

Pursuant to due call and notice thereof, the Regular Meeting of the Crosby City Council was held on Monday, May 9, 2022, at 6:00 P.M.

Members Present: Mayor Cash, Council Members Traylor, Ryan, Heglund and Jarvela

Members Absent: None

Staff Present: Matthew Hill, Administrator Clerk Treasurer; Samantha Wodarz, Administrative Assistant; Police Chief Andy Rooney; James Lueck, Public Works Foreman; Joe Langel, City Attorney; Phil Martin, City Engineer

1. Call Regular Meeting to Order

Mayor Cash called the meeting of the Crosby City Council to order at 6:00 P.M.

2. Pledge of Allegiance

Mayor Cash led with the Pledge of Allegiance.

3. Approval of the Agenda

MOTION BY MEMBER RYAN AND SECONDED BY MEMBER HEGLUND TO APPROVE THE AGENDA AS PRESENTED.

A VOICE VOTE: THOSE VOTING AYE: MAYOR CASH, MEMBERS RYAN, HEGLUND, TRAYLOR AND JARVELA. THOSE VOTING NAY: NONE. MOTION CARRIED.

4. Consent Agenda

A. Approval of Minutes from April 25, 2022, Regular Meeting

B. Approval of Claims

C. Approval of Resolution 2022-19-0509 accepting donations

MOTION BY MEMBER TRAYLOR AND SECONDED BY MEMBER JARVELA TO APPROVE THE CONSENT AGENDA.

A VOICE VOTE: THOSE VOTING AYE: MAYOR CASH, MEMBERS RYAN, HEGLUND, TRAYLOR AND JARVELA. THOSE VOTING NAY: NONE. MOTION CARRIED.

5. Public Comments

Brett Masters, 120 3RD AVE NW, would like clarification on the parking ordinance. He believes it is an unenforceable ordinance, wants to know what the city gains and what we are trying to accomplish. Mayor Cash stated that when Chief Rooney gives his report, he will get his answer. She reminded him that the council can not answer questions during public comment. If he has questions that he wants answers to he can request it to be put on the agenda through Administrator Hill.

Member Heglund questioned the dump station as he has been receiving calls on it. Mayor Cash said we will go over that in the public works report.

6. Unfinished Business.

A. Review of Bids for 2022 Street Improvement Project – City Engineer, Administrator Hill

Andrew from Bolten & Menk discussed the bids we received for the street project. 13 contractors downloaded the bids, of those only 4 submitted bids. The lowest coming in at \$2,753,029.19 by a company out of Albertville MN, Northdale Construction Company; they have done work for the City of Crosby before, and they are familiar with our area. The Engineer's estimate was \$2,399,435.45, the low bid was 15% higher than what they estimated (about \$350,000). Many of the contractors were not able to bid based on the time frame and due to material shortage.

They are meeting with Northdale to discuss if they able to complete the project in the time frame stated. Can they get water main pipe, and will they be able to get a box culvert. The council does have 61 days to accept a bid, to reject, to advance, or choose to rebid the project for 2023.

Mayor Cash inquired about the other bids:

-Casper construction out of Grand Rapids, \$2,764,794.00

-Utilities Systems of America out of Eveleth Mn, \$2,933,410.00

-JR Ferche out of Rice Mn, \$3,505,490.00

Andrew's professional opinion is that we need to wait to see if they can get the materials first and see if they can get the project done with the timeline. Mayor Cash suggested that they wait until the next meeting when they have an idea of the finances associated with the project, such as how much the grant will cover.

B. Discussion on Liaison Language in Ordinance 2022-01 Planning and Zoning Membership – Administrator Hill

Members Ryan and Heglund requested that we revisit the language that was used in the approved Ordinance on April 11, 3C; Administrator Hill read what was approved by the council.

Member Ryan stated that he was at the 1st meeting with a new group, and they asked him questions regarding the council; but the way the ordinance is written he could not answer the questions. His second issue is that we are paying a professional to report to the council, the taxpayers are paying this person, and there is no reason for a council member to act as a liaison. Ryan feels that if he is asked a question, he should be able to answer that question. Members Traylor and Jarvela don't think that we need a Liaison since we are paying a professional to run the meetings. Member Heglund stated that we either have a liaison who can speak or not have one at all. Mayor Cash stated that the liaison is supposed to bring back information to the council such as information that was not in the planning and zoning packets or topics that the council would disagree with. Mayor Cash stated another purpose is to keep the council updated so they can answer questions when they are called; using the example that the planning and zoning committee sent out letters that the council knew nothing about, and residents received these letters over the weekend and called the council members. Mayor Cash personally does not care if we have a liaison or not, if the paid professional running planning and zoning gives the council enough details in their reports. An official motion was made, and Administrator Hill will bring the revised ordinance to the next meeting.

MOTION BY MEMBER RYAN AND SECONDED BY MEMBER HEGLUND TO APPROVE THE REMOVAL OF THE CITY COUNCIL LIAISON POSITION FROM THE PLANNING AND ZONING COMMISION: THOSE VOTING AYE: MAYOR CASH, MEMBERS RYAN, HEGLUND, TRAYLOR AND JARVELA. THOSE VOTING NAY: NONE. MOTION CARRIED.

7. New Business

A. Discussion on City Code, Dwelling Unit Restrictions 154.210, (B) No Garage, recreational vehicle, tent, or accessory building shall at any time be used as a residence or dwelling unit, temporarily, or permanently – Administrator Hill/Marque Jensen

Marque Jensen was not present. Ryan questioned what the issue is. Why is this in front of the council when there are many all around town. Heglund questioned why we are picking on him (Marque Jensen). The reasoning behind this is that he was running a power cord across the street and complaints came in. Per city ordinance a person can not stay in a camper on private property or a city street. Ryan noted that people are renting off their campers as AIRBNBs. Mayor Cash understands this but have not received complaints to go off; the city is complaint driven so if no complaints are reported we have nothing to go off of.

Marque arrived late and was allowed to speak after the Police Report. He is from Minneapolis and is working on the Sanctuary Project building. He and his crew typically do not work this far out of town. They brought in an RV to stay in it and it is parked on private property. They were notified that they could not stay there as there were complaints; come to find out there is a city ordinance that does not allow people to stay in campers. The neighbor allowed them to hook up to their water if they would not use the generator, so they ran an extension cord across the street. He feels our law is rigid. He lives in Minneapolis, and they are more flexible than our town is. He would be glad to pay a fine for breaking an ordinance, but there is no flexibility for even a fine.

B. Consider approval to serve as the fiscal agent for the 5 Wings Arts Council Grant for Music in the Park/Cuyuna Chamber of Commerce – Administrator Hill

They have been hosting music in the park for many years and would like to continue.

MOTION BY MEMBER TRAYLOR AND SECONDED BY MEMBER RYAN TO APPROVE SERVING AS THE FISCAL AGENT FOR 5 WINGS ARTS COUNCIL GRANT FOR MUSIC IN THE PARK/CUYUNA CHAMBER OF COMMERCE. A VOICE VOTE: THOSE VOTING AYE: MAYOR CASH, MEMBERS RYAN, HEGLUND, TRAYLOR AND JARVELA. THOSE VOTING NAY: NONE. MOTION CARRIED.

C. Consider approval of ad in the Highway 6 Vacationland visitor's guide – Administrator Hill/Linda Peeples

Vacation Land advertisement is up for this year. It comes out of the economic development deed fund; the cost is \$1093.50; it is less than last year. The ads are nice and professional. It's in color, a full page, and on page 2 noted that parade time needs to be updated.

MOTION BY MEMBER RYAN AND SECONDED BY MEMBER JARVELA TO APPROVE OF THE AD IN THE HIGHWAY 6 VACATIONLAND VISITORS GUIDE. A VOICE VOTE: THOSE VOTING AYE: MAYOR CASH, MEMBERS RYAN, HEGLUND, TRAYLOR AND JARVELA. THOSE VOTING NAY: NONE. MOTION CARRIED.

D. Consider approval of Resolution 2022-20-0509 in support of the 5-year Master Partnership Agreement with MNDOT – Administrator Hill

Our current MNDOT agreement expires at the end of June this year. It opens communication and availabilities of products for both entities. It is an umbrella contract that allows agencies and MNDOT to exchange goods and services throughout the year. Through this agreement the city can bill MNDOT for the snow removal on the downtown streets. There is no cost and only benefits to each organization.

MOTION BY MEMBER HEGLUND AND SECONDED BY MEMBER TRAYLOR TO APPROVE OF RESOLUTION 2022-20-0509 IN SUPPORT OF THE 5 YEAR MASTER PARTNERSHIP AGREEMENT WITH MNDOT. A VOICE VOTE: THOSE VOTING AYE: MAYOR CASH, MEMBERS RYAN, HEGLUND, TRAYLOR AND JARVELA. THOSE VOTING NAY: NONE. MOTION CARRIED.

E. Consider approval of contract extension for Police Chief Rooney – Administrator Hill

Chief Rooney's contract expires May 20th, 2022 and requested an extension until his retirement date of September 16th, 2022.

MOTION BY MEMBER RYAN AND SECONDED BY MEMBER JARVELA TO APPROVE OF CONTRACT EXTENSION FOR POLICE CHIEF ROONEY. A VOICE VOTE: THOSE VOTING AYE: MAYOR CASH, MEMBERS RYAN, HEGLUND, TRAYLOR AND JARVELA. THOSE VOTING NAY: NONE. MOTION CARRIED.

F. Consider approval of Employment Contract for Mike Van Horn – Administrator Hill

Administrator Hill, Mike Van Horn, and the personnel committee have already reviewed the employment terms of the contract. He will start May 16th as a Lieutenant while he is going through training with Chief Rooney. There is an addendum to advance him to the Chief position September 16th when Chief Rooney retires.

Noted that the Lieutenant position is a temporary position and when Van Horn advances to Chief, the Lieutenant position will not be filled.

MOTION BY MEMBER HEGLUND AND SECONDED BY MEMBER RYAN TO APPROVE OF EMPLOYMENT CONTRACT FOR MIKE VAN HORN. A VOICE VOTE: THOSE VOTING AYE: MAYOR CASH, MEMBERS RYAN,

**HEGLUND, TRAYLOR AND JARVELA. THOSE VOTING NAY: NONE.
MOTION CARRIED.**

8. Reports

A. Police Chief's Report

Report Submitted

Chief Rooney asked for clarification/guidance of the parking ordinances. His interpretation is that if any vehicle whether it's for a length of time or for numerous times in a 72-hour period would be a violation of that ordinance. Coming out of winter into summer they are starting to get complaints of vehicles being parked on the streets and looking at his interpretation we have a lot of residents, employees, and businesses that don't have any or very little parking off street. He wants to make sure his policing is fair and impartial. He is looking for guidance from the council; is there going to be hardship; if there is hardship, how are we going address it.

Mayor Cash does not recall that it was stated that no person can park more than once in an area; Hill stated it was in the persistence park language.

Member Ryan said it was originally a proposal for the commercial vehicles, RVs, and such and not for cars, trucks, and personal. He said that we took the definition completely out of the ordinance and that resident Brett is correct when he said there is no definition.

Chief Rooney clarified his question that with the language of the 72-hour ordinance residence of the apartments on 1st St. and business on 2nd St. They are parking for 72-hours and multiple times within 72-hours; wants to know how to handle this because of the hard times of no off-street parking.

Mayor Cash stated that the purpose of the change of the 72-hour ordinance was to keep people from moving their vehicle a few feet every 72-hours.

Attorney Langel went over the scenarios and said there is no simple way to regulate the rules unless you just state no parking in areas where it is not designed to have long term parking, if you park it's for a short term. Telling the public that streets and alleys are not built for long term parking, they need to park elsewhere; if you park, it's for short term and can't keep moving the vehicle around in a 72-hour period. If they leave to go to work and come back, they are using it as a parking lot. The fundamental issue is do you or don't you want to allow parking on city streets? If you don't and you want to allow short-term parking as a maximum of X amount of time.

Cash asked the Chief if there is a hint of safety issue? We could make it so there is no overnight parking or only 2-4 hr. parking.

Chief Rooney stated that the issue he is talking about is not safety but for the residents such as some apartment buildings that do not have onsite parking available. Traylor stated that at one time there was an ordinance that in order to have apartments they had to have 2 off street parking spots per unit. Planning and Zoning might want to look at that so people are not building apartments with out having parking spots for them. Hill stated in the Business Zone that it is allowable at the moment; Traylor thinks that should be looked at.

Langel recommends that we shorten the time that is allowable to park to be able to enforce parking ordinance.

Brett was allowed to speak for 1 minute. Brett stated that he lives next door to Member Ryan and that he calls on him 4 to 5 times a week. He has a truck and a trailer with a race car on it, commercial vehicles. He is an engineer and leaves at 9 AM and does not come back until around 6:30. He races his car, and he is gone with that Thursday thru Sunday. The bucket truck is gone 4 to 5 hrs. a week. His elderly mother lives with him and he must move her car around, and what do they get out of picking on an elderly woman. Mayor Cash asked him how many vehicles he has; he did not know for sure. Mayor Cash stated that the ordinance allows 4 vehicles on private property. Brett can only fit 2 vehicles on the property.

Member Ryan stated there is more than 4 vehicles there consistently on and off the property, and it has been photographed and documented.

Chief Rooney stated that so far this year he has seen 3 on the street, some across the street, and some on property along with a dump truck in the yard. Mayor Cash would like more time to research this and would like to hear from Scott Sadusky on the private property issue; no resolution and tabled to be on the agenda at the next meeting.

B. Hallett Center Report

Report Submitted

C. Library Report

Report Submitted

Abby will be at the next council meeting.

D. Fire Department Report

Report Submitted

Fire inspection is due at the Sanctuary now that the water is turned on and they will be going through that process with the fire marshal.

E. Public Works Report

Report Submitted

James stated 2 more cremains openings were dug since the report was submitted.

The garden club is looking forward to getting the new planters; getting them filled with mulch and plants and he is looking for guidance from council on what the Public Works responsibilities is for the planters. Hill stated that it is on the agenda for the public works meeting next Tuesday.

Mayor Cash asked what they had to do with them before. James stated all they have done was put them out in the spring and picked them up in the fall. The new planters have a water reservoir built in; public works does not have guidance as to who's responsible to fill them. The garden club wanted to know where to place them since new sidewalks were put in and if we could water them. Heglund stated that the public works used to fill them along with the mayor. With the new ones it is estimated that they would need to be filled once every two weeks.

Member Ryan does not want to pay someone to water the plants and wants to make sure MNDOT gave permission to put planters on the sidewalk since the sidewalk belongs to MNDOT and not the city.

James receives a lot of complaints about potholes and would like a list, otherwise they do not know what ones they need to address right away.

Traylor asked about the alley between Cross and First Street behind Rafferty's and Range Drug. James stated it's beyond repair; they have been fighting it for years. They have dumped truckloads of pothole patch; it needs to be torn up and redone. The dirt from the Rafferty's parking is making it worse. He will scrape it up and put in new material; relook at the issue at the next meeting.

Heglund questioned the campground dump station usage. James replied that when they did the campground reconstruction project it was removed.

Heglund questioned the sweeper, and it needs to be run more and wanted to know why the docks are not put in? James said that there was ice still on the lake Wednesday and it is weather permitting; they put one in on Monday, and they will all be in before fishing opener.

Traylor asked if he has a directive for the employees on how to patch potholes. James does not have one but can make one.

F. Administrator Report

Report Submitted

Member Ryan requested to be filled in on the meeting about pump house point. Administrator Hill stated that they are reviewing the Well Head Protection Rights to verify if they need to restrict parking and/or access to people on that property. When he gets with the Attorney and the Department of Health along with the residents of the area, he will bring back information to the council.

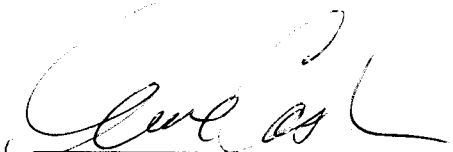
The rural water association stated that we do not need to review the water rates until we get the financing for the 2 road construction projects. We are fine right now but a 10 cent per thousand-gallon rate increase per quarter would be appropriate to stay in front of upcoming expenses. We are currently at \$7.10/thousand gallons.

G. Mayor/Committee Reports

9. Adjournment

MOTION BY MEMBER JARVELA AND SECONDED BY MEMBER RYAN TO ADJOURN AT 7:44 P.M.

A VOICE VOTE: THOSE VOTING AYE: MAYOR CASH, MEMBERS, RYAN, HEGLUND, TRAYLOR AND JARVELA. THOSE VOTING NAY: NONE. MOTION CARRIED.



Diane Cash, Mayor



Samantha Wodarz, Administrative Assistant