

**Glyndon City Council**  
**5/24/2023**  
**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: Patrick McCoy; Steven Ring, Bryant DeVries; Police Chief Justin Vogel; Public Works Superintendent Travis Braton; City Engineer Kris Carlson; City Attorney Ken Norman; City Clerk Wendy Affield.

**As Per Sign in Sheet:** Brady Rinke

**Virtual Attendees:** Council Member Justin Schreiber; Mike Flath; 3 anonymous people.

**Absent:**

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

**a. 5/10/2023 – Council Meeting Minutes**

**b. Approve Resolution of Payments**

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

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

**6. Open Forum – Public Comments/Concerns** – Brady Rinke was present to discuss an issue he has with a property he owns at 311 Northview Drive SW. Rinke said he is presenting himself today as a taxpayer and wants Council to be aware of his concerns regarding building code violations within City limits. Mayor Tollefson asked Rinke if he has discussed his concerns with either the City Attorney, the City Engineer, or perhaps the County or State? Rinke said yes he has. Mayor Tollefson asked if he has received answers or is there pending litigation that really the City is not involved in? Rinke could not honestly tell us since the subcontractor in question has not had communications with him, so he has taken this to the State. Mayor Tollefson then asked if Rinke can summarize his concerns. Rinke explained the issue arose when a local subcontractor in the community provided work on his home and he feels it did not meet building code, which will now potentially cost him over \$200,000 dollars to fix. He claims the subcontractor is denying any liability in the issue, and yet he is now stuck with paying \$3,000 dollars per month to maintain a home which is now unlivable and unsellable. Rinke said no bank will provide a loan for this home due to it not meeting code. He said he is telling Council this because he feels there is a possibility there will be more work done by this subcontractor that will not be inhabitable. Mayor Tollefson thanked Rinke for coming forward, and said the Council hopes he can find a resolution with this subcontractor. City Attorney Ken Norman asked if this is new construction, and if so, has Rinke obtained his own legal counsel? Rinke said yes to both. Norman asked if Rinke is aware there is a 10-year statutory defect law in Minnesota? Rinke said yes, but his other concern is that this subcontractor threatened to close up business and simply start another one under a new name, which would very much

complicate things. He said if that were to happen, then any homes in the City or surrounding communities would be facing the same liability issues. McCoy asked what the code violation entails? Rinke said concrete material is supposed to be co-poured at 3.5 inches per state code, but his property that includes floor heat throughout called for 4 inches and in some places, it was poured at 1 7/8 inches. He said out of 12 core samples which were pulled, roughly 50% failed and did not meet state code. Rinke said in order for him to fix the issue, the entire house has to be lifted off of the slab, moved off-site, the current slab needs to be removed along with the plumbing and glycol floor lines, be re-poured, and then the house moved back onto the site. Rinke promises to remain vigilant with the upkeep of the property, but he is just frustrated that it cannot be sold. Mayor Tollefson again thanked Rinke for coming, and Rinke thanked the Council for their time. He said he would leave a more official document with Council should they be interested in learning more about this subcontractor. Affield was given a copy before Rinke left.

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

**a. Justin Vogel, Police Chief** – Vogel said his department continues to be busy, but they are still shorthanded as one officer is on light duty. He said they are going through the hiring process again and reposting the job opening. Vogel said his main focus is on retaining who they already have as it is a very difficult market right now. Mayor Tollefson asked how much longer will there be light duty for the one officer? Vogel said it will be at least two more months, and then another officer will be leaving on FMLA after that. He said he will be working some night shifts to cover the hours. He also explained to the Council Members that the hiring process for Police Officers is entirely different than any other City position. He said after an initial interview is given, then there is a conditional job offer which is predicated on a successful background check, which can take up to two weeks. And then a psychological evaluation is administered, a physical examination is conducted, and then 2-3 months of training before they can be on their own. He said this is why retention of current officers is so important. Ring asked if they can use deputy assistance? Vogel said it used to be a common practice, but now the POST Board does not allow it. He said on a positive note, this current stretch has been the longest for having no turnover in the City. Mayor Tollefson says it speaks volumes for his leadership, and both the Council and the community really appreciate it.

### **b. Travis Braton, Maintenance –**

#### **• Approve Hiring Benjamin Thureen for the Seasonal Maintenance Worker Position -**

Braton said his department recently hired a seasonal mower, which will need Council approval. A motion to approve the hiring of Benjamin Thureen as the seasonal maintenance worker was made by Steven Ring, seconded by Bryant DeVries. All in favor.  
Motion Carried.

Braton said Thureen is still in school for another week and will start full time next week. He said Thureen will make a good addition to the department along with Ty Wegenast. Braton said they have discharged the primaries and are now transferring water to the secondaries. He said the valve involved with the transfer has been leaking for two years and needs to be replaced as one of the ponds is not operating as it should be. He said it will be fixed once the water level has been discharged to a specific depth. Mayor Tollefson asked when that might be done? Braton said he is hoping within the next couple of weeks. He said they will be aerating it, adding the bugs that need to go in it to help get the pond where it should be. Braton then said the sander truck was brought to Dilworth and the sand/salt mixture dumped out. Apparently, it was previously agreed upon to fix the sander on the truck with Bert's Truck Equipment for \$8,000 dollars but he is going to see if they can figure out a different method of sanding. He said it might be more economical to have a sanding machine in the back of one of the pickups.

DeVries agreed. McCoy asked what the issue was, or if it involved the hydraulic lift? Braton said it is the electric joystick causing issues, and it is a part that can no longer be replaced so they were going to put in a bypass valve. He said he has more checking to do, but really wants to look into other methods first before paying such a huge repair bill. Braton said Pro-Sweep did get back to him and will be sweeping the City tomorrow, and the leftover sealcoating peat rock in Centennial will get cleaned up too. He said the current v-plow is unrepairable now, so he is looking to upgrade to a larger one with current estimates coming in around \$10,000 dollars. He also said the larger option is 9 feet 6 inches, which would better suit the plowing of the walking path on Parke Avenue. Braton said at this time he would also like to start looking for a ¾ ton pickup truck to replace the current Dodge, but also keep the Dodge for snow plowing use. He said the hanging flower baskets will be here next week on Wednesday, and this year they will be adding some fertilizer mix as well as watering them in the hopes of keeping the flowers fresh as possible. Braton would also like to look into getting updated lift station service agreements with Electric Pump, and will get those back to Council. Mayor Tollefson asked if Braton could put this list of updates and repairs into a spreadsheet for the Maintenance Committee to look over? DeVries agreed, and said you can drive around town and see the number of things which have been neglected in years past. McCoy asked what DeVries thought about the sanding truck? DeVries said Braton needs a big pickup with a v-boss plow on it and a sander in the back, so that they can use that pickup daily as opposed to the bulky plow truck. Braton agreed and said at times the current plow truck is overkill. He said he can foresee more repairs and maintenance down the road with the plow truck, as it has been beaten on and neglected by previous operators. Mayor Tollefson asked if the truck would be kept for other purposes? Braton said yes, and this will all depend on if Bert's Trucking will allow it since the repairs had already been approved. Mayor Tollefson asked if the lawnmowers are all ready to go for the summer? Braton said they have been brought in and repaired already, and appear to be good machines. He said the Toolcat, and loader are also good machines, all he thinks they need are some new bristles for the brush attachment. Braton explained to Council when the sander is on the plow truck it only leaves them with one truck to haul snow in the winter, he plans to make sure the snow piles are moved as soon as possible.

As a quick note, City Engineer Kris Carlson wanted to update the Council on the upcoming Hwy 10/Parke Avenue corner reconstruction project. He said they will be setting up barricades soon and the signal modification will begin next Wednesday. He said the full intersection will get closed down at some point but there will still be access as well as a temporary stop light. Carlson said they are anticipating the project to be completed by the end of June. Mayor Tollefson asked to clarify which turning lane on Parke Avenue will be shut down? Carlson said it is the turning lane heading south onto Parke Avenue from Hwy 10. He said he will provide City Hall with updates as they come to him and those can be shared with the residents.

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

**d. Wendy Affield, City Clerk** – Affield said after attending the Small Cities session she learned the LGA Public Safety Aid and Small Street Assistance was passed, so the City should receive some funds from this. Carlson stated they passed the whole spending bill which was the biggest one they have ever passed.

**e. Tracy Tollefson, Mayor** – Topic will be discussed at 9e. below.

## **8. Committee Reports –**

- **Glyndon Days/Parks/Public Relations Committee** – Mayor Tollefson said there is not much to update here as the Council was present for the meeting. Affield said she just needs to get an additional estimate for park equipment from a different company and will bring that to the next meeting.

She also reminded Council to be thinking about a Grand Marshal for the parade. DeVries said Micah Thureen would be honored to do it with the DGF Fishing Team members.

**9. New Business –**

**a. Approve 36 Month Service Agreement with Aramark for Community Center Mats and Mops Delivery Services** – A motion to approve the service agreement was made by Patrick McCoy, seconded by Steven Ring. All in favor.  
Motion Carried.

**b. Approve Proclamation from National League of Cities Proclaiming June as Small Cities Month** – A motion to approve the proclamation was made by Patrick McCoy, seconded by Steven Ring. All in favor.  
Motion Carried.

**c. Approve Resolution 2023-4 – A Resolution Approving Plans and Specifications and Ordering Advertisement for Bids for Charleswood Addition** – Carlson said this is essentially asking for Council's approval to advertise for bids. He said he is aiming to open bids on June 26<sup>th</sup>, which will fall ahead of the second Council meeting of the month. Carlson said as for timing, it is looking more like an August 1<sup>st</sup> start date, and hopefully utilities will be in by fall with paving completed in the spring. But he said this would take care of the huge dirt pile and also get water and sewer finished so that the ground can settle. Carlson said then next spring they can get a fresh start and finish everything by July 4<sup>th</sup>, 2024. Norman asked where things are with the Developer's Agreement? Affield said two developers have signed and we are waiting on the others. She also noted the developers were notified to make sure to have their Letters of Credit in place prior to accepting the bid. Carlson said he highly recommends those be in place before any kind of bid can be awarded, as it protects the City from any defaults. DeVries asked how many developers there are? Affield said there are seven, six of whom will need a Letter of Credit because they own multiple lots. Carlson said he will also be putting together a right-of-entry form on behalf of the City. Norman said normally there is only one developer in these cases, but this is a bit more involved due to multiple developers owning the lots. Ring asked if when the project gets completed next year, will the assessments be adjusted? Carlson said yes, as the final assessment hearing would only take place after they know what the total costs are. He said those would then be certified in 2024 to be paid starting in 2025. Ring asked if there is a contingency plan if the bids come back higher than expected? Carlson said they will reject it and then come back and re-bid at a later time. Ring asked if they know what the current assessments are per lot? Carlson said it is between \$38,000 to \$40,000 dollars per lot, making it a roughly \$2.1 million dollar project. A motion to approve Resolution 2023-4 was made by Patrick McCoy, seconded by Bryant DeVries. All in favor.  
Motion Carried.

**d. Approve Resolution 2023-5 – A Resolution Ordering Preparation of Report on Improvement for Parke Avenue S from 12<sup>th</sup> Street SE to 14<sup>th</sup> Street SE** – Carlson said this area is the reconstruction portion and is already figured in but this is the official notice. He said he is concerned that the prices will come back a little high, and those can be discussed later but the report has to be done now to be procedurally correct. Mayor Tollefson asked if any of this portion could be assessed to Charleswood? Carlson said no, as the repairs here are solely for the benefit of the homes along this stretch. He said what helps is the current piping under the street is all pvc and should be good for years, and all they need to do is update the utilities and install a new storm sewer. Carlson said the ditches will be removed and will help improve any standing-water complaints. A motion to approve Resolution 2023-5 was made by Steven Ring, seconded by Bryant DeVries. All in favor.  
Motion Carried.

**e. Southview Subdivision – Pumps in Holding Pond** – Mayor Tollefson said she would like Council to have a conversation on this issue, as there are currently no guidelines in the ordinances for residents to have pumps in the Southview holding pond. She said she would like to discuss how the City might be liable if something were to happen. For example, if someone was riding a bike along the walking path and fell and hit a pump, then who is responsible? She is wondering what conversations Council has had about this since Southview was finalized? Mayor Tollefson said she asked Developer Kelly Richards about it, and noted there was brief mention of it in a past Council meeting but there was no closure on whether it should be allowed. She also wants to discuss the issue of how these residents would be getting free water for their yards, while others will have to pay for water. She said there will be many more homes built around the pond, so this could potentially be an issue. Mayor Tollefson also added she visited with past Council Members who said there was no official decision made and noted that Richards does not want any pumps at all in the pond area. She said if Council decides to allow it, then there needs to be an ordinance laying out some ground rules. Ring asked if there is a water division rule pertaining to this? Carlson said there are no current permit requirements because it is under the threshold of 10,000 gallons per day. He said he has some concerns about volume, and while it does not sound like it will be a lot there are three City-owned pumps that if the water level gets too low and they aren't functioning, then alarms will go off. Carlson said if every home that surrounds the pond were to install a pump, it would drain the pond about 4 inches per week according to DNR statistics. He said he has concerns about draining it too far, as the City is not going to use water from the water tower to refill it. Carlson said one other thing to consider is the drain tile system surrounding the pond which keeps the slopes from caving in, this cost the City over \$125,000 dollars to install and if anything were to damage it there would be huge infrastructure repair costs. Mayor Tollefson agreed and said she had asked Affield to look into whether this had been previously researched. Norman said years ago he and Carlson had provided their opinions on the matter, both agreeing that there are concerns about letting people draw from the pond. He said if Council decides to allow it, there should be some ground rules set and those would need to be uniform and apply to everyone the same. He said there could be a fee implemented, but the decision rests solely on Council and how much liability they want to bear should an accident happen. Norman said the City has already given residents the option of a separate yard meter in order to water lawns, which is then paid for by the resident, so how do you balance that out with people who will be pumping it for free? He said his recommendation is if Council decides to allow it, then they absolutely need to make it a uniform application process for all. Then if a resident does not follow the City's process it can be considered trespassing. Ring asked if there is a legal recommendation from Norman's standpoint? Norman said the Council has to own whatever they decide, as he foresees liability issues with this as the City does have exposure here. He said the City also bears risk if a kid gets hurt on the playground, so the Council just has to decide what they want to accomplish? He said there are some questions to consider such as what sort of specifications will be required in terms of housing the pumps? Mayor Tollefson said there is a likelihood that not a lot of water is going to be pumped, but she still feels it is an equity thing. Norman also said there is the visual aspect of it too, where Council needs to decide how they want the area around the pond to look? Carlson agreed and cautioned having private infrastructure on public land does not always go well, and he is also concerned about someone getting hurt. On the other hand, he said if these pumps are installed properly, they are not a big concern, but can we be guaranteed each time one is installed? Norman said they might also consider implementing limits on how much water can be drawn. Ring agreed, and said if this is allowed they should install a measurement device and let residents know that if the water is depleted below a certain level, then they can no longer use their pumps. Carlson agreed and said there is a functional purpose for the water in the pond, not just aesthetical. McCoy said this does not sound like anything Council should mess with. Vogel asked if the water table would naturally fill up the pond? Carlson said no, he believes the water table around town is dropping. Schreiber said when this topic came up a few years ago, he was of the opinion that those homes in Southview are quite expensive and he does not have an issue with allowing it. He said they would likely not want to see a bunch of hoses running over the walking path, but there could

be some guidelines implemented to prevent that. Schreiber also said there is probably not many homes around the pond who will pay for the installation, or even have any kind of irrigation system in their yards. Ring said if they allow it then there will need to be an ordinance drafted up to cover all Southview residents, as there might be only three houses right now who use a pump, but they need to assume that all will want to install a pump. He would like to see some more research from surrounding communities too. Mayor Tollefson asked if he would be in support of allowing the pumps, or would he be following the advice of Norman and Carlson. Ring said he is not about to interfere with how someone runs their property, and he would follow Norman's advice if the recommendation was a strong "no", but right now the advice is only that there is "some risk" to the City. So he said he wants to try and reduce as much of the risk as they can, which would be by drawing up an ordinance complete with pumping limits and legal repercussions if someone violates the ordinance. Mayor Tollefson said when she spoke with Dilworth, it was suggested the City draw up an encroachment permit requiring the hoses for the pump be routed underneath the sidewalk and also be covered by a box. DeVries said this issue arises from his placement of a pump in the pond a couple years ago, as his property sits on two lots. He had initially wanted to dig a well on the second property in order to water his lawn, but he was not allowed to according to the Southview covenants. Bryant took the advice of a landscaper to draw from the pond and said everything was dug underneath the sidewalk and installed professionally. DeVries said his pump is barely visible and feels the chance of anyone running into it is extremely low. He said the park benches around the pond, that no one sits on, present more liability issues than his pump but he understands the discussion. Mayor Tollefson said overall, if Council agrees to move forward with it she agrees that there needs to be a uniform policy. She said she just wants to avoid an "ugly aesthetic" around the pond. Braton asked if anyone has taken a look at the residential pumps in West Fargo? Mayor Tollefson said no, but as long as residents bore underneath the sidewalk it should look okay. Braton said people should be required to cover them, something kind of like a doghouse. Mayor Tollefson and Ring both agreed with that. Braton also said he is okay as long as the drainage of the pond doesn't become an issue. DeVries said it is possible that there will be watering bands occasionally too, and if that is the case then people simply cannot use their pumps. Braton suggested the City could require residents to place their pumps into an in-ground vault, like you see with some other utilities. DeVries and Ring both liked that idea, with Ring saying if there was a vault required then those can be on the resident's property and only the hose itself would be above ground leading to the pond. Norman said that would lessen some of the liability issues quite a bit. Mayor Tollefson asked McCoy his thoughts? McCoy said he does not care too much, but would likely follow Carlson's advice. He said if Council moves forward it still doesn't address the issue of some residents getting free water. Norman asked if Council would be interested in implementing a permitting process, where the City could control the specifications set forth by Carlson? Ring thought that would be the best process, and the Council can lay down the ground rules for only those residents who live around the pond, not just anyone living in Southview. Braton agreed and said after the City sets up some stipulations there might be some residents who won't wish to proceed anyway. DeVries agreed and said setting these pumps up is not cheap. Braton also noted this so far only pertains to Southview, and not other ponds in the City. Carlson said something like this could be added to the City's subdivision ordinance. Ring suggested a "blanket" ordinance which would cover all ponds. Norman agreed. Mayor Tollefson asked Norman if he could start working on this for Council? Norman said yes, and Carlson said he would assist as well. She then asked if McCoy had any additional thoughts? He asked if this could just be tabled for now until they get more information from Norman and Carlson. Mayor Tollefson agreed and said tonight's topic was just an initial discussion of the issue. She just wanted to get some resolution to the conversation that Council had a couple of years ago, and hopes to move forward.


**10. Time to Discuss Additions to the Agenda – None.**

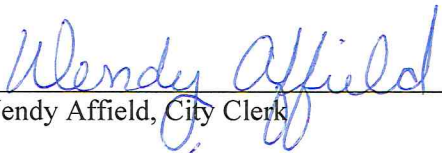
**11. Old Business/Unfinished Business Updates –**


**a. Nuisance Ordinance #194** – Norman said he still is reviewing final details and he will be meeting with Affield and Vogel soon to go through the ordinance. Mayor Tollefson said this ordinance has long been discussed, and really involves how the City views itself aesthetically. Norman agreed and said it has been several years since this was first brought up and it has never been officially tackled. Mayor Tollefson said the Council will be encouraging everyone to give their feedback. She asked if there was any verbiage regarding commercial properties? Norman said he recommends treating all properties the same in terms of nuisance violations. He said having a commercial license does not give the property owner the right to create a nuisance.

**12. Miscellaneous Announcements & Recognitions –**

**13. Adjournment** – A motion was made by Steven Ring to adjourn at 7:16 p.m., seconded by Bryant DeVries. All in favor.  
Motion Carried.

  
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Tracy Tollefson, Mayor

  
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Wendy Affield, City Clerk

  
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Heather Johnson, Administrative Assistant

May 24, 2023 Council Meeting Minutes