

Present: Mayor - Larry Franzen

Absent: Council member Gary Norseen

Council members Jeff Kennedy
 Jim Aden
 Roger Dudley
City Administrator Bruce Clymer
City Clerk Connie L. Dalrymple
City Attorney Mike Bacon
Police Chief Randy Olson

Press: Gothenburg Times - Beth Barrett

Also present: Citizens including but not limited to Eppie Sisneros, James Gaskill, Velma Underwood, Matt Buesing, Luke Buesing, Jeanne Buesing, Mike Buesing, Lucy and Darrell Buesing, Tyler Buesing, Sandra Brestel, Rhonda Cline, Sally Dalrymple, Bill Brown, Robert Smallfoot, Don Friesenborg, Michele Beenblossom, Sandra and Lonnie Warner, Tracy Amack, Tim Lauer, Stephan Johnson, Beverly Hall, Jane and Earl Sheets, Craig & Kathleen Wilson, Irene Athey, Angela Barkmeier, Jennifer Wolf, Shane Gruber, Randy Sabin, Greg Sabin, Tammy Sabin, Hailey Sabin, Tricia and Mike Wagner, LeRoy Osborn, Jim & Judy Williams, Mike & Carmen Ackerman, Beverly Hagan, George Hervey, Carlos and Angie Magdaleno, Chris Healey, Tom Holm, DEQ representatives Jim Sexton and Todd Ellis

Mayor Franzen opened the meeting and the public hearing regarding air emissions at 7:00 p.m. Advance notice and a copy of the agenda were given to the Council and members of the press.

The city has received many calls the last several months about hay mill dust and Administrator Clymer has been in contact with the Department of Environmental Quality on several occasions. The public hearing is a result of those complaints and will allow citizens to air their concerns, mill operators to respond, and the DEQ to explain monitoring in the community.

Mr. Sexton and Mr. Ellis explained compliance and air quality monitoring according to Department of Environmental Quality:

- Rules and regulations are based on health criteria as determined by the Environmental Protection Agency of the federal government.
- Monitoring includes emission inventories and inspection of premises. An air quality monitor has been on the roof of City Hall for several years and filters are inspected and changed on a 6-day rotation. At the present time air quality in Gothenburg complies with EPA standards.
- Particulates in the air, the dust particles that can be seen and collect on a surface, come under a nuisance standard and cannot cross property lines. This becomes an enforcement issue based on day time inspection. Fugitive dust applies to businesses only, not residential property, meaning dust from a gravel residential driveway is not considered fugitive dust.
- As commercial enterprises become bigger the regulations become more stringent. For example, regulations for Frito-Lay are greater than for a hay mill.
- Fines for non-compliance can be \$10,000 / day per violation. Penalties are levied through the Attorney General's office.
- The Attorney's General's office will not accept citizen complaints but they do use that information in penalty decisions.
- Monitors can be placed at various locations but they do not measure particulates. DEQ prefers to use "modeling" for the best placement of filters but that takes time.

Citizen concerns included:

- A few years ago the mills worked with the community to reduce emissions and it was much better until the last year. Something has changed to make the dust so bad.
- Dust seeps into homes even though windows are sealed.
- Cars and house siding is always dirty.
- Impossible to spend time outside because of the hay dust.
- Health issues result, allergies and breathing problems. It can't be healthy to breathe the dust.
- How many fines are issued before the DEQ forces action?
- It's the consensus that the worst culprit is Mann Hay Company. Gothenburg Feed does make an effort to control grinding and loading times and uses filters, cyclones and bag houses to control dust emission.
- Mann Hay Co has piles of hay residue around their facility that smell and blow in the wind besides being unsightly.
- Property values are being affected.

Other points made:

- Gothenburg is an agricultural community and hay dust, like corn dust will happen.
- Wind is also a constant factor, moving the dust with it.
- No one wants the mills to close, only to control dust and dirt emissions.

The hearing made DEQ more aware of the extent of the problem and the community's wishes to rectify the situation. Council asked that they do the modeling process in order to have an accurate sense of the problems and that their representative spend more time checking the plants for compliance and the surrounding areas for the effects of fugitive dust. The hearing is a response to and acknowledgement of the frustration of the citizens with the dust issue. We will continue to work with DEQ to explore further options for the City.

Kennedy moved, Aden seconded, to close the hearing at 8:10 p.m. Roll call vote: Yea – Dudley, Kennedy, Aden. Nay – none. Absent and not voting – Norseen.

Aden moved, Dudley seconded, to approve the consent agenda that included:

City Council minutes – January 17, 2006

Police Report - January

Roll call vote: Yea - Kennedy, Dudley, Aden. Nay - none. Absent and not voting – Norseen.

Dudley moved, Aden seconded, allowing payment of the claims against the City except #1047, #1868 and #4901, \$78,433.67; Public Works Division \$67,714.46; and the January 26 payroll of \$26,906.95. Roll call vote: Yea – Kennedy, Aden, Dudley. Nay - none. Absent and not voting – Norseen.

Dudley moved, Aden seconded, allowing payment of claims 1868 and 4901 to Quality Fire Extinguishers. Roll call vote: Yea- Aden, Dudley. Nay – none. Absent and not voting – Norseen.

Kennedy moved, Aden seconded, allowing payment of claim 1047 to the Animal Hospital. Roll call vote: Yea – Kennedy, Aden. Nay – none. Absent and not voting – Norseen.

Open forum:

Kennedy responded to a citizen inquiring about the definition of the tree-pruning ordinance. The ordinance applies to trees on public right-of-way and prohibits topping; a method of trimming that removes all but the main branches of the tree. He will also inspect a trimmed tree on 16th Street.

Dudley moved, Aden seconded, introducing Ordinance 804 that will allow non-resident members and members of the Council on the Tree Board. Roll call vote: Yea – Kennedy, Dudley, Aden. Nay – none. Absent and not voting – Norseen.

Lot split 2006-1 is a request to transfer either the north 24 feet or the north 58 feet of the east 50 feet of the south 179 feet of Lot 3, Ehmen Subdivision to the north 58 feet of the south 179 feet of Lot 3, Ehmen Sub. The building inspector denied the request because both lots are undersized according to current subdivision regulations. There are no utility issues on either property.

Discussion was had and a motion made by Kennedy, seconded by Dudley, to approve Lot Split 2006-1 per choice one on the application, transferring 58 feet. Approval is granted because both lots are already undersized and will remain so, therefore no violation of the zoning regulations is created and there is no adverse affect on other properties in the area. Roll call vote: Yea – Aden, Kennedy, Dudley. Nay – none. Absent and not voting – Norseen.

Dudley moved, Aden seconded, to approve request for CDBG funds #2 for architectural and administrative services on the Senior Center project. Roll call vote: Yea – Kennedy, Aden, Dudley. Nay – none. Absent and not voting – Norseen.

Dudley moved, Aden seconded, to adjourn the meeting at 8:40 p.m. The next regular meeting will be February 21, 2006 at 7:00 p.m.

Larry Franzen Mayor

Connie L. Dalrymple, City Clerk