

Glyndon City Council

02/28/2018

6:30 p.m. Regular Council Meeting
City Hall Council Chambers

1. **Call to Order:** Mayor Cecil Johnson called the meeting to order at 6:30 p.m.

2. **Roll Call:** Council Members Present: Dave Owings, Justin Schreiber, Kimberly Savageau and Joe Olson, arriving at 6:49 p.m.; City Clerk Wendy Affield, Administrative Assistant Susan Dayley, City Attorney Ken Norman, Police Chief Mike Cline, City Engineers Kris Carlson and Alex Ranz.

As Per Sign in Sheet: Erik Clemenson, Peggy Harter, Kelly Richards, Scott Cich, Michael Surerus, Matthew Jorud, Darren Tucker, Joey Melicher, Megan Krueger, Corey Elmer, Dani & Andy Klawitter, Jason Lavold, Faron Paulson, Jerret Julsrud, Jaime & Val Anderson, and Kevin Kuehl.

3. **Motion to Approve Consent Agenda**
 - a. Minutes – 2-14-18 Council Meeting
 - b. Approve Resolution of Payments – Affield requested an addition to the Resolution of Payments for \$77.55 to Chief Bob Cuchna of the Fire Department. A motion was made by Justin Schreiber to approve the Consent Agenda, seconded by Kimberly Savageau. All in favor. Motion Carried.

4. **Additions to Agenda**
 - None

5. **Motion to Approve Agenda**

A motion to approve the 2/28/2018 Agenda was made by Dave Owings, seconded by Kimberly Savageau. All in favor.
Motion Carried.

6. **New Business**
 - a. **Resolution 2018-5 – A Resolution of the City of Glyndon, Minnesota Authorizing the Submittal of the Notice of Intent for the Establishment of the “Glyndon Quiet Zone” – Peggy Harter from Stantec** – Peggy Harter informed Council the Notice of Intent is the City submitting a notice to the Federal Railroad Administration, Burlington Northern Santa Fe, and all Roadway Authorities for the three (3) crossings of Partridge Avenue, Parke Avenue and CSAH 17. This shows that the City is submitting the Notice of Intent to establish a Quiet Zone with certain safety measures being implemented on two (2) of the three (3) crossings. The safety measures include installing 100-foot non-traversable medians on each side of the crossings at Partridge Avenue and Parke Avenue with no additional safety measures at the 100th Street South/CSAH 17 Crossing. Harter stated the City met the Federal Railroad Administration rules to implement a Quiet Zone without doing any additional improvements at the County road crossing. Harter stated the paperwork was submitted to the FRA for review, which everything looked good so now the Notice of Intent can be approved along with the necessary letter of support from the County, which they did provide. Harter stated once the Resolution is signed by the City it will be submitted to all parties involved. All parties who receive the Notice of Intent

will have 60 days to supply comments, if any comments are received, they will be forwarded to FRA for review. Harter stated if there are not any changes we can move forward constructing the safety measures for the Quiet Zone. Harter informed Council once the safety measures are constructed, which are the non-traversable medians on the north and south sides of Partridge and Parke Avenues along with the proper signing and striping per MUTCD (Manual on Uniform Traffic Control Devices) requirements. Harter explained the 'No Horn' signs will be in place but will be covered until the City sends out a Notice of Establishment letter informing the parties involved the Notice of Intent is constructed, the Quiet Zone is ready to be put into effect. Once this is complete, the Quiet Zone will be implemented in 21 days. Harter stated within these 21 days, FRA, BNSF, or any other interested party can verify the height, length, and width of the medians which are the dimensions noted in the Notice of Intent. If everything is in compliance, it will be deemed a Quiet Zone and the covers on the "No Horn" signs will be removed.

Harter informed Council there is one change in the Resolution, the height of the medians has to be a minimum of six inches (6"), so this wording will be changed in the Notice of Intent. Harter stated the County is in the process of resubmitting a Letter of Support which identifies the changes in the Resolution. Harter explained the median on the north side of the railroad tracks on Parke Avenue will be shortened to sixty feet (60') due to the public access for a business. Harter stated this change does not affect the requirements for the Quiet Zone. Carlson informed Council Xcel Energy has agreed to move a utility pole in order for the businesses to have semi-truck access. Dave Owings made a motion to approve Resolution 2018-5 – A Resolution of the City of Glyndon, Minnesota Authorizing the Submittal of the Notice of Intent for the Establishment of the "Glyndon Quiet Zone" noting the changes required in the Notice of Intent, seconded by Kimberly Savageau. All in favor.
Motion Carried.

b. Approve Glyndon Firefighter's Relief Association Gaming Permit for March 17, 2018 at the Glyndon Community Center – Justin Schreiber made a motion to approve the Glyndon Firefighter's Relief Association Gaming Permit for March 17, 2018 at the Glyndon Community Center, seconded by Kimberly Savageau. All in favor.
Motion Carried.

c. Approve Cub Scouts Charitable Gaming Permit for Raffle on March 18, 2018 at the Glyndon Community Center – Kimberly Savageau made a motion to approve the Cub Scouts Charitable Gaming Permit for the Raffle on March 18, 2018 at the Glyndon Community Center, seconded by Dave Owings. All in favor.
Motion Carried.

d. Resolution 2018-6 – A Resolution Awarding the Sale, Authorizing the Issuance and Establishing the Terms of General Obligation Revenue Note, Series 2018A and Providing for its Payment – Dave Owings made a motion to approve Resolution 2018-6 – A Resolution Awarding the Sale, Authorizing the Issuance and Establishing the Terms of General Obligation Revenue Note, Series 2018A and Providing for its Payment, seconded by Justin Schreiber. All in favor.
Motion Carried.

e. Glyndon Water Tower Lease Agreement – InvisiMax sold to Midcontinent Communications (*informational only*)

f. 2018-2019 Township/City Road Maintenance Agreement for 12th Street SE One Mile East (*informational only*) Mayor Johnson asked Affield if the City receives a bill from the

County for this Road Maintenance Agreement. Affield informed Council the County bills the City twice a year, half the payment each bill.

7. Old Business/Unfinished Business

a. Project Updates – Kris Carlson – Carlson stated in regards to the Parke Avenue Project, State Aid comments have been addressed and right-of-way certificates have been signed by the County. Carlson informed Council we are waiting for a bid date from State Aid because they will be doing electronic bidding through the County. Carlson stated there is no new information to report on the TIGER Grant. Carlson informed Council the Water Main Looping Project Bond will be signed tomorrow so the City will be reimbursed for the engineering fees and advertising costs they have paid over the last few years. Carlson stated the City received an eighty percent (80%) loan forgiveness for the Water Main Looping Project. Mayor Johnson asked if Xcel Energy is ready for construction in front of the school. Ranz and Carlson explained Xcel is still at the drawing board and are waiting for the snow to melt to see where everything will be located. Schreiber asked if the bidding process looks good for the Parke Avenue Project. Carlson feels with the size of the project the City should see many bids.

b. Centennial/Southview Property Line Discussion – Erik Clemenson – Audience members stated their concerns regarding the property line and pinning issues in the Centennial and Southview Additions. The audience members stated they would like to have clarity regarding the rumors and stories passing through the neighborhood. Clemenson believes the line discrepancy is approximately three (3) feet on both the north and the east side of eight lots on the west side of Magnolia Court. Clemenson is looking for clarification whether or not this affects all the lots in the Centennial Addition. Consensus of the audience's opinion is that the property lines should remain as they are known at this time, stating Mr. Richards should adjust the property lines in Southview to keep it this way.

Mayor Johnson suggested the property owners and engineers have a discussion regarding this issue to obtain a resolution that all parties involved are comfortable with.

City Attorney, Ken Norman, advised the audience to be cautious when responding to rumors, because they are just that, rumors. Norman stated Kelly Richards is currently working on a solution to the pinning issue to clarify where the property lines are. Norman does not believe the pinning issue will expand further into the Centennial Addition, only the 8 lots abutting the Southview Addition. Norman reiterated this is not a City issue, it is between the Developers and property owner's, the City is trying to be a mediator to assist in a resolution between the land owners. Norman stated he believes Richards is working with a title company to provide clarification of the discrepancies. Norman informed residents the City would have held up the plat had they known of the property line issue. Carlson stated the roads will not be affected by the pinning issue because there is a 66-foot road right-of-way. Carlson is hoping there will be a peaceful resolution between the property owners. Carlson received papers late this afternoon from LJA Engineering explaining how the discrepancies occurred and will need some time to look at them. Carlson explained he can not say one way or another how it affects the development unless he was given an overlay of each plat, which still is not 100% accurate.

A resident asked why the City did not notify them of this issue. Norman explained when the City was first notified of this issue they started asking questions to the parties who were involved stating, this is not a City issue. Olson explained to the audience the Council is still finding out what happened, it takes time to figure out when this happened and why. Richards stated he should have contacted the property owners sooner that are affected by the discrepancies in the property lines but decided to wait until after the holidays. Richards stated he would like to

resolve this issue, it was not the homeowners fault or his fault, this issue happened a long time ago. An audience member stated the suggested resolution was to pay \$400.00 to Richards to change the property lines and titles. Norman stated he has visited with a representative from the title company and they are trying to minimize the costs to redo the property titles. Norman feels \$400.00 is quite reasonable in order to resolve this issue on an amical basis. An audience member asked who inserted the property pins on his property. Mayor Johnson stated the person to contact is Troy Tooz from LJA Engineering. Schreiber stated he has the same issue with his property that abuts to the Charleswood Addition. A member from the audience stated their property abuts the Charleswood Addition and the situation is being resolved by the Developer deeding the property to the current land owners as they know their property lines to the north and south direction, at no cost to them. The audience member stated the land owners will be responsible for the cost if there is a shift of property to the east and west. A member from the audience stated he understands from the meeting held with Richards, there are a couple of different monument pins for the Centennial Addition dating back to 1885; in 1997 there was a new monument pin certified by the County. The audience member stated Richard's engineering company was able to find the original monument pin from 1885, the question is why did the City approve the plat. Norman stated the City approves the plat, not the location of the pins and stated the City does not know if the discrepancy is a true discrepancy. Norman stated it is important to have the true land descriptions because the title descriptions need to be correct in the event you get a mortgage or sell your property. Norman stated the true and accurate land descriptions need to be recorded at the County Recorder's Office. Norman stated according to State Statutes, the pins in place now, need to be left as is. An audience member stated he understands the City is not responsible for correcting the pinning issue. He attended the meeting Kelly Richards hosted and stated Troy Tooz from LJA explained very well why there is an issue with the property lines. The audience member stated he feels Richard's is proposing a fair offer to correct this issue and suggests he hold another meeting for the affected property owners to try and resolve this. Corey Elmer from Vogel Law Firm, who represents Richards, stated they do want to fix the error of the property lines. Elmer explained the \$400.00 would be used to cover the costs of engineers, preparation of documents, transferring of property, and to correct the titles for the properties. An audience member stated this would resolve the east/west discrepancies, what would need to be done with the north/south property lines. Schreiber stated the north/south property lines should not be affected. Norman explained the Charleswood Addition will need to be replatted with the accurate and correct property lines in place prior to being signed by City Representatives. Council informed the audience the pinning issue was not brought to the Council's attention until after the project was completed. Mr. Sullivan's replat will be finalized with the new property lines. A question was asked if the surveying company ever gave the City any documentation that was requested by the residents at the meeting with Richards. Affield stated she has not received anything from LJA other than the information she requested today concerning when the original and second pins were installed. Carlson explained it is a narrative of how the situation happened back in 1885. An audience member that attended Kelly Richard's meeting stated during the conference call with Troy Tooz from LJA Engineering stated everyone in the Centennial Development will be affected.

8. Department Reports / Committee Reports

a. Mike Cline, Police Chief – Chief Cline reported there have been 448 ICR's currently on record for the year. Chief Cline stated there is AED Training for City Staff scheduled for April 4, 2018 from 5-9 p.m. Chief Cline reported Officer Johnson represented the City and accepted the 'We Care Bears' collected by Lewis & Clark School students during National Kindness week. The teddy bears provide instant comfort to kids in unbearable situations. Chief Cline stated he has distributed his year-end report/book to the Council. Mayor Johnson thanked Chief Cline for a well put together report for the City. Cline stated there is a resident who

currently has 15 vehicles on their property and he has been trying to contact the owner to remove the unlicensed and non-operating vehicles. Cline stated there are other properties in the City with the same issue that need to be addressed as well. Savageau stated she would like a notice in the City Newsletter going out the end of March for residents to move any unlicensed and non-operating vehicles within 30 days and if they are not moved, they will be sent a warning letter from the Police Department. Chief Cline stated an AED the Police Department received with the funds donated from the Fargo Force has arrived and was installed in one of the squad cars.

b. Bob Cuchna, Fire Chief – Absent – Chief Cuchna provided the Council with the 2017 Glyndon Fire & Rescue Annual Report.

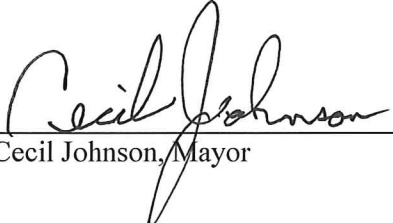
c. Scott Lofgren, Maintenance/Public Works Supervisor – Absent

d. Wendy Affield, City Clerk – Affield stated the annual audit will begin on March 5, 2018. Affield informed Council her and Dayley will be attending the Municipal Clerks and Finance Officers Association Annual Conference in Bloomington on March 21 and 22, 2018.


9. Open Forum – Owings stated he has been approached again concerning City maintenance vehicles being seen outside City limits. Owings stated it is his obligation to make sure the Council is aware of this concern. Owings suggested the Maintenance Committee may want to look into this concern. Mayor Johnson asked if he has had one or many comments from residents. Owings stated being on the Council for the past 7 plus years, this has been a reoccurring issue. Olson suggested having a conversation with Lofgren to determine his opinion of the issue at hand and to see if there is merit for the concern. Mayor Johnson suggested the Maintenance Committee discuss the concerns with Lofgren and report the findings to Council.

10. Miscellaneous Announcements –

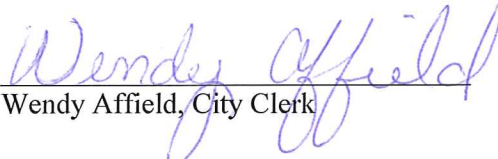
11. Adjournment - A motion was made by Dave Owings, seconded by Joe Olson to adjourn at 8:05 p.m. All in favor.
Motion Carried.



Cecil Johnson, Mayor



Susan Dayley, Administrative Assistant



Wendy Affield, City Clerk

February 28, 2018 Glyndon City Council Minutes