

PROPOSED MINUTES OF THE CROOKSTON CITY COUNCIL, POLK COUNTY, MINNESOTA. THE SECOND REGULAR MEETING OF OCTOBER 23, 2007, COUNCIL CHAMBERS, CITY HALL.

Mayor Dave Genereux called the meeting to order at 7:00 p.m. and requested all present to stand for a moment of silence.

Council Members present in answer to roll call were: Craig Bunes, Marlys Mjoen, Keith Mykleseth, Wayne Melbye, Harry Manole, Tom Vedbraaten, Guy Martin and Frank Lindgren.

Staff present were: Pat Kelly, Tim Motherway, Tom Lindo, Mike MacDonald, Tom Lindo, Aaron Parrish and Betty Arvidson.

CROOKSTON FORUM

Dave Thompson, owner of Crooks Club, stated he had sent a letter to the Council this past summer requesting the Council consider the

2:00 AM bar closing. He is asking the full Council to please consider this item. Their customer base usually doesn't start showing up until 11:00 PM and then leaves at midnight to head for other communities that have the 2:00 AM closing. That leaves an hour of sales for them. He would just like this item to be considered.

APPROVAL OF AGENDA

On Motion by Council Member Lindgren, seconded by Council Member Bunes and duly carried that the agenda be approved as presented.

CONSENT AGENDA

On motion by Council Member Manole, seconded by Council Member Mykleseth and duly carried by roll call vote to approve the Consent Agenda which includes the following items:

6.01 City Council minutes of October 9, 2007.

6.02 Resolution to approve City of Crookston bills and disbursements in the amount of \$413,029.49. Check Nos. 32751 through 32869. (Res. No. 24712)

6.03 Resolution entering into a grant agreement with MnDOT for maintenance and operations at the Crookston Municipal Airport for 2008 and 2009. (Res. No. 24713)

6.04 Resolution to approve to not waive the monetary limits on municipal tort liability. (Res. No. 24714)

6.05 Resolution to approve entering into an Arena Lease with ISD. No. 593. (Res. No. 24715)

6.06 Resolution to approve funding amounts for the Pool Use Agreement between the City of Crookston and ISD NO. 593 for 2007 and 2008. (Res. No. 24716)

6.07 Resolution to approve the deferment of special assessments for project No. 802, Norton Circle. (Res. No. 24717)

6.08 Resolution to approve classification of non-conservation made by the county board on tax forfeited land located within the City of Crookston. (Res. No. 24718)

PUBLIC HEARINGS

Mayor Genereux stated there are several public hearings tonight and we will go through them one at a time. He stated if anyone would like to address the Council regarding any of the hearings to please come to the podium and state your name and address.

7.01 Mayor Genereux opened the hearing on the proposed assessment for Project No. 903 North Acres Drive by Bituminous overlay. Arvidson stated the total project cost is \$80,442.41; the city share is \$53,844.27 leaving an amount to be assessed of \$26,598.14.

Arvidson is recommending assessing this project between 8 and 10 years at 5.5%. Council Member Martin feels the work done on the road is not adequate. The seams are not good between the 3 sections and feels water will settle and the pavement will deteriorate too soon and will likely need to be reconstructed before the citizens have this assessment paid off. Clauson stated he is not aware of what Council Member Martin is referring too but will look into it. Council Member Mykleseth asked what our options are. Clauson stated that we still have retainage on that project. Mayor Genereux asked if anyone else wished to be heard and upon hearing none closed the public hearing.

7.02 Mayor Genereux opened the hearing on the proposed assessment for Project No. 904 Norton Circle by bituminous overlay. Arvidson stated the total project cost is \$12,649.41 and the amount to be assessed is \$12,649.41. Arvidson is recommending assessing the project between 4 and 8 years at 5.5%. Council Member Vedbraaten asked what was done at the end of the cul-de-sac.

Clauson stated they put a sand slurry seal that would seal the open area. Vedbraaten stated he felt there were some areas that could use more of the sealant. Clauson stated that even when it is sealed you would still see the indentions.

The pastor from the 7th Day Adventist Church, 720 4th Ave NE, stated their primary concern is they do not have much use for the improvement that was done. They feel they have less benefit than the residents living on the cul-de-sac and would like some consideration. Bob Pickle, 7th Day Adventist Church, felt it was odd there was no room between their back yard and the cul-de-sac to put a house. It seems like a mistake to have the cul-de-sac but still have to pay for it. They have had several assessments on their property. They had to take out a 20-year loan to pay them off. Bob asked if there are any other cul-de-sacs around town that were developed in the past 11 years that the back yards touch the cul-de-sac? Kelly stated that occurs on Windsor Court. Some residents on 5th Ave NE purchased property behind their homes that abut Windsor Court and were assessed when Windsor Court was improved. Kelly stated the Church owns a substantial amount of property, nearly a city block. It is platted into buildable lots approximately 75' X 150'. At one time Norton Circle exited onto Barrette Street along the north side of their property. When you own that much property there will be numerous assessments as the roads around the property get improved. The abutting property does see benefit when there is an improvement. The lots could be sold as building lots on Norton Circle. Kelly stated it doesn't matter who owns the property but how it is platted when it comes to assessing. Bob stated their church members feel like the City Council wants the Church to sell their land so it could be developed increasing the tax base for the city. Council Mykleseth stated that is not the case. Mykleseth asked if we could work with the Church on lengthening their assessment term or maybe deferring the assessment. Arvidson stated their proposed term is 8 years and we could extend the term. Arvidson cautioned that in the long run they would end up paying more due to interest costs. The council could defer the assessments on a buildable lot but the property owner would be required to pay interest during the deferment. Bob questioned the deferment of special assessments for project 802 under the consent agenda. Arvidson stated that was for the original Norton Circle project and the deferment was an extension of an existing deferment.

Mayor Genereux asked if there was anyone else that wished to be heard and upon hearing none closed the public hearing.

7.03 Mayor Genereux opened the hearing on the proposed assessment for Project No. 905 Gretchen Lane Between Wilson Ave. and Charles St. by bituminous overlay. Arvidson stated the total project cost is \$48,120.35 and the amount to be assessed is \$48,120.35. Arvidson is recommending assessing the project between 4 and 10 years at 5.5%. Kelly clarified that it is Gretchen Lane, Wilson Ave and Charles Street. Mayor Genereux asked if there was anyone else that wished to be heard and upon hearing none closed the public hearing.

7.04 Mayor Genereux opened the hearing on the proposed assessment for Project No. 906 3rd Ave NE from Barrette St. to Charles St. by bituminous overlay. Arvidson stated the total project cost is \$31,690.33 and the amount to be assessed is \$31,690.33. Arvidson is recommending assessing the project between 4 and 10 years at 5.5%. Mayor Genereux asked if anyone else wished to be heard and upon hearing none closed the public hearing.

7.05 Mayor Genereux opened the hearing on the proposed assessment for Project No. 907 North Broadway from 7th Street to 4th Ave North by bituminous overlay. Arvidson stated the total project cost is \$40,745.76; the city share is \$5,181.30 leaving an amount to be assessed of \$35,564.46. Arvidson is recommending assessing the project between 4 and 10 years at 5.5%.

Paul Proulx, 109 E 8th Street, asked if the job was bid out. Kelly stated it was. Proulx asked when the contractor gets paid. Clauson stated through the course of the project they submit pay requests and the city pays them, less a 10% retainage. Proulx stated Northern Paving claims on a previous project they were not paid for a year. Mykleseth stated he felt Proulx had some inaccurate information. Proulx asked if payments were public information. Arvidson stated for large projects, such as street construction, each payment goes through the City Council so they are made public. Mayor Genereux asked if anyone else wished to be heard and upon hearing none closed the public hearing.

7.06 Mayor Genereux opened the hearing on the proposed assessment for Project No. 908 N. Ash Street from 5th Street to 6th Street by reconstruction. Arvidson stated the total project cost is \$82,549.72; the city share is \$52,549.72 leaving an amount to be assessed of \$30,000. Arvidson is recommending assessing this project between 4 and 8 years at 5.5%. Mayor Genereux asked if anyone else wished to be heard and upon hearing none closed the public hearing.

7.07 Mayor Genereux opened the hearing on the proposed assessment for Project No. 909 Marshall Street from 3rd Ave. to Euclid Ave. by street reconstruction. Arvidson stated the total project cost is \$212,989.20; the city share is \$87,000 leaving an amount to be assessed of \$125,989.20. Arvidson is recommending assessing the project between 4 and 10 years at 5.5%. Council Member Melbye stated he had a citizen inform him there is water pooling by the corner of Marshall and Euclid. Clauson stated he would check on it.

Warren Panzer, 1608 Marshall Street asked why the final assessment is higher than the estimate. Kelly stated the final revised estimate was based on estimated quantities. When the project was complete the quantities were over by about 6%. The unit prices stayed the same. Council Member Mykleseth asked if there was one item that was over more than the others. Clauson stated there was not, that all the items were over a small amount. Panzer asked why there were sidewalks put in when the City Council voted to not put in sidewalks. Clauson stated the only sidewalks that were put in were either carriage walks or any existing sidewalks running

east and west. Panzer asked if the homeowners shouldn't have to pay for those themselves. Clauson stated in the past they have not. It has become part of the project cost. Panzer stated there is a house on the corner of 5th Ave and Marshall who did not get a sidewalk or a driveway approach. Why was that? Mayor Genereux asked if he knew the address of the property. Mr. Panzer did not. Council Member Manole asked if he knew the name of the owner. Mr. Panzer did not. Clauson stated he would look into it and report back to the Council.

Panzer stated last year at a Ward meeting Kelly was asked if they were going to pave the one block of gravel coming out of Carmen Terrace and Kelly stated they were not. Then when the project was proposed it was included on the plans to pave it. Panzer stated it seems that you should know ahead of time if you are paving the road or not. The Council voted down that portion of the project because they knew how much it increased the cost. Take the storm sewers, Carmen Addition is one of the oldest additions in town and we don't have storm sewers? That is a basic service. The City was trying to get the residents north of that block to pay for those storm sewers. Panzer and others he has talked to feel those storm sewers should just be paid for by the City. Mayor Genereux stated that if citizens want them they would be assessed for them. Kelly confirmed they are assessed. Kelly stated we have no revenue derived from storm sewers to pay for them.

Panzer stated now that Marshall has been reconstructed, you have Euclid Ave., 4th Ave. and 5th Ave. that are all in pretty bad shape. It doesn't seem like the planning has been the best, as people will end up with 2 or 3 assessments on their property. It seems like it should be spread out more. Mayor Genereux asked if anyone else wished to be heard and upon hearing none, closed the public hearing.

7.08 Mayor Genereux opened the hearing on the proposed assessment for Project No. 900 Market Street from Loring St. to 2nd St. by bituminous overlay. Arvidson stated the total project cost is \$20,599.86 and the amount to be assessed is \$20,599.86. Arvidson is recommending assessing the project between 4 and 10 years at 5.5%. Mayor Genereux asked if anyone else wished to be heard and upon hearing none closed the public hearing.

7.09 Mayor Genereux opened the hearing on the proposed assessment for unpaid water and sewer charges and charges for current services. Arvidson stated the amount of unpaid water and sewer charges is \$5,942.93. The amount of current services is \$1,035.73. Mayor Genereux asked if anyone else wished to be heard and upon hearing none closed the public hearing.

REGULAR AGENDA

- 8.01 On motion by Council Member Mykleseth, seconded by Council Member Vedbraaten and duly carried:
Resolution to approve assessment for Project No. 903 North Acres Drive by bituminous overlay. (Res. No. 24719)
- 8.02 On motion by Council Member Vedbraaten, seconded by Council Member Martin and duly carried:
Resolution to approve assessment for Project No. 904 Norton Circle by bituminous overlay. (Res. No. 24720)
- 8.03 On motion by Council Member Melbye, seconded by Council Member Bunes and duly carried:
Resolution to approve assessment for Project No. 905 Gretchen Lane, Wilson Ave. and Charles St. by bituminous overlay. (Res. No. 24721)
- 8.04 On motion by Council Member Mjoen, seconded by Council Member Lindgren and duly carried:
Resolution to approve assessment for Project No. 906 3rd Ave. NE from Barrette St. to Charles St. by bituminous overlay. (Res. No. 24722)
- 8.05 On motion by Council Member Bunes, seconded by Council Member Melbye and duly carried:
Resolution to approve assessment for Project No. 907 North Broadway from 7th Street to 4th Ave. North by bituminous overlay. (Res. No. 24723)
- 8.06 On motion by Council Member Bunes, seconded by Council Member Vedbraaten and duly carried:
Resolution to approve assessment for Project No. 908 N. Ash Street from 5th St. to 6th St. by street reconstruction. (Res. No. 24724)
- 8.07 On motion by Council Member Mykleseth, seconded by Council Member Manole and duly carried:
Resolution to approve assessment for Project No. 909 Marshall Street from 3rd Ave. to Euclid Ave. by street reconstruction. (Res. No. 24725)
- 8.08 On motion by Council Member Mjoen, seconded by Council Member Martin and duly carried:
Resolution to approve assessment for Project No. 900 Market Street from Loring St. to 2nd St. by bituminous overlay. (Res. No. 24726)
- 8.09 On motion by Council Member Mykleseth, seconded by Council Member Lindgren and duly carried:
Resolution to approve assessment for unpaid water and sewer charges and charges for current services. (Res. No. 24727)
- 8.10 On motion by Council Member Bunes, seconded by Council Member Melbye and NOT PASSED:
Resolution to approve Council Rules of Procedure. (Res. No. 24728)
Council members voting in the affirmative: Bunes, Mjoen and Melbye
Council Members voting in the negative: Mykleseth, Manole, Vedbraaten, Martin and Lindgren

8.11 Final passage of an ordinance of the City of Crookston, Minnesota, enacting a new code of ordinances amending, restating, revising, updating, codifying, re-codifying and compiling certain ordinances of the city dealing with the subjects embraced in the new code of ordinances, and providing penalties for the violation of the new code of ordinance.

Council Members voting in the affirmative: Bunes, Mjoen, Mykleseth, Melbye, Manole, Vedbraaten, Martin and Lindgren.

Council Members voting in the negative: None.

8.12 On motion by Council Member Vedbraaten, seconded by Martin and duly carried:

Resolution to approve a Conditional Use Permit to allow construction and operation of a cellular communication tower. (Res.

No.

24729)

8.13 On motion by Council Member Vedbraaten, seconded by Myklseth and duly carried:

Resolution to approve a variance request to reduce the required setback from city streets from 25' to 0' upon the south half of Lots 5 & 6, Block 1, Davis Addition. (Res. No. 24730)

REPORTS AND STAFF RECOMMENDATIONS

Craig Bunes, Council Member 1st Ward - No report.

Marlys Mjoen, Council Member 2nd Ward,

Keith Mykleseth, Council Member 3rd Ward - No report.

Wayne Melbye, Council Member 4th Ward, made a motion, seconded by Mjoen, and duly carried to direct the City Administrator to add an ordinance revision to the November 13, 2007 Council Agenda allowing local on-sale liquor license holders the option of staying open until 2:00 a.m.

Council Members voting in the affirmative: Bunes, Mjoen, Melbye, Manole, Vedbraaten and Martin.

Council Members voting in the negative: Mykleseth and Lindgren.

Harry Manole, Council Member 5th Ward - No report.

Tom Vedbraaten, Council Member 6th Ward - No report.

Guy Martin, Council Member-at-Large would like to have discussion on the Committee sizes at the next Ways and Means Committee meeting.

Frank Lindgren, Council Member-at-Large - No report.

Mayor Genereux informed the Council that he had received a letter of resignation from Terri Beth Dufault from the Park Board. He will be taking names of interested persons to fill that vacancy

ADJOURNMENT

Mayor Genereux declared the meeting adjourned at 8:12 p.m.

David W. Genereux, Mayor

Betty J. Arvidson, City Clerk-Treasurer

