

**Glyndon City Council
12/13/2017**

7:00 p.m. Regular Council Meeting
City Hall Council Chambers

1. **Call to Order:** Mayor Cecil Johnson called the meeting to order at 7:00 p.m.
2. **Roll Call:** Council Members Present: Dave Owings, Justin Schreiber, Joe Olson and Kimberly Savageau; City Clerk Wendy Affield, Administrative Assistant Susan Dayley, Police Chief Michael Cline, Maintenance Supervisor Scott Lofgren, City Attorney Ken Norman, City Engineers Kris Carlson and Alex Ranz.

As Per Sign in Sheet: Kelly Richards, Aleeya Verdi, Amber Feigum, Shaun Erickson and Alex Kelso.

3. **Motion to Approve Consent Agenda**

- a. Minutes – 11-20-17 Council Meeting
- b. Minutes – 2-8-17 Public Hearing – Proposed Preliminary Replat for Centennial Addition, Renamed Southview Addition
- c. Approve Resolution of Payments – Partial Payment No. 5 to Sellin Brothers for \$194,078.71 (*Included on Resolution of Payments*) - A motion was made by Joe Olson to approve the Consent Agenda, seconded by Dave Owings.
Motion Carried.

4. **Additions to Agenda**

- Corrections to items c, d and e under New Business should be 2018 not 2017.

5. **Motion to Approve Agenda**

A motion to approve the 12/13/2017 Agenda was made by Kimberly Savageau, seconded by Justin Schreiber. All in favor.
Motion Carried.

6. **New Business**

- a. **Southview Project Update on Pinning Issue – Kris Carlson & Ken Norman** – Carlson stated he has had several discussions with Ken Norman and Ulteig Engineering's Surveyor to figure out where the discrepancies are regarding the pin issues in the Southview Addition. Norman stated the pinning issue is not for the City to correct, what might be otherwise a private landowners dispute over the location of monuments. Norman stated when the plat was approved nothing was indicated to the City at that time there were any discrepancies in terms of the location of pins on the replat area. When Kelly Richards acquired title to the property, it was transferred to him by lots and blocks located within the existing Centennial Addition, he did not receive the property in metes and bounds description, which is a description that starts at a given point, goes so many feet in a certain direction, then goes to another point until there is a complete circle of property. Norman believes the City should not be involved in the property disputes that have risen, the issue should be resolved with the original surveyor who surveyed and prepared the replat that was approved by the City. Norman stated he is not talking about the surveyors who handled Centennial Addition, but the ones who handled the replat of Southview Addition. Norman stated the City is not the arbiter between land owners who are contesting lot lines, these things lead to Quiet Title Actions and Adverse Possession Actions which are disputes that go to the District Court to decide the property lines. Hopefully the disputes between property owners can be resolved. Norman suggests before a new replat of another area in this subdivision is approved the locations of the new plat are accurate to assure this problem does not occur again. Mayor Johnson asked if this needs to be done in the Charleswood Addition? Norman stated, yes, you would want to know the pins are in the right location. Olson asked what the City should do to make sure this does not happen. Norman stated the City Engineers will need to take a very careful review of the replat to assure themselves

everything is in the correct location. Norman stated the good thing is at this point in time all it has to do is about the Southview Addition, this should have been done to the subdivision Richards is now developing. If we knew of this problem before, the City would not have approved the plat. Schreiber commented on how some of the pins have been moved. Norman stated, technically it is against the law to move pins but they do get moved over the course of time, such as a person might mow a bit farther onto someone else's property, sheds get moved, and fences are built that have encroached on others' property. Under Minnesota State Statutes, if you have continuously been there for 15 years, the property may become yours because you have used it. This is called Adverse Possession. Schreiber asked if original pins were moved during construction and were put in new locations, what argument does the land owner have to base their current, as they know it, property line? Those arguments would need to be resolved by the landowners who may need to pursue their own engineers and/or legal services. Norman stated the City Engineers should not be trying to resolve this issue but need to make sure the new plat is accurate. Carlson received an Exhibit from LJA showing the overlapping of eight (8) lots; six (6) of them to the west and the other two (2) lots to the south. Carlson stated some of the lots have two to three feet (2'-3') differences, some are worse than others. Carlson is trying to reconstruct what happened since only eight (8) out of thirty some lots were affected in Centennial. Owings asked Norman if the City is liable since they approved the plat. Norman stated, when the City approves a plat whether or not the plat conforms to the various regulations, infrastructure, streets and appropriate easements the City requires in terms of its location, no, the City is not liable, they are not surveyors. The landowner/Developer hires the engineers to prepare, survey and certify that everything on the plat is accurate. Norman stated the replat wording says the real estate was sold in lots and blocks of the Centennial Addition, so the lots should have hinged together, they should have used the existing pins to begin with. Carlson stated there were no found irons on the replat. Savageau stated it is a state law to have pins in every corner of a lot and every change in direction within one year of the platting process. Kimberly addressed the Centennial Plat located on the easel showing where it states they have found iron monuments at the corners of every lot line within that addition. Savageau stated the irons are not indicated on the plat of Southview. Norman's professional opinion is LJA Engineering should correct this issue since they were the surveyors. Mayor Johnson asked if lots in that area can be sold before the issue is resolved. Norman declined comment. Richards informed Council he is working on this situation and it will be straightened out before he sells lots in that location. Richards stated he has some options for a solution to the pinning issue and drawings of encroachments to present to the homeowners. He does need a unanimous decision by all the effected homeowners. Earlier this year, Shaun Erickson asked the surveyors from LJA why they were starting from a different pin location? Their response was, Richards accepted the new monument. Richards stated he did not accept anything and once he has more information he will come back to Council. Norman stated moving forward, if there is another subdivision, the City will not sign off on another plat until the City is assured there are no pinning or lot boundary issues. Norman stated the City can step in and help with what they can but it does remain a homeowner's property dispute. Norman pointed out there will be a market issue if there is a problem with encroachments and lenders may not approve loans for the property.

b. Approve Agreement with Seters for Property needed for a Storm Water Retention Pond for the Parke Avenue Project – *(Approval Conditioned upon receipt and inclusion of accurate legal descriptions for purposes of recording)* – Carlson stated the Agreement will be contingent on an accurate legal description and they are requesting a Title Opinion. Norman stated the City needs an accurate legal description that reflects what they own and where the exact split will be on the property. Ownings asked if we can approve the agreement without the accurate legal description. Norman stated it can be done with the stipulation of attaining an acceptable and accurate legal description because, in principle, the agreement does not change. In order for the agreement to be recorded, it does have to have an accurate legal description.

A motion to approve the Agreement with Seter's upon the accurate legal description to be reviewed by Ken Norman, Kris Carlson and Kimberly Savageau was made by Dave Owings, seconded by Justin Schreiber. All in favor.
Motion Carried.

c. Approve Application for Gaming Permit – Glyndon Rod & Gun Club for January 13, 2018 – Fishing Derby at the Glyndon Community Center – A motion to approve the Gaming Permit for the Rod & Gun Club for January 13, 2018 was made by Kimberly Savageau, seconded by Joe Olson. All in favor.
Motion Carried.

d. Approve 1-Day Liquor License – Glyndon Rod & Gun Club for January 13, 2018 – Fishing Derby at the Glyndon Community Center – A motion to approve the 1-Day Liquor License for January 13, 2018 for the Glyndon Rod & Gun Club was made by Kimberly Savageau, seconded by Joe Olson. All in favor.
Motion Carried.

e. Approve Charitable Gaming Raffle Permit – Glyndon Rescue for January 12, 2018 at the Hill Bar & Grill – A motion to approve the Gaming Raffle Permit for Glyndon Rescue for January 12, 2018 was made by Kimberly Savageau, seconded by Justin Schreiber.
All in favor.
Motion Carried.

f. Accept Resignation Letter from Police Officer Tyler Schwartz – A motion to accept the resignation letter from Police Officer Tyler Schwartz was made by Dave Owings, seconded by Kimberly Savageau. All in favor.
Motion Carried.

g. Stockwood Specials Question – Are the Specials Required to be Paid in Full at Closing or Can They be Amortized Over ‘X’ Amount of Years? – Mayor Johnson informed Council when the last lot was sold the purchaser paid for the lot and the specials up front, should that be the way the City requests purchases? Savageau stated the specials are still amortized at this time and are paid on a yearly basis by the City, in turn the City is reimbursed 100% for special assessments. Norman stated it depends on the purchasers lending facility whether they will be all paid off. Council agreed the lender/purchaser will decide which option they choose to take. It is negotiable to be paid in full or amortized over a certain number of years.

Ken Norman left the meeting at this time.

h. Approve Labor Agreement – Police Union Contract for 2018-2019 – A motion to approve the Labor Agreement of the Police Union Contract for 2018-2019 was made by Justin Schreiber, seconded by Dave Owings. All in favor.
Motion Carried.

i. Request to Purchase an AED Philips HeartStart OnSite Business Package for City Hall – Wendy Affield – Affield is requesting an AED machine for City Hall, the purchase package price is \$1,199.00. Mayor Johnson stated training will need to be done for this device. Chief Cline stated FM Ambulance provides training for CPR and AED. Olson stated Leslie Witte from Clay County provides in-house training on AED and CPR also. A Motion to approve the purchase of an AED Philips HeartStart OnSite Business Package was made by Joe Olson, seconded by Kimberly Savageau. All in favor.
Motion Carried.

j. Approve Resolution 2017-15 – Resolution Approving 2017 Tax Levy, Collectable in 2018 – Mayor Johnson stated this was discussed at the Truth in Taxation Hearing this evening. In September the preliminary percentage was set at 4% which was presented to the County. Discussion was had amongst Council to start working on budgets in June or July with more one on one meetings with each Department Head, and to check that planned projects are on schedule. A motion to approve Resolution 2017-15 setting the Tax Levy at 4%, collectable in 2018 was made by Justin Schreiber, seconded by Joe Olson. All in favor.
Motion Carried.

k. Approve Resolution 2017-17 – Resolution Requested by Clay County for Approval of Parallel Parking Only on Parke Avenue from 7th Street to US Highway 10 – Carlson stated this is a Resolution the County needs for State Aid. It mandates parallel parking from Highway 10 to 7th Street. In addition, there will be signage put up stating ‘Parallel Parking Only’ on the east side of the school. This will take affect once construction gets started on the Parke Avenue Project in 2018. A motion to approve Resolution 2017-17 for parallel parking only on Parke Avenue from 7th Street to US Highway 10 was made by Kimberly Savageau, seconded by Dave Owings. All in favor.
Motion Carried.

l. Approve Resolution 2017-18 – Resolution Requested by Clay County for Approval of Restricting Parking of Motor Vehicles on Parke Avenue from 12th Street to 7th Street – Carlson stated this is a Resolution the County needs for State Aid. It mandates ‘No Parking from 7th Street to 12th Street because the road will narrow in that location. Lofgren stated the road goes from an eighty-foot (80’) to a sixty-six-foot (66’) right-of-way in that area. A motion to approve Resolution 2017-18 for restricting parking of motor vehicles on Parke Avenue from 12th Street to 7th Street was made by Joe Olson, seconded by Dave Owings. All in favor.
Motion Carried.

m. Approve Resolution 2017-19 – Resolution Requested by Clay County – Approving County Project Within Municipal Corporate Limits, Projects #SAP 014-619-019 & #SP 014-090-006 – Improvements of County State-Aid Highway No. 19 (Parke Avenue) – Carlson stated this is a Resolution the County needs for State Aid. It states the City approves and is a willing participant in the County Project. A motion to approve Resolution 2017-19 approving county project within municipal corporate limits, Projects #SAP 014-619-019 & #SP 014-090-006 – Improvements of County State-Aid Highway No. 19 (Parke Avenue) was made by Joe Olson, seconded by Kimberly Savageau. All in favor.
Motion Carried.

n. Approve Resolution 2017-20 – Resolution Receiving Feasibility Report and Calling Hearing on Improvements for C.S.A.H. 19 (Parke Avenue) – Kris Carlson discussed the key features in the project stating a water main replacement will run from Highway 10 to 12th Street, including a small section from Parke Avenue to Southcreek Drive on 12th Street, a chunk of sanitary sewer will be replaced from 12th Street north to 7th Street and then extending sewer and water out to the Seter’s property as to the agreement. Carlson went through the estimated project cost tables (*located on page 5, 6 & 7*)

Mayor Johnson questioned the ditch cleaning from Parke Avenue to County 17. Carlson informed Council the ditch cleaning is part of the storm sewer improvement. BNSF gave the City of Glyndon authorization to clean the ditch as needed. The County will be responsible for 50% of the charge. Carlson stated the City has applied for a PFA Grant and with USDA, the City has been turned down for both. The City and County did receive a TAPP grant to help pay for the sidewalk and trails. The City and County are still waiting to hear about the “TIGER” Grant decision.

Ulteig Engineer Kris Carlson informed Council this is only a recommendation, Council will need to make the final decision as to how to assess the properties abutting the proposed project. Carlson informed Council the school has a large portion of the project frontage which once assessed the specials are spread throughout the whole school district, not only the residents living in Glyndon. Council discussed how the special assessments may not be split 80/20 like the prior street reconstruction project but will stay close to the same amounts each property owner pays. Council feels Parke Avenue is a main thorough way for the City of Glyndon, all residents should pay a portion to update the watermain and sewer lines being replaced during the project. Carlson discussed the proposed project timeline for the project which will start in January and run through November of 2018 with the final bituminous wear course paving in June of 2019.

Table No. 2 – Estimated Project Costs

C.S.A.H. 19 (Parke Avenue)		Cost
Watermain	\$	666,000
Sanitary Sewer	\$	340,000
Storm Sewer	\$	1,311,000
Street Reconstruction	\$	2,912,000
Sidewalk & Path	\$	502,000
SUBTOTAL - C.S.A.H. 19 (Parke Avenue)	\$	5,731,000
Seventh Street S		Cost
Watermain	\$	78,000
Sanitary Sewer	\$	64,000
Street Reconstruction	\$	298,000
SUBTOTAL - Seventh Street S	\$	440,000
Railroad Crossing		Cost
Railroad Quiet Zone Features	\$	202,000
Railroad Crossing - Path/Sidewalk	\$	115,000
Railroad Signals & Crossing - C.S.A.H. 19	\$	187,000
SUBTOTAL - Railroad Crossing	\$	504,000
TOTAL ESTIMATED PROJECT COST	\$	6,675,000

Table No. 3 – City/County Cost Splits

C.S.A.H. 19 (Parke Avenue)	Cost Share	
	County	City
Watermain	0%	100%
Sanitary Sewer	0%	100%
Storm Sewer	50%	50%
Street Reconstruction	70%	30%
Sidewalk & Path	50%	50%
Seventh Street S	Cost Share	
	County	City
Watermain	50%	50%
Sanitary Sewer	50%	50%
Street Reconstruction	30%	70%
Railroad Crossing	Cost Share	
	County	City
Railroad Quiet Zone Features	0%	100%
Railroad Crossing - Path/Sidewalk	50%	50%
Railroad Signals & Crossing - C.S.A.H. 19	70%	30%

Table No. 4 – Cost Sharing Splits

Cost Splits		
C.S.A.H. 19 (Parke Avenue)	County	City
Watermain	\$ -	\$ 666,000
Sanitary Sewer	\$ -	\$ 340,000
Storm Sewer	\$ 655,500	\$ 655,500
Street Reconstruction	\$ 2,038,400	\$ 873,600
Sidewalk & Path**	\$ 63,500	\$ 63,500
SUBTOTAL	\$ 2,757,400	\$ 2,598,600

Cost Splits		
Seventh Street S	County	City
Watermain	\$ 39,000	\$ 39,000
Sanitary Sewer	\$ 32,000	\$ 32,000
Street Reconstruction	\$ 89,400	\$ 208,600
SUBTOTAL	\$ 160,400	\$ 279,600

Cost Splits		
Railroad Crossing	County	City
Railroad Quiet Zone Features	\$ -	\$ 202,000
Railroad Crossing - Path/Sidewalk	\$ 57,500	\$ 57,500
Railroad Signals & Crossing - C.S.A.H. 19	\$ 130,900	\$ 56,100
SUBTOTAL	\$ 188,400	\$ 315,600

TOTAL ESTIMATED PROJECT COST	\$3,106,200	\$3,193,800
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**TA Grant was applied to this item. (\$502,000 - \$375,000 = \$127,000)

Table No. 5 – Assessable/City Cost Share

Item	Assessable	City
Watermain	50%	50%
Sanitary Sewer	50%	50%
Storm Sewer	25%	75%
Street Reconstruction	25%	75%
Sidewalk & Path	0%	100%
Railroad Crossing	0%	100%

Table No. 6 – Assessable/City Costs

Item	Assessable	City
Watermain	\$ 352,500	\$ 352,500
Sanitary Sewer	\$ 186,000	\$ 186,000
Storm Sewer	\$ 163,875	\$ 491,625
Street Reconstruction	\$ 270,550	\$ 811,650
Sidewalk & Path	\$ -	\$ 63,500
Railroad Crossing	\$ -	\$ 315,600
TOTALS	\$ 972,925	\$ 2,220,875

Table No. 7 – Summary of Proposed Assessments

Item	Methodology	Units	Cost/Unit
Watermain	Front Foot	10,040	\$ 35.12
Sanitary Sewer	Front Foot	5,522	\$ 33.68
Storm Sewer	Front Foot	10,040	\$ 16.32
Street Reconstruction	Front Foot	10,040	\$ 26.95
Sidewalk & Path	Front Foot	9,480	\$ -
Railroad Crossing	Front Foot	9,480	\$ -
TOTALS			\$ 112.07

Table No. 7 shows it will be around \$112.07 per front footage on each abutting lot for special assessments. (90' lot around \$10,086.30 – 100' lot around \$11,207.00)

Carlson will meet with the utility companies that will be involved with the project to find out what utilities need to be relocated. Xcel Energy will need to relocate their poles since they are positioned on the County right of way, this will be at Xcel's expense unless the City would like to do something special with the lighting.

A motion to approve Resolution 2017-20 receiving Feasibility Report and calling hearing on improvements for C.S.A.H. 19 (Parke Avenue) was made by Justin Schreiber, seconded by Kimberly Savageau. All in favor. Motion Carried.

o. Set Public Hearing Date for Proposed Improvements for Parke Avenue – Public Hearing date for Proposed Improvements for Parke Avenue is set for January 10, 2018 at 6:00 p.m. at the Glyndon Community Center with the Regular Council Meeting to follow. Carlson will make sure Affield and Dayley have the information needed for the letters that will be mailed only to the residents that will be special assessed. Carlson stated sixty-six (66) parcels will be included.

p. Approve Resolution 2017-21 – Resolution Rejecting Bid from Hough, Inc. of Detroit Lakes for Watermain Looping Project (Prior Resolution 2016-8) – Carlson informed Council since the Water Looping Project was not completed in 2016 or 2017 Hough Inc. was unable to guarantee the prices received from their subcontractors. A motion to approve Resolution 2017-21 rejecting bid from Hough, Inc. of Detroit Lakes for Watermain Looping Project was made by Dave Owings, seconded by Justin Schreiber. All in favor.

Motion Carried.

q. Approve Resolution 2017-22 – Resolution Approving Plans and Ordering Advertisement for a Second Bid Process for the Watermain Looping Project to be Completed in 2018 (Prior Resolution 2016-5) –

A motion to approve Resolution 2017-22 approving plans and ordering advertisement for a second bid process for the Watermain Looping Project to be completed in 2018 was made by Justin Schreiber, seconded by Kimberly Savageau. All in favor.

Motion Carried.

7. Old Business/Unfinished Business

a. Project Updates – Kris Carlson – Nothing more at this time.

b. Approve 2018 Utility Rate Chart – Affield informed Council the rate chart will change from what is shown in the Agenda Packet since Council decided to change the forestry from \$1.25 to \$.50 instead of \$.00. Affield would like to mail a copy with the utility bills this month so the residents are aware of the change on their January bill. Savageau stated, even though the water base rate went up \$5.00 per month residents will only see an increase of \$2.97 due to the decrease and elimination of a couple other charges. A motion to approve the 2018 Utility Rate Chart was made by Kimberly Savageau, seconded by Joe Olson. All in favor.

Motion Carried.

c. Fuchs Sanitation Administration Services Question – Wendy Affield – Affield discussed this topic with Dave Olek who informed her the City is charged a smaller fee for their dumpsters. Affield calculated the figures which amounts to a \$211.91 monthly savings the City receives for doing the garbage billing. Olek also stated the City has a surcharge on the garbage fees to help compensate for the administrative services, paper cost and stamps. Affield feels this is a fair trade for the work City Hall does for the garbage billing process.

8. Department Reports / Committee Reports

a. Mike Cline, Police Chief – Chief Cline reported he has applied for the Fargo Force Hometown Hero's Grant that is extended to Fire and Police Departments, requesting a grant for \$1,500.00 to be used to purchase an AED for his squad. Chief Cline stated he conducted a Defense Recertification Class in Moorhead with Hawley Police Department. Chief Cline reported he has sold the Crown Victoria tires through Craig's List for \$210, which will be used towards the 'Shop with a Cop' Program. Three (3) children are chosen by the Elementary Principal, they are taken out to dinner at McDonald's and then to Walmart to purchase gifts for their family. Each child receives \$100 to spend on their family. Chief Cline reported the department is at 2,400 calls of service this year, averaging 200 calls per month.

b. Bob Cuchna, Fire Chief – Absent

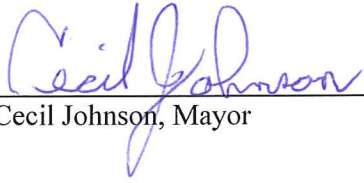
c. Scott Lofgren, Maintenance/Public Works Supervisor – Lofgren reported Rungers will be installing the new furnace at the Fire Station. The snow blower for the Bobcat has arrived and the replacement Bobcat will be delivered after the first of the year. Lofgren stated he has been working on the ice skating rink but with warm weather it has taken longer, he is hoping by Christmas break it is completed. Construction is continuing on the new warming house, the shingles, siding and windows are installed.

d. Wendy Affield, City Clerk – Affield asked if Council would like to change the Council Meeting on December 26, 2018 to a different day since it is the day after Christmas. Council decided at this time to leave it the way it is on the 2018 Council Meeting Schedule.

9. Open Forum – Kelly Richards asked Lofgren if he would consider making a skating rink on the pond in Southview. Lofgren stated, at this time he does not have plans to install one in that location, he is concerned with the depth of the water and is not comfortable driving equipment over the rip rap that was installed around the pond. For safety of the skaters he would not want to see more than twelve inches (12") of water in the pond.

10. Miscellaneous Announcements –

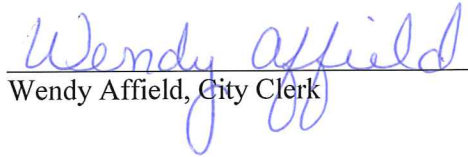
11. **Adjournment** - A motion was made by Joe Olson, seconded by Justin Schreiber to adjourn at 8:34 p.m.
Motion Carried.



Cecil Johnson, Mayor



Susan Dayley, Administrative Assistant



Wendy Affield, City Clerk

December 13, 2017 Glyndon City Council Minutes