

**Glyndon City Council**  
**3/22/2023**  
**Regular Council Meeting – 6:00 P.M.**  
**City Hall Council Chambers**

1. **Call to Order:** Mayor Tracy Tollefson called the meeting to order at 6:00 p.m.
2. **Roll Call:** Council Members Present: Steven Ring, Patrick McCoy; Police Chief Justin Vogel; Maintenance Supervisor Andy Olson and City Clerk Wendy Affield.

**As Per Sign in Sheet:** None

**Virtual Attendees:** Council Members Bryant DeVries and Justin Schreiber; City Engineer Kris Carlson.

**Absent:**

3. **Motion to Approve Consent Agenda** – A motion to approve the consent agenda was made by Patrick McCoy, seconded by Steven Ring. All in favor.  
Motion Carried.

a. **3/8/2023 – Council Meeting Minutes**

b. **Approve Resolution of Payments**

- **Accept Grant Check from Minnesota Chiefs of Police Foundation for \$1,200 to go towards Glyndon’s PD after School Outreach/UC Hope Kids Program**

4. **Any Additions to the Agenda** – None.

5. **Motion to Approve the Agenda** – A motion to approve the agenda was made by Patrick McCoy, seconded by Steven Ring. All in favor.  
Motion Carried.

6. **Open Forum – Public Comments/Concerns** – None.

7. **Department Reports – Committee Reports** -

a. **Justin Vogel, Police Chief** – Chief Vogel informed Council the BCA Audit has been completed, the new squad vehicle should be here hopefully in the next couple of weeks and then it will be sent to Code 4 to have the equipment installed. Chief Vogel will be attending the Chief’s Conference in Duluth the week of April 12<sup>th</sup>.

b. **Andy Olson, Maintenance Supervisor** – Olson informed Council the parking lot by the skating rink is becoming soft so he would like to plan a day to close down the skating rink. Mayor Tollefson said to work with Affield on sending out a notice to residents. Olson stated the banners will be changed out on Monday and he is having Ty work with him in the water treatment plant more lately. Olson explained that Ty will need to wait another two (2) years to test for his Class “C” water certification but on the wastewater side of things he can actually take his test in September. Mayor Tollefson asked Olson how his preparation for spring is looking, are there culverts around town that will need to be opened up so the water flows once it melts. Olson stated the biggest part is having the ponds ready, they will be opening them up next week so then they can start the pumping process. Southview ditch is one area he will keep an eye on, stating he might have to bring in Randall’s Excavating to clear

the snow. Mayor Tollefson questioned the area around Johnson Park and was wondering if there are any other spots that should be looked at. Olson said Southview and the coulee to the east on 12<sup>th</sup> Street are the only two areas he knows Randall's have cleaned out in the past. Affield informed Council the road is the City's east towards the stop signs, but we pay the County to maintain it. Mayor Tollefson expressed the importance of keeping an eye on areas in town that might be prone to flooding once the snow starts melting. Engineer Kris Carlson agreed with the two areas that are most important to watch. Mayor Tollefson asked if he foresees any backups on Lund, Partridge, 4<sup>th</sup> to 5<sup>th</sup>, that square block? Olson thinks that area has gotten better since the Parke Avenue project has been finalized. Schreiber asked if the area around the old Fuchs Sanitation shop will need to be looked at. Olson informed Council the pond in Stockwood was drained very low last year so hopefully they do not have the same issue as last year. Schreiber asked Carlson who is responsible for the drains on Parke Avenue since it is a County road. Carlson believes it is a group effort but with the drain tile that is in place now, once the water starts moving, he does not foresee any issues. Olson will look at it tomorrow to see if they can clear out some of the snow.

**c. Bob Cuchna, Fire Chief** – not present.

**d. Wendy Affield, City Clerk** – Affield mentioned the passing of former Maintenance Worker Terry Cummings and would like permission to send a sympathy plant from the City to his family. Council was all agreeable to send something. Affield informed Council she will be attending the League of Minnesota Cities conference in Duluth in June. Affield stated the Auditors were here for one day otherwise she is emailing the information to them, and they usually wrap things up between the end of April, beginning of May.

**e. Tracy Tollefson, Mayor** – Mayor Tollefson mentioned the School Superintendent, herself, Kris Carlson, and Justin Sorum might meet one day to visit about the possibility of constructing 7<sup>th</sup> Street to County 17. She stated if there were ever any future meetings, she would make sure Council was aware.

## **8. Committee Reports –**

**a. Glyndon Days/Park Committee Update** – Being this was discussed at a meeting prior Council did not feel it needed to be visited about any further.

## **9. New Business –**

**a. Approve Resolution 2023-1 – A Resolution Ordering Preparation of Report on Improvements for Charleswood Addition** – Carlson explained this is just to authorize the presentation of the report he will be discussing in a minute. A motion was made by Patrick McCoy to approve Resolution 2023-1, a Resolution ordering preparation of report on improvements for Charleswood Addition, seconded by Steven Ring. All in Favor.  
Motion Carried.

**b. Discussion Concerning the Feasibility Study for Street and Utility Improvements for Charleswood Addition – City Engineer Kris Carlson** – Carlson explained to Council this process needs to happen in order to move forward, we are still waiting for a few items but want to keep the process moving forward. Carlson went through the Feasibility Study highlighting certain areas like under the Existing Site Conditions section C indicating there is a FEMA floodplain issue in a section of this project. The large pile of materials located in that area will be used to raise the lots out of the floodplain. The existing water and sewer come in from the 15<sup>th</sup> Street Cul-de-sac on the west end, it was stubbed out from when the Southview Addition was created. Everything from the design consideration follows both

the Department of Health and the MPCA guidelines. The water main improvements consist of eight (8) inch PVC mains throughout the entire development. The sanitary sewer improvements will consist of eight (8) inch PVC sewer mains, manholes, and four (4) inch PVC service laterals. Storm sewer will consist of curb and gutter and was sized to drain into the pond located in Southview. The street improvement section will be constructed to be thirty-eight (38) feet wide, asphalt, urban street sections with concrete curb and gutter. Estimated project costs on page six (6) of the study are broken down between city and assessable, this is because the City will be responsible for a small chunk of Parke Avenue that needs to be constructed to tie into the development. There will also be utilities stubbed out to eventually finish the area between 12<sup>th</sup> and 14<sup>th</sup> street with curb and gutter. The estimated cost is almost 2.2 million dollars and if we go with the per lot assessment like Southview it would be approximately thirty-eight thousand, five hundred forty-three dollars and ninety-eight cents (\$38,543.98) per lot. Carlson did visit with some contractors to see where the prices were prior to the estimate. The proposed timeline would be April 2023 for the Preliminary Assessment Hearing; May 2023 Project Plans and Specifications; June 2023 Advertise for Bid and Receive Bids; July 2023 Begin Construction; September 2023 Substantial Completion; October 2023 Final Assessment Hearing; June 2024 Final Bituminous Wear Course Paving. Carlson explained if the property owners are unable to follow through with the Developers Agreement and Letter of Credits the project does not need to move forward. Schreiber had a question concerning the pinning issue wondering if that was resolved. Carlson stated the Corrective Plat has been signed by all parties and we are just waiting for Ken Norman's review and then he will need to sign along with the Mayor. Schreiber's next question is concerning Parke Ave to the new entrance of Charleswood, wondering if that section will be the last thing done. Carlson stated the last block is not included in the Feasibility Study we are looking at today, that section will be bid out at a later date if Council would like it completed. Carlson was instructed to put some numbers together concerning that area. Ring asked if that section would also have a sidewalk like the rest of Parke Avenue. Carlson believes it would be the path side they would want to extend to the park. Schreiber questioned if the homes in that area would be assessed. Carlson informed Council a Public Hearing would need to be held to inform the area residents of the possible project. Carlson talked about the different homes that could be assessed fully or partially depending on their location.

**c. Approve Resolution 2023-2 – A Resolution Receiving the Feasibility Report on Improvement and Calling Hearing on Improvement** – A motion was made by Patrick McCoy to approve Resolution 2023-2 receiving the Feasibility Report on improvements and calling hearing on improvements, seconded by Steven Ring. All in Favor.  
Motion Carried.

**d. Nuisance Ordinance #194 Discussion** – Chief Vogel started going through the draft copy of Ordinance #194, an ordinance regulating public nuisances within the City of Glyndon. The ordinances that will be replaced by this new one consists of 12, 77, 96, 117, 135, 138 and 145. Chief Vogel requested Council to review the old ordinances to make sure nothing has been missed that should be included in the new nuisance ordinance. Mayor Tollefson requested copies of the old ones be sent to all Council Members.

General Provisions is the first chapter to review in the ordinance. In this section you will find general public nuisances defined, public nuisances affecting health, public nuisances offending morals and

decency, affecting peace and safety. Mayor Tollefson emphasized the importance of reviewing this ordinance thoroughly because an “and” or “or” can change the whole dynamics of the sentence. Mayor Tollefson feels Chief Vogel can just highlight the more important items at this time. Chief Vogel explained the items included in this ordinance have come from other towns such as Barnesville, Dilworth, Moorhead, and the League of MN Cities so we did not just added items that have not been addressed in other towns. Chief Vogel started to mention some items like diseased animals, stagnant water, garbage in your yard. Mayor Tollefson wanted everyone to be aware of the length you can have any weeds or grasses before you will be notified. It was increased to eight inches (8”) from six (6) inches in the old ordinance. Affield explained to Council how the City of Dilworth only notifies the residents once a year if their grass gets too long, they do not send a letter every time, it is up to the homeowner to make sure it is done for the whole season. If the City has to mow, we will charge seventy-five dollars (\$75) per hour to the property owner and if the bill is not paid it will be added to their property taxes. Vogel moved on discussing areas of offending morals and decency and then on to nuisances affecting peace and safety, annoying noises, depositing snow on the streets and solid waste totes being removed from the street area in a timely manner. Fences, shrubbery, trees, fireworks and building structures which are potentially hazardous to persons or property were the next topics discussed. All abandoned refrigerators, iceboxes, washers, or dryers for which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside by pushing only have been an issue lately in the City.

The “Other Public Nuisance” section is an important one, it states “It is hereby determined that dilapidated fences and the storage or accumulation of trash, rubbish, junk, refuse, inoperable vehicles, building materials, and demolition materials upon any private property within the city tends to result in blighted and deteriorated neighborhoods, the spread of vermin and disease, and is contrary to the public peace, health, safety, and general welfare of the community”. Chief Vogel touched on some definitions concerning building materials, demolition materials, and dilapidated fences. When it comes to inoperable vehicles it reads “Shall include, without limitation, any vehicle, or trailer for which, for a period of at least seven (7) days, the engine, transmission, wheels, or other parts have been removed, or on which the engine, wheels, transmission, or other parts have been altered, damaged, or otherwise treated so that the vehicle is incapable of being driven under its own power, or any vehicle which does not display current license plates or have proof of current registration if license and registration are required by law for the vehicle to travel on public roads in the State of Minnesota.”. This will include people’s yards and driveways. Chief Vogel wanted to go line for line on the next section:

**Unlawful parking and storage.**

- 1) A person must not place, store, or allow the placement or storage of ice fishing houses, skateboard ramps, playhouses, or other similar non-permanent structures outside continuously for longer than twenty-four (24) hours in the front yard area of residential property unless more than one hundred feet (100’) back from the front property line.
- 2) A person must not place, store, or allow the placement or storage of pipe, lumber, forms, steel, machinery, or similar materials, including all materials used in conjunction with a business, outside on residential property, unless shielded from public view by an opaque cover or fence.
- 3) A person must not cause, undertake, permit, or allow the outside parking and storage of vehicles on residential property unless it complies with the following requirements:
  - i. No more than four (4) vehicles per lawful dwelling unit may be parked or stored anywhere outside on residential property, except as otherwise permitted or required by the city because

of nonresidential characteristics of the property. The maximum number does not include vehicles of occasional guests who do not reside on the property.

- ii. Vehicles or trailers that are parked or stored outside must be on a paved, concrete, or graveled parking surface or driveway area.
- iii. Vehicles, watercraft, and other articles stored outside on residential property must be owned by a person who resides on that property. Students who are away from school for periods of time but still claim the property as their legal residence will be considered residents on the property.

Mayor Tollefson questioned how does this work if you have more than 4 vehicles in your driveway and your garage is also being used. After further discussion amongst Council, this may be an issue that will need more conversation over. Schreiber is wondering if a time frame needs to be added to that section just in case you may have relatives visiting for a week and their vehicle will put you over the limit of four (4). Chief Vogel read the line that states “the maximum number does not include vehicles of occasional guests who do not reside on the property”. Schreiber asked if the guest’s registration would be checked to see who the owner was. Chief Vogel stated that would be an option and they would watch it for a few weeks before a letter would be sent. The next section is:

**TRASH AND RUBBISH.** Shall include any and all forms of debris not herein otherwise classified.

- a. **Unlawful to Accumulate Junk, Refuse, Inoperable Vehicles, Trash, and Rubbish** – It shall be a nuisance and an offense for any person to store or permit the storage of accumulation of junk, refuse, inoperable vehicles, trash, or rubbish on any private property within the city, except within a completely enclosed building or upon the business premises of a properly zoned business and which materials would otherwise constitute junk, refuse, inoperable vehicles, trash, or rubbish as materials that are used in the ordinary course of that business.
- b. **Unlawful to Dismantle Automobiles or Machinery; Exception** – It shall be a nuisance and an offense for any person to dismantle, cut up, remove parts from, or otherwise disassemble an automobile, whether or not the same be a junk automobile, abandoned vehicle, or otherwise, or any appliance or machinery, or store such parts, except in a completely enclosed building or upon the business premises of a property zoned business and which disassembling and storing of parts are done in the ordinary course of that business.
- c. **Unlawful to Store Building Materials or Demolition Materials; Exception** – It shall be a nuisance and an offense for any person to store or permit the storage or accumulation of building materials or demolition materials on any private property, except in a completely enclosed building or except where such building materials are part of the stock and trade of a business located on said property, or except when such materials are being used in the construction of a structure on the property in accordance with a valid building permit issued by the city, and unless that construction is completed within a reasonable period of time.

Mayor Tollefson has some concerns when it comes to this section as to how businesses accumulate parts, she understands that it is part of their business but feels even though it is zoned commercial she does think there needs to be some expectations to keep it cleaned up. She said the intent is not to harm a business but to have them be more organized and thoughtful of the other businesses in the area. Mayor Tollefson was wondering if installing a fence would be an option. Chief Vogel mentioned he visited with the City of Dilworth, and they have not had issues with this. Mayor Tollefson was wondering if it would be advisable to sit down with a business owner concerning the ordinance. The fence topic was brought up again and Affield remarked that fences are not always the answer because they can sometimes make

things look worse. Affield asked Mayor Tollefson if she was looking at only having to fence in pieces parts and not equipment that is whole? Mayor Tollefson feels it would be for either item because some larger equipment has not moved in a long time on certain properties in the commercial areas. Chief Vogel stated it is very difficult to look at it that way because the more the vehicles on the property may show how well the business is doing. Chief Vogel suggested visiting with the businesses and letting them know what Council is discussing when it comes to the new nuisance ordinance. Mayor Tollefson wants to make sure we are not just working on making the residential portions of town more organized but to make sure the commercial sections are also included. DeVries feels you need to visit with the ones you have the most concerns with and see if they have any ideas as to how things can be more organized. DeVries gave an example concerning his lively hood and how most people would think his equipment was junk, but that junk makes him his money so if you are going to come and tell me to move all my stuff that makes me my money, that's pushing me out, he would feel like the city does not want him to be part of the community. Mayor Tollefson would like to be able to sit down open minded and ask, "how can we make this better", she asked DeVries if he had any suggestions. Mayor Tollefson knows this is a touchy subject but by the end of the day we need to do what is best for the city and give the Police Department the backing that they need to follow what the Council supports and approves. Schreiber does think having a conversation with some of the people would be a good suggestion and feels something does need to be in place with the commercial area as well as the residential. Schreiber emphasized how the city needs to be consistent but also be able to work with people, so they do not leave town. Ring talked about how some cities have unique looks to them and he does not believe ordinances have been a big drive to accomplish that look. He feels it was more of a culture, and thinks we need to start creating this initiative that we want to clean things up. Ring understands what DeVries was saying, we do not want to disrupt people's business, because we want and need them to make money, but we also want to have a look, feel, and texture to our city that will bring people in. Ring feels that would be more the path you would want to go down than using an ordinance to do it. Chief Vogel would like to make sure the City Attorney and Prosecuting Attorneys look further into this section before anything is finalized. More conversation will need to be done on this section at a later time. Mayor Tollefson suggested having a gathering at the Community Center so residents and business owners can come and ask questions. Chief Vogel informed Council the items in this ordinance came from area towns so people should not be surprised by what's in it but when it comes to commercial stuff it has been hard to find anything to follow. Chief Vogel stated, each person has a different idea of what a nuisance is.

Chief Vogel informed Council we need to be consistent and there will be an appeal process if you do not think you are in violation. Some of the other topics were snow removal, sidewalks, weeds and lawns, open burning, noise regulations and graffiti. Most of these topics were already in our old ordinances. Mayor Tollefson stated, some of these topics will be addressed by the Chief of Police and some will be a City Official depending on which section it is. Chief Vogel stated the City Attorney and City Prosecutor will be the next to look at the ordinance and see if anything needs to be removed or added. Chief Vogel gave an example of his envisions concerning the fines, fees, and penalties – if someone sees a violation they will bring it to Chief Vogel's attention, he will then photograph it and give documentation of the violation and address to City Hall who will then send a letter explaining why they are in violation, and you need to either resolve the issue or an appeal process. Ring asked if there was a section if two neighbors were fighting. Chief Vogel said that would go under harassment. Council will need to decide on what the penalties will be and if they do not pay them the fee will be added to their tax bill with the County. Chief Vogel suggests keeping the penalty fees the same as surrounding communities.

**e. At this time Mayor Tollefson will Close the Regular Council Meeting as Permitted by Minnesota Statute 13.D.5, subdivision 3a, for a Human Resources Committee Closed Door Session**

*Mayor Tollefson please read: The regular council meeting will close at this time for a human resource committee closed-door session as permitted by Minnesota Statute 13d.5, subdivision 3a.*

There was a motion made by Patrick McCoy to close the regular meeting at 7:15 p.m. to have a closed-door session, seconded by Steven Ring. All in Favor.

Motion Carried.

The regular meeting was reopened at 7:45 p.m.

**10. Time to Discuss Additions to the Agenda – Nothing.**

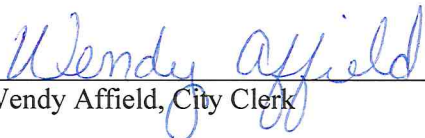
**11. Old Business/Unfinished Business Updates – Nothing.**

**12. Miscellaneous Announcements & Recognitions – Nothing.**

**13. Adjournment** – A motion was made by Steven Ring to adjourn at 7:46 p.m., seconded by Patrick McCoy. All in favor.

Motion Carried.

  
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Tracy Tollefson, Mayor

  
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Wendy Affield, City Clerk

March 22, 2023, Council Meeting Minutes