

PROPOSED MINUTES OF THE CROOKSTON CITY COUNCIL, POLK COUNTY, MINNESOTA. THE SPECIAL MEETING OF JANUARY 15, 2009, COUNCIL CHAMBERS, CITY HALL.

Mayor David Genereux called the meeting to order at 7:00 p.m.

Council Members present in answer to roll call were: Dana Johnson, Marlys Mjoen, Keith Mykleseth, Wayne Melbye, Dale Stainbrook, Tom Vedbraaten, Guy Martin and Frank Lindgren.

Council Member absent: None

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

### **APPROVAL OF AGENDA**

On motion by Council Member Mykleseth, seconded by Council Member Mjoen and duly carried to approve the Agenda as presented.

### **PUBLIC HEARING**

4.01 Mayor Genereux opened the public hearing for the 2009 Street Improvements. He stated the Council will not be voting on the projects tonight, just taking input from the citizens. He stated we will be taking each project individually and if you wish to make a comment please come to the podium and state your name and address

Mayor Genereux opened the public hearing on Hoven Lane.

Council Member Vedbraaten stated there were water lines cut in and there was a new sidewalk put in a couple of years ago on the west side and he was wondering if they were going to patch pieces in or replace the whole sidewalk. Pat Kelly, Public Works Director stated they were going to patch the sidewalk where needed.

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

Mayor Genereux opened the public hearing on Birch Street from 7<sup>th</sup> Street to Grant Street.

Marsha Myrold, 602 W 7<sup>th</sup> Street, expressed concerns about the trees along the back side of her property. She also stated that no matter where the sidewalk is located she will not be able to park in her driveway. Kelly stated they may have to trim the pine trees, something similar as they did on Stephens Drive over by D & B. The sidewalk might be curved a little bit to fit in. Myrold asked about her flower bed in the front. Kelly stated that might be tough to miss. He went on to state the final design has not been made yet on these projects so the Council will take the comments collected tonight under advisement and then order the plans and specifications.

Myrold stated she had some unfinished business from the 7<sup>th</sup> St. project last summer in front of her house. She asked if she should bring it up now or to talk to Mr. Kelly later. Kelly stated that she could call him and address it. Council Member Mykleseth stated he would like to hear the issues. Myrold stated she had edging and stones around the trees in the boulevard and one of them was left intact and the second one was totally torn up. She was told it was to be put back into place the way it was. Whenever she inquired about it she was told by that person it wasn't their job and instructed to talk to someone else. At the end of the project she was told it was the sodder's job and the sodder told her they do not do rocks and edging. Mykleseth stated that Kelly would be the one to talk too. Rich Clauson, WSN, stated it should have been taken care of; he will make a note of it and make sure it does get taken care of.

Council Member Mjoen asked Clauson if it will be corrected. Clauson stated that it would.

Mjoen asked Kelly when the final design of the sidewalk is prepared if residents would be made aware of what the final design is. Kelly stated yes, the plan would be available for citizens to look at.

Mjoen stated that Myrold mentioned her concern about parking in her driveway once the sidewalk is constructed. She has a very short driveway by her garage and if she parks in her driveway she will be parked on the sidewalk. Are we going to make an exception for her since citizens are not to park on the sidewalks? Kelly stated this is an issue for the Police Department as they enforce parking regulations. Kelly stated this will not be the only situation in Crookston like this. There are a number of garages in town that have the same situation, one being on North Broadway. Police Chief Tim Motherway stated they would not do anything about it unless they receive a complaint. Mjoen asked what they would do if they did receive a complaint. Motherway does not recall ever receiving a complaint like that. They would have to address it if they do receive a complaint. Mjoen stated she assumed she (Myrold) would not be liable. Kelly

stated he would not guarantee that. Mjoen stated we tell her she has to have a sidewalk, and we make her liable if she breaks the law by parking on the sidewalk. Kelly asked if she had a garage or not. Myrold stated she uses her garage in the summer for storage and gardening equipment and it is a very small garage so they do not park in it.

Mykleseth asked if we are positive if she parks in her driveway the back end of her car will be over the sidewalk. Clauson stated we do not know that at this point. Mykleseth stated it would make sense to wait and see and cross that bridge when we get to it. Clauson stated that by the Street & Utility Committee meeting they should have an answer for the Committee.

Council Member Vedbraaten suggested we also check on Mr. Radi's sidewalk too as he has a pretty short driveway and could affect his parking.

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

Mayor Genereux opened the public hearing on the 2009 Sidewalk project (St. Mary's and Eickhof Boulevard).

Frank Maixner, 613 Eickhof Boulevard, stated it is fine with him even though it will be more work for him. He does feel if this is the best for the community he can accept that. He did have a few questions such as what is going to be expected in terms of cleaning the sidewalk after a snow fall. He stated it appeared as if the sidewalk placement was back off of the curb, to include a grass strip between the curb and sidewalk and wondering if he is responsible to remove snow from the entire sidewalk. He questioned if there was a city policy regarding the city's snow removal from the streets and dumping snow on the sidewalk. Kelly stated we plow from the center lines in so the snow from the center line in is deposited in a wind row at the curb line. Maixner questioned at what point the city begins removing snow from the corners, like this winter when there is so much snow.

Kelly stated they start removing snow when it gets so high that motorists start having site line issues. They are currently removing snow from that Addition now and will make a sweep through town over the next few weeks. We encourage residents to clear the snow out of the handicap access ramps.

Maixner asked if the homeowner was expected to water the sod that would be laid as part of the project. Clauson stated there is a maintenance period in which the contractor has to maintain the sod for 30 days. After the 30 days the homeowner would be responsible. Genereux stated generally the sod work is done late in the fall so there is usually not a lot of watering required after the 30 day contract time.

Joe Henry, Trustee Chair of the Wesley United Methodist Church, 701 Eickhof Boulevard, stated they are not concerned about the sidewalk but the maintenance as the snow can get quite deep in that area. They currently have someone clean the parking lot once a week so that is likely how often the sidewalk would get cleaned. He asked if that would be satisfactory. Genereux stated the ordinance states you have 48 hours after the snowfall ceases to clear the sidewalk. Kelly stated the city would do snow removal on the streets before they would inspect sidewalks. Henry complimented the city on having a sensible sidewalk policy as he feels it makes good sense.

Council Member Vedbraaten stated he had talked to most of the residents affected by this project and there is one homeowner along Eickhof Blvd. who definitely does not want this sidewalk installed due to maintenance. He feels it would be better to go across Fir Lane instead of Eickhof Blvd. It would cost less and you could tie into St. Johns if a sidewalk was installed there.

Louise Maixner, 613 Eickhof Boulevard, has a concern with the maintenance of the sidewalk considering the amount of snow that we have received this year. She asked how many feet are between the street and the sidewalk. Clauson stated it would be around 12 feet. They were approached last summer by residents from the neighborhood who wanted space for their children to play as there are no sidewalks there. She felt it was reasonable to have sidewalks. She felt the idea of moving the sidewalk north one block to Fir Lane was a good idea.

Joe Henry, Wesley United Methodist Church, stated they prefer not to have it on along Fir Lane, which would be on the north side of the church property. This would be an even greater maintenance issue for them. Their drive way is on the south side of their property and the sidewalk would be easier to access for snow removal. Otherwise they would have to make a special trip around to remove snow on the north side of their property. If they have to have a sidewalk they would prefer it along Eickhof Blvd.

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

Mayor Genereux opened the public hearing on the North Front project from Fisher Ave. to Sherman St.

Kevin Boyle, representing Church of Christ, asked why they have to have a sidewalk when there is one along the west side of North Front St.

Council Member Mykleseth stated he is not saying he is for or against the sidewalk at this point. He felt the reasons to have it on both sides are safety; getting kids off the street and it ties into the school. Boyle states there are two to three kids walking to school per day, the rest are being bused. Boyle asked how this was going to be paid for. Would it be coming out of the sidewalk assessment fee? Parrish stated that State Aid dollars would be covering the cost. For this project we are also looking at utilizing some Federal Transportation dollars we receive every four years so there will be no direct assessment for the sidewalk nor will it be locally funded. Boyle stated there are several people who do not want sidewalk on that side of the street because there are sidewalks on the other side of the street. Vedbraaten stated if you look at the way it is set up for the kids to get on the west side of the street they have to cross on North Acres Drive to get to the west side. We have received many complaints about the traffic, especially after school. Boyle stated he drives school bus through there and doesn't see kids walking. Vedbraaten stated he walks that street everyday and he sees the kids walking down the street. There may not be 100 kids walking at a time but there are kids that use the sidewalk and there is a danger for the kids to cross Fisher Avenue. Mykleseth stated we are here to receive input. He stated he has heard our Public Works Director state many times that sidewalks are a form of transportation and when you have handicapped individuals and handicap accessible ramps it gives them more access to use. It is a highly traveled road so those are the main reasons why it was proposed.

Council Member Johnson wanted citizens to keep in mind that next year the 7<sup>th</sup> grade would be moving to the high school and that will increase our population of students that do not drive that will be walking.

Don Peterson, 1512 North Front Street, started by thanking the Council for having this meeting. He has lived there for 35 years and what he has observed is that 99% of the kids walk in the street. He asked the Council to look at the parking lot at the high school as it is full of cars. He feels the residents take great pride in their yards along North Front Street and was wondering what would happen to the trees along the road with this project. Clauson stated there is one tree that would have to be removed on the north end. Otherwise he felt they could trim the remaining trees and work on the location of the sidewalk to have the least impact on the trees, therefore a majority of the trees should be just fine.

Peterson stated they had circulated a petition and he believes everyone is against the sidewalk so he would like the city to not include the sidewalk in the project.

Bernie Elseth, 1612 North Front Street, asked if the set of stone gates would be affected. Clauson stated no, they could miss those. Elseth stated that some sidewalks are marked WPA from the 1929-30 era and with Obama's promotion to do public works projects maybe we should put the project on hold for a year and we could get money to do them. Plus, according to the Governor the state/city is going to be faced with shortfalls in funding maybe we could do better with Federal dollars.

Steve Erickson, 1602 North Front Street, stated his major issue is he feels the city is jumping the gun on this project. Until something is set up on Fisher Ave, whether it be lights or some sort of crossing we should wait. We are basically going to be putting in a sidewalk that goes nowhere. He has lived on North Front for about 10 years now and from 7:00 – 8:30 in the morning and after school he can't get out of his driveway. As far as the safety aspect kids ride bikes, they don't walk anymore. Those he sees walking use the sidewalk across the street. They still have to cross Fisher Avenue. He would rather see money spent helping the kids get across Fisher Avenue. He feels that there will be a potential for the trees to die off later down the road.

Parrish stated independent of this sidewalk the city has been asked by the school to address opportunities to deal with safety in and around Fisher Ave. We have submitted grant applications to the State of Minnesota through the Safe Routes to School program. We hope to hear if we have been awarded the grant in March. The application included a proposal to install flashing pedestrian lights. We are also trying to reconcile the pedestrian crossing at the RR tracks.

Dennis Nordlum, 1606 North Front Street, stated he is totally against the sidewalks. As far as a safety issue, he works out of his house a lot and he sees kids walking up and down the street, they don't use the sidewalk. If you are just looking to do this project to use up some State Aid that is not a good use of funds, he feels there is probably somewhere else in the City the funds could be put to better use. He did not agree with 5 feet wide sidewalks. He also disagrees with the statement by Rich Clauson that it would not affect the trees. After looking at it he felt the only way you could avoid affecting the trees would be if the sidewalk was right outside his front door. He purchased his home 20 years ago specifically in that area so he would not have to deal with sidewalks. Clauson stated that 5 feet is a standard width. Nordlum stated the sidewalk across the street isn't 5 feet wide. Kelly stated that it probably is. Nordlum stated he agrees with Steve Erickson's comment about doing something at Fisher Ave. If there hasn't been a sidewalk there for 50-60 years, why all of a sudden do we need one now? He feels the city has sidewalks that no one uses. If they aren't even using the sidewalk on the west side why put in another one? Vedbraaten stated that when we got snow on Monday and

you go all the way from 6<sup>th</sup> Street up to Fisher Ave, there are some residents who have cleared their sidewalks and some that haven't. He would choose to walk on the street where it is plowed instead of going up over the three foot high pile of snow. Nordlum asked what would happen if he was on vacation and the city came through and cleaned his sidewalk while he was gone. He feels that is really an issue that needs to be addressed. Nordlum feels if you are out of town you shouldn't be penalized. Council Member Melbye stated in his Ward they have sidewalks everywhere and there are people that are gone in the winter and there are people taking care of their sidewalks. Nordlum stated he understood that because they have been there forever. Melbye stated if you do get these sidewalks they will have to be taken care of. Nordlum stated he can't expect his elderly neighbors to take care of his sidewalks in the winter if he is gone on vacation.

Donald Doda, 1502 North Front Street, stated he is not in favor of the sidewalks on the east side. After Wal-Mart was added he has not seen an increase in people walking down the sidewalk. The residents are against this sidewalk.

Mykleseth stated this is the purpose of this hearing. There hasn't been a decision made to put sidewalks in or not. This will go back to the Street & Utility Committee for a recommendation. Mykleseth stated the Council values what the citizens are saying, "We want to hear your input".

Don Peterson stated there is some maintenance needed on the sidewalk across the street and he feels it would be fair to do the repair work and assess people on both sides of the street.

Mykleseth reported that he had received emails from Dr. Debra Bell and Daniel Wolpert stating they were against the sidewalk.

Tim Berg, 1310 North Front Street, stated he teaches school in Fisher and also drives bus. He agrees with Mr. Boyle regarding the busing of kids. At least 2-3 buses go by their house every day. Very few people walk by their place. He suggested the city put cross walks at the end of the street. The kids could walk there, cross at cross walks and cross Fisher Ave. He stated he has 200 feet of frontage on North Front Street so his assessment is substantial. One reason he bought the home is that the trees in front of their house are very nice and in the summer you can't even see the street from their house. If there is going to be a 5 foot sidewalk installed, how much of those trees and bushes that make the property unique and valuable will he lose. He feels the tree barrier is a strong selling point for the property. He would then end up with 200 feet of sidewalk to maintain. He stated he is against the sidewalk. He agrees with sharing assessments with the other side of the street to repair their sidewalk.

Gertrude Johnson, 1620 North Front Street, stated she agreed with all of the people that spoke tonight, we don't need a sidewalk on the east side of the street when there is one on the west side.

Council Member Mjoen stated that Clauson has indicated there is only going to be one tree that has to be removed but in previous discussions it was indicated there was going to have to be more than one tree that has to be removed so she is concerned about that. The other concern is regarding the loss of part of their property. She was under the impression the development was developed with the understanding there would not be sidewalks. Kelly stated he was not aware of that. He recalls that sidewalks were proposed when North Front was a State Aid road, and it has been a State Aid road for many years. A portion has been reconstructed to State Aid standards in the 1980's. That is the portion that has sidewalks on both sides and that is where they stopped the State Aid construction. Kelly understood that as we continue on with State Aid construction we would include sidewalks on both sides of the street.

Mjoen asked if when the houses were built if they were set back accordingly to allow for sidewalks. Kelly stated when you design a development you design a right of way (ROW), which is a strip of land the city controls. Although the city doesn't own this land we control this land. You make the ROW wide enough to accommodate things such as a super wide street, sidewalks, etc. If there was never any intention to put a sidewalk in the city wouldn't need to control all of that land in the ROW. Mjoen asked this because of the issue on Alexander Street. There was an area on the west side of Alexander Street where there was a proposal to put in sidewalks but the residents came forth and said they did not want them for that reason. They would be losing a lot of their property. She is trying to equate the situation on North Front with that on Alexander where the decision was made to not put sidewalks in.

Bernie Elseth stated he did not think there was any right of way on their property. It was platted in the 1800's and the property pins are out to the edge of the old street prior to North Front. Clauson will confirm that.

Mjoen thanked those in attendance tonight and thanked them for expressing their concerns in an orderly manner. She appreciates them coming to the meeting and telling the Council what their thoughts are. It will be taken under advisement.

Steve Erickson asked if the sidewalks do go through will there be another meeting like this one or what is the process.

Clauson stated once there is a final decision the Council will order the preparation of plans and specifications. Once those are completed the Council will receive them and order advertisement for bid. Another formal hearing is not part of the process. Mykleseth stated the Street & Utility Committee will meet on the first Monday in February and make the final decision and recommend to Council. Mykleseth felt that enough people expressed their concerns and he has heard it loud and clear what the wishes are. Mjoen stated the residents are welcome to attend the Street Committee meeting.

Parrish stated the next Street & Utility Committee meeting is scheduled for February 2<sup>nd</sup> at 5:15 pm and if there is a recommendation to Council it would go to the Council meeting on February 10<sup>th</sup> at 7:00 pm. Mykleseth stated he is the Chair of the Street & Utility Committee and we have all heard your concerns. He didn't feel it would take a lot of discussion among the Committee to make a decision. He stated that unless the residents have something new to say, they could save themselves the time of having to come to the Street & Utility Committee meeting.

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

### **REPORTS AND STAFF RECOMMENDATIONS**

Frank Lindgren, Council Member-at-Large	-	No report.
Dana Johnson, Council Member 1 <sup>st</sup> Ward	-	No report.
Marlys Mjoen, Council Member 2 <sup>nd</sup> Ward	-	No report.
Keith Mykleseth, Council Member 3 <sup>rd</sup> Ward	-	No report.
Wayne Melbye, Council Member 4 <sup>th</sup> Ward	-	No report.
Dale Stainbrook, Council Member 5 <sup>th</sup> Ward	-	No report.
Tom Vedbraaten, Council Member 6 <sup>th</sup> Ward	-	No report.
Guy Martin, Council Member-at-Large	-	No report.

Parrish stated there is a Finance Committee meeting schedule for Monday, January 26<sup>th</sup> at 5:15 PM. The Arena bid opening was held today. There were 11 general contract bids and several for the other parts of the project. The apparent low bidder appears to be Donlar Construction out of Roseville. The bids were about as good as we could have expected. We are working on finalizing the tax credits. The revised budget appears to show we are in a position to award all of the bids including alternates.

Mayor Genereux declared the meeting adjourned at 8:09

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David W. Genereux, Mayor

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Betty Arvidson, City Clerk-Treasurer