

Glyndon City Council

4/8/2015

7:00 p.m. Regular Council Meeting
Glyndon City Hall

1. **Call to Order:** Mayor Cecil Johnson called the meeting to order at 7:00 p.m.
2. **Roll Call:** Council Members Present: Dave Owings, Joe Olson and Kimberly Savageau, City Staff Present: City Clerk Denise Anderson, Deputy City Clerk Wendy Affield, Police Chief Michael Cline, and City Engineer Chris Thorson.

As Per Sign in Sheet: Steve Iverson, Shawn Hagen, Jim Sullivan, Dave Werth and Karen Kringler.

3. **Motion to Approve Consent Agenda**
 - a. Minutes – 3/25/2015
 - b. Motion to Approve Resolution of Payments – A motion to approve the Consent Agenda was made by Dave Owings, seconded by Joe Olson.
Motion Carried.

4. **Additions to Agenda**
 - Arvig Conversation – Dave Owings
 - Peggy Harter – Quiet Zone – Cecil Johnson

5. **Motion to Approve Agenda**

A motion to approve the 4/8/15 agenda was made by Kimberly Savageau, seconded by Dave Owings.
Motion Carried.

Dave Owings asked to move Simple Website Creations presentation from Shawn Hagen to the beginning of the New Business discussions.

6. **New Business**

- a. **Simple Website Creations/Presentation – Shawn Hagen** – Mr. Hagen informed Council Members that he has met with Denise Anderson in regards to setting up a new web page for the City of Glyndon. Anderson included the proposal she received from Simple Website Creations in the Agenda packet. Hagen started Simple Website Creations in 2007 and is located in Hawley Minnesota. Mr. Hagen informed Council that the current website the City is using at this time is Word Press which is very difficult to make changes to. The program that Hagen uses is more like Microsoft Word which is much easier to change or adjust items that are on the web page. Hagen explained that his is a custom built program where he can manipulate of items on the front end to make sure it consists of what the City is trying to accomplish. In his proposal package it would include a mobile website for individuals who use their phones. Hagen would register the website with Yahoo, Google and Bing, also included is Google Analytics which is a report that will inform the City of how many people are looking at the Cities Website. During Hagen's presentation he showed Council Members a few samples of websites that he has developed around the area and explained that either he or one of his employees will spend some

time in Glyndon taking pictures that will be used to express how welcoming the community of Glyndon is and the wonderful things it has to offer for residents to want to move into the community. Mr. Hagen feels it is very important to design a website to attract and make a good impression of Glyndon and is user friendly for the residents. Hagen explained that he is different from most website companies as he does not require an upfront payment to start the process, he requires the payment after the site is up and running and the revisions have been made to the City's satisfaction. Kimberly Savageau asked if it was possible to have a "Notify Me" that would email residents who choose to be notified about upcoming events like Clean up Week or the Ice Cream Social. Shawn Hagen informed Council that he does not have that program but he could use another provider if the City was interested in offering that to the residents. Joe Olson asked if an Economic Development page would be able to be set up that would show lots available within the City limits. Owings suggested that it could be something the City offers to the Developers or Realtors that are trying to sell or build a home in Glyndon. Hagen would set up the template and we could change the information as needed. Hagen informed Council Members that he would like to know ahead of time what the City is looking for because it is easier to do the initial setup upfront then to add later. Joe Olson would like to put it on the Agenda for further conversation for the next meeting on April 22nd.

b. 4/8/15 Planning and Zoning Meeting Decision – Zoning Classification & Land Use Permit of Proposed Annexation of Monsanto – Anderson recommended Council make a motion to accept the changes that were discussed at the Special Meeting that was at 6:00 p.m. prior the Council Meeting. Anderson stated she will adjust the verbiage that was discussed at the Zoning Meeting and have a Resolution for the Council to adopted at the April 22nd Council Meeting. Dave Owings made a motion to adopt the Agricultural Commercial Zoning with the changes that were made at the previous meeting, seconded by Kimberly Savageau. Motion Carried.

c. Discussion of May 13th Council Meeting Date/Time – Kimberly Savageau – Savageau stated that she will be unable to attend the Council Meeting scheduled for May 13th and recalled hearing that Dave Owings also may not be at the meeting. Owings stated that Chris Jensen should be questioned if he will have a conflict at that time which would mean the City would not have a quorum and would not be able to have the meeting. Owings believes the Council should have a backup date set for Monday May 18th at 7:00 p.m. which the residents would need to be notified 3 days prior to the new meeting date. Anderson would post notices around town along with posting it on the City Website if the May 13th morning meeting needs to be rescheduled.

d. Dust Control 12th Avenue Clay County Application – Mayor Johnson informed Council Members that 7th Street East and 12th Avenue East are the two spots that need to be scheduled for dust control. After further discussion Council decided to leave it the same as last year. A motion was made by Kimberly Savageau to give Denise Anderson the authority to complete the application for the dust control and mail it to the County, seconded by Dave Owings. Motion Carried.

e. Knodel Enterprises Inc. Approval of Request to Renew Liquor License 6/30/15-6/30/16 – Tabled until April 22nd after the Criminal History is processed by Chief Cline.

f. Morty's Bar & Grill Approval of Request to Renew Liquor License 6/30/15-6/30/16 – Tabled until April 22nd after the Criminal History is processed by Chief Cline.

7. Old Business/Unfinished Business

a. Monsanto Annexation - Update – Engineer Chris Thorson informed Council Members that he has been in contact with Monsanto’s Engineer and was informed that they will be completing the water and sewer line design and will send it to Ulteig for review. Thorson forwarded the report of Monsanto’s extensions to their Engineer that Ulteig had put together. The steps with Monsanto are the Annexation first, TIF second followed by the Developers Agreement.

b. Centennial Development – Review/Discussion of Rough Draft Developer’s Agreement – Jim Sullivan took the floor and informed Chris Thorson that his Engineer has made the adjustments that Ulteig requested. Mr. Sullivan informed Council Members that the Developer’s Agreement draft that was drawn up by Ken Norman was presented to a TIF Attorney in Fargo. The concern that Sullivan has at this time is that the Developer’s Agreement that Sefkow has on the land is attached to the TIF Agreement and since the TIF is still on the lots he purchased would he have to follow the same agreement as Sefkow had. Council Members informed Mr. Sullivan that the City will be in the process of decertifying the lots that no longer are eligible to be in the TIF District. Owings suggested to Mr. Sullivan that the next step would be to have his Attorney contact the City’s Attorney and see if the two of them can come to an agreement to keep this process moving forward while the TIF decertification is in progress. Sullivan was informed that David Drown stated that everything should be finalized with the decertification before the next TIF payment is scheduled to be paid to Mr. Sefkow. Anderson stated that she will be visiting the County Auditors to research back 12 years on 185 lots. Owings asked Sullivan if he had any other issues with the Developers Agreement draft. Jim Sullivan informed Council Members that he has an issue with #2 Security/Public Improvements a) ii. Concerning the letter of credit equal to the estimated costs for the installation of the public improvements. Sullivan stated that he is the owner of the land and will be paying for all the expenses for the project and has never had to do this on a project before. Chris Thorson stated that there are two options under #2 a) – i. being a Performance Bond and ii. Being a letter of credit, it is his understanding that Mr. Sullivan would only need one of these options. Dave Werth explained that since Sullivan is not Special Assessing the property the City is not taking any risks because Mr. Sullivan is financing the whole project. Kimberly Savageau and Chris Thorson stated that the roads are considered City property even though they are not physically there, they have been platted out. The City also owns the park land in the southwest corner of the development because it has already been recorded at the County. Thorson explained that the risk is if Sullivan comes in and starts a project on the City right of ways and does not finish the project, the City will need to take over and finish what was not completed. Kimberly Savageau explained that if Mr. Sullivan starts the project and does not finish it, it is only detrimental to himself as he owns the land and would not be able to sell it. Sullivan explained that he understands that there needs to be a certain financial amount set aside for warranty but it should not be equal to the cost of the whole project. Sullivan stated that during the project Chris Thorson from Ulteig Engineering will be watching over the project and if any issues arise Mr. Thorson should be well aware of them early in the project. Dave Werth questioned why it is being put on the whole project and not just the specific amount of lots he will be working on to start with. Savageau explained that instead of having to come in front of the Council every time you want to start a new phase you will not have to go through that step because it was completed all at one time. Sullivan and Thorson discussed the storm water ponds if he should have ponds located in each phase as it is developed or one large pond located at Outlet A on the plot. Sullivan stated that he will install curb and gutter and would like to run the storm sewer in the easement instead of the right of way. Kimberly Savageau questioned if Sullivan would hit lot 16 in block 7 with his first development as this lot was purchased prior to Sullivan purchasing the land. Thorson questioned how the benefit to the 3 lots already sold get accessed to each parcel.

Council discussed ideas on how to resolve the issue with the 3 lots that were sold prior. Sullivan will need to visit with the homeowners and see if they would like to sell the lots back to him, exchange lots or pay for the improvements he would be installing on the lots. Savageau brought up the Park Dedication and according to the plat the City already has been dedicated the two parks in the Centennial development and should not be expecting Sullivan to furnish anymore lots. Sullivan made the remark that he has been thinking of possibly adding a park in the location of Outlet A next to the holding pond. Mayor Johnson asked Sullivan if there was anything else in the Developers Draft that he would like to discuss. Owings stated that the TIF desertification will be moving forward so that should not be an issue and the Attorney's will work out the security issue so both the City and Sullivan are protected. Sullivan stated that he would like the security to only be for the phase that he is working on at the time. Sullivan will be meeting with his Attorney the next day and will give him direction to contact Ken Norman to discuss the changes to the Developers Draft. Owings stated that the biggest concern at this time is the risk the City has to take for these developments to move forward. Due to an issue years ago the City is more cautious with any and every new development that comes to town. Mr. Sullivan has visited with Norman and does not feel he has been answered truthfully on some questions he has asked. Sullivan made the remark stating that if this project does not get accomplished it will be because of Ken Norman. Joe Olson addressed Mr. Sullivan that if it comes to that point where he cannot come to an agreement with Mr. Norman then the City will need to look for Legal Council that Sullivan can work with to get the project moving forward. Olson stated that Mr. Norman would still be the City's attorney but will not work on the Centennial Development project. Jim Sullivan informed Council that he would like to see if the Attorneys can work it out first.

c. Seters East Development – Review/Discussion of Rough Draft Developer's

Agreement – Mayor Johnson gave the floor to Mr. Iverson. Steve Iverson addressed Council that he received an e-mail from Mayor Johnson that was written by Ken Norman on six items that need to be discussed in the Developers draft.

- 1) The correct identity of the parties and their interests in the underlying fee title to the real estate – Prairie Hills LLC will be entering into a Contract for Deed with the Seters.
- 2) The manner in which the security interests will be identified and covered with regard to default-related occurrences – Iverson stated a 100% Letter of Credit will be funded by the group he is working with.
- 3) The length of deferral periods (if any) – 2-3 year deferral on the local improvements to give the development some time to get off the ground.
- 4) The payment of expenses facing the City and if the developer pays all or a portion thereof – Iverson would like to have it incorporate into the draft stating the City would Special Access the landowner for the improvements to that piece of property.
- 5) The size and scope of the development, the costs involved and the form of financing to be extended/imposed in order to accommodate the development – Iverson stated that they have an Engineers estimate in hand.
- 6) The manner in which the security will be held upon bulk sales/transfers of title to third parties – Iverson explained with an example of what he believes Mr. Norman means by this and explains that the Letter of Credit stays in place until a home is built on that lot.

One other issue Iverson wanted to bring to Councils attention is number 9) Environmental Study page 5 of the Developers draft. Iverson stated that the land has been farm land (agricultural) since 1873 and is questioning the reason the City is requesting a Phase I Environmental Study to be completed. Mr. Thorson informed Council Members he has never seen this in a Developers Agreement before, when the land has been zoned agricultural for so long. Mr. Iverson feels he has addressed all six items that Mr. Norman had questions on and feels that once they are incorporated into the Developers draft the project will be ready to move forward. Owings

questioned Iverson on why Ken Norman does not feel these six items have been addressed at this time. Iverson stated that if Norman needs any information he should let him know and he would make sure copies would be delivered to him. Iverson stated to Owings that he will not tolerate being held back another month, if Ken Norman wanted this information he should have had it incorporated into the Developers Agreement at the start instead of adding it now. Iverson questioned number 6) Responsibility for Costs on page 4 stating that after discussion with Mr. Thorson the legal planning, engineering and inspection expenses should be included into the Special Assessment as it is part of the improvement process of the project. Chris Thorson stated that when a City is bonding on a project the engineering and inspection costs are combined into that bond and not billed to the developer. Savageau asked if that would also include the engineering costs the City has already paid for this project. Thorson agreed that it would. Iverson would like the Council to address #9 on page 5 and #6 on page 4 and incorporate the six items that Mr. Norman had concerns on so the Developers Agreement can be signed by both Prairie Hills LLC and each Seter that is part owner of the land.

Joe Olson made a motion to take out 9) Environmental Study on page 5 of the Seter's East Second Addition Developers draft, seconded by Kimberly Savageau.
Motion Carried.

Dave Owings made a motion to change the verbiage of 6) Responsibility for Costs on page 4 of the Seter's East Second Addition Developers draft to read that any costs connected with this project will be incorporated into the Special Assessments, seconded by Joe Olson.
Motion Carried.

Iverson believes there still is an area wide improvement deferral period that is still in question for the pond and lift station. Iverson is not sure if Mr. Drown has figured how long that deferral will be at this time. Mr. Iverson will contact David Drown to see if any time line has been set for the deferral. Iverson asked Council Members if it would be possible to have everything brought together for completion for the April 22nd Council Meeting. Anderson informed Council Members that a meeting for rezoning will need to be scheduled, advertised and letters to the residents will need to be mailed out no later than Friday April 10th. Anderson wants to be perfectly clear that the cost of this development will not be an expense for the residents of Glyndon, she reminded Council Members that at the Public Hearing last year the residents were told it would not cost them anything for this development to proceed. Council Members stated that the costs will be only accessed to the new lots that will benefit from the improvements. Thorson questioned Iverson if the rezoning was for the whole development or just the first phase. Iverson stated it will be only for phase one, they will rezone as the Phases continue. Anderson would like to know if this could wait until the Council Meeting on May 13th since the Council has the Public Hearing for Monsanto at 6:00 p.m. and then the Regular Council Meeting at 7:00 p.m. Olson and Savageau suggested to start the zoning meeting for Seters at 5:00 p.m. on April 22nd so this project can stay on track. Anderson informed Iverson that she will need the legal description for the newspaper publication as soon as possible. Owings asked Iverson what the City could have done differently with the special morning meetings to have helped move this process faster. Iverson stated that the City does not have the experience with modern times on how new developments are addressed. It has been 10+ years since a housing development has opened and procedures are done differently. Iverson stated that he feels things went very well and he understands that the City is more cautious due to the issues with a Commercial development. Anderson informed Iverson that the City has received information regarding incentives for first home buyers if he would like to take some of the information with him.

8. Department Reports / Committee Reports

a. Mike Cline, Police Chief – Chief Cline informed Council Members that he has a few questions to ask Council before he can send his ATV/Snowmobiles Ordinance to Ken Norman for review. Cline has taken the template from the League of Minnesota along with the State Statues regarding ATV/Snowmobiles and combined them into a revised Ordinance #131 for the City to adopt. The League of Minnesota requires the owner of the machine to pay an annual permit fee. In order to purchase the permit the owner will need to show proof that the machine is licensed and insured and by requesting these items the City will be covered from liability issues. Owings asked if it would be an issue during Glyndon Days with the 4-wheelers in the parade. Chief Cline stated that he will issue the temporary permits for the parade. Joe Olson asked what brought this on to revise the Ordinance #131. Chief Cline informed Council Members that the biggest issue is the 4-wheelers driving around the coulee. Once the Ordinance is revised the Maintenance department will need to install signs around the coulee stating “No motor vehicles allowed - You are violating Ordinance #131”. Cline informed Council Members that the ordinance at this time is very vague and does not include golf carts which is another issue in the city limits. Cline informed Council that the City has two primary routes that are allowed for the individual to drive on to get out of town. Mayor Johnson asked how this will be enforced by the Police Department. Chief Cline informed Council that they would start out slow with some talks, warnings and then issue citations to the individuals that have been warned numerous times. Also included in the Ordinance is the limitation of hours of operation, age of the individual and locations that are acceptable by the City. Council feels a \$10.00 yearly permit fee should be added to the Ordinance to cover the expense the City will have for submitting permits. Chief Cline will finish his draft and send it to Mr. Norman for his review and once it has been approved by Mr. Norman he will bring it to the Council to be adopted.

b. Bob Cuchna, Fire Chief – Owings received the letter from Mr. Cuchna and will hand it out to those who ask the question concerning the Fire Department location. Olson asked Cuchna if residents can burn in fire pits in their yards. Cuchna stated that it is allowed at this time as long as they follow the regulations the City enforces. The restricting of fire permits is still on due to the dry weather. Cuchna informed Council Members that the grass rig is working very well and the electrical has been completed at the Fire Department. Brian Green has informed Cline and Cuchna that the Armer System will be in place in 2017 and the new radio system will be an expense that will need to be looked at in the near future. Cuchna is hoping to get a Federal Grant to help pay for the system within the next few years.

c. Scott Lofgren, Maintenance/Public Works Supervisor – Not Present.

d. Denise Anderson, City Clerk – Denise Anderson informed Council Members that she has been working closely with Monsanto to keep the project moving forward. Anderson expressed her concerns with the Bonding for Seters Addition and would like the Council to take a step back and look closer at the financial part of the project which consists of the drainage pond and lift station. Anderson knows this is a great opportunity for the City of Glyndon but wants to make sure the Council understands how the deferral time for the storm water will affect the City financially. Owings feels the priority at this time is for Anderson to put the Centennial TIF research on hold for a few days and work on the Seters letters that will need to be mailed out for the Zoning Meeting on April 22nd. Savageau will research at the Court House to see where the information is located that Anderson will need to research. Anderson explained how the 4 Year Knock Down process was discovered by David Drown concerning the TIF with Sefkow. Mr. Drown needs to know what the market value was for each year on the lots that were never built on because the County overpaid the City and the City overpaid Sefkow. If the lots were not built on within the first 4 years the Four Year Knock Down clause should have been executed and

those lots should have been decertified. The City needs to figure out how much it should reimburse the County and how much less to pay Sefkow on future TIF payments. Anderson stated how the TIF was mismanaged, it could mean a sizable savings for the City so it is well worth the time. Kimberly Savageau asked how far back does the research need to go. David Drown would like the years from 2000 to 2014 for all 185 lots in Centennial due to homes that should come out of the TIF funding after 15 years. Savageau asked Anderson if her concerns are that the City will not have the money to make the Bond payment on Seters addition. Owings and Anderson stated that the concern is during the deferral period. Council agrees that a skype meeting needs to be scheduled with David Drown to discuss these questions answered before the meeting on April 22nd.

e. Councilman Joe Olson & Kimberly Savageau, Glyndon Improvement Committee – Set a date for May 6th to start the planning process for the Ice Cream Social. Anderson will put a reminder in the Newsletter informing the residents they could use some help with the planning.

Additions to Agenda

➤ Peggy Harter – Quiet Zone – Mayor Johnson informed Council Members that at the MN DOT meeting Peggy Harter scheduled a Public Meeting for May 14th from 5:30 to 7:30 p.m. at the Community Center to discuss any concerns residents may have with the Highway 10 project. Mrs. Harter would like to address Council at the April 22nd meeting concerning information regarding possible funding for a Quiet Zone in Glyndon.

➤ Arvig Conversation – Dave Owings – Owings visited with Arvig and was informed that this spring Arvig will be replacing their wiring with new equipment that will allow residents to receive increased speeds that would be comparable to what Dilworth has but unfortunately the cost will also be increased. Arvig holds the ILEC rights in Glyndon which means that they have the copper rights so if anyone else wants to come in to install DSL they would not get the government subsidy that Arvig is receiving. The cost is too great for another company to come into Glyndon. Owings stated that the City is stuck between a rock and a hard spot when it comes to offering affordable internet service to the residents of Glyndon. Council discussed the option of Maple River Communications for internet service which has an antenna on the Water Tower and needs a line of sight to the equipment that would be located on your house. Owings stated that if you have trees around your house you will more than likely have issues.

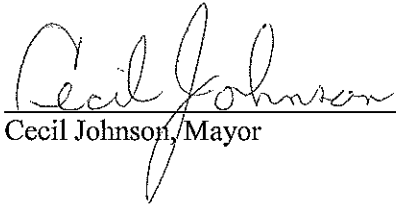
Chief Cline informed Council Members he feels the carpet bid for his building was high and would like to get a few more bids. Olson will contact Cline with a name that the County uses for carpet replacement.


9. Open Forum – Karen Kringler has concerns with how the new developments will affect the traffic in the City.

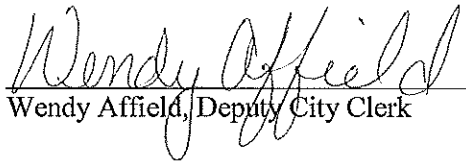
10. Miscellaneous Announcements – Nothing

11. Adjournment

A motion was made by Joe Olson, seconded by Kimberly Savageau to adjourn at 9:50 p.m. Motion carried.


Cecil Johnson, Mayor


Denise Anderson, City Clerk/Treasurer


Wendy Affield, Deputy City Clerk

April 8, 2015 Glyndon City Council Minutes