

**Special Meeting - Nuisance Ordinance #194**  
**Glyndon Community Center**  
**Wednesday, September 6, 2023 @ 6:00 P.M.**

**1. Call To Order:** Mayor Tollefson called the meeting to order at 6:00 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 Attorney Ken Norman; Fire Chief Bob Cuchna and City Clerk Wendy Affield.

**Attendees:** Joe Irish; Carter & Twila Neset; Shonna Severson; Jo High; Craig Casler; Janice Jones; Allan Tollagson; Pat Mehrer; Cathie & Mahlon Karppinen; Karan Ambuehl; Nick Olek; Kris & Merle Johnson; Nancy Barbee; Kim Savageau; Mike Wardlow; Micah Thureen, Camilla & Jim Masseth; Joe Fortier.

**Absent:** None.

**3. Discussion Concerning Draft Copy of Nuisance Ordinance #194** – Mayor Tollefson said there was a lot of feedback from the previous Public Meeting, and tonight they will be reviewing each section with the assistance of City Attorney Ken Norman:

**General Provisions** – No questions.

**Public Nuisances** – *Parts 1 & 2:* No questions. A resident asked where the information put into this ordinance came from. Mayor Tollefson explained if you look at the front page you will see what City ordinances have been combined into this one along with some information from surrounding areas. Mayor Tollefson informed the audience the plan tonight is to have Council review and discuss and then ask the audience if they have any questions. McCoy said *Part 3b* will need to be reworded based on the wording of “promiscuous sexual intercourse.” Norman explained this language/verbiage originates from Minnesota statutes. He said cities are able to institute ordinances that are more restrictive than state statutes, and Council has the right to remove the wording if they wish. Ring said he reads this sentence as pertaining to businesses, not personal or private residences. Council agreed to keep it in the ordinance as stated. *Parts 4 & 5:* No questions.

**Public Nuisances Affecting Peace and Safety** – Mayor Tollefson asked if anyone has any changes for this section. No changes were made so Council moved on.

**Inoperable Vehicles** – Mayor Tollefson said the timeframe for registered and unregistered vehicles was changed, but there are no other updates or changes at this time. DeVries mentioned that Council should look at changing something with collector/classic vehicles. Mayor Tollefson asked if he means a classic vehicle that is not registered would be allowed. A resident asked if she was gone for thirty (30) days and if her vehicle did not move would she be in violation. Council stated she would not be in violation because her car would be registered and Affield mentioned the section is for inoperable vehicles where they do not run.

**Nuisance Parking & Storage** – *Unlawful Parking & Storage:* Mayor Tollefson said this section had been updated to reflect the City right-of-way measurement. Braton explained the measuring will be 33-ft. from the center of the street. *Parts c) i & ii:* Schreiber said this needs more discussion, regarding the pavement, concrete, or graveled parking surface wording. McCoy agreed and wants to look at the



number of vehicles allowed to be stored in a yard. Chief Vogel said the City right-of-way requirement will take care of this, so an actual number of vehicles is not needed. Council discussed removing part (i) entirely which included the section of no more than four (4) vehicles per lawful dwelling unit. Ring thinks we will need to put definitions together concerning vehicles, campers, and trailers so there are no misconceptions. Mayor Tollefson looked at (ii) *Vehicles or trailers that are parked or stored outside must be on a paved, concrete, or graveled parking surface or driveway area*. She thought they discussed it did not have to be on paved or concrete. Chief Vogel reminded Council of the difference between the front and back parts of a property, and what needs to be on a parking surface and what can be on grass. Mayor Tollefson said they discussed allowing trailers and campers on grass in a backyard, but not vehicles as long as the mowing was done around the item and registered. DeVries would like to think about this section more. Mayor Tollefson believes we had talked about trailers, campers, ice/fish houses would be allowable in the back yards if needed, but no vehicles. Schreiber suggested removing vehicles from this section. Chief Vogel mentioned you could separate and have (i) be the front yard and (ii) be the back yard under (c). A resident asked what is considered your front yard and what is considered your backyard. McCoy said it would be the front of your house like where a fence can be installed. A question was asked concerning garages in your backyard and how will that be handled. Chief Vogel stated we do not want to nick pick things but want to make sure stuff does not get out of hand. Mayor Tollefson thinks there needs to be some clarity on what a vehicle is and asked Schreiber and DeVries what they thought. DeVries is wondering if a lawn mower is considered a vehicle or a snowmobile and has concerns with this section of the ordinance.

\*\*At this time of the meeting, several attendees begin questioning the need for this ordinance, who implemented it, and their concern over the criminality inferred if someone is in violation. DeVries explained this ordinance stemmed from a property that was a mess for several years and the City had no leverage to get it taken care of, so in order to have some leverage so that does not happen again some people think this is necessary. Affield stated it was actually two (2) incidences that were taken care of last year. Someone from the audience stated there has been more than just those two. Casler was questioning why we need the ordinance when we all get along fine. Another resident understands you have to have some teeth and some bite but the people he has visited with are feeling like they are being persecuted for how there yard might look. Jones addressed Council by stating how the City has not kept up with the growth and population and a lot of things were just little things, but now common sense is no longer common and there are disagreements that need to be addressed. She does not think the City is overstepping by trying to adopt what every city in every state has had to do with developing some guidelines. She does not think this is aiming at anyone in particular, but we do have to have some guidelines so the people we elect and hire to run the City have to have some guidelines, they have to have the support of their community, that is why they are asking for input from all of us. Casler is concerned about individuals receiving a misdemeanor over not following the ordinance. Chief Vogel asked if City Attorney Ken Norman could explain the difference between the violations.

Norman explained this ordinance in fact is attempting to take away the criminal aspects of any violations and move more towards handling issues with administrative fees. He said the City's previous ordinances only dealt with misdemeanor infractions which ultimately lead to court cases, and now the City is improving its side of enforcement by attempting a different way. Casler questioned the notification process. Norman explained when you put together ordinances or statutes you are not going to fine line detail virtually everything that has to take place within that statute, there are going to be discretionary moves made by whomever is going to enforce the statutes. Mayor Tollefson reminded all present that tonight's meeting is not to finalize this ordinance. She said the goal is not to turn Glyndon into Minneapolis, or to try and emulate a big city, but rather to have the ability to enforce some clean up. McCoy said everyone's opinions will vary, but the Council has to have an ordinance that finds common ground for these nuisances.



\*\*A resident said Council should listen to the individuals here who are saying they do not want this ordinance. Affield mentioned again, like she did at the last meeting, City Hall does receive calls concerning these issues from people that are not going to come to these meetings because they are happy with the ordinance. Mayor Tollefson explained how expensive the process is to have to tear down a house and this is a way of trying to keep properties cleaned up, so it does not get to that point. McCoy explained to the audience they could have just done their readings of the ordinance and have passed it but they as a Council would like to hear input from the residents. Another attendee came forward to ask the Council how residents can approach the City to voice their concerns or suggestions? This person said they have tried to share the ordinance information on their personal social media pages, but a lot of people are not comfortable with voicing their opinions in public or are not able to attend these forums.

Affield said anyone is welcome to send an email to City Hall, and Mayor Tollefson also suggested the City could have an anonymous survey posted to its website for people to comment, or have people submit a form for feedback. She said they can add more information to the monthly newsletter and on the City Facebook page, too. Thureen suggested not to have the survey anonymous because you do not know how many times a person for it or against it will fill it out. The names would not be released to the public if this was going to be done.

Schreiber went back to trying to determine the section on unlawful parking and storage, and said he still wants to discuss the number of allowable vehicles and define what “vehicles” will be. A resident asked what the fees would be if the ordinance is not followed. Mayor Tollefson informed the residents Ordinance #166 would be where the fees would be found once they are approved. Norman questioned at what point does it move from residential property with a few toys on it to being a storage facility or a junkyard. Ring suggested MNDOT would have written definitions of what constitutes a vehicle. DeVries suggested reading letter (K) and feels that section solves a lot of these concerns. Chief Vogel stated the wording is a lot of what was in the old ordinances, but we needed more teeth to it. Mayor Tollefson and DeVries both pondered whether you could put a physical number on someone’s hobbies? Ring wonders if we just want to give a number of vehicles or trailers to someone parks in their backyard on the grass, as a community do you want your neighbor to be allowed to park whatever they want back there like a reefer. Mayor Tollefson gave an example of a call she has received concerning a person wondering what can be done with her neighbor who has several vehicles in their backyard, and I have to look at them every day. Savageau feels that after the heading “Definitions” it should not have a letter in front of it because it is very confusing, stating you have both definitions and policies mixed. You cannot enforce definitions; it needs to be under a different section. Savageau tried to explain how policy and procedures work with ordinances. Chief Vogel wondered if the ordinance should be broken down into smaller areas or have things separated into a few ordinances. Some of the Council agreed this area needs more discussion.

**Removal of Snow & Ice – From Sidewalks:** Mayor Tollefson said some wording here was changed to reflect snow removal requirements to within 24 hours after a snowfall event. DeVries said he wants to suggest the City maintain both sides of Parke Avenue and disregard the small section of sidewalk along 2<sup>nd</sup> Street as it has not been maintained or used in years. Chief Vogel said the City has to be aware of any new developments that will have sidewalks as well. Braton also said he is unsure if the V-Boss plow will work on a smaller sidewalk. Chief Vogel suggested Council put in wording that would recuse 2<sup>nd</sup> Street properties from having to maintain this section. After hearing some negative responses regarding how Parke Avenue snow is cleared, Mayor Tollefson suggested this section be re-looked at and perhaps remove certain parts.

**Open Burning** – Cuchna feels this whole section should be removed, as some rules are incorrect, and others are misconstrued. He said some of this section follows MN State Fire Code, yet other parts do



not but would still be considered beneficial to the City. Norman stated he does not have any problems with these changes except he feels any part needing a permit should be kept in, as this is the only way to enforce a fee. He said the only issue with following the state fire code is that the only person who has a copy is Cuchna, so from an accessibility standpoint he would like to see the ordinance include what the City deems important, so it is easier for people to find. Ring said his suggestion would be to put wording in the ordinance that tells people to review the state codes, as well as information and reminders about open burning. Cuchna cautions against that as the state codes are really complex and something important might get left out unintentionally. Chief Vogel said this is why the City needs an ordinance, so that nothing is omitted. Cuchna began to read aloud the state statutes regarding open burning and recreational burning, and said this is the wording he would recommend for the ordinance. Chief Vogel asked if residents have questions or when there are violations should Cuchna's cell phone be listed as the contact? Cuchna said yes, and added that for burning bans the enforcement goes through the County Sheriff's office. Norman said this is all fine but the ordinance will need a specific statute otherwise there is nothing to enforce. Affield added that Dilworth has these sections in their nuisance ordinance too. Mayor Tollefson asked Cuchna to send a copy of the state codes to Affield. Braton asked Cuchna to clarify as he has read and printed out the state requirements and what they already have in the ordinance now is the same, but Cuchna expects residents to seek out the 800-page state fire code if they have questions? Mayor Tollefson interjected and asked Cuchna to provide any statutes that are not currently in the ordinance. She asked that he clean up the verbiage and requirements for Council, and Norman added there needs to be definitions. Cuchna said he has something written up that he will share, and pointed out there is a spot on the City website that residents can access regarding recreational fire rules Ring would like to make sure the clear definition for what you need a permit for is included and what that definition is. Chief Vogel stated, you should not need a burn permit in town, Cuchna agreed.

**Noise Control** – Mayor Tollefson said there were some changes to the wording regarding honking of a vehicle's horn, and no other updates have been made other than adding in generators. Chief Vogel recommended adding some verbiage regarding exceptions during emergencies, such as when the power goes out and a generator might have to run for some time. DeVries said the original discussion was regarding "reefer" semi-trucks running at night in residential areas. Mayor Tollefson asked Affield to make note of this section as they will need to go through it again.

**Nuisance Penalties & Abatement – "Enforcement Officer"** – Mayor Tollefson said this section pertains to "enforcement officers." Schreiber said there has been some concern due to the wording that any person appointed by the City can just enter a residence at will. Norman gave the example of 418 2<sup>nd</sup> Street, and how an administrative warrant was needed to access the property. He said the same applies to this, with an enforcement officer only being able to enter a property with a warrant. Chief Vogel cautions that part (*E*) should have the sentence at the end removed, as it could be misconstrued or seen as a threat. Norman said this wording is only necessary to denote who the City has authorized to be an enforcement officer. Chief Vogel said this is not just Police Officers but can include the Building Inspector or City maintenance personnel. Norman suggested changing the wording to be more specific regarding "purposes of entry." He said the enforcement officer will depend on the type of violation, ranging from fire code issues to building inspection issues. Mayor Tollefson said they can look to add some more definitions to clarify things.

Chief Vogel offered to those in attendance that if they have questions or feel like they could potentially be in violation of one of these sections, to give him a call and he will come out and take a look. He said he and Council are an open book through this process and are willing to answer any questions.

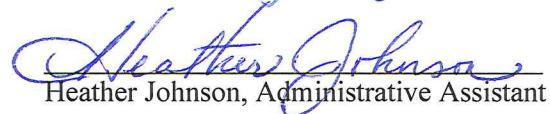
**4. Open Forum** – A resident asked to go back to the sidewalk clearing portion, and said the City should declare the west sidewalk on Parke Avenue closed during the winter months. He said this would alleviate the residents from having to deal with the huge amounts of snow piling up when the street gets plowed. Another resident said this poses a problem for kids walking to school. A question was then asked about the wording “all public exposure of people having a contagious disease.” Vogel ventured this wording may have come directly from the League of MN Cities. A couple other residents expressed some additional concern regarding the “enforcement officer” section. A recommendation was to include wording that states an administrative warrant would need to be obtained prior to the enforcement officer being able to enter a property. Another resident questioned the constitutionality of this section, and asked to hear more from Norman. A question was then asked to clarify more what the “City right-of-way” measurements will be in terms of alleyways. Braton said he will look into it with the City Engineer. Another suggestion from a resident was to separate the commercial requirements from the residential requirements.

Mayor Tollefson said the continuing review of the ordinance will now go to the subcommittee, and by the next regular meeting they should have some of these suggestions and changes made. Cuchna said he will make sure to get some simplified definitions regarding open burning and recreational burning to the Council.

**5. Adjournment** – The special meeting ended at 8:01 p.m. with a motion made by Steven Ring, seconded by Justin Schreiber. All in favor.  
Motion Carried.

  
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Tracy Tollefson, Mayor

  
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Wendy Affield, City Clerk/Treasurer

  
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Heather Johnson, Administrative Assistant

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