

CITY OF GILBERT
CITY COUNCIL MEETING
WEDNESDAY, NOVEMBER 9, 2016

6:30 P.M. REGULAR CITY COUNCIL MEETING

1. **CALL TO ORDER**
2. **ROLL CALL**
 - A. Determination of Quorum
 - B. Pledge of Allegiance
 - C. Approve Agenda
3. **APPROVE CITY COUNCIL MINUTES**
 - A. Public Hearing October 11, 2016
 - B. Regular City Council Meeting October 11, 2016
 - C. Regular City Council Meeting October 25, 2016
 - D. Special City Council Meeting November 1, 2016
4. **PUBLIC INPUT**
5. **REPORTS - STAFF**
 - A. Chief of Police
 - B. Public Works Operations Director
 - C. Library Director
6. **REPORTS - MAYOR, COUNCIL, BOARDS & COMMISSIONS**
 - A. City Councilors
 - B. City Attorney
 - C. City Engineer
7. **OLD BUSINESS - No action needed**
 - A. Emergency Operation Plan Update
 - B. Update Nuisance Ordinance
8. **NEW BUSINESS**
 - A. Set Date & Time to Canvass Election
 - B. Resolution 2016-17 Adopt Assessment Roll for 2016 Project
 - C. Resolution 2016-18 Wild Rice/Sulfate Standards
 - D. Resolution 2016-19 SLC CDBG Application
 - E. MN Pollution Control Agency Stipulation Agreement
 - F. Quote to Remove Lime from Lime Lagoon
 - G. Approval of Geotech Firm
 - H. Mackley's Post Retirement Health Insurance
 - I. Transfer Funds
 1. From Sherwood Forest DDA to Operating DDA
 2. From General Fund to Capital Improvement Fund
 - J. Acknowledge October 2016 Financial Statements
9. **APPROVE PAYMENT OF BILLS AND PAYROLL**
10. **ACKNOWLEDGEMENTS**
11. **ADJOURN**

**CITY OF GILBERT
MINUTES OF PUBLIC HEARING MEETING
TUESDAY, OCTOBER 11, 2016
COUNCIL CHAMBERS**

Mayor Kutsi called the meeting to order at 6:00 p.m.

Present: Mayor Kutsi, Councilors Pontinen, Skalko, Bol & Liimatta.

Absent: None

Staff Present: City Attorney Kearney, City Engineer Jamnick, Public Works Operations Director Lautigar and City Clerk Sakrison.

The purpose of this Public Hearing is to consider, and possibly adopt, an assessment for Lower Florida from Broadway Street to Sherwood Forest Drive, Summit Street from T.H. 135 to Arizona Avenue and the alley between Broadway Street and Sherwood Forest Drive from Florida Avenue to Kansas Avenue.

No members of the public were present.

One objection letter was hand delivered to City Hall today (10/11/16) at 3:00 p.m. from David Stone.

- City Engineer Jamnick will verify what was done on Mr. Stone’s property. It was noted that part of his driveway was concrete and it was replaced with pavement, it should have been replaced with what was there previously.
- Jamnick also noted that alley was put back to the same thickness in plans.
- Stone’s requests for the council to consider were to:
 - Reject the assessment
 - Reduction of assessment
 - Revision of payment schedule
 - Removal of interest
 - Revisions of interest
- Public Works Operations Director Lautigar will contact Mr. Stone to go over the issues.

Mayor Kutsi again asked if any of the public in attendance was there for the public hearing. There was no one.

Motion by Skalko second by Liimatta to adopt the assessment roll of \$2,000 at 4% for 10 years for Lower Florida from Broadway Street to Sherwood Forest Drive, Summit Street from T.H. 135 to Arizona Avenue and the alley between Broadway Street and Sherwood Forest Drive from Florida Avenue to Kansas Avenue, with the understanding that Mr. Stone’s property concerns are rectified. Motion Carried Unanimously.

Motion by Skalko second by Liimatta to close the meeting at 6:17 p.m. Motion Carried Unanimously.


Debra Sakrison, City Clerk

ATTEST:

Robert Kutsi, Mayor

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CITY OF GILBERT
MINUTES OF REGULAR COUNCIL MEETING
TUESDAY, OCTOBER 11, 2016
COUNCIL CHAMBERS

Mayor Kutsi called the meeting to order at 6:30 p.m.

Present: Mayor Kutsi, Councilors Pontinen, Skalko, Bol & Liimatta.

Absent: None.

Staff Present: City Attorney Kearney, City Engineer Jamnick, Chief Techar, Public Works Operations Director Lautigar, Library Director Miller and City Clerk/Treasurer Sakrison.

Staff Absent: None.

Mayor Kutsi led the audience in the Pledge of Allegiance to the Flag.

Motion by Liimatta second by Skalko to approve the agenda with the addition of 8I – LMCIT Liability Coverage Waiver. Motion Carried Unanimously (MCU).

Motion by Bol second by Liimatta to approve the September 27, 2016 Meeting Minutes. MCU.

Public Input:

None.

Staff Reports:

- Chief Techar: Nothing to report.
- Public Works Operations Director Lautigar:
 - Working on campground electrical upgrade.
 - Cleaning up around town getting ready for fall.
 - Went to Cumberland, WI to look at a new MBR plant.
 - Councilor Pontinen wants job costing for City employees at campground.
- Library Director Miller:
 - 10/10/16 – Legacy Program – MN Opera Story Time
 - 10/13/16 – Kid’s craft program @ 4:30 (2nd Thursday of each month) – Pinterest projects
 - 10/17/16 – Cookbook Club – Sweet or Savory Muffins @ 5:30 p.m.
 - 10/18/16 – Harry Potter Crafts @ 5:00 p.m.
 - 10/19/16 – Teen Program – Zombie Virus
 - 10/20/16 & 10/21/16 – (MEA) Movie matinees
 - 10/24/16 – 10/28/16 – Lego Challenge 4:30 – 5:30 pm.
 - 18–21 club: Collaboration with school system, life/work skills for developmentally challenged young adults.
 - 12/3/16 – Library Foundation Fundraiser – Painting Program by Spencer Hahne – Hot Cocoa Bar

Mayor, Council, Boards & Commissions Reports:

- Mayor: Agenda
- Councilor Pontinen: Agenda

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- Councilor Skalko discussed meeting in Mt. Iron to speak with Representative Franken's staff. All area towns are facing the same issues. A special session could be in the future.
- Councilor Bol: Agenda
- Councilor Liimatta: Agenda
- City Attorney Kearney: Agenda
- City Engineer Jamnick: Councilor Pontinen asked if survey had been done yet. Jamnick noted that he crew just got back.

Old Business:

Emergency Operations Plan Update – Nothing new to report.

Nuisance Ordinance Update:

- Councilor Pontinen asked about the Nuisance Ordinance and the Blight List.
- Chief Techar stated that the Nuisance Ordinance Committee has met once and needs to schedule an additional meeting.
- Chief Techar gave an update regarding the blight list. Forty blight letters were sent out. There are a few pending court cases. There is a discussion of the blight issues being too aggressive. The nuisance ordinance committee needs to meet and go over the blight issues. He noted that the City of Biwabik has gone civil, taking it away from the police department. In Biwabik there has to be an actual complaint filed with the City, and the City then conducts blight investigation. Biwabik complaints have gone down, but compliance has gone up. Most agencies the police departments to not do blight. Planning & zoning officers handle blight in other communities. The City Council needs to make a decision if they want to keep the blight a criminal issue or have it go civil.
- The committee will have a meeting and report back at the next council meeting.

New Business:

Gilbert resident Joey Purkat voiced his concern about the Gilbert Post Office having a lip going into their building that people using walkers, canes and wheelchairs can't get over. He asked that it be removed or a skirt put on so that one could enter their facility. City Attorney Kearney said that is the responsibility of the post office, but the City could send a letter.

Motion by Bol second by Skalko to have City Clerk Sakrison send a letter to the Gilbert Post Office to have them address the accessibility issue, a copy will be sent to Mr. Purkat. MCU.

Public Works Operations Director Lautigar stated that the lip is too high to make ADA compliant and that the entire sidewalk would have to be raised approximately 4 – 5 inches and a push-button would need to be installed. This issue will be looked into further.

Gary Mackley discussed his post retirement insurance benefit. He feels that the transition to an individual plan is in violation of his contract because it is not a group plan. He asked why the City Council had not acted on the insurance change. He also feels that the supplemental plan is not equivalent. Councilor Bol asked what makes the plan not equivalent. Mackley stated that

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COUNCIL CHAMBERS

the drug coverage was not equivalent. A future retiree insurance meeting was to be set up. Mayor Kutsi gave an overview of the insurance benefit, in that when Mackley becomes eligible for coverage under Federal Medicare provisions Mackley shall be required to apply for such coverage and Mackley shall then be covered under the City's supplemental Blue Cross/Blue Shield or equivalent supplemental plan. Mackley currently is eligible for coverage under Federal Medicare, and would then also be covered under the City's supplemental insurance. The City of Gilbert's insurance representative would need to answer how comparable the insurance plans are. Mackley feels that the whole situation is being handled poorly. City Attorney Kearney's recommendation is to set up a meeting with the retirees, the insurance representative and City councilors.

Motion by Bol second by Pontinen to eliminate the deadline given to Mackley regarding the insurance. MCU.

A special meeting will be set once the insurance representative is contacted regarding his schedule. This will be added to an upcoming council meeting.

Mayor Kutsi did the 2nd reading of Ordinance 2016-02 An Ordinance Amending Chapter 130 of the City Code of the City of Gilbert which was adopted on September 27, 2016.

Motion by Liimatta second by Bol to appoint election judges, as listed below, for the General Election to be held Tuesday, November 8, 2016, and to have the authority to appoint alternative election judges if someone is unable to serve in the appointed capacity. MCU.

Election Judges:

Stephen Peterson – Head Election Judge

Laurel Roering

Diana Wallert

David Hirsch

Norman Chaffee

Richard Seburnia

Leon Schanlaub

Pete Greiner

Motion by Liimatta second by Skalko to upgrade the Rockwell software used at the water & wastewater plants for an approximately cost of \$2,800. MCU.

Motion by Liimatta second by Skalko to authorize advertising for (2) rink attendants at \$12/hour. MCU.

Motion by Skalko second by Liimatta to authorize advertising for an administrative assistant for the Police Department and supplement in the City Office. Councilor Pontinen concerned about adding an employee, wages & benefits. Chief Techar noted that the Gilbert PD is the 3rd busiest per officer in NE MN, electronic record keeping has increased work load. He also noted that the City of Gilbert PD and the Breitung Township PD are the only two departments in the state without and administrative assistant. Motion Carried 4 – 1.

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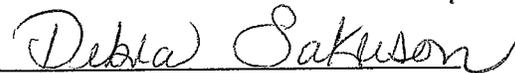
Motion by Skalko second by Liimatta to acknowledge the September 30, 2016 Financial Statements. MCU.

Motion by Liimatta second by Bol to not waive the monetary limits on municipal tor liability. MCU.

Motion by Bol second by Skalko to approve bills and payroll subject to audit by Mayor and Clerk. Pontinen – Nay; Skalko – Aye; Mayor Kutsi – Aye; Bol – Aye; Liimatta – Aye. Motion Carried.

Motion by Bol second by Liimatta to acknowledge the Gilbert Public Library Board Minutes of September 6, 2016. MCU.

Motion by Skalko second by Bol to adjourn the meeting at 7:55 p.m. MCU


Debra Sakrison, City Clerk

ATTEST:

Robert Kutsi, Mayor

**CITY OF GILBERT
MINUTES OF REGULAR COUNCIL MEETING
TUESDAY, OCTOBER 25, 2016
COUNCIL CHAMBERS**

Mayor Kutsi called the meeting to order at 6:30 p.m.

Present: Mayor Kutsi, Councilors Pontinen, Skalko, Bol and Liimatta (6:50 p.m.).

Absent: None.

Staff Present: City Attorney Kearney, Chief Techar, Library Director Miller and City Clerk/Treasurer Sakrison.

Staff Absent: City Engineer Jamnick and Public Works Operations Director Lautigar (both w/Notice).

Mayor Kutsi led the audience in the Pledge of Allegiance to the Flag.

Motion by Skalko second by Bol to approve the agenda as submitted. Motion Carried Unanimously (MCU).

Public Input:

Herb Ocepek questioned why contract extension for clerk is on the agenda now when it doesn't expire until June of 2017, should wait for new council. City Clerk Sakrison stated that she is looking for continuity for the City and being proactive. Mayor Kutsi stated that it is for budget reasons also to look at contracts, the Police contracts will be looked at in the near future also.

Staff Reports:

- Chief Techar:
 - Certificates of Forfeitures received from City Attorney Kearney. Would like to sell off K-Bid:
 - 1976 Dodge Pick-up
 - 2004 Chevrolet Impala
 - Working on liquidating vehicles to clear out the impound lot.
 - Took some vehicles last week – crushed for scrap metal.

Motion by Bol second by Skalko to approve listing the 1976 Dodge Pick-up and 2004 Chevrolet Impala on K-Bid. MCU.

- Public Works Operations Director Lautigar: Absent.
- Library Director Miller:
 - The Gilbert Public Library Foundation Board has agreed to purchase and install a new book drop to replace existing. It would be replaced with another in wall book drop.

Motion by Bol second by Skalko to authorize installation of a new book drop in the wall of the Community Center. MCU.

- 10/31/16 – Trick or Treating at the Library during open hours

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- 11/04/16 – Anime 5:00 p.m. to 7:00 p.m. for teens
- 11/07/16 – Board Meeting
- 11/10/16 – Kids Crafting – Painting on Foil – 4:30 p.m.
- 11/11/16 – CLOSED
- 11/14/16 – Adult Pinterest Project
- 11/16/16 – Wire Jewelry – Legacy Program 5:45 p.m. to 7:15 p.m.
- 11/18/16 – Murder Mystery & Scavenger Hunt (cross between) – Escape Room
- 12/30/16 – Yule Ball fundraiser 7:00 p.m. – 10:00 p.m.– formal adult dance in the auditorium, \$20/couple, \$15/individual. Tickets are available.

Mayor, Council, Boards & Commissions Reports:

- Mayor: Gave a Certificate of Appreciation to John Skalko for volunteering time and effort at the cemetery.
- Councilor Pontinen: Agenda
- Councilor Skalko gave his condolences to the Liimattas on the passing of their father.
- Councilor Bol: Agenda
- Councilor Liimatta: Absent.
- City Attorney Kearney: Agenda
- City Engineer Jamnick: Absent.

Old Business:

Emergency Operations Plan Update – Nothing new to report.

Nuisance Ordinance Update: Have met, and will pass on to the Police.

New Business:

Motion by Liimatta second by Pontinen to table moving forward with Change Order 1 for Project 15-196 Genoa Sanitary Sewer Project for replacement of two (2) base elbows & guide rails at the Genoa lift station and new access cover, until further information is received. MCU.

Motion by Skalko second by Bol to authorize up to \$5,000 for installing a tee & 8” valve and a 5’ to 10’ ductile pipe on the water main at the corner of Enterprise Trail and Highway 135 to be paid out of the Water Fund. MCU.

Motion by Skalko second by Liimatta to approve and authorize the Mayor and City Clerk to sign the Memorandum of Agreement Between the City of Virginia and the City of Gilbert as a participating city in the Central Iron Range Brownfield Coalition. MCU.

Motion by Skalko second by Liimatta to approve the request to send out the “Request for Preselection for the Supply and Delivery of an Ultrafiltration Membrane Bioreactor (MBR) Equipment System at the City of Gilbert, Minnesota Wastewater Treatment Facility” to various MBR manufacturers. MCU.

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COUNCIL CHAMBERS

Motion by Skalko second by Liimatta to approve the request of City Clerk/Treasurer Sakrison for a three year contract extension, which includes an additional 40 hours of vacation, and the city to contribute 2% into a 457 plan. Pontinen – Nay, Skalko – Aye, Kutsti – Aye, Bol – Nay, Liimatta – Aye. Approved 3 – 2.

Motion by Liimatta second by Skalko to pay \$2,022 for dues for the 2016-17 year for the League of MN Cities. MCU.

Motion by Liimatta second by Skalko to pay \$4,008 for dues for the 2017 Coalition of Greater Minnesota Cities to be paid out of the General Fund as budgeted. Approved 4 - 1.

Motion by Liimatta second by Pontinen to pay \$631 voluntary assessment to the 2017 Coalition of Greater Minnesota Cities Voluntary Assessment for Environmental Action Fund to be paid out of utility funds. MCU.

Motion by Bol second by Liimatta to approve bills and payroll subject to audit by Mayor and Clerk. Approved 5 – 0.

Motion by Liimatta second by Skalko to acknowledge the Gilbert Police Commission Minutes of September 13, 2016 and EFGSD Jt. Powers Rec Board Minutes of September 14, 2016. MCU.

Motion by Skalko second by Bol to adjourn the meeting at 7:10 p.m. MCU


Debra Sakrison, City Clerk

ATTEST:

Robert Kutsi, Mayor

**CITY OF GILBERT
MINUTES OF SPECIAL COUNCIL MEETING
TUESDAY, NOVEMBER 1, 2016
COUNCIL CHAMBERS**

Mayor Kutsi called the meeting to order at 6:30 p.m.

Present: Mayor Kutsi, Councilors Pontinen, Skalko, Bol & Liimatta.

Absent: None.

Staff Present: City Engineer Jamnick, Public Works Operations Director Lautigar and City Clerk/Treasurer Sakrison.

Mayor Kutsi led the audience in the Pledge of Allegiance to the Flag.

The purpose of this Special City Council meeting is to take action on Change Order #1 for the Genoa Sanitary Sewer Project.

City Engineer Jamnick recapped that this Change Order is for additional work to redo the plumbing inside the Genoa Lift Station and to replace the cover on the lift station. This is work that was recommended by the individual that inspects the city's lift stations. The construction portion of this Change Order would be covered by CDBG funding.

Motion by Bol to approve Change Order #1 for the Genoa Sanitary Sewer Project in the amount of \$21,145.00. Seconded by Liimatta. Motion Carried Unanimously.

Motion by Skalko second by Bol to adjourn the meeting at 6:34 p.m. MCU



Debra Sakrison, City Clerk

ATTEST:

Robert Kutsi, Mayor

City of Gilbert
Request for City Council Action

Date: November 4, 2016

Issue: Canvass election results.

Background:

Subd. 3. Canvass of returns, certificate of election, ballots, disposition.

(a) Between the third and tenth days after an election, the governing body of a city conducting any election including a special municipal election, or the governing body of a town conducting the general election in November shall act as the canvassing board, canvass the returns, and declare the results of the election. The governing body of a town conducting the general election in March shall act as the canvassing board, canvass the returns, and declare the results of the election within two days after an election.

(b) After the time for contesting elections has passed, the municipal clerk shall issue a certificate of election to each successful candidate. In case of a contest, the certificate shall not be issued until the outcome of the contest has been determined by the proper court.

(c) In case of a tie vote, the canvassing board having jurisdiction over the municipality shall determine the result by lot. The clerk of the canvassing board shall certify the results of the election to the county auditor, and the clerk shall be the final custodian of the ballots and the returns of the election

Council Action:

City Council action is requested to set a date and time to canvass the election results between November 14 – 18, 2016

City of Gilbert
Request for City Council Action

8B
1/4

Date: October 31, 2016

Issue: Assessment Roll for 2016 Project

Background: The City Council took action at the Public Hearing on October 11, 2016 approving the assessment for the 2016 Project.

Resolution 2016-17 Adopts the Assessment per specific parcel.

Council Action:

City Council action is requested to approve Resolution 2016-17 Resolution Adopting Assessment For 2016 Lower Florida Avenue/Summit Street,North Project.

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CITY OF GILBERT

RESOLUTION 2016-17

Resolution Adopting Assessment For 2016 Lower Florida Avenue/Summit Street North Project

WHEREAS, pursuant to proper notice duly given as required by law, the council has met and heard and passed upon all objections to the proposed assessment for 2016 Lower Florida/Summit Street North Project, the improvement from Broadway Street to Sherwood Forest Drive and from MN TH 135 to Arizona Avenue and the alley between Broadway Street and Sherwood Forest Drive from Florida Avenue to Kansas Avenue.

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

1. Such proposed assessment, a copy of which is attached hereto and made a part hereof, is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included is hereby found to be benefited by the proposed improvement in the amount of the assessment levied against it.
2. Such assessment shall be payable in equal annual installments extending over a period of ten years, the first of the installments to be payable on or before the first Monday in January 2017, and shall bear interest at the rate of four (4%) percent per annum from the date of the adoption of this assessment resolution. The equal annual installments including principal and interest, each in the amount annually required to pay the principal over such period with interest at four (4%) percent. Prepayments made pursuant to Minn. Stat. § 429.061, subd. 3, must include all installments due to and including December 31 of the year of payment, and the original principal amount reduced only by the amounts of principal included in the installments as computed on an annual amortization basis. To the first installment shall be added interest on the entire assessment from the date of this resolution until December 31, 2017. To each subsequent installment, when due, shall be added interest for one year on all unpaid installments.
3. The owner of any property so assessed may, at any time prior to certification of the assessment to the county auditor, pay the whole of the assessment on such property, with interest accrued to the date of payment, to the city clerk/treasurer, except that no interest shall be charged if the entire assessment is paid within 30 days from the adoption of this resolution; and he/she may, at any time thereafter, pay to the city clerk/treasurer the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before November 15 or interest will be charged through December 31 of the next succeeding year.
4. The clerk shall forthwith transmit a certified duplicate of this assessment to the county auditor to be extended on the property tax lists of the county. Such assessments shall be collected and paid over in the same manner as other municipal taxes.

Adopted by the council this 9th day of November, 2016.

Robert Kutsi, Mayor

Debra Sakrison, City Clerk

GILBERT - LOWER FLORIDA AREA ASSESSMENT ROLE

October 11, 2016

Parcel ID	Block/Lot	Owner's Name	Address1	Address2	Assessment Amount	Payments 2016	Annual Installment Certified
060-0020-00150	BLOCK 2, LOT 1 AND S 1/2 LOT 2	WEST, JEFFREY R	719 BROADWAY ST S	GILBERT, MN 55741	\$2,000		
060-0020-00165	BLOCK 2, N 1/2 OF LOT 2 & ALL OF LOT 3	BONTEMS, ROGER	4377 HIGHWAY 7	IRON, MN 55751	\$2,000		
060-0020-00180	BLOCK 2, LOTS 4 THRU 6	WHITMAN, TINA R	711 BROADWAY ST S	GILBERT, MN 55741	\$2,000		
060-0020-00210	BLOCK 2, LOTS 7 THRU 9	STONE, DAVID W	707 BROADWAY ST S	GILBERT, MN 55741	\$2,000		
060-0020-00240	BLOCK 2, LOT 10	BENNETT, LEVIM	703 BROADWAY ST S	GILBERT, MN 55741	\$2,000		
060-0020-00250	BLOCK 2, LOT 11	RUSSO, ROSEMARIE C	190 W HUNTINGTON RD	BOGART, GA 30622	\$2,000		
060-0020-00260	BLOCK 2, LOT 12	RUSSO, ROSEMARIE C	190 W HUNTINGTON RD	BOGART, GA 30622	\$0		
060-0020-00270	BLOCK 2, LOTS 13 & 14	RANGE PROPERTY MANAGEMENT LLC	ATTN: KEITH LOEHRER, P.O. BOX 334	BIGFORK, MN 56628	\$2,000		
060-0020-00290	BLOCK 2, LOT 15	RANGE PROPERTY MANAGEMENT LLC	ATTN: KEITH LOEHRER, P.O. BOX 334	BIGFORK, MN 56628	\$0		
060-0020-00300	BLOCK 2, LOT 16	HALMET, ROBIN J	4377 HIGHWAY 7	IRON, MN 55751	\$2,000		
060-0020-00340	BLOCK 3, LOTS 1 & 2	THORNTON, LEON H	4634 E RAYMOND RD	GILBERT, MN 55741	\$2,000		
060-0020-00380	BLOCK 3, LOTS 5 6 & 18	MELGEORGE, FRANK L & BRENDA J	609 S BROADWAY AVE	GILBERT, MN 55741	\$2,000		
060-0020-00520	BLOCK 3, LOTS 19 & 20	GENTILINI, THOMAS L	P.O. BOX 385	EVELETH, MN 55734	\$2,000		
060-0020-00540	BLOCK 3, LOTS 21 THRU 23	OCEPEK, DEREK	108 FLORIDA AVE E	GILBERT, MN 55741	\$2,000		

TOTAL ASSESSMENT = \$24,000

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GILBERT - SUMMIT STREET NORTH ASSESSMENT ROLE

October 11, 2016

Parcel ID	Block/Lot	Owner's Name	Address1	Address2	Assessment Amount	Payments 2016	Annual Installment Certified
060-0030-03990	BLOCK 47, LOTS 1 THRU 7 - 2ND ADDN	HOLIDAY STATION STORES, INC.	P.O. BOX 1224	BLOOMINGTON, MN 55440	\$2,000		
060-0030-02800	BLOCK 41, LOTS 7 THRU 10 - 2ND ADDN	MALICH, FRANK	P.O. BOX 835	GILBERT, MN 55741	\$2,000		

TOTAL ASSESSMENT = \$4,000

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City of Gilbert
Request for City Council Action

8c
1/4

Date: November 2, 2016

Issue: Support for RAMS Resolution on Wild Rice/Sulfate Standards

Background:

Mayors and RAMS member units:

Please read and share the attached correspondence and resolution passed by the RAMS board of directors on the issue of the proposed wild rice sulfate standard being proposed by the MPCA. This rule is set to go into effect on January 15, 2018 which may directly impact your municipal wastewater plant and all of your residents with significant increases in costs for said treatment of sulfate.

I strongly encourage your council to consider passing a resolution similar to ours ASAP! If you need more information, I am more than willing to meet with you and discuss further. If you do pass a resolution, please email me a copy and I will make certain it gets to the right people.

Steve Giorgi
Executive Director
RAMS
SGiorgi@ramsmn.org<<mailto:SGiorgi@ramsmn.org>>

Council Action:

City Council action is requested on this issue.

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RESOLUTION 2016-18
WILD RICE / SULFATE STANDARDS

WHEREAS, the Minnesota Legislature passed legislation in 2011, directing the Minnesota Pollution Control Agency (MPCA) to undertake a study to determine the appropriate wild rice sulfate standard and to establish a wild rice advisory panel, and

WHEREAS, the legislation also set forth a time frame and date for enactment of the new wild rice standard, said date being January 15, 2018, and

WHEREAS, prior to the enactment and implementation of any new standards the Minnesota Administrative Procedures Act requires the MPCA to put forth a "reasonable effort" to provide an analysis of the costs of proposed regulations to municipalities and the state, thus enabling an "informed public" to comment during the rulemaking process and included as an attachment to the SONAR as required, and

WHEREAS, the MPCA determined that it was necessary and appropriate to issue a formal request for proposal (RFP) for an independent analysis of multiple treatment options for municipal wastewater treatment plants (WWTP) as well as to provide a cost analysis for the treatment of sulfate, and

WHEREAS, the formal RFP allowed for a completion date of May 31, 2018, for this analysis of treatment options and the economic assessment for the WWTPs, as well as to fee-payers and communities and that date is five months **after** the effective date of the newly proposed sulfate standards,

THEREFORE BE IT RESOLVED, the City of Gilbert respectfully, but urgently requests that the MPCA take immediate action to remedy this situation that is nonsensical and will limit open and honest discussion of the proposed wild rice standard rules in public hearings that are set to begin in the spring of 2017, and

LET IT BE FURTHER RESOLVED, the City of Gilbert also requests on behalf of greater Minnesota residents in the Taconite Assistance Area, as well as all of Minnesota, the MPCA shall schedule public hearing sessions in locations across greater Minnesota, not just in St. Paul, to assure attendance by rural residents and local elected officials as the vast majority of communities that may be impacted by the new standard are likely to be located in greater Minnesota.

Adopted by the Gilbert City Council November 9, 2016.

Robert Kutsi, Mayor

ATTEST:

Debra Sakrison, Clerk/Treasurer

October 28, 2016

Commissioner John Linc Stine
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN 55155-4194

Re: Engineering Feasibility and Cost Analysis for Municipal Wastewater
Treatment for Sulfate

Commissioner Stine:

It was a pleasure to meet you on Tuesday and to hear the presentation provided by your staff for the Advisory Panel members on the proposed new wild rice/sulfate standards. Having the privilege of being able to comment on this issue at the meeting on behalf of RAMS – Range Association of Municipalities and Schools, you have heard my concerns on the proposed standard. Attached you will find a resolution from the RAMS board of directors who are representatives of our public sector membership units across the TAA (Taconite Assistance Area).

The concerns of the board are the same as those I expressed at the meeting this past Tuesday. (1) The need to schedule rules making sessions in greater Minnesota so that our residents, local community leaders and business owners, can participate in the process. (2) The true need to adjust the timing of the release of the cost analysis and process analysis options to the public, prior to the public hearings on the proposed standards. Providing that information is critical to formulate sincere and honest reactions to the implementation of the proposed standards for the fee-payers, municipal wastewater treatment operators, and community and business leaders who will have to deal with the associated expenses to the treatment of sulfate.

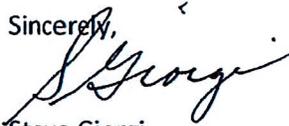
A specific question raised by the board has to do with the proposed sediment sampling process. If compliance to the standard is going to be determined over an annual basis, one has to assume that sediment sampling will have to occur year round. If this is true, how will municipalities or business be able to collect said sediment samples under frozen water conditions which occur in many cases with the tributaries of the effluent? A second question is, can you confirm or refute that there is currently only one testing facility for sulfate in North America? If this is true, it will obviously lead to a lack of

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competitive pricing for this process and be an additional burden put on the fee-payers and municipal officials.

If your agency agrees to hold meetings in rural Minnesota, RAMS is more than willing to assist or host such an event on the Iron Range. Thank you for your time and consideration of our concerns on this matter.

Sincerely,



Steve Giorgi

Executive Director/RAMS

sgiorgi@ramsmn.org

218-780-8877

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City of Gilbert
Request for City Council Action

Date: November 3, 2016

Issue: Gilbert application to St. Louis County Community Development Block Grant for Waste Water Treatment Improvements. Resolution from the City is required to be submitted with the grant application indicating the City Council is supportive of the grant application.

Council Action:

City Council action is requested to approve Resolution 2016-19.



City of Gilbert

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www.gilbertmn.org

16 South Broadway • P.O. Box 548 • Gilbert, MN 55741

Phone: 218-748-2232 • Fax: 218-748-2234

RESOLUTION 2016-19 CITY OF GILBERT

WHEREAS, St. Louis County is preparing a Consolidated Plan/Action Plan to meet application requirements for the Community Development Block Grant (CDBG) program and other Community Planning and Development (CPD) programs, and

WHEREAS, St. Louis County has requested CDBG-eligible projects from participating communities for inclusion in the Action Plan, and

WHEREAS, it is found that the project meets the Benefit to Low/Moderate Income Persons federal objective of the CDBG program and is prioritized by the community as a high priority need.

NOW, THEREFORE BE IT RESOLVED, that the City of Gilbert CDBG application related to the Wastewater Treatment Improvements Project is hereby authorized to be submitted to St. Louis County for inclusion in St. Louis County's Consolidated Plan/Action Plan to the U.S. Department of Housing and Urban Development and that the Mayor and Clerk are hereby authorized to execute all documents, agreements or contracts which result from this application to St. Louis County.

Upon vote taken thereon, the following voted:

For:

Against:

Whereupon said Resolution No. 2016-19 was declared duly passed and adopted this 9th day of November, 2016.

Rob Kutsi, Mayor

Debra Sakrison, Clerk

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City of Gilbert
Request for City Council Action

Date: November 4, 2016

Issue: Minnesota Pollution Control Agency Stipulation Agreement

Background: The city of Gilbert has been working with the MPCA to reduce the penalties assessed for alleged violations. Attached is the Final Stipulation Agreement. The total nonforgivable civil penalty is \$3,000.

Council Action:

City Council action is requested to acknowledge the Final Stipulation Agreement and to authorize payment of the \$3,000 civil penalty.



Minnesota Pollution Control Agency

Duluth Office | 525 Lake Avenue South | Suite 400 | Duluth, MN 55802 | 218-723-4660
800-657-3864 | 651-282-5332 TTY | www.pca.state.mn.us | Equal Opportunity Employer

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October 13, 2016

CERTIFIED MAIL NO. 7015 0640 0002 7589 2860
RETURN RECEIPT REQUESTED

The Honorable Robert Kutzi
Mayor, City of Gilbert
PO Box 548
Gilbert, MN 55741-0548

RE: Final Stipulation Agreement

Dear Mayor Kutzi:

Enclosed is a Stipulation Agreement (Agreement) pertaining to alleged violations at the city of Gilbert's (Regulated Party) wastewater and water treatment facilities which were discovered during inspections and file reviews. The document takes into consideration the concerns raised by the Regulated Party during the most recent meeting with Minnesota Pollution Control Agency (MPCA) staff on September 26, 2016.

During the September 26 meeting Regulated Party staff indicated that the single outstanding issue to be discussed in the Agreement was the civil penalty amount associated with effluent limit violations and operations and maintenance of the wastewater treatment facility. During the meeting MPCA staff described the justification for the civil penalty associated with those violations but did not propose an adjustment to the civil penalty. However, for purposes of settlement, the civil penalty has been decreased by \$274 from the amount proposed in the second draft of the Agreement. The total nonforgivable civil penalty described in Part 5 of the final Agreement is \$3,000.

The following revisions have been made to the second draft of the Agreement:

1. Part 4.c. (table of unauthorized releases) has been updated to include the most recent releases and revised to be less redundant.
2. Part 5. (Civil Penalty) has been revised to incorporate the final civil penalty amount as described above.
3. Other minor formatting revisions have been made to the document.

After reviewing the document and determining that no additional changes to the document are necessary, please sign all three signature pages and return the document to John Thomas at MPCA, 525 Lake Avenue South, Suite 400, Duluth, MN 55802. If, after review, it is determined that additional revisions are necessary, please contact John Thomas at 218-302-6616.

The Honorable Robert Kutzi

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October 13, 2016

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Thank you for your cooperation in this matter.

JT:kmk

Enclosure

cc: Sam Lautiger, Public Utilities Supervisor, Gilbert (w/enclosure)
Jack Bradach, Gilbert (w/enclosure)
Jean Coleman, MPCA Attorney (w/enclosure)
Deborah Klooz, MPCA
Paul Scheirer, MPCA (w/enclosure)
Mark Hugeback, MPCA (w/enclosure)
PEN20160001 @ 285

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STATE OF MINNESOTA
MINNESOTA POLLUTION CONTROL AGENCY

IN THE MATTER OF: City of Gilbert Wastewater Treatment Facility STIPULATION AGREEMENT

Part 1. PARTIES. This Stipulation Agreement ("Agreement") applies to and is binding upon the following parties:

- a. City of Gilbert ("Regulated Party"); and
- b. the Minnesota Pollution Control Agency ("MPCA"), which is authorized to enter into this Agreement under Minn. Stat. chs. 115 and 116.

Unless specified otherwise in this Agreement, where this Agreement identifies actions to be taken by the MPCA, the Commissioner or the Commissioner's designees shall act on the MPCA's behalf.

Part 2. PURPOSE AND SCOPE OF STIPULATION AGREEMENT. The purpose of this Agreement is to resolve the alleged violations set out in Part 4 of this Agreement by specifying actions the Regulated Party agrees to undertake. By entering into this Agreement, the Regulated Party is settling a disputed matter between itself and the MPCA and does not admit that the alleged violations set out in Part 4 of this Agreement occurred. However, the Regulated Party agrees that the MPCA may rely upon the alleged violations set out in Part 4 as provided in Part 9 of this Agreement. Except for the purposes of implementing and enforcing this Agreement, nothing in this Agreement constitutes an admission by any Party, or creates rights, substantive or procedural, that can be asserted or enforced with respect to any claim of or legal action brought by a person who is not a party to this Agreement. All citations are to the latest codification of the cited material unless otherwise indicated.

Part 3. BACKGROUND. The following is the background of this Agreement:

- a. The Regulated Party is an incorporated city in the State of Minnesota with an estimated population of 1,799 people.
- b. The Regulated Party owns and operates a wastewater treatment facility, hereafter the "Wastewater Treatment Plant (WWTP) Facility." The WWTP Facility is classified as an MPCA Minor, Class A facility. The major components are:

- 1 Bar Screen - mechanical
- 1 Grit Removal chamber
- 2 Primary Clarifiers
- 1 Anaerobic Digester - complete mixed, heated - mesophilic
- 1 Trickling Filter unit
- 1 Activated Sludge unit - contact stabilization, conventional, step feed
- 1 Phosphorus Removal unit - chemical
- 1 Aerobic Digester, designed as a process control
- 2 Secondary Clarifiers
- 1 Filter - sand with backwash
- 1 Chlorination unit

The WWTP Facility is a Class A facility and has a continuous discharge from SD-002 to an unnamed ditch (Class 7, 3C, 4A, 4B, 5, 6 then to Horseshoe (Lost) Lake - Class 2B, 3B, 4A, 4B, 5, 6). The

5/15

WWTP Facility is designed to treat an average wet weather (AWW) flow up to 0.691 million gallons per day (mgd) with an influent 5-day biochemical oxygen demand (CBOD₅) strength of 147 milligrams per liter (mg/l).

c. The Regulated Party was issued a National Pollutant Discharge Elimination System Permit (NPDES)/State Disposal System (SDS) Permit No. MN0020125 (Permit) on July 20, 2009. This Permit was reissued on March 27, 2015. This permit authorizes the discharge of treated effluent to designated surface waters of the state.

d. The Regulated Party also owns and operates a water treatment facility which includes a waste lime storage basin, hereafter the "Water Treatment Plant (WTP) Facility". The WTP Facility does not have an NPDES/SDS permit.

e. On February 4, 2014, MPCA staff issued an Administrative Penalty Order (APO) to the Regulated Party for violations associated with unauthorized discharges from the Regulated Party's WTP Facility.

f. On March 29, 2016 MPCA staff conducted a Compliance Evaluation Inspection at the Regulated Party's WWTP Facility. At the request of the Regulated Party, MPCA staff also conducted a site inspection at the Regulated Party's WTP Facility waste lime storage basin on the same date.

g. On April 1, 2016, MPCA staff sent a Request for Information (RFI) letter to the Regulated Party regarding management of the Regulated Party's WTP Facility's waste lime storage basin.

h. On April 7, 2016, MPCA staff sent an inspection report that summarized MPCA findings of the inspection of the Regulated Party's WWTP Facility.

i. On April 11, 2016, the Regulated Party submitted a response to the MPCA RFI letter regarding management of the WTP Facility waste lime storage basin.

j. On May 6, 2016, the Regulated Party submitted a letter in response to the MPCA WWTP Facility inspection report.

Part 4. ALLEGED VIOLATIONS. The MPCA alleges that the Regulated Party has violated the following requirements of statute, rule, and/or permit condition:

- a. NPDES/SDS Permit No. MN0020125 Limits and Monitoring table (permit issued 7/20/09 and permit issued 3/27/15) requires compliance with the pH Calendar Month Minimum of 6.0 S.U.

The Regulated Party had the following pH effluent limit violations of the Calendar Month Minimum limit at the WWTP Facility during the period March 2013 – February 2016 at monitoring station SD002:

Monitoring Period	pH value (S.U.)
March, 2013	5.8
August, 2013	5.0
September, 2013	4.7
October, 2013	5.1
November, 2013	4.8
December, 2013	4.7

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Monitoring Period	pH value (S.U.)
January, 2014	4.8
February, 2014	5.4
July, 2014	5.8
August, 2014	5.3
September, 2014	4.9
October, 2014	5.7
November, 2014	4.4
December, 2014	4.7
January, 2015	4.5
February, 2015	4.8
July, 2015	5.8
February, 2016	5.9

b. NPDES/SDS Permit No. MN0020125 Chapter 9 Part 1.30 (Permit Issued 7/20/09) states, in-part:

Effluent Violations. If sampling by the Permittee indicates a violation of any discharge limitation specified in this permit, the Permittee shall immediately make every effort to verify the violation by collecting additional samples, if appropriate, investigate the cause of the violation, and take action to prevent future violations.

NPDES/SDS Permit No. MN0020125 Chapter 9 Part 1.31 (Permit Issued 3/27/15) states, in-part:

Effluent Violations. If sampling by the Permittee indicates a violation of any discharge limitation specified in this permit, the Permittee shall immediately investigate the cause of the violation...and shall also take appropriate action to prevent future violations...

NPDES/SDS Permit No. MN0020125 Chapter 9 Part 1.34 (Permit issued 7/20/09) and Chapter 9 Part 1.38 (Permit issued 3/27/15) states, in-part:

The Permittee shall at all times properly operate and maintain the facilities and systems of treatment and control, and the appurtenances related to them which are installed or used by the Permittee to achieve compliance with the conditions of the permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. The Permittee shall install and maintain appropriate backup or auxiliary facilities if they are necessary to achieve compliance with the conditions of the permit...

Over an extended time period from March 2013 through February 2016, the Regulated Party reported monitoring results at their WWTP Facility that violated the Calendar Month Minimum pH effluent limit contained in their NPDES/SDS Permit. The Regulated Party failed to immediately take action, or take action in a timely manner, that was sufficient to prevent further violations. The Regulated Party failed to operate and maintain the treatment system to achieve compliance with the pH effluent limits of the permit.

c. NPDES/SDS Permit No. MN0020125 Chapter 8 Part 1.31 (Permit issued 7/20/09) states, in-part:

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Unauthorized Releases of Wastewater Prohibited. Except for conditions specifically described in Minn. R. 7001.1090, subp. 1, items J and K, all unauthorized bypasses, overflows, discharges, spill, or other releases of wastewater or materials to the environment, whether intentional or not, are prohibited.

NPDES/SDS Permit No. MN0020125 Chapter 8 Part 1.33 (Permit issued 3/27/15) states, in-part:

Unauthorized Release of Wastewater Prohibited. Except for discharges from outfalls specifically authorized by this permit, overflows, discharges, spills, or other releases of wastewater or materials to the environment, whether intentional or not, are prohibited.

The following unauthorized releases of untreated wastewater from the Regulated Party's WWTP Facility equalization (EQ) basin to the unnamed ditch due to wet weather occurred:

Release Date	Duty Officer Report #	Volume Released (million gallons [MG]) / Duration
9/5/16	160781	0.38 / 28 hours
7/12/16	159194	0.19 /12 hours
7/8/16	159080	0.3 MG/20 hours
6/19/06	158607	0.21MG/11 hours
6/13/16	158410	0.165 MG/9 hours
3/14/16	156391	1.2 MG/36 hours
3/8/16	156284	0.6 MG/21 hours
11/17/15	154320	.792 MG/44 hours
8/6/15	152835	0.48 MG/25 hours
6/1/14	142092	0.384 MG/64 hours
5/13/14	141583	0.09 MG/13 hours
5/8/14	141497	0.06 MG/10 hours
4/7/14	140721	0.948 MG/4 days, 16 hours
6/21/13	134659	0.39 MG/30 hours
5/26/13	133213	1.71 MG/5 days
3/30/13	132663	0.84 MG/24 hours
7/3/12	127448	undetermined
6/19/12	126760	undetermined
5/24/12	126354	undetermined
5/17/11	119042	undetermined

In addition to the above unauthorized releases of untreated wastewater from the Regulated Party's EQ basin, the Regulated Party also bypassed the trickling filters and effluent filters that are part of the treatment system components at the WWTP Facility:

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1. During the MPCA inspection of March 29, 2016, the Regulated Party stated that approximately two years prior to the inspection, the WWTP Facility's trickling filter had been taken off-line in response to recommendations provided by the Regulated Party's consulting engineer.
2. During the MPCA inspection of March 29, 2016, the Regulated Party stated that during some wet weather events the effluent filters at the WWTP Facility are bypassed as high flows through the filters cannot be maintained and would result in backup within the wastewater treatment plant.

- d. NPDES/SDS Permit No. MN0020125 Chapter 8 Part 1.13 (Permit issued 7/20/09) and Chapter 9 Part 1.14 (Permit issued 3/27/15) state:

Control Users. The Permittee shall regulate the users of its wastewater treatment facility so as to prevent the introduction of pollutants or materials that may result in the inhibition or disruption of the conveyance system, treatment facility or processes, or disposal system that would contribute to the violation of the conditions of this permit or any federal, state or local law or regulation.

During the MPCA inspection of March 29, 2016, the Regulated Party stated that smoke testing of the sanitary sewers of contributors to the Regulated Party's collection system has shown significant sources of I & I to the Regulated Party's collection system. The Regulated Party has failed to regulate private parties that are connected to the Regulated Party's collection system to prevent non-wastewater contributions (I & I) to the collection system that cause exceedance of the WWTP Facility's capacity and result in unauthorized discharges.

- e. Minn. R. 7001.1090 subp. 1 item J. states:

The Permittee may allow a bypass to occur if the bypass will not cause the exceedance of an effluent limitation but only if the bypass is necessary for essential maintenance to assure efficient operation of the facility. The permittee shall submit notice of the need for the bypass at least ten days before the date of the bypass or as soon as possible under the circumstances.

The Regulated Party has bypassed the WWTP Facility's trickling filter for approximately two years and did not provide notification to the MPCA of the need for the bypass or the intent to bypass this treatment component until responding to the MPCA inspection report dated April 7, 2016. The Regulated Party has also bypassed effluent filters at the WWTP Facility during high flow wet weather events but had not provided notification to the MPCA of the bypasses, as required by State rule.

- f. NPDES/SDS Permit No. MN0020125 Chapter 9 Part 1.14 (Permit Issued 7/20/09) and Part 1.15 (Permit issued 3/27/15), states:

Representative Sampling. Samples and measurements required by this permit shall be conducted as specified in this permit and shall be representative of the discharge or monitored activity. (40 CRF 122.41 (j)(1)).

During the March 29, 2016, MPCA inspection the Regulated Party indicated that during some wet weather events the effluent filters at the WWTP Facility have been bypassed. The Regulated Party stated they usually do not complete representative sampling of effluent during these bypass events unless the bypass event happens to occur during their "scheduled" monitoring event.

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Part 5. CIVIL PENALTY.

The Regulated Party agrees to pay \$5,500 to the MPCA as a civil penalty for the violations alleged in Part 4 within 30 days of receipt of an invoice from the MPCA. An invoice for the civil penalty will be sent to the Regulated Party upon the effective date of the Agreement. Payment of the penalty amount of \$5,500 is to be by certified check or money order payable to the Minnesota Pollution Control Agency and should not be submitted until an invoice from the MPCA is received. **Of the \$5,500 total penalty the Regulated party agrees to pay \$3,000, with the remainder of the penalty, \$2,500 being forgivable provided the Regulated Party completes corrective action Part 6.c. of this Agreement.** If the Regulated Party fails to complete corrective action Part 6.c. of this Agreement, then the total penalty amount of \$5,500 is to be paid as indicated above.

The certified check or money order must be mailed to MPCA, P.O. Box 64893, St. Paul, Minnesota, 55164-0893; or to make an electronic payment, contact MPCA Fiscal Services at 651-757-2834.

If the Regulated Party fails to make the required payment within 30 days after receipt of the above-referenced invoice, the Regulated Party agrees to pay a late payment charge in an amount equal to 10 percent of the unpaid civil penalty. Sixty days after the Effective Date of this Agreement, the Regulated Party agrees to pay an additional late charge in an amount equal to 20 percent of the unpaid civil penalty. If the payment, including late charges, is not received by the MPCA within 60 days after the Effective Date of this Agreement, the MPCA may immediately exercise any and all administrative and judicial remedies available to it to collect the amount due. The Regulated Party agrees to pay and shall also be indebted to the MPCA for its attorneys' fees and cost incurred by the MPCA in connection with its collection of the amounts owed pursuant to this Agreement.

Part 6. REGULATED PARTY REQUIREMENTS. The Regulated Party agrees to the following requirements:

a. Within 30-days of execution of this Agreement provide a written response that indicates how representative sampling of facility effluent will be completed when effluent filters are bypassed and that bypass monitoring results will be included in eDMR calculations and submittals. The following effluent parameters must be monitored: 24-hour composite samples for CBOD₅, total phosphorus and total suspended solids and grab samples for dissolved oxygen, pH and total residual chlorine. The response must also indicate how the Regulated Party will notify the MPCA prior to initiation of effluent filter bypassing.

... THIS REQUIREMENT HAS BEEN COMPLETED.

b. Within 30-days of execution of this Agreement provide documentation that the WWTP Facility has been evaluated by a consulting engineer to determine that the trickling filter should be shut down to improve overall facility treatment efficiency.

... THIS REQUIREMENT HAS BEEN COMPLETED.

c. Within 30-days of execution of this Agreement provide documentation that the Regulated Party will control the users of the WWTP Facility by requiring the Rock 'n Pine Estates to investigate and propose a schedule for elimination of inflow and infiltration to the Regulated Party's collection system that connects to the Regulated Party's sanitary sewer collection system.

...THIS REQUIREMENT HAS BEEN COMPLETED.

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d. Within 90-days of execution of this Agreement provide a Wet Weather Storage Capacity Plan (Plan) for expansion of the WWTP Facility's wastewater storage capacity during wet weather events, for MPCA review. The Plan must identify the volume (gallons) of storage capacity proposed, the type of containment, and an estimate of the maximum magnitude rain event that will not be released as a result of the additional storage capacity. The Plan must include a schedule for construction initiation and completion that is consistent with the Regulated Party's Facility Plan, submitted to the MPCA on March 6, 2015.

e. Within 90-days of execution of this Agreement submit to MPCA a written Inflow and Infiltration (I & I) Assessment Plan (Assessment Plan) that identifies measures to be taken to assess the sources and locations of I & I to the Regulated Party's collection system, with a schedule for implementation. I & I assessment measures are not limited to but must include: smoke testing, wet weather televising, flow surveys by sewer catchment area, manhole and lift station inspections, evaluation of contributions from private collection systems that are connected to the Regulated Party's collection system and an evaluation of municipal ordinances prohibiting clear water discharge to sanitary sewers.

f. Within 180-days of execution of this Agreement submit to MPCA a written I & I Elimination Plan (Elimination Plan), with a schedule for implementation. The Elimination Plan must identify actions that will be taken to eliminate I & I from the Regulated Party's collection system, based on the I & I sources discovered as a result of implementing the Assessment Plan.

g. Within 180-days of execution of this Agreement provide a written long term water treatment plant management plan (WTP Plan) for MPCA review and approval. The WTP Plan must evaluate the current WTP and determine whether or not waste lime will continue to be generated at the WTP Facility.

If the Regulated Party determines that waste lime will continue to be generated the WTP Plan must indicate either: 1) how waste lime will be managed to prevent discharges to surface water; or 2) that a permit application will be submitted to MPCA for a discharge to surface water.

If the WTP Plan indicates that waste lime will no longer be generated at the WTP, the WTP Plan must evaluate whether changes to the WTP will result in any discharges from the WTP and if so, that a permit application will be submitted to the MPCA to authorize the discharge. Lastly, if the WTP Plan indicates that waste lime will no longer be generated at the WTP, the WTP Plan must describe how the waste lime storage lagoon will be decommissioned.

h. If the WTP indicates that a permit application will be submitted under requirement (g) above, the Regulated Party shall submit the application to MPCA within 180-days of MPCA approval of the WTP Plan.

Part 7. PENALTIES FOR VIOLATIONS OF THIS AGREEMENT.

a. If the Regulated Party fails to comply with requirements of Part 6.d – Part 6.h. of this Agreement, the Regulated Party shall pay to the MPCA a penalty in the amount of \$500.00 per month for each month of failure.

b. Penalties for failure to comply with requirements of Part 6.d. – Part 6.h. of this Agreement shall accrue from the date the Regulated Party was to have fulfilled the requirement until the Regulated

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Party fulfills the requirement. Penalties shall not accrue while the MPCA considers a timely extension request under Part 12 or during dispute resolution under Part 10, unless the MPCA determines that the Regulated Party filed the request or initiated dispute resolution solely for purposes of delay. If the Regulated Party does not pursue dispute resolution under Part 10 for denial of a timely extension request, penalties shall accrue from the date the extension request is denied by the MPCA Case Contact. If the Regulated Party pursues dispute resolution for denial of an extension request and does not file a timely challenge in a court of competent jurisdiction as provided by Part 10, penalties shall accrue from the date of a Commissioner's dispute resolution decision against the Regulated Party until the Regulated Party fulfills the requirement that is the subject of the extension request.

c. The Regulated Party shall pay a penalty under this Part within 30 days after receiving written notice from the MPCA that the penalty is due, unless the Regulated Party has challenged the factual basis of a penalty asserted under this Part under the dispute resolution provision of Part 10, in which case the penalty, if still applicable, shall be due within 30 days of final resolution of the dispute under Part 10. The written notice shall specify the provision of the Agreement that the Regulated Party has not fulfilled and indicate the date penalties began to accrue. If the Regulated Party fails to make timely payment, the Regulated Party agrees to pay a late payment charge, in addition to the stipulated penalty, to be assessed as follows. Forty-five days after receipt of written notice, the Regulated Party shall be obligated to pay a late charge in an amount equal to 10 percent of the unpaid stipulated penalty. Sixty days after receipt of written notice, the Regulated Party shall be obligated to pay an additional late charge in an amount equal to 20 percent of the unpaid stipulated penalty.

d. In dispute resolution before the Commissioner under Part 10, the Regulated Party can contest the factual basis for the MPCA's determination that the Regulated Party has not fulfilled a requirement of this Agreement covered by this Part. However, the Regulated Party waives its right to challenge, on legal grounds, the requirement that it pay penalties under this Part.

e. The Regulated Party shall not be liable for payment of penalties for failure to comply with requirements of Part 6 of this Agreement covered by this Part if it has submitted to the MPCA a timely request for an extension of schedule under Part 12 and the MPCA has granted the request. The MPCA's grant of an extension of schedule waives the payment of penalties covered by this Part only on the requirements for which the MPCA granted an extension of schedule and only for the time period specified by the MPCA in the grant of an extension. An extension of schedule for one requirement of Part 6 does not extend the schedule for any other requirement of Part 6.

f. Any requirement of this Agreement may be enforced as provided in Minn. Stat. § 115.071. Payment of a stipulated penalty does not relieve the Regulated Party of its obligation to fulfill and complete requirements under the Agreement and to otherwise comply with the terms and conditions of the Agreement.

Part 8. COVENANT NOT TO SUE AND RESERVATION OF REMEDIES. With respect to the Regulated Party, the MPCA agrees not to exercise any administrative, legal or equitable remedies available to the MPCA to address the violations alleged and described in Part 4 as long as the Regulated Party performs according to and has complied with the terms and conditions contained in this Agreement.

The MPCA reserves the right to enforce this Agreement or take any action authorized by law, if the Regulated Party fails to comply with the terms and conditions of this Agreement. Further, the MPCA reserves the right to seek to enjoin violations of this Agreement and to exercise its emergency powers pursuant to Minn. Stat. § 116.11 in the event conditions or the Regulated Party's

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conduct warrant such action. Nothing in this Agreement shall prevent the MPCA from exercising these rights and nothing in this Agreement constitutes a waiver of these rights.

The Regulated Party agrees to waive all claims it may now have, as of the effective date of this Agreement, under Minn. Stat. § 15.472 for fees and expenses arising out of matters leading up to and addressed in this Agreement.

Part 9. REPEAT VIOLATIONS. Federal and state environmental programs establish harsher penalties for violations of environmental laws or rules that constitute repeat violations. In a proceeding to resolve alleged violations by the Regulated Party, if any, occurring after the date of the alleged violations set out in Part 4 of this Agreement, the Regulated Party may argue about the extent to which the violations alleged in Part 4 of this Agreement should affect the penalty amount for the later violations, but waives the right: (1) to contend that the violations alleged in Part 4 of this Agreement did not occur as alleged and (2) to require the MPCA to prove the violations alleged in Part 4 of this Agreement.

Part 10. RESOLUTION OF DISPUTES. The parties to this Agreement shall resolve disputes that arise as to any part of the Agreement as follows:

a. Either party, acting through its Case Contact (as named in Part 13 below), may initiate dispute resolution by providing to the Case Contact of the other party an initial written statement setting forth the matter in dispute, the position of the party, and the information the party is relying upon to support its position.

The other party, acting through its Case Contact, shall provide a written statement of its position and supporting information to the Case Contact of the initiating party within 14 calendar days after receipt of the initial written statement.

b. If the parties, acting through their Case Contacts, do not reach a resolution of the dispute and reduce such resolution to writing in a form agreed upon by the parties within 21 calendar days after the initiating party receives the statement of position from the responding party, the Commissioner shall issue a written decision resolving the dispute. The written decision may address stipulated penalties assessed pursuant to Part 7. The Commissioner's decision shall be considered a final decision of the MPCA for purposes of judicial review.

c. The Commissioner's decision shall become an integral and enforceable part of this Agreement unless the Regulated Party timely challenges the decision in a court of competent jurisdiction. Failure to timely challenge means the Regulated Party agrees to comply with the MPCA Commissioner's decision on the matter in dispute and to pay any penalties that accrue pursuant to Part 7 for failure to fulfill requirements of this Agreement that are the subject of the dispute resolution. Further, if the Commissioner's decision assesses penalties pursuant to Part 7 of this Agreement, the Regulated Party agrees to and shall pay the amount of penalty determined by the Commissioner within 60 days after receiving the Commissioner's decision.

d. Throughout any dispute resolution, the Regulated Party shall comply with all portions of the Agreement that the MPCA determines are not in dispute.

Part 11. VENUE. Actions brought by the MPCA to enforce requirements and terms of this Agreement shall be venued in Ramsey County District Court.

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Part 12. EXTENSION OF SCHEDULES. If the Regulated Party wants an extension of a deadline included in any schedule under this Agreement, including schedules established by approved submittals, the Regulated Party must request the extension in writing at least ten days before the scheduled deadline, or as soon as possible before that date if the reason for the extension request arises less than ten days before the deadline.

Each deadline extension request shall separately specify the reason why the extension is needed. No requested extension shall be effective until approved in writing by the MPCA, acting through the MPCA Case Contact or the Commissioner.

The MPCA shall grant an extension only for the period of time the MPCA determines is reasonable under the circumstances. The written approval or grant of an extension request shall be considered an enforceable part of the Agreement.

The Regulated Party has the burden of demonstrating to the satisfaction of the MPCA that the request for the extension is timely, and that good cause exists for granting the extension. Good cause can include, but is not limited to, the following:

- a. Circumstances beyond the reasonable control of the Regulated Party; and
- b. Delays caused by the MPCA in reviewing timely submittals required by this Agreement, submitted by the Regulated Party in complete and approvable form, which make it not feasible for the Regulated Party to meet the required schedules.

Good cause does not include unanticipated costs, increases in the cost of control equipment, or delays in MPCA review of submittals when the submittals are not in complete and approvable form.

The Regulated Party may challenge a decision by the MPCA to deny a request for an extension under Part 10.

Part 13. CASE CONTACT. The MPCA and the Regulated Party shall each designate a Case Contact for the purpose of overseeing the implementation of this Agreement. The MPCA Case Contact is John Thomas. The address, telephone number, and email address of the MPCA's Case Contact is: MPCA, 525 Lake Avenue South, Suite 400, Duluth, Minnesota, 55802, 218-302-6616, and john.thomas@state.mn.us. The Regulated Party's Case Contact is Jack Bradach. The address, telephone number, and email address of the Regulated Party's Case Contact is: Gilbert City Hall, 16 South Broadway, P.O. Box 548, Gilbert, Minnesota 55741, 218-780-6532, jackbradach@gilbertmn.org. Either party may change its designated Case Contact by notifying the other party in writing, within five days of the change. To the extent possible, communications between the Regulated Party and the MPCA concerning the terms and conditions of this Agreement shall be directed through the Case Contacts.

Part 14. APPLICABLE LAWS AND PERMITS. This Agreement does not relieve the Regulated Party of the duty to comply with the requirements of all applicable federal, state and local laws and regulations, including without limitation in the Regulated Party's undertaking actions to comply with this Agreement. Except when the MPCA has specifically authorized a different compliance method in Part 6, the Regulated Party must also comply with all applicable permits, orders, stipulation agreements and schedules of compliance. Nothing in this Agreement exempts or relieves the Regulated Party of its obligation to comply with local governmental requirements.

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Part 15. OTHER CLAIMS. Nothing herein shall release the Regulated Party from any claims, causes of action or demands in law or equity by any person, firm, partnership or corporation not a signatory to this Agreement for any liability it may have arising out of or relating to the release of any pollutant or contaminant from its operations or from a facility. Neither the Regulated Party nor the MPCA shall be held as a party to any contract entered into by the other party to implement the requirements of this Agreement.

Part 16. LIABILITIES. Each party agrees that it will be responsible for its own acts and the results thereof to the extent authorized by law and shall not be responsible for the acts of the other party and the results thereof. The State's liability shall be governed by the provisions of the Minnesota Tort Claims Act, Minn. Stat. §§ 3.732, et seq., and other applicable law. The Regulated Party's liability shall be governed by the provisions of the Municipal Tort Claims Act, Minn. Stat. ch. 466, and other applicable law.

Part 17. SUCCESSORS, AGENTS AND CONTRACTORS. This Agreement shall be binding upon the Regulated Party and its successors and assigns and upon the MPCA, its successors and assigns. If the Regulated Party sells or otherwise conveys or assigns any of its right, title or interest in the Facility, the conveyance shall not release the Regulated Party from any obligation imposed by this Agreement, unless the party to whom the right, title or interest has been transferred or assigned agrees in writing to fulfill the obligations of this Agreement and the MPCA approves the transfer or assignment. The Regulated Party shall ensure that the Regulated Party's agents, contractors and subsidiaries comply with the terms and conditions of this Agreement.

Part 18. AMENDMENTS. Except with respect to extensions of schedules granted under Part 12 and approved submittals under Part 6, this Agreement may be amended only by written agreement between the parties.

Part 19. EFFECTIVE DATE. This Agreement shall be effective on the date it is signed by the MPCA.

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Part 20. TERMINATION. The provisions of this Agreement shall be deemed satisfied and terminated when the Regulated Party receives written notice from the MPCA that the Regulated Party has demonstrated, to the satisfaction of the MPCA, that all terms of the Agreement have been completed. Termination of this Agreement does not release the Regulated Party from any duty to comply with any statutes, rules or permit conditions, whether or not they are cited in this Agreement. The Regulated Party agrees that it shall retain all records related to this Agreement for three years following its termination. Termination of this Agreement does not release the Parties from any provisions intended to have future application, including without limitation Parts 8 (Covenant Not To Sue And Reservation Of Remedies), 9 (Repeat Violations) and 16 (Hold Harmless Agreement), which terms shall survive the termination of this Agreement.

BY THEIR SIGNATURES BELOW, THE UNDERSIGNED REPRESENT THAT THEY HAVE AUTHORITY TO BIND THE PARTIES THEY REPRESENT

City of Gilbert

**STATE OF MINNESOTA
POLLUTION CONTROL AGENCY**

By: _____

By: _____

Name: _____

Wendy L. Turri, Manager
Municipal Wastewater Section
Municipal Division

Title: _____

Date: _____

Date: _____

City of Gilbert
Request for City Council Action

Date: November 4, 2016

Issue: Quote to remove lime from water treatment plant lime lagoon

Background: Mesabi Bituminous will be providing a quote for the removal of lime from the lime lagoon. Jola & Sopp are not interested in providing a quote for this project.

Council Action:

City Council action is requested on this item.

City of Gilbert
Request for City Council Action

Date: November 4, 2016

Issue: Approval of Geotech firm.

Background: Stantech will be receiving proposals for the Geotech work for the waste water treatment facility upgrade. They are requesting City Council action to accept one of the proposals. I am hoping to have them Tuesday.

Council Action:

City Council action is requested on this item.

City of Gilbert
Request for City Council Action

Date: October 26, 2016

Issue: Gary Mackley's post retirement health insurance

Background: Gary Mackley's contract states "When Mackley becomes eligible for coverage under Federal Medicare provisions Mackley **shall be required** to apply for such coverage and Mackley shall then be covered under the City's supplemental Blue Cross/Blue Shield or equivalent supplemental plan."

The Council directed Clerk Sakrison to ask the insurance agent to come speak to the entire City Council. The agent declined.

Currently Mr. Mackley is on the city's insurance, NOT a Medicare Supplemental policy. His insurance may pay as a supplement to Medicare but it is not a Medicare Supplemental policy. The premium will be \$1,170.00 per month beginning with December 2016 payment which is for January 2017 coverage. Mr. Mackley pays 4.5% towards the premium, leaving \$1,117.35 for the city to pay or \$13,408.20 for 2017.

A Medicare Supplemental policy, BC/BS Platinum Blue Complete with Rx coverage will be \$170.00 per month. (\$2,040 annually) There are different Tiers for prescription coverage depending on if the drugs are preferred generic, non-preferred generic, preferred brand, non-preferred brand, specialty drugs or select care drugs. Some tiers have a \$400 annual deductible. There is a coverage gap if yearly drug costs reach \$3,700. The coverage gap from \$3,700 to \$4,950 when catastrophic drug coverage applies. If in the coverage gap, the insured pay 49% of covered generic drugs and 60% of covered brand name drugs. Once the Catastrophic coverage applies the insured pays the greater of 5% of the cost OR \$3.30 copay for generic drugs, \$8.25 copay for all other covered drugs.

Mr. Mackley expressed concern about recurring cancer. Most cancer treatments are not prescriptions, usually it is infusion so the drug coverage limits do not apply.

The outside cost of the Platinum Blue Complete with Rx plan would be annual premium \$2,040, \$400 prescription deductible, 50% up to coverage gap \$1,650, coverage gap \$1,250 and then once out of pocket drug cost reaches \$4,950 5% of the drug cost. (Drugs would have to be \$161,364 to reach the total of \$13,408.20 which will be the cost of the traditional policy)

Council Action:
Council decision what to do.

8. I₁

City of Gilbert
Request for City Council Action

Date: November 3, 2016

Issue: Transfer Funds

Background: Sherwood Forest Campground has a separate checking account that the credit card payments and camping fees are deposited. I would like to transfer \$150,000 from the Sherwood Forest Checking account into the city's Operating Checking account.

Council Action:

City Council action is requested to approve the transfer of \$150,000 from the Sherwood Forest Campground checking account to the City of Gilbert Operating Checking account.

8. I. 2

City of Gilbert
Request for City Council Action

Date: November 3, 2016

Issue: Transfer Funds

Background: The 2016 budget has \$100,000 budgeted to be transferred to Fund 501 the Capital Improvement Fund to recognize municipal contribution to the improvement project. I am requesting City Council approval to transfer \$100,000 from General Fund to Fund 501 Capital Improvement Fund.

Council Action:

City Council action is requested to approve the transfer of \$100,000 from the General Fund to Fund 501 Capital Improvement Fund.

8. J.
1/10

CITY OF GILBERT
FUND SUMMARY
FOR THE 10 MONTHS ENDING OCTOBER 31, 2016

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	VARIANCE	PCNT
<u>REVENUE</u>					
TAXES	3,668.66	462,463.86	965,222.00	502,758.14	47.9
LIQUOR LICENSES AND PERMITS	105.00	3,190.50	12,565.00	9,374.50	25.4
INTERGOVERNMENTAL REVENUES	.00	756,347.32	1,183,823.00	427,475.68	63.9
CHARGES FOR SERVICES	18,747.93	209,302.01	366,595.00	157,292.99	57.1
FINES AND FORFEITS	642.99	9,831.07	23,000.00	13,168.93	42.7
MISCELLANEOUS REVENUES	12,649.55	92,091.20	136,019.00	43,927.80	67.7
TRANSFER FROM OTHER FUND	2,090.10	2,090.10	.00	(2,090.10)	.0
	<u>37,904.23</u>	<u>1,535,316.06</u>	<u>2,687,224.00</u>	<u>1,151,907.94</u>	<u>57.1</u>
<u>EXPENDITURES</u>					
GENERAL GOVERNMENT	18.75	2,436.75	2,000.00	(436.75)	121.8
MAYOR AND CITY COUNCIL	7,471.22	28,580.01	24,635.00	(3,945.01)	116.0
CITY OFFICE	16,870.43	191,721.51	284,910.00	93,188.49	67.3
ELECTIONS	.00	1,776.65	4,075.00	2,298.35	43.6
AUDITING	.00	18,000.00	17,000.00	(1,000.00)	105.9
CITY ATTORNEY	690.00	6,508.65	18,180.00	11,671.35	35.8
PLANNING AND ZONING	232.07	2,774.95	3,500.00	725.05	79.3
CITY HALL	6,543.07	32,220.68	49,165.00	16,944.32	65.5
COMMUNITY CENTER	569.51	18,956.56	20,500.00	1,543.44	92.5
FIRST RESPONDERS	4,887.42	10,105.29	6,750.00	(3,355.29)	149.7
POLICE ADMINISTRATION	65,225.13	684,508.29	855,475.00	170,966.71	80.0
FIRE DEPARTMENT	3,769.29	42,526.60	78,635.00	36,108.40	54.1
ANIMAL CONTROL	416.67	4,583.37	5,500.00	916.63	83.3
PUBLIC WORKS	52,860.84	471,937.06	686,726.00	214,788.94	68.7
RECYCLING	287.82	1,902.42	4,000.00	2,097.58	47.6
CULTURE AND RECREATION	.00	17,935.84	25,850.00	7,914.16	69.4
RECREATION CENTERS	6,230.60	44,781.52	52,409.00	7,627.48	85.5
CEMETERY	159.59	2,797.62	29,000.00	26,202.38	9.7
UNALLOCATED EXPENDITURES	17,366.25	367,025.33	418,546.00	51,520.67	87.7
TRANSFER TO OTHER FUNDS	.00	.00	100,000.00	100,000.00	.0
	<u>183,598.66</u>	<u>1,951,079.10</u>	<u>2,686,856.00</u>	<u>735,776.90</u>	<u>72.6</u>
	<u>(145,694.43)</u>	<u>(415,763.04)</u>	<u>368.00</u>	<u>416,131.04</u>	<u>(11297)</u>

CITY OF GILBERT
 FUND SUMMARY
 FOR THE 10 MONTHS ENDING OCTOBER 31, 2016

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LIBRARY

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	VARIANCE	PCNT
<u>REVENUE</u>					
TAXES	.00	65,342.75	107,000.00	41,657.25	61.1
INTERGOVERNMENTAL REVENUE	.00	3.97	.00	(3.97)	.0
LIBRARY REVENUES	90.25	1,389.72	3,000.00	1,610.28	46.3
SOURCE 36	1.75	2,765.85	.00	(2,765.85)	.0
SOURCE 39	.00	15,218.79	7,220.00	(7,998.79)	210.8
	<u>92.00</u>	<u>84,721.08</u>	<u>117,220.00</u>	<u>32,498.92</u>	<u>72.3</u>
<u>EXPENDITURES</u>					
LIBRARIES	9,304.79	110,003.49	130,122.00	20,118.51	84.5
	<u>9,304.79</u>	<u>110,003.49</u>	<u>130,122.00</u>	<u>20,118.51</u>	<u>84.5</u>
	<u>(9,212.79)</u>	<u>(25,282.41)</u>	<u>(12,902.00)</u>	<u>12,380.41</u>	<u>(196.0)</u>

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CITY OF GILBERT
FUND SUMMARY
FOR THE 10 MONTHS ENDING OCTOBER 31, 2016

STOREFRONT RENOVATION

	<u>PERIOD ACTUAL</u>	<u>YTD ACTUAL</u>	<u>BUDGET</u>	<u>VARIANCE</u>	<u>PCNT</u>
<u>REVENUE</u>					
SOURCE 34	250.00	4,457.87	3,000.00	(1,457.87)	148.6
	250.00	4,457.87	3,000.00	(1,457.87)	148.6
<u>EXPENDITURES</u>					
GENERAL GOVERNMENT	.00	20,000.00	.00	(20,000.00)	.0
	.00	20,000.00	.00	(20,000.00)	.0
	250.00	(15,542.13)	3,000.00	18,542.13	(518.1)

CITY OF GILBERT
 FUND SUMMARY
 FOR THE 10 MONTHS ENDING OCTOBER 31, 2016

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CAMPGROUND FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	VARIANCE	PCNT
<u>REVENUE</u>					
PARK FEES	2,552.17	99,963.23	102,000.00	2,036.77	98.0
MISCELLANEOUS REVENUES	95.00	3,684.36	500.00	(3,184.36)	736.9
	<u>2,647.17</u>	<u>103,647.59</u>	<u>102,500.00</u>	<u>(1,147.59)</u>	<u>101.1</u>
<u>EXPENDITURES</u>					
CAMPGROUND	9,460.43	71,504.87	73,700.00	2,195.13	97.0
	<u>9,460.43</u>	<u>71,504.87</u>	<u>73,700.00</u>	<u>2,195.13</u>	<u>97.0</u>
	<u>(6,813.26)</u>	<u>32,142.72</u>	<u>28,800.00</u>	<u>(3,342.72)</u>	<u>111.6</u>

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CITY OF GILBERT
FUND SUMMARY
FOR THE 10 MONTHS ENDING OCTOBER 31, 2016

GENERAL DEBT SERVICE

	<u>PERIOD ACTUAL</u>	<u>YTD ACTUAL</u>	<u>BUDGET</u>	<u>VARIANCE</u>	<u>PCNT</u>
<u>REVENUE</u>					
GENERAL PROPERTY TAXES	.00	66,005.37	117,000.00	50,994.63	56.4
FEDERAL GRANTS AND AIDS	.00	1,252.08	.00	(1,252.08)	.0
SPECIAL ASSESSMENTS	.00	354.65	.00	(354.65)	.0
	<u>.00</u>	<u>67,612.10</u>	<u>117,000.00</u>	<u>49,387.90</u>	<u>57.8</u>
<u>EXPENDITURES</u>					
GENERAL GOVERNMENT	<u>2,365.00</u>	<u>116,215.36</u>	<u>116,626.00</u>	<u>410.64</u>	<u>99.7</u>
	<u>2,365.00</u>	<u>116,215.36</u>	<u>116,626.00</u>	<u>410.64</u>	<u>99.7</u>
	<u>(2,365.00)</u>	<u>(48,603.26)</u>	<u>374.00</u>	<u>48,977.26</u>	<u>(12995)</u>

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CITY OF GILBERT
FUND SUMMARY
FOR THE 10 MONTHS ENDING OCTOBER 31, 2016

PERMANENT IMPROVEMENT REVOLVE

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	VARIANCE	PCNT
<u>REVENUE</u>					
SOURCE 33	181,512.65	221,512.65	.00	(221,512.65)	.0
MISCELLANEOUS REVENUES	.00	39.40	.00	(39.40)	.0
	<u>181,512.65</u>	<u>221,552.05</u>	<u>.00</u>	<u>(221,552.05)</u>	<u>.0</u>
<u>EXPENDITURES</u>					
GENERAL GOVERNMENT	985.97	735,104.23	.00	(735,104.23)	.0
	<u>985.97</u>	<u>735,104.23</u>	<u>.00</u>	<u>(735,104.23)</u>	<u>.0</u>
	<u>180,526.68</u>	<u>(513,552.18)</u>	<u>.00</u>	<u>513,552.18</u>	<u>.0</u>

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CITY OF GILBERT
FUND SUMMARY
FOR THE 10 MONTHS ENDING OCTOBER 31, 2016

WATER FUND

	<u>PERIOD ACTUAL</u>	<u>YTD ACTUAL</u>	<u>BUDGET</u>	<u>VARIANCE</u>	<u>PCNT</u>
<u>REVENUE</u>					
OTHER REVENUES	5,000.00	13,498.00	.00	(13,498.00)	.0
MISCELLANEOUS REVENUES	.00	(2,048.20)	.00	2,048.20	.0
WATER SALES	35,101.72	340,167.09	.00	(340,167.09)	.0
OTHER FINANCING SOURCES	.00	1,153.21	.00	(1,153.21)	.0
	<u>40,101.72</u>	<u>352,770.10</u>	<u>.00</u>	<u>(352,770.10)</u>	<u>.0</u>
<u>EXPENDITURES</u>					
WATER UTILITIES	20,594.47	262,424.67	.00	(262,424.67)	.0
DEPARTMENT 990	.00	(2,048.20)	.00	2,048.20	.0
	<u>20,594.47</u>	<u>260,376.47</u>	<u>.00</u>	<u>(260,376.47)</u>	<u>.0</u>
	<u>19,507.25</u>	<u>92,393.63</u>	<u>.00</u>	<u>(92,393.63)</u>	<u>.0</u>

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CITY OF GILBERT
FUND SUMMARY
FOR THE 10 MONTHS ENDING OCTOBER 31, 2016

SEWER FUND

	<u>PERIOD ACTUAL</u>	<u>YTD ACTUAL</u>	<u>BUDGET</u>	<u>VARIANCE</u>	<u>PCNT</u>
<u>REVENUE</u>					
TAXES	.00	29.38	.00	(29.38)	.0
OTHER REVENUES	.00	17,500.24	.00	(17,500.24)	.0
SEWER SALES	57,559.59	544,581.60	.00	(544,581.60)	.0
OTHER FINANCING SOURCES	.00	856.71	.00	(856.71)	.0
	<u>57,559.59</u>	<u>562,967.93</u>	<u>.00</u>	<u>(562,967.93)</u>	<u>.0</u>
<u>EXPENDITURES</u>					
DEPARTMENT 480	<u>31,105.69</u>	<u>499,345.71</u>	<u>.00</u>	<u>(499,345.71)</u>	<u>.0</u>
	<u>31,105.69</u>	<u>499,345.71</u>	<u>.00</u>	<u>(499,345.71)</u>	<u>.0</u>
	<u>26,453.90</u>	<u>63,622.22</u>	<u>.00</u>	<u>(63,622.22)</u>	<u>.0</u>

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CITY OF GILBERT
FUND SUMMARY
FOR THE 10 MONTHS ENDING OCTOBER 31, 2016

SANITATION FUND

	<u>PERIOD ACTUAL</u>	<u>YTD ACTUAL</u>	<u>BUDGET</u>	<u>VARIANCE</u>	<u>PCNT</u>
<u>REVENUE</u>					
SOURCE 37	14,335.95	161,035.68	.00	(161,035.68)	.0
	<u>14,335.95</u>	<u>161,035.68</u>	<u>.00</u>	<u>(161,035.68)</u>	<u>.0</u>
<u>EXPENDITURES</u>					
DEPARTMENT 200	10,632.19	147,954.61	.00	(147,954.61)	.0
	<u>10,632.19</u>	<u>147,954.61</u>	<u>.00</u>	<u>(147,954.61)</u>	<u>.0</u>
	<u>3,703.76</u>	<u>13,081.07</u>	<u>.00</u>	<u>(13,081.07)</u>	<u>.0</u>

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CITY OF GILBERT
FUND SUMMARY
FOR THE 10 MONTHS ENDING OCTOBER 31, 2016

ELECTRIC FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	VARIANCE	PCNT
<u>REVENUE</u>					
MISCELLANEOUS REVENUES	30.00	1,547.18	.00	(1,547.18)	.0
ELECTRICITY SALES	78,431.05	840,888.03	.00	(840,888.03)	.0
	<u>78,461.05</u>	<u>842,435.21</u>	<u>.00</u>	<u>(842,435.21)</u>	<u>.0</u>
<u>EXPENDITURES</u>					
DEPARTMENT 560	58,845.82	607,938.45	.00	(607,938.45)	.0
TRANSMISSION AND DISTRIBUTION	19,450.80	58,574.42	.00	(58,574.42)	.0
ADMINISTRATION	8,997.27	86,009.78	.00	(86,009.78)	.0
	<u>87,293.89</u>	<u>752,522.65</u>	<u>.00</u>	<u>(752,522.65)</u>	<u>.0</u>
	<u>(8,832.84)</u>	<u>89,912.56</u>	<u>.00</u>	<u>(89,912.56)</u>	<u>.0</u>