

CITY COUNCIL MEETING MINUTES
JULY 18, 2016
7:00 P.M.

Mayor Wilson called the regular meeting of the City Council to order at 7:00 p.m. with members Perschau, Ziemer, Dietz, Schrupp and Robeck present. Also present: City Administrator Mark Larson, City Attorney Jody Winters, Finance Director Trippel, PWD's Drew, Voigt, Schreifels, Asst. City Admin. Ehrke, Fire Chief Grack, Police Chief Raiter.

PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

CONSENT AGENDA:

Motion by Councilor Ziemer to approve the consent agenda as presented. Councilor Perschau seconded. All members voted in favor.

A. Approve the minutes of the regular meeting of June 20, 2016

B. Approve the following building permits:

1. Mike Tassinari, 1819 12th St E; Addition, Mechanical Permits
2. Glencoe Coop Assn., 330 10th St E; Re-roof
3. Mark Wagner, 101 Douglas Dr.; Re-roof
4. Brian Mathwig, 1528 15th St E; Re-roof
5. Kirk Becker, 1798 Birch Ave N; Re-roof
6. Joe Kunze, 1420 Queen Ave N; Re-roof
7. Kurt Jahnke, 1213 15th St E, Re-roof, Re-side
8. McLeod County Jail, 801 10th St E; Plumbing Permit
9. Brian O'Donnell, 806 10th St E; Remodel
10. Derrick Johnson, 1421 Elsie Dr; Finish Unit
11. Diane Gebhardt, 921 Queen Ave N; Mechanical Permit
12. Carmen Hennessey, 1617 Ford Ave N; Re-roof

C. Approve the following licenses:

1. Legacy Restoration, LLC, Plymouth, MN; Solicitor License
2. DMC Roofing, Waconia MN; Solicitor License
3. Winn Exteriors, Inc, Hutchinson, MN; Solicitor License
4. Polar Builders, Farmington, MN; Solicitor License
5. Eagle Creek Contractors, Chaska, MN; Solicitor License
6. All Star Construction, Edina, MN; Solicitor License
7. Olson Exteriors, Eden Prairie, MN; Solicitor License
8. Estate Claim Service, St. Paul, MN; Solicitor Permit

PUBLIC HEARINGS: None scheduled

BIDS AND QUOTES: None scheduled

REQUESTS TO BE HEARD:

A. FIRE DEPARTMENT SPACE NEEDS STUDY

City Administrator Mark Larson reviewed the quote from SEH to conduct a space needs study for the Fire Hall. The size of the existing building facility is becoming more challenged in meeting the increased and evolving demands placed on the fire department. Vehicles and equipment continue to get larger and more sophisticated.

The space needs study quote of SEH is in the amount of \$15,500 exclusive of reimbursable expenses estimated at 3% of proposed fees. SEH for this fee will deliver space and equipment inventory, asset inventory of existing and potential new building/site, and draft report. Concept site and floor plans, preliminary budget estimates, funding options and final report.

Motion by Member Ziemer and second by Member Dietz to authorize the supplemental letter agreement with SEH to conduct the study. All members voted in favor.

B. HENNEPIN AVENUE SIDEWALK RECONSTRUCTION

Motion to approve the following resolution ordering the report as required by state statute for the Hennepin Avenue Public Improvement Project was made by Councilor Schrupp:

RESOLUTION NO. (2016-21)

ORDERING PREPARATION OF REPORT ON IMPROVEMENT

WHEREAS, it is proposed to make improvements to the following streets:

- Hennepin Avenue (TH 22) from 11th Street to 13th Street

and to assess the benefited property for all or a portion of the cost of the improvement, pursuant to Minnesota Statutes, Chapter 429,

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

That the proposed improvement be refereed to pursuant to Short Elliott Hendrickson Inc. (SEH[®]) for study and that they are instructed to report to the council with all convenient speed advising the council in a preliminary way as to whether the proposed improvement is necessary, cost-effective, and feasible and as to whether it should best be made as proposed or in connection with some other improvement, and the estimated cost of the improvement as recommended.

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

Justin Black of SEH then presented the Feasibility Report on the Hennepin Avenue ADA potential improvements. The proposed project is primarily oriented toward replacement

of sidewalk on the east side of Hennepin Avenue between 11th Street and 13th Street. The existing sidewalk has cracks, raised or sunken panels and both cross slopes and longitudinal slopes exceeding ADA requirements. Crossing ramps for pedestrians also do not meet ADA requirements. Existing city utilities in the area, including sanitary sewer, water main, and storm sewer, are all of older age and in need of rehabilitation or replacement in the near future. Two alternates were also presented for sidewalk improvements only.

Required permit approvals, proposed assessments, cost estimates, project financing and proposed schedule were reviewed.

Councilor Perschau then introduced the following resolution:

RESOLUTION NO. (2016-23)

RECEIVING REPORT AND CALLING HEARING ON IMPROVEMENT

WHEREAS, pursuant to resolution of the council adopted July 18, 2016, a report has been prepared by Short Elliott Hendrickson Inc. (SEH[®]) with reference to the improvement of the following streets:

- Hennepin Avenue (TH 22) from 11th Street to 13th Street

and this report was received by the council on July 18, 2016, and

WHEREAS, the report provides information regarding whether the proposed project is necessary, cost-effective, and feasible,

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

1. The council will consider the improvement of such streets in accordance with the report and the assessment of abutting property and properties for which benefit can be attributed for all or a portion of the cost of the improvement pursuant to Minnesota Statutes, Chapter 429, at an estimated total cost of the improvement of \$421,000.
2. A public hearing shall be held on such proposed improvement on the 15th day of August, 2016, at the Glencoe City Center at 7:30 p.m. and the city administrator shall give mailed and published notice of such hearing and improvement as required by law.

Councilor Schrupp seconded. Upon a roll call vote members Perschau, Ziemer, Dietz and Schrupp voted in favor. Member Robeck voted no.

C. CENTRAL STORM WATER CORRIDOR UPDATE

Justin Black, SEH, presented an update on the central storm sewer system modeling. The study area includes a mainline storm sewer system beginning on East 20th Street east of Judd Avenue North, heading south and spanning across several city streets and residential areas before discharging to a ditch north of U.S. 212. The purpose of the analysis was to identify mainline upgrades that will alleviate system flooding during larger storm events. Proposed system upgrades include upsizing mainline pipes from 16th Street south to the end of the mainline north of U.S. 212 north ditch. Mainline pipe sizes will be increased to 54" from 16th Street to 11th Street and 60" from 10th

Street to the system outlet. He presented evaluation of the capacity of the existing storm sewer system.

Next steps are to meet with BCWD and get cost estimates.

D. TWIN CITY AND WESTERN RAILROAD REQUEST FOR PROPERTY TO CONSTRUCT CORPORATE OFFICE

Assistant City Administrator Dan Ehrke presented the request of TC&W Railroad to purchase the .48 acre lot located to the west of their property in the industrial park for an expansion project for an estimated 7,000-10,000 square feet addition. This expansion would provide additional office space, locker rooms and several conference rooms.

A summary tax impact estimated that the proposed development would generate an additional \$17,000 in annual property taxes.

The EDC further recommended that the City Council require TCWR to submit preliminary site/building layout and cost estimates prior to the execution of the purchase agreement.

Motion by Councilor Dietz to sell the property as stated to TCWR for \$1.00.

Councilor Robeck seconded. All members voted in favor.

E. NPDES PERMIT PUBLIC COMMENT PERIOD

Comment period has been extended 30 days to the end of August, 2016. It is recommended to move ahead with the contested case petition due to the NPDES permit including a phosphorous limit and compliance schedule for the WWTP to comply with the limit. Anticipated costs to proceed with the petition will cost approximately \$5,000.

1. APPROVE ENGAGEMENT LETTER WITH FLAHERTY AND HOOD

Motion by Councilor Schrupp authorizing the City Administrator to execute the engagement letter with Flaherty and Hood to retain their services to petition for a contested case with the MPCA in the matter of City of Glencoe NPDES Permit No. MN0022233 and take such actions as are necessary and appropriate to prosecute such legal actions. Councilor Ziemer seconded the motion. Members voting in were Schrupp, Dietz, Ziemer and Perschau. Member Robeck voted no. Motion carried.

2. APPROVE ENGAGEMENT LETTER WITH HALL AND ASSOCIATES

Motion by Councilor Perschau and second by Councilor Ziemer authorizing the City Administrator to execute the engagement letter to retain the services Hall & Associates in conjunction with Flaherty & Hood, to file a petition for a contested case with the MPCA in the matter of City of Glencoe NPDES Permit No. MN0022233 and assist in such actions as are necessary and

appropriate to prosecute such legal action. Members voting in favor: Schrupp, Ziemer, Perschau and Dietz. Councilor Robeck voted no. Motion carried.

3. REVIEW FACILITY PLAN PROPOSAL FROM SEH

Public Works Director Gary Schreifels presented an overview of the Facility Plan Proposal from SEH required by the NPDES permit, which was presented earlier this year.

Councilor Ziemer motioned with Councilor Perschau seconding approval of the Supplemental Letter Agreement with SEH for fees not-to-exceed \$63,900 including expenses authorizing and describing the project. Members voting in favor: Schrupp, Ziemer, Dietz and Perschau. Member Robeck voted no. Motion carried.

F. RESOLUTION NO. 2016-22 TO PETITION BUFFALO CREEK WATERSHED DISTRICT FOR STORM WATER IMPROVEMENTS

City Administrator Mark Larson presented the resolution and petition to request assistance from the BCWD with storm water and flooding issues in the center and eastern sub-watershed both within and outside the city limits.

Discussion led to approval of the following resolution by Councilor Dietz:

**RESOLUTION NO. (2016-22)
RESOLUTION TO PETITION BUFFALO CREEK WATERSHED DISTRICT TO
ASSIST WITH STORMWATER IMPROVEMENTS IN NORTH CENTRAL
GLENCOE AND NORTHEAST GLENCOE**

WHEREAS, the City of Glencoe has experienced flooding in the North Central Part of the Community; and,

WHEREAS, the designed overflow of the Willow Ridge/North Central Ponds has no outlet to the east ditch due to a damage tile line; and,

WHEREAS, the City of Glencoe applied for and was denied a permit by the Buffalo Creek Watershed District (BCWD) to improve the outlet to the east Ditch; and,

WHEREAS, due to no outlet to the East Ditch, water from the Glencoe Silver Lake School campus is flowing west instead of East crossing sub-watersheds, in violation of BCWD rules; and,

WHEREAS, most of the stormwater is generated outside the corporate limits of the City of Glencoe.

NOW, THEREFORE, THE CITY OF GLENCOE HEREBY RESOLVES THAT:

1. The Mayor and City Administrator are authorized to Petition the Buffalo Creek Watershed District for a comprehensive plan to control stormwater and flooding in in the Central and East Sub-watersheds that traverse through Glencoe.

Councilor Robeck seconded the motion. Upon a roll call vote all members voted in favor. Whereupon said resolution was adopted and approved.

G. APPROVE MASTER PLANNING GRANT WITH FEDERAL AVIATION ADMINISTRATION

Motion by Member Perschau and second by Member Dietz to authorize the City Administrator to execute the Master Planning Grant with the FAA to update the Airport Master Plan at Vernon Perschau Field. Members voting in favor Perschau, Ziemer, Dietz and Schrupp. Voting no, Councilor Robeck. Motion carried. The grant amount is \$221,895.00. The City's portion of the project is 5% to be paid with MNDOT operations dollars allocated annually.

H. SAFETY SHOE REIMBURSEMENT POLICY – PERSONNEL AND LEGISLATIVE COMMITTEE

Current city policy for reimbursement costs of safety shoes for city employees required by OSHA is \$135.00 maximum. Personnel and Legislative Committee recommends a reimbursement amount of \$250.00 annually. Motion to approve \$250.00 annual reimbursement for safety shoes per employee by Councilor Robeck, second by Councilor Dietz. Councilor Ziemer added the language that amount be capped at \$250.00 annually. All members voted in favor.

I. APPROVE ELECTION OF ASSISTANT FIRE CHIEF

Motion by Councilor Robeck and second by Councilor Dietz to approve the election by the Fire Department of Assistant Fire Chief James Voigt. All members voted in favor.

J. RESOLUTION NO. 2016-24 TO SET UTILITY DELAY PENALTY

Councilor Ziemer introduced the following resolution to set the delay penalty for road closures due to utility installation:

RESOLUTION NO. 2016-24
A RESOLUTION ESTABLISHING THE DELAY PENALTY FEE AS AUTHORIZED
BY GLENCOE MUNICIPAL CODE 280.5
(UNDERGROUND UTILITIES / RIGHT-OF-WAY)

WHEREAS, Glencoe City Code 280 Underground Utilities / Right-of Way was adopted by the Glencoe City Council on March 7, 2016,
WHEREAS, Glencoe City Code 280.5 authorizes the City to impose a delay penalty, for unreasonable delays in right-of-way excavation, obstruction, patching, restoration or undergrounding of utilities,
WHEREAS, the delay penalty is to be established from time to time by City Council resolution,
WHEREAS, pursuant to Minnesota Rule 7819.1000 subd. 3 the delay penalty must be reasonable,

WHEREAS, the City Council has not established the delay penalty and it is necessary to establish the delay penalty to effectuate City construction projects, non-City projects and proper management of utilities / right-of-way,
WHEREAS, there are two types of projects in which penalties should be imposed, a City construction project and a non-City project,
WHEREAS, due to the time sensitive nature of City Construction projects it is appropriate to impose a delay penalty based on the liquidated damages amount in the Project’s contract and a per diem penalty for non-City projects,
NOW THEREFORE, BE IT RESOLVED by the City Council for the City of Glencoe that the following Delay Penalty Fees be and hereby is established:

<u>Type of Project</u>	<u>PENALTY</u>
City Project	Liquidated Damages pursuant to the Project’s contract
Non-City Project	\$100.00/day

Councilor Schrupp seconded. Upon a roll call vote Members Schrupp, Dietz, Perschau and Ziemer voted in favor. Councilor Robeck voted no. Where upon said resolution was adopted and approved.

K. FIRST READING OF ORDINANCE TO OPT-OUT OF THE FAMILY HEALTH CARE DWELLINGS STATUTE

Planning Commission members voted for opting-out of the state’s legislation that sets forth a short term care alternative for a “mentally or physically impaired person”, by allowing them to stay in a “temporary dwelling” on a relative’s or caregiver’s property. Cities must have ordinance language in place by September 1st opting-out of the statute requirements.

Motion to approve the first reading of Ordinance 595 Opting –Out of the Requirements of Minnesota Statutes, Section 462.3593 which permit and regulate temporary family health care dwellings was made by Member Perschau with second by Member Ziemer. All members voted in favor.

ITEMS FOR DISCUSSION:

A. YARD WASTE SITE HOURS

Mayor Wilson began the discussion concerning expanded hours at the yard waste site. Need to consider hours for cleanup after storm events and spring and fall cleanup. Currently accommodate residents taking down trees and commercial landscaping and tree removal companies.

Cost of operations were discussed. Member Robeck wants to use the \$1.00 fee charged to residents monthly for expanded hours. City Administrator Mark Larson informed him that these dollars are being used for the leaf vac purchase.

Member Robeck then motioned to have the yard waste site open every day. No Member made a second to the motion. Motion failed.

B. LION'S CLUB DONATIONS

\$2,000 donated to the library, \$3,000 for Aquatic Center tables, \$4,000 to parks for the purchase of a swing
Crow River Sno Pros donated \$7,500 to the Fire Department for a pump.

C. ARMSTRONG AVENUE UPDATE

7th Street open for traffic, work on next phase has started, contractor is behind due to weather delays and are bringing in another construction crew to get back on track

D. LINCOLN PARK UPDATE

Punch list items are being addressed.

E. 2017 BAXTER AVENUE PROJECT OPEN HOUSE, JULY 25, 2016

FYI – letters have been mailed to homeowners affected by this project to attend this open house

ROUTINE BUSINESS:

PROJECT UPDATES: Judd Avenue completion date requested – this is a County project – no date provided. The area will be fenced for Heat in the Street this weekend.

ECONOMIC DEVELOPMENT: None

PUBLIC INPUT: None

REPORTS: None

CITY BILLS: Motion to approve payment of the city bills by Member Perschau, second by Member Schrupp. All members voted in favor.

ADJOURN: Mayor Wilson called for adjournment at 8:42 p.m. Member Dietz motioned to adjourn with Member Robeck seconding. All members voted in favor.