

Glyndon City Council

10/11/2017

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, Maintenance Supervisor Scott Lofgren, City Engineers Kris Carlson and Alex Ranz.

As Per Sign in Sheet: Carol Hauser, Matt Jorud, LJA Engineer Troy Tooz and Jim & Leslie Sullivan.

3. **Motion to Approve Consent Agenda**
 - a. Minutes – 9-27-17 Council Meeting
 - b. Approve Resolution of Payments - A motion was made by Dave Owings to approve the Consent Agenda, seconded by Kimberly Savageau.
Motion Carried.

4. **Additions to Agenda**
 - Sullivan Construction – Discuss dirt pile in Charleswood Addition

5. **Motion to Approve Agenda**

A motion to approve the 10/11/2017 Agenda was made by Joe Olson, seconded by Justin Schreiber.
Motion Carried.

6. **New Business**
 - a. **Property Pin Concerns in Centennial/Southview Additions** – Kris Carlson reported he had a meeting with Troy Tooz from Lightowler Johnson Associates concerning this matter and just received a summary from LJA explaining what happened during the plating process of Centennial. Carlson stated he has not had a chance to sort out the response from LJA. Carlson did have a conversation with the City Attorney, Ken Norman, and would like his thoughts on the matter before we move forward. Carlson would like to make sure when homeowners have questions, we all have the uniform details. Carlson said he understands there was a shift in the monument documentation. Nate Anderson from LJA Engineering documented the details of the situation and Carlson will forward the information on to Wendy Affield and Ken Norman. Mayor Johnson asked who the homeowners should contact with their questions concerning the location of their property pins. Carlson believes this is not a City dispute but feels the residents do need an explanation. Tooz reported to Council when the Centennial Addition was plated, a large portion of the lots were located from the monument pin that was not the ‘Official Recorded Corner’. When Southview was plated they used the ‘Official Recorded Corners’ because there were a couple busts in the plat that was originally presented by Bonestroo Surveying. LJA’s surveyors discovered there is a 2 to 4-foot miscalculation along the property lines of 8 or 9 property owners, actually it is the whole plat that shifted due to the incorrect monumentation pin

that was used to start the pinning of the lots. The owners may think they have lost property but that is not the case. The plat is not a straight north/south line but more of a diagonal line. Some lots are affected 2-4 feet and the error needs to be distributed throughout the plat to get everything corrected to where it is supposed to be. If a property owner has a fence or shed that is encroaching over the property lines, the homeowner will have to contact Kelly Richards or Jim Sullivan to request an easement. Tooz stated the City is not at fault but the surveyors who did the original plat. The issue at hand is a land title issue, not a property boundary issue. Olson asked how the property owners who are affected go about resolving the situation. Tooz stated they would need to contact the adjacent land owner, Richards or Sullivan, and would have to get an access easement or a boundary correction. The issue would need to be resolved on the title of the property if a homeowner planned to sell. This will affect each homeowner differently. Tooz stated LJA reset the property pins to the correct locations in Southview. Savageau reiterated their plans are to re-pin Southview not Centennial. Tooz stated that was correct. Affield asked what happens if a property owner has removed a pin. Tooz stated LJA will need to reset the pins and the property owners should not be doing that. Mayor Johnson stated some property owners think they can make up the property lines on the opposite side of the homes. Tooz stated that is not correct, each property owners' pins will shift differently. That being said, Mayor Johnson asked if this will affect their property deeds? Tooz responded, yes but the lot number and block number with a certain amount of property will not change, however the location of the line has. Homeowners technically have not lost any property, it is just that the position of their property on the earth has changed because the original monument that was followed was incorrect. Matt Jorud asked if the original property pins were still there? Savageau said they should be there as long as no one has removed or mistakenly misplaced them. Tooz stated when Centennial was originally surveyed, only a portion of the development was done incorrectly. Carlson asked Tooz if this was going to be the same case in the Charleswood Addition? Tooz said he did not know at this time but will visit with Nate Anderson. Carlson would like to find this information out first before things move forward. Tooz said he would create a colored plat with the new and old property lines along with the footage difference so we can show it to the property owners that are affected by this correction. Mayor Johnson asked who the City should direct questions to when they contact the City about the property lines. Tooz said to direct them to himself and Kris Carlson. Tooz informed Council the homeowner can call him with their lot description and he can pull up the plat document, let them know what happened and how they are affected with a drawing specifically for their lot. Tooz stated if a homeowner who installed a fence or shed followed the setback regulations they should not be affected. Savageau informed Tooz the City does not have setbacks for fences as long as the property owner installing the fence can maintain the back side of the fence and still be on their property. Tooz stated property owners need to understand when there is a City easement in place and work needs to be done, such as the gas, electrical or phone company they can come in and remove the fence with no repercussions. Lofgren stated there is a ten-foot (10') utility easement along the property line in question. Lofgren informed Council it is five-feet (5') for each property owner. Tooz will work with Carlson to make sure the information is available for the homeowners.

b. Lugo Property Discussion – Mayor Johnson stated he has been working on this issue since he has been mayor and would like the Council's opinion on whether to move forward on this project or wait until 2018. If the City moves forward, the process will have to start over with the condemnation process so the house can be torn down. Mayor Johnson asked if we should include this project in the 2018 budget. The City currently has been mowing the lawn and will be adding the bill to the property taxes. The property taxes were not paid until right before the 3-year extension expired. Owings suggested to either continue on with what we are doing or take action and move forward to resolve the matter. Mayor Johnson said the property had been condemned from the County and by the City Building Inspector (Roland Holm) in the past and no

action was taken in a timely manner. The City Attorney stated we need to start the process over because of the time lapse. Mayor Johnson reported the property is still in the deceased person's name. Mayor Johnson stated the cost of the demolition would be attached to the property taxes. Mayor Johnson suggested invite the siblings of the deceased party to a Council Meeting to discuss the condemnation of the house on the property. Savageau stated, if the taxes are not paid the property would not default until 2021. Savageau informed Council the family of the deceased would need to go through probate court to get a clear title and stated, taxes can be in a deceased person's name for as long as the family chooses. Olson suggests reaching out to the family, invite them to a Council Meeting, if we hit a roadblock, then move forward with the condemnation process. The City can then request proposals for the demolition, asbestos removal, and attorney fees to work into the budget. Savageau stated the City can assess a portion of the fees to the property taxes, if the taxes are not paid, the City does not receive their money. If the taxes go into forfeit for non-payment, the property goes back to the City. Savageau said the City would be spending money but could also see a return on the investment.

Additions to Agenda

➤ **Sullivan Construction – Discuss dirt pile in Charleswood Addition** – Jim Sullivan discussed his intentions on removing the dirt pile in the Charleswood Addition. Sullivan stated the contractor was supposed to have the dirt distributed into two piles, not one. Because of the error, it has caused him to have an uninvited safety problem with individuals driving their ATV's on the pile. It will cost Sullivan extra money to level the pile now that it is around 25,000 yards versus 9,000 yards. Sullivan stated he hopes to start working on leveling the pile sometime around November 1, 2017. Tooz stated the plan is to lineate the floodplain area, knock down the dirt pile and strip the topsoil. Mayor Johnson was concerned with the ground freezing. Tooz informed Council a dozer will be able to break through the frost crust. The fill will be placed in both the floodplain and low areas to raise the lot heights for next years' development. The fill will have significant amount of time to sit and consolidate on its own once it is spread, and soil testing will be done as the fill is being moved. The soil will also be tested before the project starts and streets are built. Mayor Johnson wanted to reiterate the City's biggest issue is the safety of the individuals who are riding up the hill even though the snow fence is up and no trespassing signs were installed. Sullivan understands, but does not know why the contractor did not follow the agreement he had with Kelly Richards, two (2) piles were supposed to be built, not one. Sullivan added it will not take long to level the pile once they get started. Carlson stated the dirt pile also holds heat so frost will not be an issue once you break through the crust of the pile. Carlson reminded Sullivan when they do the floodplain alienation, make sure to follow the LOMA paperwork and have it submitted because the City will have to sign off on it. Tooz stated Sullivan will do one LOMA (Letter of Map Amendment) with FEMA for the whole development, this is cleaner and less expensive. Carlson stated if the LOMA paperwork has not been completed, building permits will not be issued.

7. Old Business/Unfinished Business

a. Project Updates – Kris Carlson – Carlson informed Council of the issue concerning some sections of ground caving in around the pond located in Southview. The silt lens is collapsing due to the quantity of rain the City received in such a short time. Braun Intertec does not believe there is a slope stability issue, just the water pressure is trying to relieve itself from the silt lens. Braun Intertec made two recommendations to repair the slope failure, one would be to install drain tile around the top of the rip rap to catch the water coming out of the silt lens, the second would be to remove the rip rap and install new material and fabric. Carlson needs time to review the findings to see what we are dealing with and then he will present the findings and cost for repairs at the next meeting. Carlson believes the most economical repair would be to install

the drain tile around the rip rap. Troy Tooz stated once the drain tile is installed, there should not be any more problems with the ground washing out. Olson asked if it is under warranty. Carlson stated this is not a warranty issue, it has more to do with the site condition. Tooz informed Council everything was done correctly with the slope design of the pond site plan.

Carlson informed Council he has reached out to Hough Construction concerning the Water Looping Project and has not heard back from them at this time. His recommendations would be to allow Hough one (1) more month to return his call to see if they would honor their previous bid and if not, the City would need to reject the bid and rebid the project for construction in the spring of 2018. Carlson explained the PFA is funding this project with an eighty (80) percent grant, and he has informed Steve Lafontaine from PFA the City will be accepting the grant.

Carlson discussed the information from USDA concerning the potential grant for the Parke Avenue Project. Carlson met with USDA last week and did not receive the answer he wanted. Due to the City's median household income exceeding the requirements, the City does not receive enough points to qualify for the grants from either PFA or USDA. The City would need to look at other options available which would consist of a 40-year loan from PFA. Carlson visited with Dave Overbo from the County concerning pursuing the TIGER Grant, stating Affield has given the County information needed to help support the request for the grant. Carlson believes we will not find out until March of 2018 as to whom the grant will be awarded to. Carlson informed Council if they are looking at moving the project back a year, the City would need to attend a County Board Meeting and request this change. The Board meets every Tuesday, so the City would want to be added as an Agenda item. Affield asked Carlson if he thought the City would receive the PFA Grant next year if they applied. Carlson does not feel the City will receive enough points to be awarded the grant. Olson talked through the options the City needs to look at, either move forward with the project in 2018 in hopes we receive the TIGER Grant, or push it back to 2019 in hopes to find other ways to help finance the project. Carlson stated the TAPP Grant for the sidewalk/trail will stay in place with whichever decision is made. Carlson informed Council the project design will be set regardless if the project starts in 2018 or 2019. Carlson will check to see how long it will take for the State to review the plan design. Schreiber discussed the possibility of costs increasing if the project is not completed in 2018. Carlson informed Council due to the natural disasters in the southern states, PVC pipe is becoming hard to find and the cost has doubled. Carlson suggested to make this a two (2) year project to help with the funding. The contractor may reduce the price if they have more time to complete it. During the project construction we will need to work around the school's schedule, elevator's harvesting and the fertilizer plants' busy time. Olson discussed the decision concerning extending Parke Avenue to Jim Sullivan's addition and how it will need to be worked out when Charleswood Addition starts. Carlson will redo the Preliminary Estimate of Costs for the Parke Avenue Project so the Council can see the magnitude of the numbers and allow David Drown to study them to see what is the best option for the City. Carlson informed Council they will need to look at what portion may be assessed for the project and a Public Hearing would need to be scheduled. Schreiber suggested setting up a Skype conversation with David Drown during the next Council Meeting. Savageau informed Council, County Commissioner Frank Gross has also expressed his concerns as to how the City will afford this project. Carlson stated the County wants to work with the City as to when the project should move forward. Schreiber questioned the traffic flow situation when the project starts. Carlson thinks the project should start on the north end of town and once that section is completed most of the traffic issue should be resolved. Carlson informed Council Erik from the County has been working with the School concerning the project. Owings asked if we have heard anymore information concerning the Quiet Zone. Carlson stated they are waiting to hear back from BNSF concerning the bungalow at the Partridge crossing. Mayor Johnson stated BNSF does not have a problem with the ditch being

cleaned out all the way to County Road 17, stating they will not be responsible for any of the cost to have that done. BNSF will amend our permit area to allow the ditch to be cleaned during the project at Parke Avenue.

b. Stockwood Pricing Discussion – Affield informed Council she updated the price sheet concerning special assessments and lot prices for Stockwood Business Park. Affield set the lot price excluding assessments at ten thousand dollars (\$10,000), stating if Council would like that figure changed to let her know. Council discussed and agreed the price sheet Affield updated will work and the option to negotiate will still be on the table. Affield informed Council she has contacted Konrad Olson Commercial Real Estate what price they would charge the City to sell the lots in Stockwood. Mr. Olson is traveling and will contact Affield once he is back to the office. Owings will update the prices on the Craig's list ad. Council discussed the lot in Stockwood that does not have an access to it and explained to Carlson how the situation happened. Savageau feels it may be marketable to an adjacent lot. Owings discussed a lot that was purchased in Dilworth, stating the price was substantially higher, and he feels our prices are in line for commercial lots. Savageau stated the numbers on the prior list included the specials that were already paid by the City, stating we were trying to recoup the original assessment cost. Owings asked about the design of Outlot A and what the plan for that section is. Carlson will look back in the paperwork and see if it was specifically set up for something special. Savageau stated you will typically see in both Commercial and Residential Developments a larger section of land left, the Developer does not always know how the plan is going to pan out. Owings does not feel Outlot A should be part of the advertising. Savageau is concerned with an easement to Outlot B, the City pond, stating she does not see access to that area for the City. Lofgren was asked how he accesses the pond. Lofgren informed Council he does not use 110th Street as it is a private driveway for the four (4) homes located there. Carlson stated 110th Street was built on the City's right of way. Owings requested an updated map from Ulteig.

c. Sign Located at 120 Parke Avenue South – Affield discussed the letter that was mailed to the Owner of Parke Ave Properties, LLC apartment complex requesting the sign be removed that is on his property advertising another business in town. Affield informed Council they were given until October 10, 2017 to remove the sign and as of today October 11, 2017 it has not been removed. Affield has called the owner twice and left a message to see if they would like to address Council, but has not heard back at this time. Affield would like to know what the next step Council would like her to take to resolve this situation. Savageau stated it is a City Ordinance "*all commercial advertising signs in residential districts are prohibited*", we need to enforce them. Affield will contact Ken Norman to see what the next step would be.

d. Budget Discussion – Olson informed Lofgren the funds are in the 2017 budget for a new lawn mower and Council would like him to request quotes so it can be purchased this year. Lofgren informed Council they have test drove a few mowers but have not decided on one.

8. Department Reports / Committee Reports

a. Mike Cline, Police Chief - Absent
b. Bob Cuchna, Fire Chief – Absent
c. Scott Lofgren, Maintenance/Public Works Supervisor – Lofgren discussed an issue concerning a fence being built close to the City's utility easement. Property owners have the tendency to install fences on the property line when they need to be able to maintain the back side of their fence while being on their own property. Lofgren informed Council the fence in question is four inches (4") from a manhole, so if he ever needs to do work in that location he would have to first remove the fence. This cost would be charged to the homeowner if they installed the fence on a utility easement. Lofgren informed the property owner they should check

their abstract for a City utility easement. According to City Ordinance, a fence needs to be two feet (2') off the property line and if there is a utility easement it would need to be five feet (5'). Council requested Affield to add an information section in the Newsletter concerning sheds and fences being built on property lines. A letter will be drawn up by Lofgren and placed in the address folder for this homeowner just in case in the future something happens with the fence. Owings asked if a building permit is required for a fence. Lofgren feels a permit is necessary for a fence or shed being installed, even if it does not cost anything, the location should be verified. Savageau stated residents are not going to pay for their land to be surveyed to find out where their property pins are located. Savageau stated unless it is a City easement, the City should not be involved with a property boundary issue, that would be between the neighbors to resolve. Council suggested if Lofgren has an issue and a resident is not going to listen he can instruct them to address the Council before moving forward with their project.

Lofgren informed Council a few items need to be done with the lift stations in Southview, one pump is working, the guide rail mounting bracket needs to be replaced on the other one. Affield asked when the street lighting will be installed. Lofgren stated the concrete posts have been installed and the trenching should start next week.

d. Wendy Affield, City Clerk – Affield informed Council she is working on the special assessment sheet concerning the payments the City makes to the County to see if Council would like to pay off some of the assessments early instead of paying interest on them yearly.


Lofgren asked how much is in the budget to purchase the lawn mower. Council informed him there is \$12,000 in the budget and more in his escrow if needed so he would have close to \$20,000. Lofgren would like to stay around the 10,000-dollar mark.

9. Open Forum –


10. Miscellaneous Announcements – Carol Hauser asked Council what is happening with the property at 516 Parke Avenue, stating the yard is unkept. Lofgren informed Hauser the house is in the process of foreclosure. Affield stated the bank will not take possession until November or December and only mow the yard every two (2) weeks. Savageau explained once the six (6) month redemption period is over the bank will be putting it on the market to sell.

11. Adjournment -

A motion was made by Justin Schreiber, seconded by Kimberly Savageau to adjourn at 8:37 p.m. Motion Carried.



Cecil Johnson, Mayor



Susan Dayley, Administrative Assistant



Wendy Affield, City Clerk