

Public Meeting
Nuisance Ordinance #194, #195, #166 Fee Schedule
Glyndon Community Center
Wednesday, August 23rd, 2023 @ 5:00 P.M.

1. Call To Order: Mayor Tollefson called the meeting to order at 5:00 P.M.

2. Roll Call – Mayor Tracy Tollefson; Council Members Justin Schreiber, Patrick McCoy, Bryant DeVries & Steven Ring; Police Chief Justin Vogel; Public Works Superintendent Travis Braton; City Clerk Wendy Affield.

Attendees: Joe Irish; Esther Ellingson; Carter & Twila Neset; Micah Thureen; Debra & Steven Krupich; Travis Jenson; Jo High; Shonna & Mike Severson; Jim & Camilla Masseth; Kris, Merle, & Alex Johnson; Randall Henriksen; Amy Schuldt; Mark Bjerk; Claire Duenow; Patrick Mosloff; Mike Wardlow; Dave Olek; Nick Olek; Jeremy Gieseke; Jason Strand; Jeremy Scholz; Renae Goltz; Monty Olson.

Absent: None.

3. Discussion Concerning Draft Copy of Nuisance Ordinance #194 – Mayor Tollefson said it is wonderful to see so many residents come to this meeting, and she hopes everyone had a chance to review it as they are not going through it line by line. She said the Council is not approving the ordinance tonight, only discussing any changes to the current draft and to listen to any comments or suggestions. Mayor Tollefson said the Council has been going through this process over the last few months, and compiled information from neighboring communities as well as what the City has already had in their previous ordinances. She said tonight’s meeting is for the purpose of getting as much input from the residents as possible, and to see where any changes need to be made. She added the point of this new ordinance is to make sure all information is available and accessible in one, and not several different ordinances.

Mayor Tollefson said as the Council has been reviewing it, there have been some changes made already from the previous draft. She said the Council has had discussions regarding ice/fish houses, boats, campers, etc., and some adjustments were made concerning those. She asked the other members of Council if after this latest review, do they have any changes, comments, or questions? Council responded no.

4. Discussion on the Draft Copy of Administrative Citations and Civil Penalties Ordinance #195 –

5. Discussion on Possible Changes to the 2023 Fee Schedule Ordinance #166 - Mayor Tollefson said this ordinance covers the annual updates to all the City fees, such as building & zoning permit fees, utility rates, pet & ATV licenses, etc. She noted the portion of fees highlighted in red have been lowered from the previous draft. McCoy quickly pointed out an error listed by the building permit fees and said the “see 1997 Uniform Building Code” is incorrect and should say “MN Residential Building Code.”

6. Open Forum – Mayor Tollefson said she will go down the list of names and have attendees speak in that order:

Joe Irish – Concern/Question – Irish asked if these updates and changes problematic in town right now, is there a big issue? He said he is concerned with some residents not being able to afford the fines/fees. He questioned if anyone has visited with the people who are causing the nuisance and

wondered if we have asked them to come in compliance. He is wondering what the notification process will be.

Council Response – Chief Vogel said both City Hall and the Police Department receive complaints, and the majority of complaints are regarding junked vehicles parked in yards. He said the City needs this ordinance to be up to date, and it has to be able to be enforced. Mayor Tollefson said people will be receiving a written letter and not a fine for their first notice. Chief Vogel explained the Appeal Committee can give individuals extra time to clean up, but we have to see the progress. Mayor Tollefson informed Irish at the end of the day the Council is the one who brings forth an ordinance to allow Chief Vogel to do what he needs to do to make sure we are following it and we need to be mindful of every resident within the City.

Joe Irish – Irish has concerns with the time limit that is allowed for certain section of the ordinance. Affield informed Irish Council did change it to thirty (30) days for currently registered vehicles and trailers in the section under “Inoperable Vehicles”.

Esther Ellingson – Concern/Question – Ellingson said you need to look at both sides, she is in favor of this ordinance because she and others have had to look at a camper and vehicles that have not moved in over 20 years and the grass has not been maintained around them. She feels there is no reason for that to be like that.

Council Response – DeVries said he can see her point, but also feels they need to consider the situations behind why a vehicle has not been moved. Vogel agreed and said sometimes it involves mental health, or other issues like that.

Twila Neset – Concern/Question – Twila asked for more clarification on “Public Nuisances Affecting Health – part J – All Public exposure of people having a contagious disease”? She is wondering if this means people being checked at their homes if they are sick?

Council Response – Mayor Tollefson agreed this needs clarity and said this sentence will have to be looked at more.

Micah Thureen – Concern/Question – Thureen said his first concern is regarding fish houses and where they can be kept. He is wondering the difference between having it in front of his house versus his backyard, and why it needs to be on a pad of some kind?

Council Response – Mayor Tollefson said Council has discussed these at length, including what type of landing they need to be parked on. She said at the last meeting Council agreed upon allowing gravel, paved or concrete pads either in the backyard or side of a house, as long as it is not within the city right-of-way. Council believes at the last meeting it was discussed to be fifteen feet (15’) from the curb and twenty feet (20’) if there was a ditch. Chief Vogel stated after visiting with City Engineer Kris Carlson he recommended to use the city right-of-way instead. Affield informed Council after we first visited with Carlson, he gave us the measurements and then he changed his mind and thought it would be easier to say the city right-of-way since we have such a mix of ditches and curb and gutter roadways. Affield said the concern was long grass coming up underneath the vehicle and not being maintained, therefore allowing animals and other vermin to flourish.

Travis Jenson – Concern/Question – Jenson said one of his concerns would be requiring the gravel or concrete pad, and also for the Council to consider changing the verbiage regarding how many and what type of vehicles can be stored in a residential backyard. Jenson knows not everyone can have a

storage building on their property to put things in but feels if it is licensed, registered, and insured there should not be a problem to have it parked on his property.

Council Response – Ring asked Jenson if he had an idea of what a reasonable number might be? He added it can be tough depending on the size of the lot, too. Jenson knows there needs to be a reasonable number which is what Council will need to discuss and decide on. Mayor Tollefson mentioned she does receive phone calls asking when is something going to be done about people that have so many vehicles in their back yards explaining that is where the Council will need to be equitable for everyone, and we will need to discuss it further.

Micah Thureen – Concern/Question – Thureen questioned if the trailer parks will be addressed concerning having to be on a concrete pad.

Council Response – Mayor Tollefson mentioned at the last meeting the Managers of the trailer parks were in attendance and will work with Chief Vogel to remedy any problems and the trailers in the trailer park are considered someone's home.

Resident in the Audience – Suggested instead of looking at it as how many items are allowed in your yard, look at it as what percentage of the person's yard can be used to have things stored on it.

Debra Krupich – Concern/Question – Krupich asked who will be doing the enforcing of this ordinance? Will there be someone coming to deliver notices in person?

Council Response – Mayor Tollefson said the first action will be a written letter from the City which will include pictures of the infraction. After that there will be the fine, then if there is an appeal the Ordinance Panel will review it. The panel will consist of two Council Members and an appointed resident. Chief Vogel said the "enforcement officers" referred to in the ordinance will be his department and possibly the building inspector in certain situations. Residents were concerned that any city employee would be allowed to enter their home. Chief Vogel informed the residents he still needs to abide by state law, and he would need to petition for a search warrant if you do not want to allow him to enter. Someone in the audience stated the terminology you are looking for is an Administrative Search Warrant. Mayor Tollefson said the wording of this section can be clarified better, and Council will look at it.

Jo High – Concern/Question – High said she feels there needs to be more clarity when it comes to the "definitions" such as on page 1, where it talks about "public morals and decency". She said the idea of what is moral is subjective, as well as trying to define "promiscuous sexual intercourse" which seems very outdated. She recommends Council make an attempt to update the terminology.

Shonna Severson – Concern/Question – Severson said she lives by a troublesome property and said it is very frustrating to see garbage strewn about the yard. But she said her suggestion is also to have Council take a look at fine tuning the ordinance in certain sections, as she would hate to see someone have to put a gravel or concrete pad underneath a "playhouse". Severson said she definitely sees the value of an ordinance like this, but just wants to see that it serves to solve problems, not create more problems due to how it's worded.

Council Response – Mayor Tollefson believes most people who are in favor of the ordinance are not present at this meeting. Someone questioned if a neighbor is unhappy, why are they not just visiting with them to see if they would clean it up. Some people are not comfortable bringing something like that up to their neighbors, they would rather have someone else handle it. Henricksen gave a background as to why the ordinance is needed, explaining you need to set guidelines and some type of rules you can have a

very long battle to get the area cleaned up. He understands some of it may be financial but believes most of it is laziness. Mayor Tollefson wants to find a balance and have a foundation that can be followed.

Mike Wardlow – Concern/Question – Wardlow said now that the school has switched around to having the back side facing Parke Avenue, he is not fond of having to look at the dumpsters that are back there, some with heaping garbage, and is wondering if that will be addressed by this ordinance?

Council Response – Mayor Tollefson said as a school employee, this used to be one of her departments until about a week ago. She said in Dilworth, it is a requirement that the school’s dumpsters be completely surrounded by fencing, but for now in Glyndon, the dumpsters are in a location so they can be easily accessible for the garbage trucks. She said she will take this issue to the school and see what resolution can be made in order to hide the garbage dumpsters. DeVries asked if he is talking about the dumpsters or the loose garbage after school activities. Wardlow stated they both are a problem. Mayor Tollefson informed residents we have installed garbage cans down Parke Avenue to help with anyone needed to throw things away while walking on the path.

Claire Duenow – Concern/Question – Duenow asked to clarify if this ordinance also covers commercial properties? She said she lives next door to UC Hope and often there is garbage that blows into her yard, and after speaking to the employees the problem has not improved. Duenow said at night there are people “dumpster diving” and she is wondering if UC Hope will be required to fence in their garbage as well? She also has dogs and does not want anyone to get hurt if customers keep coming up to her yard to try and pet them.

Council Response – Mayor Tollefson said they will reach out to UC Hope to convey these concerns and see if the owners can help find a solution.

Esther Ellingson – Concern/Question – Ellingson asked if there will be anything done about long grass and people not mowing their yards?

Council Response – Mayor Tollefson said the Council has decided on eight inches (8”) as the grass length limit, and if violators do not mow within the timeframe given, the City will be mowing and at a rate of \$75 per hour, with a 1-hour minimum. Affield said anyone can report long grass issues to City Hall.

Shonna Severson – Concern/Question – Shonna Severson questioned the section concerning grills. Fire Chief Cuchna does not believe any fire codes should be in the nuisance ordinance, he would like it removed. Cuchna stated most of the items in this section are inaccurate and when it comes to grills, anything that you are going to burn on the deck within certain distance of your house like propane grills (*most communities make allowances for these*), he would hope most people have the common sense not to have them close to their house. Cuchna stated the City has some regulations on their website concerning burning regulations if anyone has any questions. Someone from the audience asked if they could have a burning barrel with a lid. Cuchna said that would be considered open burning and that is not allowable within city limits. Cuchna said to contact the City Hall for his number if anyone has questions.

Kristina Johnson – Concern/Question – Johnson questioned abandoned homes and unoccupied residents. Johnson then said she would suggest changing the wording in Ordinance #195 to “business days” instead of “calendar days” to accommodate for any holidays. She also recommends if the City intends these notifications to be legal, they should send them via certified mail. Her last recommendation was to have Council look at changing the wording on page thirteen (13) regarding “hearsay evidence.” Johnson then asked a question regarding the clearing of snow on Parke Avenue, and if the walking path is still cleared by the City? And what will the fines be if someone does not clear their sidewalks properly? She is concerned the amount of the fines will be a hardship for some.

Council Response – Mayor Tollefson asked Chief Vogel if he knows if Dilworth sends out certified mail notices? Vogel said he can check on that, but also said these notices can be hand delivered. Mayor Tollefson confirmed the City is still responsible for clearing snow on the walking path, and asked Affield if there has ever been a notice sent out regarding snow removal violations? Affield said not to her knowledge. Chief Vogel said snow removal hasn't been an issue, and the fines are standard across the board. Mayor Tollefson said the overall goal is to get the City cleaned up, but they are willing to work with anyone and try to help the situation as long as the Council sees progress. Chief Vogel said any person in violation can come and present their case to the Ordinance Panel, and if need be, more time to come into compliance could be granted in a case-by-case manner. Johnson would like to see the City do an improvement plan for people that need to clean up certain areas. Mayor Tollefson visits about how there are many groups that would be available to help residents clean up there property.

Merle Johnson – Concern/Question – Johnson asked if the County is still responsible for cleaning the snow on Parke Avenue. Mayor Tollefson said yes. He has concerns, stating the County is not plowing very close to the side of the road so he has to try and move the compacted snow around his mailbox and does not know where to put it so he is not in violation.

Council Response – Mayor Tollefson said they will reach out to the County again to see if they can plow a bit farther out this coming winter, in order to help prevent the snow buildup on the boulevards. Affield said residents can call City Hall and they will contact the County for them.

Nick Olek – Concern/Question – Olek said he feels there should be a whole different set of rules for commercial properties when it comes to nuisances. He does not think it is fair to regulate vehicles on a commercial property when it is a business and not in a residential area.

Council Response – Mayor Tollefson said the City's legal counsel has advised that the ordinance should apply to both, but she feels it is fine as long as the commercial property has vehicles on it that are licensed and not just stored. She said Council discussed requiring any outdoor items be fenced in or enclosed somehow. She said the goal is to determine whether items are being used by the business, or simply sitting there. Affield pointed out that the current draft already allows for certain machinery and other exceptions regarding the storage of parts, etc. Someone from JTF Trucking informed Council many of the vehicles on their property are from their drivers who are out on the road working and do not come home daily to move their vehicles. Mayor Tollefson said the Council will try to find a compromise with any business if an issue arises. Affield explained that most of the complaints are from residents that have property butting up against another property that have vehicles in their back yards that have not been moved or maintained around for many years, it is not the residents who have trailers in their driveways.

General Conversation/Concerns – There was conversation concerning having a separation between commercial and residential in the ordinance. Ring explained how it is hard to write an ordinance for every single situation. Schreiber mentioned on page 4 under "Trash and Rubbish" in that section those three say "except if part of your business" so there are some exceptions for a business to be allowed to have stuff if you are using it for your business. Chief Vogel asked if we could go back to the vehicle section as that seems to be the hot topic. He is wondering what their opinion is about that section, what are you looking for. They feel the vehicle should be licensed, registered and maybe something that states it also needs to be tidy around the area. Several attendees discussed their concerns again about the number of vehicles allowable on a property or yard and feel as though having to pour concrete or even having to pay for storage will become very expensive. Another resident disagreed and said there needs to be rules set in place, as there are definitely problem properties that look terrible. He said property owners need to be responsible for the property they own.

Council Response – Ring said he can understand as he has in the past stored snowmobiles and trailers on his property not only for himself, but for friends as well. But he said there has to be a reasonable number and a reasonable solution to this problem. Chief Vogel said it is not the intention to go after residents who are responsible and take care of their vehicles, but rather to get the properties that are known to have issues cleaned up. Mayor Tollefson said the reason everyone is here tonight is because City Hall has been receiving several complaints over the years, and the cost to the City to pay to clean up a property is very expensive and comes right from the pockets of residents. Ring agreed and said nothing has been enforced in the past, and now it is time for Council to look at ways to correct that. A resident asked when this ordinance would take effect, and Mayor Tollefson answered, once Council has a draft, they all approve, it will have two (2) readings, be published and then it will begin to be enforced. She said they have to start from “ground zero” in order to tackle the problem.

Amy Schuldt – Concern/Question – Schuldt asked Council how long will it take once the ordinance is approved before homes are inspected? She also asked if the enforcement could be rolled out in “bits and pieces” in the monthly newsletter instead of having everything come out at once. She said she likes the idea of having a percentage of a yard allowable for vehicles, and also the requiring of fencing to hide garbage and dumpsters but does not approve of the four (4) vehicle limit nor the rules regarding sidewalk snow removal.

Council Response – Braton said he is new to the City but will make every effort to ensure that snow removal on the walking path is done in a way that does not pile up snow in people’s yards. He plans to try and coordinate with the County this winter too, as far as Parke Avenue snow-clearing and clearance around mailboxes. As for Schuldt’s next question on nuisance dogs and cats, Vogel answered there is a whole separate ordinance regarding animal control, and his department handles those issues.

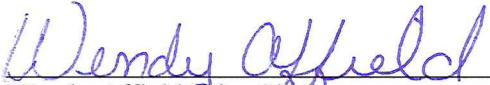
Jeremy Gieseke - Concern/Question – Gieseke said he has a fish house in his driveway as well as five vehicles and a trailer, so he does park vehicles/trucks on the street in front of his home. He asked if he would be in violation of the ordinance as it is now written?

Council Response – Vogel said yes, he would be in violation regarding the fish house and trailer if they are within the City right-of-way. He said as for the street parking, it depends on the location and the street. Wednesday parking is still prohibited due to garbage removal.

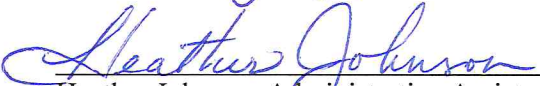
5. Adjournment – The special meeting ended at 7:27 p.m. with a motion made by Patrick McCoy, seconded by Justin Schreiber. All in favor.
Motion Carried.



Tracy Tollefson, Mayor



Wendy Affield, City Clerk



Heather Johnson, Administrative Assistant