

GLENCOE CITY COUNCIL MEETING MINUTES
JANUARY 19, 2016
7:00 P.M.

Mayor Wilson called the regular meeting of the City Council to order at 7:00 p.m. with members Schrupp, Robeck, Ziemer and Perschau present. Absent: Member Dietz. Also present: City Administrator Mark Larson, City Attorney Jody Winters, Finance Director Trippel, Public Works Directors Drew and Schreifels, Police Chief Raiter, Fire Chief Grack.

PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

CONSENT AGENDA

Motion to approve consent agenda as presented by Councilor Robeck, second by Councilor Perschau. All members present voted in favor.

- A. Approve the minutes of the regular meeting of January 4, 2016.
- B. Approve the following building permits:
 - 1. Vern Draeger, 1223 12th St E; Window Replacement
 - 2. Eric Wegscheid, 1705 8th St E; Mechanical Permit
 - 3. Jon Dahlke, 506 15th St E; Remodel
 - 4. James Murray, 1119 Abbot Ave; Mechanical Permit
 - 5. Paul Krueger, 806 Russell Ave N; Re-roof
 - 6. Terry Conkel, 910 Glenmoor Lane; Plumbing Permit

PUBLIC HEARINGS: None

BIDS AND QUOTES:

A. RESOLUTION NO. 2016-01 APPROVING PLANS & SPECIFICATIONS &
SETTING BID OPENING FOR ARMSTRONG AVENUE PROJECT

City Engineer Justin Black briefly reviewed the 2016 Armstrong Avenue Street and Utility Improvements Project.

Discussion was held on several aspects of the project including streets mileage affected, need for a detour on Highway 22 for 3 weeks, temporary road to be built west of the MN Dot/Street Department facility to accommodate Seneca Foods access needs, concerns of Councilor Robeck regarding drainage and costs.

Councilor Perschau then introduced the following resolution approving the plans and specifications and ordering the advertisement for bid and setting the bid opening date of March 3, 2016 at 10:00 a.m.:

RESOLUTION NO. (2016-01)
APPROVING PLANS AND SPECIFICATIONS AND
ORDERING ADVERTISEMENT FOR BIDS

WHEREAS, pursuant to a resolution passed by the council on November 2, 2015, the consulting engineer retained for the purpose has prepared plans and specifications for the construction of the **Armstrong Avenue Improvements Project**, and has presented such plans and specifications to the council for approval;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF GLENCOE, MINNESOTA:

- 1. Such plans and specifications, a copy of which is attached hereto and made a part hereof, are hereby approved.
- 2. The City Administrator shall prepare and cause to be inserted in the official paper an advertisement for bids upon the making of such improvement under such approved plans and specifications. The advertisement shall be published as required by law, shall specify the work to be done, and shall state that bids will be received by the City Administrator until 10:00 a.m. on Thursday, March 3, 2016, at which time they will be publicly opened in the council chambers of the Glencoe City Hall by the City Administrator and engineer, will then be tabulated, and will be considered by the council at 7:00 p.m. on Monday, March 7, 2016, in the council chambers of the Glencoe City Hall. Any bidder whose responsibility is questioned during consideration of the bid will be given an opportunity to address the council on the issue of responsibility. No bids will be considered unless sealed

and filed with the City Administrator and accompanied by a cashier's check, bid bond, or certified check payable to the clerk for 5 percent of the amount of such bid.

Councilor Ziemer seconded the motion. Upon a roll call vote members present voting in favor Schrupp, Ziemer and Perschau. Member Robeck voted no. Whereupon said resolution was adopted and approved.

B. GIS REQUEST

Public Works Director Schreifels made the council aware that the current informational system at the WWTP is Data View and WTP uses Access. The Data View system is no longer supported and the Access system is limited in what it can and cannot do and this system has been outgrown for what is needed.

Staff has reviewed proposals to upgrade to a more recent GIS and are recommending Houston Engineering. Scope of work in the proposal includes procurement and software setup, data review and GIS schema changes, general GIS consulting and knowledge transfer and GIS development and scripting for a fee not to exceed \$10,080. Discussion and questions led to a motion by Councilor Perschau approving the proposal of Houston Engineering for Glencoe GIS consulting and development in the amount not to exceed \$10,080. Councilor Schrupp seconded. Members present voting in favor were Schrupp, Ziemer and Perschau. Member Robeck voted no. Motion carried.

C. TRUCK PURCHASE FOR WTP

Public Works Director Schreifels presented the request of the WTP for a new 2016 Chevy Silverado 2500 4WD regular cab truck with utility box to replace the 1998 ¾ ton truck and utility box. As quoted by Harpel's the cost would be \$47,254. The 1998 would be sold at auction by Fahey. This is a budgeted item.

Discussion led to a motion to approve the purchase of the truck as requested and quoted for \$47,254 by Councilor Ziemer, second by Councilor Robeck. All members present voted in favor.

D. TRUCK PURCHASE FOR PUBLIC WORKS

Public Works Director Schreifels requested for Public Works the purchase of a new 2016 Chevy Silverado 4 WD crew cab truck to replace the 2008 Chevy Colorado. The Colorado would go to the Fire Chief and the current Fire Department truck would go to Fahey to be sold at auction. Crew cab is being requested as it would hold more employees for traveling to training and conferences.

As quoted by Harpel's the cost would be \$37,488. This is not a budgeted item. Cost of the vehicle would come out of the WWTP and WTP cash operating.

Motion by Councilor Perschau approving the purchase of a truck as requested from Harpel's for \$37,488. Councilor Schrupp seconded. All members present voted in favor.

REQUESTS TO BE HEARD:

A. DISBAND CITY CENTER BOARD

Councilor Ziemer informed the council of the City Center Board's motion to disband. They are recommending that the council take control of the board's duties.

Mayor Wilson recommended tabling this request to discuss further at a Personnel or Finance Committee meeting. He feels the input from other residents is beneficial.

Motion to table was made by Councilor Robeck and seconded by Councilor Schrupp. Members voting in favor, Robeck, Schrupp and Ziemer. Perschau voted no. Motion carried.

B. LMCIT LIABILITY WAIVER

City Administrator Mark Larson presented the Waiver of Tort Limits for the League of Minnesota Cities Insurance Trust liability insurance. The City must decide whether or not to waive the statutory tort liability limits to the extent of the coverage purchased. It is recommended to waive the limits and accept the limits of \$2 million with the LMCIT.

Councilor Ziemer motioned to approve the waiver of statutory liability limits on municipal tort liability established by Minnesota Statutes, Section 466.04 to the extent of the limits of the liability coverage obtained from LMCIT and purchase excess the liability coverage. Councilor Schrupp seconded the motion with all members present voting in favor. Motion carried.

C. UNDERGROUND UTILITY ORDINANCE NO. 591 FIRST READING

The Planning Commission recommended the adoption of Right-of-Way and Undergrounding Ordinance. This has been prepared jointly by the City of Glencoe, Light and Power Commission and drafted by Attorney Mike Gavin. This ordinance is needed to administer and regulate the public rights-of-way in the public interest, and to provide for issuance and regulation of right-of-way permits. This will help address unreasonable delays for City infrastructure projects.

Motion by Councilor Schrupp to approve the first reading adopting the Right-of-Way and Underground Utility Ordinance 591. Councilor Ziemer seconded the motion. Upon a roll call vote all members present voted in favor.

D. RESOLUTION NO. (2016-02) MPCA PETITION

Public Works Director Schreifels reviewed the memorandum regarding Rulemaking Petition to MPCA as prepared by Flaherty & Hood. As stated in the memorandum, the Coalition of Greater MN Cities and MN Environmental Science and Economic Review Board at their respective Fall membership meetings authorized filing a petition for rulemaking with the MPCA seeking to have the MPCA amend its newly adopted riverine standards based upon the post-rulemaking identification of new evidence, which demonstrates such rules have relied upon two factors for purposes of identifying nutrient impairment not accepted by the scientific community or U.S. EPA for use for such purposes. As a result, the current MPCA riverine standards rule is significantly flawed, and the desire at this time is to present such information to the MPCA in the form of a petition for rule amendments so that the MPCA can take appropriate steps necessary to correct the rule.

The following resolution was approved and introduced by Councilor Schrupp:

CITY OF GLENCOE, MINNESOTA
CITY COUNCIL RESOLUTION (2016-02)

A RESOLUTION BY THE MAYOR AND CITY COUNCIL OF THE CITY OF GLENCOE,
MINNESOTA AUTHORIZING FLAHERTY & HOOD, P.A. TO FILE A PETITION ON ITS
BEHALF FOR AMENDMENT TO MINNESOTA RULES 7050.0150, .0220, AND .0222 TO
THE MINNESOTA POLLUTION CONTROL AGENCY AND THE MINNESOTA OFFICE
OF ADMINISTRATIVE HEARINGS PURSUANT TO MINNESOTA STATUTES, SECTION
14.091

- WHEREAS, the Minnesota Pollution Control Agency (herein “MPCA” or the “Agency”) adopted certain new and revised water quality standards and criteria for rivers and streams under Minn. R. 7050.0150, .0220, and .0222 (herein the “riverine standards”) on June 24, 2014; and
- WHEREAS, the riverine standards rely in part on scientifically unsupported applications of (1) a test used to determine biochemical oxygen demand (BOD) in water bodies over a five day period (BOD5), and (2) a measurement of dissolved oxygen variation (DO flux) in water bodies, to determine whether a measured body is impaired because of nutrient growth, and thus whether a violation of the riverine standards has occurred; and
- WHEREAS, the City owns and operates a wastewater treatment facility that is regulated by the MPCA and subject to National Pollution Discharge Elimination System Permit No. **MN0022233**, which expires on **3/31/13**, the terms and conditions of which will likely be influenced by MPCA’s application of the riverine standards; and
- WHEREAS, significant new evidence has come to light since the MPCA formally adopted the riverine standards on June 24, 2014 (as listed in Paragraph 2 below) which demonstrates that neither BOD5 nor DO flux are reliable indicators of nutrient impairment; and

WHEREAS, Minn. Stat. § 14.091, subd. (a) authorizes the elected governing body of a city, county or sanitary district to petition for amendment or repeal of a rule or a specified portion of a rule by submitting a written petition to the agency and to the Office of Administrative Hearings (OAH) when “significant new evidence relating to the need for or reasonableness of the rule” has become available since the adoption of the rule in question; and

WHEREAS, on the basis of the significant new evidence listed in Paragraph 2 below, the City wishes to petition the MPCA and OAH for amendment of the riverine standards to correct their unsupported applications of BOD5 and DO flux to determine whether a measured body is impaired because of nutrient growth, and thus whether a violation of the riverine standards has occurred.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL THAT:

1. Pursuant to Minn. Stat. § 14.091, the City Council hereby approves the filing of a petition on its behalf, in form and substance consistent with the attached Appendix A (the “Petition”), requesting amendments to Minn. R. 7050.0150, .0220, and .0222 on the basis of significant new evidence relating to the reasonableness of these rules discovered after the MPCA adopted amendments thereto to impose water quality standards and criteria for rivers and streams on June 24, 2014.
2. The significant new evidence upon which the Petition is based includes the following:
 - a. A Freedom of Information Act request from Hall & Associates to EPA for public records regarding the use of the BOD5 test as a valid nutrient impairment indicator dated November 6, 2014 and EPA’s response thereto dated December 5, 2014, in which EPA conceded that it possesses no documentation supporting the use of the BOD5 test as a proper nutrient response criterion. (Exhibit 7 to the Petition.)
 - b. A memorandum published on November 19, 2014 by Andrew Eaton, of the Joint Editorial Board of the *Standard Methods for the Examination of Water and Wastewater*, the expert that EPA relies upon for proper test development and usage (*see* 40 C.F.R. § 136.3) and the entity that developed the BOD5 test, clarifying that BOD5 should *not* be used as a parameter to evaluate the presence of a nutrient impairment. (Exhibit 8 to the Petition.)
 - c. A Freedom of Information Act request from Hall & Associates to EPA for public records indicating that DO flux, by itself, causes aquatic life impairment, dated July 31, 2014, EPA’s response thereto dated September 12, 2014, and follow up correspondence, in which EPA affirmed that it possesses no documentation supporting the use of DO flux as an aquatic life impairment parameter. (Exhibit 9 to the Petition.)
 - d. Excerpts from the Minnesota Environmental Science and Economic Review Board’s Motion to Supplement the Administrative Record, December 5, 2014, in Minnesota Court of Appeals Case No. A14-1694 (870 N.W.2d 97), and MPCA’s Response to Petition to Supplement the Record, December 11, 2014, in which MPCA admitted that it possesses no information indicating that it ever requested any of the expert peer reviewers tasked with reviewing its riverine standards to specifically address the BOD5 and DO flux issues. (Exhibit 10 to the Petition.)
3. The City retains and authorizes the law firm of Flaherty & Hood, P.A. to submit the Petition on the City’s behalf and thereafter to represent the City in all subsequent proceedings administered by the MPCA and/or OAH concerning the Petition.

Second by Councilor Robeck. Upon roll call vote all members voted in favor. Whereupon said resolution was adopted and approved.

ITEMS FOR DISCUSSION:

A. N.E. DRAINAGE UPDATE

Justin Black of SEH presented project details for an improved outlet to the east. Approximately 5,000 feet of pipe placed approximately 9 to 14 feet deep. This project includes the upgrading to a 72 inch pipe under the railroad crossing. Options being explored are 30 inch pipe system for an estimated cost of \$900,000 or 36 inch pipe system for an estimated \$1,005,000. Benefits derived from this drainage improvement are an improved emergency outlet for the city’s north central ponds, improved outlet for future expansion of the school, improved drainage for the landowners upstream of the railroad crossing and construction of storm sewer outlet for City/County Morningside Avenue Project.

Cost of project will be incurred by City, County and School District.

B. EDC COMMITTEE UPDATE

Mayor Wilson gave a report on the EDC Committee meeting held with Senator Newman and Representative Gruenhagen. Topics of concern and importance discussed were LGA, state general tax for businesses, school funding, health care gives 2% to state and Morningside Avenue project.

C. INFLOW & INFILTRATION REPORT

Public Works Director Gary Schreifels presented the 2015 Inflow and Infiltration report documenting the completed totals as required under the City's I & I Reduction Program. I & I investigations were conducted on all foreclosure and for sale properties, with the intention to make sure all new property owners have a compliant sanitary sewer lateral before taking ownership.

60 properties had improvements or replacements completed for a total cost of \$117,664. Average improvement cost was \$1,961. Televising of sewer mains and laterals was conducted on 5,690 feet for a total of \$2,503.

95 residents participated in the rain barrel program for a cost of \$2,581.

13 sanitary man holes were repaired at a cost of \$29,215. New camera, sewer plugs cost of \$9,420.

2015 Street Project -30 blocks: Sanitary pipe 11,872 ft cost of \$467,000; storm pipe -6960 ft at \$251,000 and CIPP – 7667 ft at \$329,000

Sanitary sewer cleaning – 8699 feet- at a cost of \$16,442.

Total cost for I & I reduction for 2015: \$1,224,825.

ROUTINE BUSINESS:

PROJECT UPDATES; None

ECONOMIC DEVELOPMENT: Building permit pulled by Rice Building Systems for a 7700 sq ft office and warehouse building in the East Industrial Park.

PUBLIC INPUT: None

REPORTS: None

CITY BILLS: Member Perschau motioned to approve payment of the city bills. Member Schrupp seconded. All members present voted in favor.

ADJOURN: At 8:22 p.m. Mayor Wilson called for a motion to adjourn the meeting. Councilor Perschau motioned with Councilor Schrupp seconding. All members present voted in favor.

ATTEST:

Mark D. Larson
City Administrator

Randy Wilson
Mayor