

**DRAFT MINUTES**  
**CITY OF NOWTHEN**  
**CITY COUNCIL MEETING**  
**TUESDAY, SEPTEMBER 8, 2015 @ 7:00 PM**

The Nowthen City Council held its Regular City Council Meeting on Tuesday, September 8, 2015 at 7:00 PM, at the Nowthen City Hall, 19800 Nowthen Blvd NW, Nowthen, Minnesota.

Present: Mayor Jeff Pilon  
Councilmember Randy Bettinger  
Councilmember Mary Rainville  
Councilmember Paul Reighard  
Councilmember Jim Scheffler

Others: Sgt. Andy Knots

**Approve/amend the meeting agenda - Bettinger made a motion to approve the agenda; Rainville seconded. All in favor; motion carried.**

1). **Sheriff Update** – Sgt. Andy Knots provided an update of calls for Sheriff’s services for the month of August 2015. Nothing noteworthy this month to address.

2). **Floor Items:** - Dan Williams of 7967 191<sup>st</sup> Ave NW stated that he has received a lot of inquiries about the Human Foosball. He stated that the Park and Rec. Committee came up with this event and they were looking to put one in both parks; if the Council thinks it is a good idea. In the meantime, they are putting up a temporary one with hay bales, pvc pipe, etc. for during the Heritage Festival. Staff will help with setting it up. The Heritage Committee allowed the Park and Rec. Committee to showcase it at the Heritage Festival. The Committee thought that was the best and cheapest way to showcase it.

William also stated that the Park and Rec. Committee has an awesome group of members. He said that other Council Members have been attending and he would like to see about getting input from them when they are attending. That would be helpful in moving forward with projects. When other Council Members show up, he would appreciate their time.

3). **Planning and Zoning**

a). **William and Michelle Lovlein (PID03-33-25-13-01008) – A request for a Variance on property owned at 6767 225<sup>th</sup> Ave NW, from Section 11-3-5 G to allow an 18.75 foot deviation from the required setbacks of 120 feet. – Rainville made a motion to approve the request from William and Michelle Lovlein for a Variance to allow an 18.75 foot deviation from the required setbacks of 120 feet, with the recommendations from staff and the Planning and Zoning Commission; Scheffler seconded. All in favor; motion carried.**

b).      **Adopt Amendment to Chapter 9 of the City Code** – *to be consistent with the MN Pollution Control Agency requirements of the municipal separate storm sewer systems general permit for Erosion/Sediment Control and Post Construction Stormwater Management.* – **Bettinger made a motion to approve Ordinance 2015-04, as presented today by Stockman; Scheffler seconded.** Rainville is opposed to the ordinance without having an escrow for single family homes. She thinks it is smart to take advice from staff that is responsible for managing construction projects in the city on a daily basis. Staff's recommendation was to institute an escrow account. A vote to do otherwise is a vote telling residents that it is their responsibility to cover potential costs associated with runoff and erosion that could occur on property that isn't theirs.

Reighard said that the way the Planner edited and rewrote the ordinance; there is an option for staff and Council to impose an escrow. Depending on the lot, where the structure is being built, grade and wetlands involved, there is still that option, if Council or staff feels it is necessary. Reighard feels that if the City continues to charge more escrows and fees to build in Nowthen, we are going to start pushing people away. When Reighard built his home, every dollar meant something. He didn't have an extra \$1,000 for anything. The more escrows that the City starts charging; in most cases unnecessarily, makes a big impact. We are going to discourage people from wanting to build here.

Bettinger agrees with Reighard. This is just more government and more fees. He said that people are doing erosion control now and it is being inspected by the building inspector. We aren't losing money on the building permits, so he doesn't see a loss to the City.

Rainville said that the Building Official sees it differently. The Building Official does see issues with this.

Rainville said that people believe that since we don't have curb and gutter, it is not an issue. This escrow is just to make sure that they follow the rules. If they do follow the rules, they get all but \$75 back from the escrow. As the City moves forward with stormwater runoff, that is going to be a big liability for the city. This helps them by preventing runoff and issues associated with it. If it is going to cost someone, it should cost the person who is building the structure. **Three in favor; Pilon and Rainville opposed. Motion carried.**

- c).      **Consider Comprehensive Plan Amendment to Long Range Urban Service (LRUS) District** – *Tabled from July 14, 2015 City Council Mtg.-* Rainville said that based on the discussion from Met Council, she thinks that they should hold off on moving forward with the interim plan amendments. **Bettinger made a motion to table this discussion until**

**staff has had a chance to consider other development options for residents in the LRUS District; Scheffler seconded. All in favor; motion carried.**

- d). **Council Direction – Scott property** – 21830 Xenon Street – Council consensus is to have staff give direction to our attorney about what documentation is required for a building permit from Mr. Scott and give him a deadline date on when the permit application and documentation needs to be brought to the city.
- e). **Ben Fuchs – Zimmerman Pumping Station Noise Complaint** – No action at this time until more information is received from Koch pipeline.

4). **Road and Bridge**

- a). **Updated Rating of Roads** - No action required at this time.
- b). **Request for Speed Study on Old Viking Blvd – Rainville made a motion to move forward with a speed study on Old Viking Blvd; Bettinger seconded. All in favor; motion carried.**
- c). **Accept Resignation from Dave Shook – Rainville made a motion to accept the resignation from Dave Shook and to move forward with advertising for the Road and Bridge Committee opening; Scheffler seconded. All in favor; motion carried.**

5). **Park and Recreation**

- a). **Restriping Basketball Court – Reighard made a motion to have staff add the basketball court to the crack sealing list in 2016; Bettinger seconded.** Rainville said that she understood that the court is not in good shape and she didn't think putting money into something that is not used often is a good idea. She thought maybe putting money towards other equipment instead would be better. Bettinger said that it is a very minimal cost and they want to save it while they can. He thinks they should move forward with the crack sealing basketball court. Rainville said that staff needs to go out in the meantime and kill the grass and weeds in the cracks. Pilon said that it is a good investment in the park, but they can also include additional equipment for future discussion. **All in favor; motion carried.**
- b). **Human Foosball** (*request for staff assistance for set-up & tear down and request a written request be sent to the Nowthen Lions for the purchase of PVC pipe-\$40*) – **Reighard made a motion to direct staff to assist with setup and tear down of the human foosball court, at the Heritage Festival. Rainville said that she would second Reighard's motion, but she would like to add that the City cover the costs associated with the foosball.** It is something the Park and Rec. Committee wanted to do and she thinks that it is the responsibility of the City. Committee members have gotten 95% of the project donated and she thinks the City can pick up the rest.

Reighard said that the only issue is the City has already donated \$2,500 to the Heritage Festival. It is a Park and Recreation event that is being held at the Heritage Festival. He can perceive people are thinking that it is a Heritage Festival event and now the City is donating more money to the event. The Nowthen Lions have money available for events in the parks. Receiving a donation from the Lions seems to be cleaner and easier and there are funds available for Park and Rec.

**Rainville withdraws her motion as a second. Bettinger seconded Reighard motion.** Rainville said that this request has not been brought before the Nowthen Lions yet. What is the plan if the Lions deny the request? Reighard said that he would personally donate the money then. **All in favor; motion carried.**

- c). **Recommend Hakanson Anderson update the park maps – Reighard made a motion to have staff obtain costs to update the park maps with the most current amenities and laminate them; Rainville seconded. All in favor; motion carried.**
- d). **Change of Meeting date from Nov 3<sup>rd</sup> to Nov 4<sup>th</sup> (elections Nov 3<sup>rd</sup>) – Reighard made a motion to change the Park and Rec. Meeting to Wednesday, November 4, 2015; Bettinger seconded. All in favor; motion carried.**

6). **Consent Agenda:**

- 1.1 **Approve the August 11, 2015 Regular Council Meeting Minutes.**
- 1.2 **Financial Report**
- 1.3 **Approve All Audited Bills Claim # 9620 through Claim # 9668, plus Net Distribution reports dated August 10, August 11, and August 24, 2015.**
- 1.4 **Adopt Proclamation for Constitution Week**

**Bettinger made a motion to approve the Consent Agenda items, as presented; Rainville seconded. All in favor; motion carried.**

7). **Council Items:**

- a). **Approve Sheriff’s 2016 Contract – Scheffler made a motion to approve the 2016 Sheriff’s Contract; Reighard seconded. All in favor; motion carried. Rainville made a motion to have the brief synopsis go into the monthly meeting minutes and a copy of the summary stats go with the meeting minutes as well; Pilon seconded. All in favor; motion carried.**
- b). **Schedule Truth in Taxation Hearing Date and Time – Bettinger made a motion to schedule the Truth in Taxation Hearing for December 8, 2015 at 6:01 p.m.; Scheffler seconded. All in favor; motion carried.**
- c). **Policy/Procedure for filling Committee Vacancies – Rainville stated that she had updated the version that she originally submitted and she took out the word “policy” and substituted it for “procedure”. She also**

took out the committee possibility of more than one candidate. **Rainville made a motion to accept these as the procedures for filling vacancies and direct staff to follow them; Pilon seconded.**

Reighard thought it was discussed to change it to guidelines instead of procedures. Policies and procedures are saying that is how you do it and that is what you need to follow. Guidelines are just there and are not cast in stone. He likes guidelines better.

Scheffler agrees with Reighard. To have this as a guideline is beneficial. If one of the items listed isn't just right, he would hate to see it used in a negative way. He would say that this is a guideline and not so much as a procedure.

Rainville wouldn't be opposed to changing it to guidelines, but she would want to know, if parts of it weren't done, what would be the reason for not doing them. It is pretty simplistic and just a basic check sheet. A procedure for staff to use when filling committee member vacancies would be a procedure that residents know is followed when there are vacancies. She thinks that it is important to have consistency.

Pilon asked how important is the word "procedure".

Reighard said that it depends on who you ask. In his background, you have policies and procedures and if you don't follow them exactly, you can get written up. So a lot of time, instead of creating a procedure, they have Suggested Operating Guidelines (SOG). It gives you more flexibility; where a Standard Operating Procedure (SOP) has to be followed exactly. That is why he likes the word "guidelines" better.

Pilon can understand Rainville's point. If it is a checklist and not used, what is the logic.

Bettinger said that if it is a procedure, you have to follow it. Even as Council, they may not want to follow it. A procedure is set in stone. He doesn't think that it needs to be so stringent. It is just a guideline to help staff get the information out to the general public. If there is a vacancy, the Council already all know it. He doesn't think staff needs to notify them. It is just a guideline and that is all it should be.

Rainville said that she put in the procedure; that if the City Council chooses not to wait for the newsletter, staff will use the remaining advertising requirements called for in the procedure.

To Rainville, it is so simple, and by not wanting to have procedure for staff to follow, they are telling staff that there is not procedure and they can do as they want, when they want. She doesn't think that is a good idea.

Reighard said that is not what they are saying. His preference is based on terminology. If it is procedure or policy, that is exactly how it has to be done. With suggested guidelines, they are still followed; but if circumstances dictate where you would have to vary from the guidelines,

they would still be allowed to do that. He has no problem having this in place and having staff follow it, but not as a procedure or policy.

Rainville said that if circumstances prevent the steps from being followed, then that information should be brought to the attention of the supervisor or Council as to why they cannot follow the procedure. There is nothing in the process more than what is being done now. It just puts it in a document that says this is our procedure.

Rainville said that she would switch it to “guidelines”, but she asks that the Council direct staff to follow the guidelines and if they are unable to, they need to notify the Council or their supervisor of the reasons why.

**Rainville amended her motion to change it to guidelines and to accept the guidelines for filling Nowthen vacancies; Scheffler seconded. All in favor; motion carried.**

- d). **Purchase Agreement – (to purchase Lot 1, Block 1 Burns Town Center) – Bettinger made a motion to approve the purchase agreement from John Curtis for the purchase of Lot 1, Block 1, Burns Town Center for \$98,000 and to split the closing costs; Scheffler seconded. Rainville would like to receive a cashier check for the earnest money. All in favor; motion carried.**
- e). **Anoka Area Chamber Newsletter Article** – Rainville stated that she will prepare the Chamber Newsletter Article.

- 8). **Introduction of New Items: Reighard made a motion to send a letter of appreciation to Steve Anderson for installing the distance markers in the Frisbee golf course; Pilon seconded. All in favor; motion carried.**

**Bettinger made a motion to have a letter of appreciation sent to Dave Shook, for his time served on the Road and Bridge Committee; Reighard seconded. All in favor; motion carried.**

**Rainville made a motion to adjourn the meeting at 7:55 PM; Reighard seconded. All in favor; motion carried.**

Respectively Submitted by:

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Corrie LaDoucer, City Clerk

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Mayor Jeff Pilon