

PROPOSED MINUTES OF THE CROOKSTON CITY COUNCIL, POLK COUNTY, MINNESOTA. THE FIRST REGULAR MEETING OF JULY 8, 2008, COUNCIL CHAMBERS, CITY HALL.

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

ROLL CALL

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: Mike MacDonald, Pat Kelly, Arlene Tucker, Richard Rock, Tom Lindo, Tim Motherway and Betty Arvidson.

CROOKSTON FORUM

There was no one present to address the Council.

APPROVAL OF AGENDA

Arvidson asked that Item 8.04 Approve plans and authorize advertising for bids for TH 2 landslide repair; and Item 8.05 Approve variance to reduce the required sideyard from five feet to four feet on Lot 24, Block 2, Parkview Addition, Crookston, Minnesota, be added to the Regular Agenda.

On motion by Council Member Lindgren, seconded by Council Member Mjoen and duly carried that the agenda be approved as amended.

CONSENT AGENDA

On motion by Council Member Bunes, 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 June 24, 2008.
- 6.02 Resolution to approve City of Crookston bills and disbursements in the amount of \$363,258.58 Ck Nos. 34748 through 34839. (Res. No. 24863)
- 6.03 Resolution to approve plans and specifications and ordering advertisements for bids on the Crookston /Flood Control Project Stage 3B – Phase 1. (Res. No. 24864)
- 6.04 Resolution to set public hearing to consider tax abatement of City property tax on parcels qualifying for the Titan Machinery Project. (Res. No. 24865)
- 6.05 Cement Mason’s License for Paul Larson Construction, East Grand Forks, MN.

PUBLIC HEARING

Mayor Genereux opened the public hearing to consider a service charge within the sidewalk improvement district for the purpose of sidewalk improvements. Mayor Genereux stated if anyone wished to be heard to come to the podium and state their name and address.

Arvidson started out by saying the Council had previously adopted the Sidewalk Improvement District. This is the next step where the Council would actually approve a fee for the district. The recommended fee is \$20 per year per parcel. That is estimated to generate \$60,000 per year which would allow for \$30,000 to be used for the replacement program and \$30,000 to be set aside for non state-aid street sidewalk construction. This fee would be reviewed annually by the Council by having a public hearing.

Kevin Boyle, 335 East Robert Street has had his sidewalks replaced and has paid for it. Now he has to pay \$20 per year to help some one else. No one helped him put his in. He wanted to know why he was being taxed again, on top of the tax for the flood and soon for the arena.

Council Member Mykleseth stated that for the past four years the Council has either held the taxes flat or decreased them. The Council realizes they do not want to raise taxes. One of the reasons they are considering this is that it came through the street projects that our assessments were getting up to \$100/front foot. They realized that in order to maintain the system, sidewalks included, they needed to come up with a creative way to finance the projects without bankrupting the citizens. They also realized that some citizens had just put in new sidewalks but we also had a lot of citizens asking them to come up with a better way to pay for street projects and assess people so we don’t run them out of town or make people not want to come into town. The Council asked staff to come up with a financing plan and they came up with a very creative way to use some existing funds and package it all together so in the end we could come back with something we could live with for many years to come and not have skyrocketing assessments. That would mean we would have to spread it out over the community. Boyle stated “this is a tax”. Mykleseth responded that it was but wanted the citizens to know the Council takes raising taxes very seriously. Boyle asked if we are going to stay flat this year (tax levy) what services is the city

going to drop. Mykleseth stated we are just starting the budgeting process but we are getting some additional LGA that hopefully covers inflation for the city. Mykleseth stated he is proud of the fact the city tax has not gone up the past few years.

Vern Ogaard, 129 Lincoln Ave, stated someone said this would be used for things other than sidewalks, is this true? Arvidson stated it will be used for sidewalk repair, replacement or construction. Ogaard asked when a new street is constructed will this money go into the sidewalk part of the street? Arvidson stated that if it is a non state-aid street then yes. Ogaard stated that people without a sidewalk will pay also, the council concurred. His question is for people that have sidewalks have to keep them shoveled in the wintertime and the people without sidewalks do not have to do that, so those with sidewalks are getting slapped twice. They currently have 48 hours to remove snow from the sidewalks or the city will do it and charge \$30. Ogaard asked the council if they thought that was fair. Council Member Bunes stated that he does not feel it is fair and never has. Ogaard asked what could be done about it and Bunes stated he does not have an answer for that. Ogaard stated that new houses are being built on the North end of town and there are no sidewalks, Golf Terrace, Park Lane, has no sidewalks. They will pay but they will not have to pay the extra for not shoveling.

Council Member Melbye stated they are trying to make sidewalks a way of getting people around town. There are people in the NE Corner that are asking for sidewalks as they do not have a place for their kids to learn how to ride bikes or skate board like they did in the Wood's Addition. Melbye stated we have to start somewhere and someone will always get burned because they just put in a new sidewalk and now they have to pay the \$20 fee. The same thing happened with the water service line insurance. Someone had just fixed their line and the city implemented the fee and took over the repair of the service lines. Ogaard stated this is not for the improvement of sidewalks but for the construction of sidewalks. Arvidson reiterated that it is for both.

Mayor Genereux stated the City is not at this time planning for any new sidewalks to be put in. We will still be looking at doing sidewalks in the same manner we are doing now.

Sharon Abrahamson, 822 Boileau, stated they do not have sidewalks now and their road is gravel so why do they have to pay the fee. Genereux stated that people use sidewalks even if they don't have them in front of their home so we all have to take some ownership in our sidewalks. So even though you don't have a sidewalk you need to help pay for them.

Bunes responded to Abrahamson by stating the price of street projects are escalating. He mentioned what Council Member Mykleseth had stated that the Council has kept the property taxes down and when you look at this, the street by your house is gravel and may someday be improved and if sidewalks were included it would fall underneath this plan. It would help her. We recently had assessments on Locken Boulevard that some homeowners were looking at \$19,000 and others were \$12,000. Bunes stated he does not feel that is fair or reasonable. The question came up to the Council as to what they could do to try to be fair and this is the route the City took. Bunes feels the \$20/year is not a lot of money to spend for the benefits, similar to the water service line fee. The Council took a look at this plan and knew it would affect people in different ways. The plan is not perfect but it is better than what we currently have.

Abrahamson stated this is \$20 per year and next you want \$100 per year for the flood fee; that is \$10 month.

Mykleseth asked Abrahamson if she wanted the community to grow or not. If the tax base grows the taxes should go down. The \$20 may be an investment. If we keep going with the \$100/front foot assessments we may not be able to afford to repair our streets and people may not want to move into our community. Mykleseth stated if enough people tell him they are not in favor of this fee he would vote against it. He is not here to ram anything down peoples throats.

Mjoen stated that this is not a done deal and they will listen to the public. She also stated she has heard several times how Golf Terrace and Park Lane does not have sidewalks and there seems to be a grudge about it. When we talk about fairness, and nobody ever said life was fair, but years ago the city council passed a Special Service District for flood control and all the people on the north end of town are all paying for that flood protection and they are doing it willingly as a betterment for the community. She stated there has been a lot of progress made. Had there not been that local effort we may not have gotten the Federal and State dollars for the project.

Kurt Heldstab, 536 1st Ave NE, stated he agrees with Mjoen regarding the flood control project. This improves the city. The \$12 for the water line service, great, we all need water. But, he stated he does not need a sidewalk. He asked who developed the plan to put in sidewalks. Did it come from constituents or the council? Heldstab feels the government has its nose in his business by telling him he has to have a sidewalk and then shovel it and if he doesn't shovel the city will do it and bill him. Mykleseth stated the proposed sidewalk plan was shot down. Heldstab stated in the new area the council is giving away the lots if they would raise the price they could pay for the sidewalks in those neighborhoods.

Dave Goosen, 113 Euclid Ave. stated he agrees with what the council is trying to do but is not happy with the program as he feels it eliminates the checks and balances with the system. Before if you wanted a sidewalk in front of your house you came to the city and it was decided on whether to put the sidewalk in or not. Now, if everyone gets charged \$20, the money goes into the city and they will put the sidewalks where ever they want. Where does it end? Can't we take it out of the general fund? We are hurting the poorer people. Genereux wanted to clarify if his concern was if we would eliminate public input. Goosen stated yes. Genereux stated the process wouldn't change and the citizens would still have input like they do now.

Cleon Melsa, 404 Johnson Place, stated he is not an advocate of sidewalks but feels it is a start in the right direction. He has heard a lot of comments about being fair. He lives on the North end and is paying the flood control fee, plus he lives on a corner so he has paid for his sidewalks, and the shoveling of the sidewalks, plus the maintenance of them. There was discussion when the school was built about putting a sidewalk on the East side of N. Main and to date they have not been installed. This is a good start to making things more equitable. He feels those that have the strongest opposition do not have sidewalks. The people that have sidewalks can't do anything about it. He doesn't feel that sidewalks add value to the property. He had suggested in the mid-nineties to have the city shovel the sidewalks as they do the streets. This is a start and the sidewalks are there for people to use. He feels the City Council would have a hard time voting against this because they would be back to step one.

Mary Bollinger, 509 College Ave., and has never had a need for sidewalks. They have sidewalks and they hardly ever see anyone on their sidewalks. It was a waste of money.

Brenda Hatzman, 212 Bertha Street, stated she does not have a sidewalk but has no problem paying the \$20 per year. That is less than \$2/month. She considers it a type of insurance. She has no problem in paying to help improve this community. If it costs less than \$2/month to insure the sidewalks that she and her grandchildren use are safe for everyone to walk on, that is cheap insurance. She is in favor of the fee.

Don Mjoen, 421 Crescent, does not have a sidewalk. If sidewalks were to be installed they would have to cut down all the trees along the street. Will the citizens be able to voice their opinion on whether sidewalks are installed or not. Genereux stated again that yes, citizens would be given a chance to speak on upcoming projects, just like they do now.

Ray Zammert, 4th Ave North, asked if the citizens will be informed about where the sidewalks will go. Genereux stated again that we currently have no plans at this time to put sidewalks in. Mykleseth stated that unless there is a street project planned that would replace sidewalks the only way a sidewalk would be put in is if the homeowners petitioned for it to be put in at this time. Street reconstructions will be looked at individually. The plan for sidewalks was shot down.

Jim Sheridan, 941 Alexander Street, likes the idea proposed as they paid heavily when Alexander was done. He liked the idea to maintain the sidewalks to the main arteries. He would object if new sidewalks were built where sidewalks are not needed.

Representative of Rainbow Ministries at 225 N. Ash, stated they are paying an assessment of about \$500 per year for improvements made around their building. Can they stop paying the assessment and just pay the \$20 per year. Council Member Vedbraaten stated it is just like the water service line program. If you had a break and had to take out a loan to pay it and the program was implemented would you still have to pay off your loan? Yes. We have to start somewhere and just draw the line. So they would have to continue to pay their assessments.

Pat Kelly, Public Works Director, commented this public hearing has digressed to a different path. This \$20 isn't about a master plan or shoving sidewalks everywhere. The Council was looking at how to be more fair, especially to those that already have sidewalks. There are a number of people here tonight that have sidewalks and a number that don't. For those that have gone through the process, like Mr. Boyle, who has had to have his sidewalk repaired because there is liability out there. That is why we go around and have them repaired. For a number of people it is a significant expense and it gets higher every year. The Council was trying to find a more equitable way for those that have sidewalks. Some of the sidewalk repair assessments have been between \$2,000 and \$4,000. The sidewalk program, even back when Vern Ogaard was working for the city always had a city share. At that time the cost of sidewalks was so low that the city picked up a significant portion of the sidewalks. Back when Mr. Boyle was assessed it was \$15/ft and now when you look at the assessments on Marshall Street they were \$75-\$80/ft. The Council looked at the street assessments and came up with a better way to try to get the costs down. Does that help the people on Marshall? No, but on the next cycle it will. The current assessments are at \$25/ft versus \$109/ft. We as a community need to look at ways to help each other out. This isn't about the city trying to force new sidewalks, but to help those that have sidewalks try to maintain them with less of a burden. Kelly asked if we wanted our public infrastructure to fall down around us. Crookston has an excellent transportation system. Other communities around are jealous of what we have. Do we want to let it go because we can't afford it? We need to try to figure out how we can help our system. That is why we are a community. Kelly stated whether this fee is approved or not, the council will be looking at projects coming up every year and determining if sidewalks are necessary in the project area.

Council Member Lindgren stated this \$20 is purely a funding system, a means of funding sidewalks. If we don't approve it, and sidewalks are put in, the homeowner will be assessed for it.

Heldstab stated Kelly mentioned liability and wanted to know who is liable if someone falls on the sidewalk and gets hurt. Kelly stated the property owner is liable and responsible for the maintenance of the sidewalk. If the City is negligent in the inspection of the system they may be liable also.

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 Lindgren and **not passed**:
To table Item until the August 12th Council Meeting.
Council Members voting in the affirmative: Mjoen, Mykleseth and Lindgren.
Council Members voting in the negative: Bunes, Melbye, Manole, Vedbraaten and Martin.
- 8.01 On Motion by Council Member Vedbraaten, Seconded by Council Member Bunes and duly carried:
Resolution to approve service charge within the sidewalk improvement district for the purpose of sidewalk improvements.
Council Members voting in the affirmative: Bunes, Melbye, Manole, Vedbraaten and Martin
Council Members voting in the negative: Mjoen, Mykleseth and Lindgren.
- 8.02 First Reading of an Ordinance amending Chapter 36 entitled "City Policy" by adding a section providing for Administrative Offenses and Penalties.
Second reading and final passage will be held July 22, 2008.
- 8.03 First Reading of an Ordinance amending Section 152.174 by adding a provision relating to parking in the central business district (C-1).
Second reading and final passage will be held July 22, 2008.
- 8.04 On Motion by Council Member Mjoen, Seconded by Council Member Lindgren and duly carried:
Resolution to approve plans and authorize advertising for bids for TH 2 landslide repair. (Res. No. 24867)
- 8.05 On Motion by Council Member Melbye, Seconded by Council Member Manole and duly carried:
Resolution to approve variance to reduce the required sideyard from five feet to four feet on Lot 24, Block 2, Parkview Addition, Crookston, Minnesota. (Res. No. 24868)

REPORTS AND STAFF RECOMMENDATIONS

Tim Motherway, Police Chief, stated the forfeited vehicles will be moved across the street from the Police Department for public viewing. They will be taking bids on the vehicles and the forms can be picked up at the Police Department and dropped off at City Hall.

Dave Kildahl, Widseth Smith Nolting, commended the Council on the decision to implement a sidewalk improvement fee.

Dan Johanneck, Executive Director of CHEDA, thanked the Council for the decision they made on the sidewalk fee tonight. This is a step in the direction of a more walk-able community.

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

Craig Bunes, Council Member 1st Ward, informed the public that he would not be seeking re-election for Ward 1. If anyone is interested in running for Ward 1 Council Member, he would be more than happy to visit with them.

- Marlys Mjoen, Council Member 2nd Ward - No report.
- Keith Mykleseth, Council Member 3rd Ward - No report.
- Wayne Melbye, Council Member 4th Ward - No report.
- Harry Manole, Council Member 5th Ward - No report.
- Tom Vedbraaten, Council Member 6th Ward - No report.
- Guy Martin, Council Member-at-Large - No report.

Mayor Genereux publicly thanked Gloria Watro for her 27 years of service to the City of Crookston. They were very much appreciated. Tomorrow is her last day of work and if you see her please wish her well.

ADJOURNMENT

Mayor Genereux declared the meeting adjourned at 8.22 p.m.

David W. Genereux, Mayor

Betty J. Arvidson, City Clerk-Treasurer