated on the property tax statements. If the City is interested, the property needs to be appraised and have the Lugo family empty the house. The Habit for Humanity is searching for these types of properties and may be interested in the lot. Mayor Johnson has talked to a Lugo family member in which they asked what the bottom dollar is the City is willing to offer for the lot.

7. Old Business/Unfinished Business

b. 418 2nd Street SE Update – Owings reported Jackie Matfield suggested he reach out to an organization called Rebuilding Together. Sarah Peterson applied for Rebuilding Together in March 2018 and Russ Richards brought his crew to the property to evaluate the home. Richards then created a punch list of items and the cost exceeded the dollar amount they generally donate. Needless to say, they did not proceed after the initial evaluation. Since then, Owings has contacted Mr. Richards, and with the assistance of Mayor Johnson, Richards' crew came back to inspect the property. The organization felt it would be worth the effort to keep the family of eight (8) in the home because significant improvement had been made on the house between the first and second evaluations. Kevin Wolf from Laney's Plumbing and Heating is donating a furnace, JDP Electric is working on the electrical outside of the house, and plumbers are working on plumbing items inside the home. Affield added Laney's is going to donate a water heater and a new electrical panel which will be installed by JDP Electric. Russ Richards has a few questions regarding the family as they create 'Go Fund Me' pages to promote the businesses who donate supplies and labor. One concern of Rebuild Together is the tax liability on the property, they do not have a lot of information for tax relief. Owings asked the Council if the City would be willing to forgive interest and penalties on 418 2nd St SE tax statement. Mr. Richards' goal is to keep the family in the home, because ultimately, it is more cost effective for them to live in the dwelling than to be on assistance programs required for a family of eight (8). Affield reported Steve Schroeder, City Building Inspector noted Rebuilding Together are looking into the USDA Grant Funding to help on finishing the outside of the house. Owings questions whether the City should contact the County to establish how much of the tax liability can be forgiven for interest

and penalties. Owings feels it would be worth the effort to do so. Mayor Johnson stated to quit the process now will cost the City a lot of money for attorney fees and other fees associated with finishing the home. Mayor Johnson is concerned for the six (6) children and agrees with Owings. Olson thinks this is a good plan but is concerned if Sarah Peterson is on board with this plan. Richards confirmed Sarah Peterson and Darrell Sjothun applied for the USDA grant that could be used for property taxes and repairs on the home. Olson commented the Police Department needs to keep track of the vehicles on the property. Savageau contributed, if the City is willing to forgive the interest and/or penalties, it would need to be approved by the County Board. Council was in agreement for Owings to move forward with organizing work with Russ Richards from Rebuild Together.

8. Department Reports / Committee Reports

a. Mike Cline, Police Chief – Absent

b. Bob Cuchna, Fire Chief – Chief Cuchna reported the first portion of the

FEMA grant has been received in the amount of \$94,000 which paid for the SCBA gear, they will be able to start using them in January. Grand Forks Fire Equipment will be at the firehall tonight to test fire personnel for their masks and conduct additional training. This portion of training needs to be completed in order to request the remaining balance of the grant awarded. Schreiber questioned if there was feedback from Sanford regarding the FM Ambulance Service stationed at the firehall. Cuchna stated Nate Paulson has been working on this and he has not heard back from Sanford.

c. Scott Lofgren, Maintenance/Public Works Supervisor – Lofgren asked

Council if the water should be turned on at 418 2nd Street. Olson commented the water line was put in without an inspection by the City Building Inspector and a pressure test was performed on the line which passed. Lofgren responded no one in Glyndon has ever had their water turned on without it being inspected. Lofgren feels the 30-pound test was not sufficient to the water pressure in the City and if the 6-inch water line breaks, it would drain the water tower. If this happens, who will be paying to repair it. Lofgren pointed out the water line does not have the normal 1-inch line, but a 6-inch line used for water mains. Olson summarized Lofgren needs direction by Council or the Building Inspector to turn the water on at this address. Olson questioned whether or not a pressure test can prove it was installed properly. Lofgren stated it does not but if a licensed plumber installed the line, they need to step forward and sign a document verifying the work was performed following the City Ordinances and State codes. Affield commented Steve Schroeder questioned if a new furnace is installed, do they need a heating permit. Consensus was yes, a new permit is needed. Discussion among Council and Staff agreed not to turn the water on at this time until it is dug up to be inspected.

d. Wendy Affield, City Clerk – Affield stated a meeting with Jim Sullivan, LJA Engineering, Kris Carlson, Mayor Johnson and herself is scheduled for next week to discuss the Charleswood Addition with possibly starting the bidding process in February. Affield explained the City needs the Developer's Agreement finalized and David Drown needs the phasing information. Eide Bailey has scheduled a City Audit the week of March 4, 2019. City Hall will be closed December 24th and 25th this year with employees using a comp or vacation day for the 24th. Affield stated Lofgren disconnected phone line 218-498-2625 which is the auto dialer on the lift stations because they have cellular service now and no longer need a landline. Affield stated with these funds available, they will be used for an air card for Steve Schroeder's building permit program he will have. Dayley sent the fee schedule and Mr. Schroeder's contact information to iWorQ to prepare for our new permit software. Affield received parcel numbers and addresses of Glyndon residences from Mark Sloan at the County and forwarded them onto iWorQ. Dayley will enter the parcel numbers to each utility bill account. Matt Fischer stopped

by the office to sign documents for the property he secured and delivered them to the abstract company, the sale will be finalized between December 27th and 31st, 2018.

e. Wage Decision – (closed door session)

Mayor Johnson read:

At this time the meeting will be closed as permitted by Minnesota State Statutes, section 13D.05, subdivision 3(a), to evaluate the performance of Susan Dayley to discuss a wage increase over and above the 4% Council Agreed for City Employees in 2019.

Closed regular meeting at 8:52 p.m.
Opened regular meeting at 9:36 p.m.

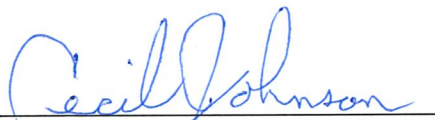
A motion was made by Joe Olson to increase wages for the Administrative Assistant position to \$18.00 per hour, seconded by Justin Schreiber. Owings recused, Savageau nay, Mayor Johnson in favor.
Motion Carried.

f. Approve Resolution 2018-23 - A Resolution Approving 2018 Tax Levy, Collectable in 2019 – A motion was made by Kimberly Savageau to set the tax levy at 1.75% and Approve Resolution 2018-23 - A Resolution Approving 2018 Tax Levy, Collectable in 2019, seconded by Dave Owings. All in favor.
Motion Carried.

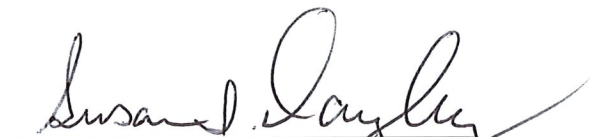
9. Open Forum

10. Miscellaneous Announcements

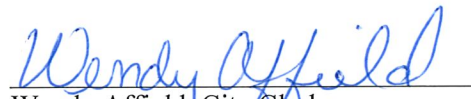
11. Adjournment - A motion was made by Kimberly Savageau to adjourn at 9:39 p.m., seconded by Justin Schreiber. All in favor.
Motion Carried.



Cecil Johnson, Mayor



Susan Dayley, Administrative Assistant



Wendy Affield, City Clerk