

Glyndon City Council

11/28/2018

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

1. **Call to Order:** Mayor Cecil Johnson called the meeting to order at 6:30 p.m.
2. **Roll Call:** Council Members Present: Dave Owings, Justin Schreiber, Joe Olson and Kimberly Savageau; Police Chief Mike Cline, City Clerk Wendy Affield, Administrative Assistant Susan Dayley, and City Engineer Kris Carlson.

As Per Sign in Sheet: Bryant DeVries, Dennis Huber, Mike Huber, Matt Fischer and Kevin Mitchell.

3. **Motion to Approve Consent Agenda**
 - a. Minutes – 11/14/18 Council Meeting
 - b. Approve Resolution of Payments – A motion was made by Joe Olson to approve the Consent Agenda, seconded by Justin Schreiber. All in favor.
Motion Carried.

4. **Additions to Agenda**
 - None

5. **Motion to Approve Agenda**

A motion to approve the 11/28/2018 Agenda was made by Dave Owings, seconded by Kimberly Savageau. All in favor.
Motion Carried.

6. **New Business**
 - a. **2017 Water Fluoridation Quality Award** (*informational only*) – Mayor Johnson extended a ‘Thank You’ to Public Works Supervisor, Scott Lofgren on an excellent job throughout the year making sure the City water is fluoridated correctly.

b. Corn Dust Control at Elevator – Dennis Huber presented literature to each Council Member, which Huber highlighted the subjects he will discuss. Huber expressed his concern of the corn dust from the local elevator floating throughout the City. There are two sources, as far as we know, where the chaff and dust fugitives filter out from the elevator. Dennis and Mike Huber own the property directly to the north of the open corn bin which was built 3-4 years ago. Dennis Huber believes the elevator has total disregard for the property rights of others and believes this is a breach of the Minnesota State Statute on being a public nuisance. Dennis Huber explained, recently, when the elevator started to fill the bin, Mike Huber asked the elevator to wait until the wind was not directly from the southeast, is only 50 feet away from the bin. They responded with “no, the wind is going to be from the southeast for five days and we need to have this done before the snow flies.” Mike Huber then checked the forecast and the next day the wind was predicted to be from the northwest. Dennis Huber stated the ground is covered with the corn dust all over town and since it has snowed, you do not visibly see it all the time. When walking outside, it sticks to your shoes and is brought into your car, home, etc. Dennis Huber stated there are many others in the City upset about the corn dust but do not complain. Dennis Huber researched and

conveyed the corn dust goes through everyone's ventilation system in both their homes and cars which then plug the air filters. D. Huber stated he came to City Hall asking if there was a building permit for the open structure by the elevator. He was told by City Hall a building permit was not needed at the time. Huber asked who was on the Zoning Board for the City. Mayor Johnson responded it is the City Council. Huber questioned if the Council approved a zoning permit to the elevator to build the open bin. Olson commented he does not recall this being a topic of discussion 3-4 years ago when it was built. D. Huber pointed out in the Zoning Ordinance it indicates you must have a permit. Since there was not one, according to the State of Minnesota, if the process is violated, the penalty is \$1,000 per day, but the City reduced it to \$100 per day. D. Huber pointed out in the ordinance, the corner lots of property owners have to leave a traffic visibility of 20 feet from property lines. On the map provided from the County website, it looks like the bin is on the property line. If you look at it in person it looks like it is sitting on community property, which is the railroad tracks. D. Huber expressed they would like the corn being placed in the bin discontinued and removed completely, if nothing else, enclose it. The structure is not a temporary one and has been there for 3-4 years and is polluting the neighborhood. D. Huber pointed out this operation of corn dust is a nuisance and against Minnesota Law. D. Huber would like the Council to look into identifying this as a public nuisance. The Commissioner from the Pollution Control Agency has the authority to classify this as a public nuisance. D. Huber feels the elevator does not take reasonable measures to minimize the dust they create and there is a protocol to follow with Minnesota Pollution Control, OSHA, and it appears they do not follow those rules when it comes to dust collection and filtering. D. Huber stated there are ways of capturing the dust created when working with corn; proper equipment can take care of this. The Minnesota Pollution Control Agency states 'You cannot operate a grain elevator in such a way that it creates a public nuisance. You must: Clean up commodities spilled on the driveway and property; maintain air pollution control equipment in proper operating conditions and use them as designed.' D. Huber would like to know what Council has done in the past regarding this concern and what they plan to do in the future. Savageau commented the red lines on the County map are not exact property lines, the Zoning Ordinance was adopted in 2016, and the City needs to consult with the City Attorney on these issues given the elevator was there before the zoning ordinance was in effect. D. Huber acknowledges the Zoning Ordinance, but was a building permit required at the time the corn bin was erected. Mayor Johnson added on the east side of the elevator, before the corn bin was built, there is a blue dust catcher at the top of the elevator which was meant to take care of the grain dust going into the elevator. M. Huber commented living next door to the bin, he expects to have dust, but the last two years have been worse than ever. Olson questioned if this is a seasonal problem or all year long. D. Huber stated the bin is filled in the fall and removed in the spring causing corn dust to fly everywhere both times of the year. Savageau recommends the City Attorney examine the laws regarding this issue, draft a letter indicating the rules and laws they need to follow. The City needs to be sure the statues are being followed correctly as well. D. Huber summarized he would like the City Council to deem this issue as a public nuisance and have the problem corrected. Mayor Johnson agreed with Huber's concerns and stated the City Clerk recently contacted Minnesota Pollution Control. Affield confirmed she did email Minnesota Pollution Control asking for information that would help resolve this complaint, but has not heard back from them. Affield has contacted Bruce Jaster at the County and he confirmed there are no County regulations relating to this issue. Mayor Johnson stated the railroad owns the property next to the elevator. Olson suggested having this item placed on the next Council Meeting and invite the Kuehl Brothers to the meeting to be included on the discussion.

c. Request for Rental Inspections – Karen Kringler – Tabled.

d. Approve Resolution 2018-19 – A Resolution Authorizing a 2-Year Tax Abatement on Select Property within the City of Glyndon for the Purpose of Promoting New Residential Homes Built in 2019-2020 – A motion was made by Kimberly Savageau to Approve Resolution 2018-19 – A Resolution Authorizing a 2-Year Tax Abatement on Select Property within the City of Glyndon for the Purpose of Promoting New Residential Homes Built in 2019-2020, seconded by Justin Schreiber. All in favor.
Motion Carried.

e. Request Negotiations to Purchase Lots in Stockwood (*executive session- closed doors*)

Mayor Johnson read:

At this time the meeting will be closed as permitted by the Minnesota Statutes, section 13D.5, subdivision 3(c), to consider an offer relating to the possible purchase of Parcel #55.728.0140, 55.728.0150 and 55.728.0160 in Stockwood.

The Executive Session/Closed Doors session began to negotiate the Request to Purchase lots in Stockwood for item 6e. Kimberly Savageau made a motion to open the Regular Council Meeting, seconded by Joe Olson. All in favor.
Motion Carried.

f. Request Negotiations to Purchase Lots in Stockwood (*executive session- closed doors*)

Mayor Johnson Read:

At this time the meeting will be closed as permitted by the Minnesota Statutes, section 13D.5, subdivision 3(c), to consider an offer relating to the possible purchase of Parcel #55.728.0020, 55.728.0050 and 55.728.0060 in Stockwood.

The Executive Session/Closed Doors session began to negotiate the Request to Purchase lots in Stockwood for item 6f. Kimberly Savageau made a motion to close the Executive Session and reopen the Regular Council Meeting, seconded by Joe Olson. All in favor.
Motion Carried.

g. Approve Resolution 2018-22 - A Resolution Authorizing the Sale of Real Property Located in Glyndon, Minnesota Owned by the City of Glyndon – Stockwood Parcel #55.728.0140, 55.728.0150 and 55.728.0160 - A motion was made by Kimberly Savageau to Approve Resolution 2018-22 - A Resolution Authorizing the Sale of Real Property Located in Glyndon, Minnesota Owned by the City of Glyndon – Stockwood Parcel #55.728.0140, 55.728.0150 and 55.728.0160, seconded by Justin Schreiber. All in favor.
Motion Carried.

h. Approve Resolution 2018-21 - A Resolution Authorizing the Sale of Real Property Located in Glyndon, Minnesota Owned by the City of Glyndon – Stockwood Parcel #55.728.0020, 55.728.0050 and 55.728.0060 – Affield stated Resolution 2018-21 will not be voted on at this time. Owings stated for the record, the City is accepting earnest money for Outlot A and lots 5 & 6 of Block 1 with a 60-day retention period. Carlson will not work on the replat of Outlot A until a decision has been made by Jim Sullivan. Tabled.

i. Elected Official Oath of Office – David Owings & Kimberly Savageau – Mayor Johnson administered the Elected Official Oath of Office to David Owings and Kimberly Savageau and welcomed them for another term on the City Council.

j. iWorQ & Banyon Data Systems Building Permit/Code Management Quotes –

Affield explained Dayley and Schroeder sat in on a webinar from iWorQ explaining a program for permit management; this program includes keeping records of complaints, lawn mowing fees, notification letters, housing inspections, creates building permits and calculates state surcharges. The total cost is \$1,500 with an annual fee of \$1,250. Affield stated Banyon, with a similar program, setup cost is \$4,495 with an annual fee of \$1,075 and an additional \$500 for onsite training. Savageau asked Dayley which program she liked best. Dayley stated the iWorQ program has more features and the building inspector can access the records with wi-fi in the field to make instant updates in the program with pictures, inspections and nuisance properties. Affield stated the downfall with iWorQ is if you discontinue the program, paper copies of all the documents will be given to the City, it will no longer be in the computer. Owings commented the City could re-evaluate the program in two years to determine if this software meets the City's needs. Savageau is wondering if the building inspector would be able to electronically sign and email permits to the home owners. Dayley believes permits would originate at City Hall. A motion was made by Kimberly Savageau to approve the iWorQ Data Systems Building Permit/Code Management Software, seconded by Joe Olson. All in favor. Motion Carried.

k. Eye and Dental Coverage for City Employees – Wendy Affield – Affield contacted each City employee asking if they would be interested in vision coverage, stating three, possibly four employees are interested. The annual cost would be \$220.32 for three employees, \$293.76 for four employees. Affield recommends the City provide vision coverage for City employees for \$6.12 per month, per employee. Affield stated she needs more time to research the dental coverage. A motion was made by Dave Owings to approve the eye coverage for City Employees paid by the City, seconded by Justin Schreiber. All in favor. Olson dismissed himself on voting due to a conflict of interest. Motion Carried.

7. Old Business/Unfinished Business

a. Electric Quote for Lighting at Both 'Glyndon' Signs – Voxland Electric – Mayor Johnson relayed family members that donated the signs were told the City signs would be lighted. Affield stated the lights would be installed in 2019 after the signs are repainted. A motion was made by Joe Olson to accept the Electric Quote for Lighting at Both 'Glyndon' Signs from Voxland Electric, seconded by Justin Schreiber. All in favor. Motion Carried.

b. Update Concerning City Prosecution Services 2019 Increase – Request for Proposals and Qualifications for Legal Services – Mayor Johnson explained the RFP for proposals and qualifications for legal services originated from the City of Hawley. Chief Cline confirmed services with the County expire on January 31, 2019. Cline has discussed Hawley's RFP with the Hawley Police Chief, stating they have sent it to several law firms. Cline suggests Affield contact Ms. Jetvig from the City of Hawley to clarify which law firms they sent the RFPs to. The County will continue to prosecute cases, such as felonies, gross misdemeanors but will not prosecute traffic court cases and minor gross misdemeanors. Cline suggests speaking with Lake Park or smaller cities to find out who prosecutes their cases. Affield reported if the City continues services with the County, fees paid in 2018 were \$9,935.00, a 26% increase in 2019 to \$12,518.10, a 49% increase in 2020 to \$14,803.00, and an 80% increase in 2021 to \$17,800.00. A motion was made by Joe Olson to send out Request for Proposals and Qualifications for Legal Services concerning prosecution services for the City, seconded by Dave Owings. All in favor. Motion Carried.

c. 418 2nd Street Discussion – Chief Cline – Chief Cline distributed a summary of observations at 418 2nd Street. Cline has determined the property owner and family are living in the house, not in the camper located on the property. Owings asked if Sarah Peterson, the legal owner of the property, has been involved with the issues pertaining to the property. Cline informed Council and staff, Steve Schroeder, the City Building Inspector, is scheduled to make a complete home inspection on Friday, November 30, 2018. Cline suggested the City Attorney be informed on his discoveries. Olson is questioning what the City needs to do since the property owner has not met the timeline on work requested to be completed on the house. Savageau confirmed the building inspector has not issued a Certificate of Occupancy so no one should be living in the house. Owings commented, because there is no Certificate of Occupancy, the City will be done discussing the issue. Savageau wondered what the fine or consequences are for violating the requirement of having a Certificate of Occupancy before dwelling in a house. Cline suggested contacting Mr. Norman for his opinion and having discussions with the owner of the property, Sarah Peterson. The property is in Peterson's name, fines were in her name and not Darrell Sjothun. Savageau directed Chief Cline to follow up with Mr. Norman on the consequences for occupying a home without a Certificate of Occupancy.

8. Department Reports / Committee Reports

a. Mike Cline, Police Chief – Chief Cline indicated he sent a letter to Council regarding residents at 610 State Street. The Police Department does have a ride along program and a form needs to be filled out beforehand. Savageau commented working for a government agency is very complex with the statues, rules and policies put in place to protect the public, which most people are not aware of. Instead of having a disapproving attitude, the person may become more of an advocate for the department. Cline reported 2910 calls for service for the year, averaging 264 per month. The new squad car has been delivered to Code 4 in Pelican Rapids to have the equipment installed and should be ready after January 1, 2019. Graphics have been purchased and ready to be installed by Superfrog. The department will be hosting their annual 'Shop with a Cop' in December. There is \$380.00 in the fund to take the kids Christmas shopping and enjoy a meal at McDonald's. Cline explained he has had issues with the belt smoking on the east side garage door opener. The garage door opener was brought over in 1993 from the Fire Department and this year they have replaced the belt three times. Cline discussed this with Lofgren who collected three bids to replace the garage door opener, this will cost approximately \$1,300.00. The current motor is a 1/3 horse power but a 1/2 horse power is recommended for the larger garage door. Cline is requesting from Council to approve purchasing a new garage door opener for the east garage bay. A motion was made by Dave Owings to approve purchasing a new garage door opener for the east garage door at the Police Department, seconded by Joe Olson. All in favor.
Motion Carried.

b. Bob Cuchna, Fire Chief – Absent

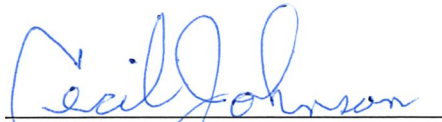
c. Scott Lofgren, Maintenance/Public Works Supervisor – Absent

d. Wendy Affield, City Clerk – Nothing at this time. Olson asked Affield to check with the League of Minnesota Cities or Ken Norman to see what he can or cannot vote on when it comes to employee business.

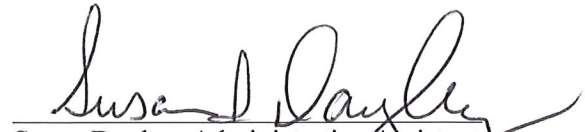
9. Open Forum –

10. Miscellaneous Announcements – Dave Owing suggests each Council Member have one goal they would like to accomplish during their term.

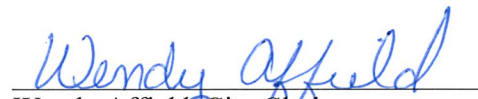
11. Adjournment - A motion was made by Justin Schreiber to adjourn at 9:05 p.m., seconded by Dave Owings. All in favor.
Motion Carried.



Cecil Johnson, Mayor



Susan Dayley, Administrative Assistant



Wendy Affield, City Clerk

November 28, 2018 Glyndon City Council Minutes