

**CITY OF NOWTHEN  
PUBLIC HEARING AND  
CITY COUNCIL MEETING**

**DRAFT MINUTES**

**TUESDAY, NOVEMBER 10, 2015 @ 6:30 PM**

The Nowthen City Council held a Public Hearing and Regular City Council Meeting on Tuesday, November 10, 2015 at 6:30 PM, at the Nowthen City Hall, 19800 Nowthen Blvd NW, Nowthen, Minnesota.

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

Others: Sgt. Andy Knots, Bldg. Official Andy Schreder

**PUBLIC HEARING**

**Special Assessment Hearing for - Delinquent Fire Calls, Service Charges,  
Hazardous Building Abatement and Administrative Citations —**

Mayor Pilon opened the Public Hearing for the delinquent fire calls, service charges, hazardous building abatement and administrative citations.

Richard Halldorson, of 18560 Cleary Road, stated that he would like to talk to the Council about the citations and hopefully get them forgiven. He said that they have stuck a lot of money into getting this taken care of. He is asking for forgiveness for what has gone on and to move forward.

Brandy Olsen, of 22385 Variolite St. NW, said that there has been some confusion of the Administration Citations and Fines. Andy Schreder spoke up and said that the citation was initiated by a complaint of a concerned citizen about outdoor storage, a camper and things of that nature. Schreder responded to the complaint by visiting the site and taking pictures and identifying the violations. He spoke to the father, who was the owner of record at that time. There was some transaction between Brandy and her father regarding ownership of the property. She is responsible for the property and living at the property. Schreder had been speaking to the father thinking that he was the responsible party. That was one of the reasons for the miscommunication in the first place.

Secondly, this is when staff was really getting their feet under this program and how it was supposed to be done. They have always been very upfront that the goal of the Administration Enforcement is voluntary compliance. By the time the information went from Schreder to the father, then to Brandy, it had already gotten to this point. In the past couple of days, Schreder reviewed his files,

photographs and the call logs and it never should have gotten to this point. He will take a lot of the ownership of this because the record keeping is not what it ought to be if they wanted to pursue this as an appeal. Schreder and the Planner realize that the way they have been going about code enforcement has not been the best system. This is a good demonstration of how it is not working. They need more personal ownership of the particular property. This was a good learning curve for them. It is not the best situation to demonstrate how this code enforcement is supposed to work. Staff did spend time on this and the City did incur some costs. Schreder wanted to speak on behalf of staff and the property owner. Brandy did what was asked of her, when it was asked of her. Any fault of the communication is the City's. Schreder said that the problem has been remedied and he is happy with the results and it has stayed that way. He wanted to make sure that it was fair to her and that when it was finally communicated directly to her, it was remedied. Schreder wants to make sure that they work the program the way it was designed; through voluntary compliance.

John Rohach, of 21202 St. Francis Blvd, stated that he never got a Citation in the mail and yet the City is trying to assess citations on his property. This is what he has a big issue with. He met with Schreder yesterday and he is willing to clean up what needs to be cleaned up. He stated that he never receive any citation that he knows of. Schreder said that the practice is to send it out first class mail. That is the way the ordinance is written. We save a copy in the property file as a record of what was sent out. Rohach said that when he did get a registered letter, which was when he saw what he owed the City and contacted his attorney. He said that there was no problem to clean up and take care of things. He already started to get rid of the pots that were shown in the picture. He is willing to clean up and agrees to clean up, but he did not know of any citations. If he would have known about a citation, he would have addressed it right away. Rohach said that his attorney has been speaking with the City attorney. He stated that when he got his CUP, it stated that he could have storage containers out there along with plow trucks for the landscape business. He stated that he puts up Christmas trees and he needs rodent free storage containers, so they don't eat the lights on the trees. If the rodents eat the lights, it destroys the tree. That is why he has air tight containers there. He had the trees in the pole building, but the mice got in and destroyed one.

Rohach said that when he got his CUP, he was told that it was ok to have those storage containers. He is trying to comply anyway that he can.

Pilon said that the notice that the City has from staff is that this was brought to the attention of staff May 2014. The report also states that there was phone contact with Rohach. Pilon asked if Rohach had spoken to staff.

Rohach stated that he did talk with staff about entering the property and he talked with one of the Council Members. He still has never received a citation.

He doesn't let these things slide, because they are just going to multiply. He would rather take care of them immediately and get them resolved. He is willing to work with the City on this.

Schreder said that staff does have record of the phone conversations with Rohach. There were multiple conversations about accessing the property. Mr. Rohach was aware of the violations for quite some time. Schreder didn't physically mail the letters as that is not part of his task, but he can say that when the City says they mailed them, they were mailed. The issues were communicated with the property owner and staff was trying to gain access to the property and make Rohach aware of the specifics.

Rohach said that he understood that this all started by a complaint. He is way off the road, so he doesn't know how anyone can see him.

LaDoucer stated that most of that type of correspondence is send out by Liz Stockman's office. When she does send out a letter, she emails a copy of the letter and certification of mailing to the City for our files. LaDoucer stated that the certified letter that Rohach is referring to is the one the City sends out for the public hearing of a pending assessment. The office sends one out First Class Mail and one Certified Mail. Rainville thinks that they should have a change in the policy that they go out Certified Mail. Schreder stated that it is a very expensive process to mail all Citations as Certified Mail. Council should consider that before changing the policy. Legal Council would say that First Class Mail is legal and reliable.

Pilon asked Rohach if he is working with his attorney on this matter. Rohach said that he has been working with his attorney. Pilon asked if his attorney was keeping Rohach abreast of what the City Attorney is recommending. Rohach said that he did inform him and advised that Rohach go before the Council and let the Council know that he is willing to work with us. Rohach said that when he got his CUP, he was not given a limit on the number of trucks he could have.

His CUP also didn't limit the number of storage units he could have on the property. There were no limitations back then.

Pilon stated that the recommendation to the Council by the attorney is to assess the full amount and when the cleanup is completed, address the assessment then. The origination citation and staff time is \$2,865.60. The actual staff time is \$1,865.00.

Rohach does agree that he has been in conversation with staff. He has talked to Schreder, but he has never spoken to Stockman.

Schreder said that Stockman was the orchestrator of the letters and he was

primarily doing the site inspections, documenting the conditions and taking photographs. They would then report their findings to Stockman. That was the best approach to the Code Enforcement. The cost for Schreder's time is incorporated in with the building department.

Schreder stated that the City is developing a history of enforcement and that there is still a learning curve involved. Now that the City is making more of a conservative effort, there is an investment to do inspections and to make sure these are followed up on. That is why it is important to learn what has been done right and learn what needs to be done differently. It also keeps the ball rolling. Mr. Rohach does understand the seriousness of this and that he needs to get his property cleaned up. Schreder said that there was a lot of back and forth on the issue and they just didn't connect, but Rohach was aware of the violation and aware of the situation.

Public Hearing Closed at 7:00 PM.

### **CITY COUNCIL MEETING**

Approve/amend the meeting agenda – LaDoucer has amended the agenda to remove the appointments under P&Z and R&B and add item 9.e., One Council Member only as a Non-Voting Committee/Commission Liaison. Pilon added item 5.g., Jerry Bauer. Rainville added item 9.f., Report for Local Government Official meeting and item 9.g., Signs for land use changes; Pilon made a motion to approve the amended agenda; Bettinger seconded. All in favor; motion carried.

- 1). **Adopt Resolution 2015-18** – A Resolution Certifying Delinquent Fire Calls, Service Charges, Hazardous Building Abatement and Administrative Citations. –

**Van Sickle** - Pilon said that this is the only unpaid fire call. **Council consensus is to assess the \$68.26 (includes penalty) unpaid fire call.** Pilon said after hearing the explanation they have heard tonight, he feels it is reasonable.

**Olsen** – Pilon said that based on the evidence heard tonight, he would recommend forgiving the Olsen assessment. Scheffler would agree. **Council consensus is to remove the full assessment on Olsen.**

**Eisenschenk** – Eisenschenk has not been working with staff on clean-up. Staff indicated that there was some clean-up previously done, but that it was replaced with new stuff. They have not followed up with clean-up of the property. Bettinger thinks that they should be looking at assessing the full \$7,462.40; and if they work with the City, the Council could consider reducing the assessment amount. **Council consensus is to assess \$7,462.40 (includes penalty).**

**Barrows** – Bettinger would be willing to remove the citation portion of it, since he has been working with us on this. Rainville said that the biggest issue was between the property owner and his tenant. That problem is what made the City

incur additional costs. The tenant has been given until mid-December to vacate the property. The problem is that we don't know if that will happen and if the problem will be solved. Rainville would be in favor with assessing part of the citation; and if in December Barrows has taken care of everything, they can go back and adjust the assessment amount. She would recommend 1/3 of the citation amount and staff time for a total of \$13,005.80.

Bettinger thought that this was all discussed at the workshop that there was an agreement between Barrows and the tenant and if the tenant violates the agreement he has to move out sooner. Bettinger doesn't see the need to tack on the \$10,000.

Rainville said that she understands what Bettinger is saying, but there have been deadlines before that have not been followed. If tenant does not vacate the property in December, the Council will have to continue to deal with it again.

Reighard said that the reason that the citation is so large is because the amount of months that it drug out.

Reighard said that just because they have a letter that states the tenant will vacate on December 15<sup>th</sup>, does the Council really know that is going to happen. He would prefer to leave something in the citation to make sure that happens. He is fine with assessing the \$13,005.80. Pilon said that if they forgo it at this point, it will be another year before they can assess it again. Scheffler agrees. **Council consensus is to assess \$13,005.80, plus interest for a total of \$13,786.15.**

**Rohach** – Assessment was for \$6,317.60, original citation was \$1,000 and staff time was \$1,865.60. Scheffler said that in light as to what was presented tonight, he would be comfortable with the \$1,865.60. Bettinger agrees with that. He didn't receive the citation, there was communication breakdown and he is willing to work with the City.

Rainville would like to have some insurance on this to protect us moving forward. He claims that he did not get the citation. She isn't saying that she doesn't believe him, but there have not been any issues before with citations going out. The attorney is recommending \$3,000 and she would like to move forward with that. If he does get things cleaned up, they could re-evaluate the assessment. Rainville would recommend that they assess the \$3,000.

Reighard is in agreement Scheffler and Bettinger to assess the \$1,865.65, which would cover the costs for staff time. Pilon said that it won't cover the recent costs of the attorney. Bettinger thinks that there is going to be more staff time as things move on. He is either going to come in and pay it or it will accumulate and they can assess it next year, so Bettinger doesn't think they have to pick the exact

amount today. Reighard said that will all the follow up's there's going to be additional staff time. **Council consensus is to assess the \$1,865.60 of staff time, with interest for a total of \$1,977.54.**

**Halldorson** – Rainville recommends that they assess staff time of \$866.00. **Council consensus is to assess \$866.00 of staff time, with interest for a total of \$1,977.54**

**Paone** – **Council Consensus is to assess \$2,005, with interest for a total of \$2,125.30.**

**Bettinger made a motion to adopt Resolution 2015-18, A Resolution Certifying Delinquent Fire Calls, Service Charges, Hazardous Building Abatement and Administrative Citations, as stated above; Scheffler seconded. All in favor; motion carried.**

- 2). **Sheriff Update** – Sgt. Andy Knots provided an update of calls for Sheriff services for the month of October 2015. He stated that they went live with the Anoka County Management system. Going forward, it is proving to be quite challenging. He said that he will be in contact with staff regarding pulling stats for the month of November. The current trends are traffic safety with car/deer accidents. Rainville wonders if there are any trends with the accidents at CR 22 and CR 66. Sgt. Knots was not aware of any trends in that area, but he will check and make some phone calls.
- 3). **Floor Items:** - Albert Viall, of 22726 Xenon St., said that they just had an election on the Road and Bridge Committee. He has a request that it be set as a standard for voting. With the voice vote, he noticed the guys were leery and nervous about it. He would rather have a system with a ballot. This is the first election that he has had this year. He looked back to see what his mom would have done, as she was a former Mayor, and he made up a ballot. He was told that he wasn't supposed to do that and he was supposed to have a voice vote. He would rather have a ballot vote and after the vote, they could put it in an envelope, seal it and give it to Council. Pilon said that he does not know if there is a standard practice at this time. Viall asked if they can set a standard for this. Pilon stated that they will be addressing issues relating to committees in the coming months. Viall also asked if they could have two Council Members on the Road and Bridge Committee, as it might help out.

Deb Mahutga, of 7560 Viking Blvd, stated that she was at both the Road and Bridge Meeting on October 20<sup>th</sup> and the City Council Workshop on November 5<sup>th</sup>. Mahutga can contest to both Council Members Reighard and Bettinger statement at the Workshop about their concern with Rainville calling Chairman Al Viall of the Road and Bridge Committee before their October 20<sup>th</sup> meeting. Mahutga can contest to this because Chairman Al Viall had also come to the City office after

that Road and Bridge Meeting and said he felt very badly about how the selection of their new member had been done. He said that Council Member Mary Rainville had called him several times before the meeting. She told him he couldn't do a secret ballot, like he had intended to do and that Rainville had even threatened getting the attorney involved. Then when asked at the Council Workshop, Rainville denied calling Viall at all. Besides Rainville not wanting to allow Viall to interview Bettinger, when in fact, at the October Council Meeting, it was agreed that all four (4) candidates which included Bettinger would be interviewed. Mahutga quoted the October 13, 2015 Minutes and read the following:

"Pilon said" do they discuss it tonight or at future date? He thinks that it is appropriate to send all four (4) to the R&B Comm. for interviews and for their recommendation." Mahutga said that Mayor Pilon was also at the R&B Meeting, but didn't get up and say that. Mahutga would like to say that many of the Code of Conduct policies have been violated by Rainville. They include; Advocacy, Improper Influence, Sharing of Information and Compliance and Enforcement. In the Code of Conduct, there is a Remedies section that states the following: "It is the responsibility of the City Council to police it's members." When inappropriate behaviors are observed, any member of the Council can intervene. If inappropriate behavior is observed, the City Council will discuss the behavior at the Council work session. By direction of the Council, it will be determined whether:

- a. A letter is sent to the offending Council Member stating that they have been found operating outside the established Code of Conduct, requesting them to correct the behavior identified as inappropriate; or
- b. The Council member is formally sanctioned by Resolution at a Council Meeting."

Sue Pilon, of 18959 Nowthen Blvd., wanted to give the City Council a quick wrap up report, from the Nowthen Heritage Festival for this year. The Nowthen Heritage Committee would like to thank the Nowthen City Council for the donation and support for the festival. Most of the Council volunteered at the festival and they really appreciated it. They also wanted to thank the City staff for all of their help and assistance. They also wanted to thank the Nowthen/Ramsey Fire Department for the great job that they did in hosting their Fire Dept. Open House and all of their safety demos. They wanted to thank the Anoka County Historical Society, which provided historical displays and the Nowthen Seniors for historical displays, quilt displays and arts and craft displays. They wanted to thank Anoka County Recycling and Councilmember Scheffler, who came to help with recycling at the festival. This year, they made an effort to go green. It was a little more work, but interesting. They used compostable supplies for their breakfast and dinner. A lot of people took interest in that and were going to try it at home. They wanted to thank Dan Williams, Paul Reighard and the maintenance crew who worked together this year on the new event of Human

Foosball. It was a great success. It was very fun and very popular. They also worked with the staff of Bar None this year. They brought over volunteers that helped clean up the park area and the grounds. That was a very nice, positive working relationship. They wanted to thank all the volunteers and businesses that helped out on the day of the festival. They had over a 100 volunteers to help. Over 30 businesses gave donations and supported them. It was a wonderful community effort.

Pilon stated, again this year, they were able to use Nowthen vendors for the festival. They wanted to again thank the City Council for their support. It is a wonderful way to showcase our City, businesses, civic organizations, churches and school. Everyone truly worked together to promote our City and City pride. It is making our City a very nice and fun place to live.

Dan Williams, of 7967 191<sup>st</sup> Lane, stated he has some concerns. He was also at the Road and Bridge Meeting in October. He has been following this whole process and is pretty upset. He thought Councilmember Bettinger was way above everyone else in terms of qualifications. He agrees that it was personal that Bettinger didn't get appointed, because the maintenance worker was his ex-brother-in-law. Do they want someone with less experience? They are supposed to be for the betterment of the community. Williams said that Bettinger has been called upon for point of reference and this is what he does for a living. He was denied his chance to serve his community. It really upset William, because he was going to put his application in. If he would have known that they were going to take someone who didn't know anything, he would have been a sure in, because he doesn't know anything about roads. They denied the person who is most qualified, a chance to do that. Second, Williams is upset with how the whole Lakeside Cabinet fiasco was handled. The City put Troy on the agenda, but didn't give him a chance to speak at the meeting. Other people have been able to speak. Troy spent hours putting something together and was denied to speak at the meeting. Third, Williams thinks the workshops should be abolished. He thinks that they should go back to just one meeting. They could start at 5:00 PM, then take a break mid-way and finish up. He thinks the Council should take a look at that and have a social intermission. Fourth, Williams would like to talk about the City Clerk. Two meetings ago, the Council was talking about the Wage and Compensation Study. Our Council said that for someone like the maintenance department it was easy to compare, but with the clerk's position it was hard to assess. The reason is that she has a job title of City Clerk, when in fact she is the City Manager. Williams said that it is rare that she doesn't know answer to questions by the Council, attorney, planner, etc. She always knows the answer or is quick to get the answer. We call her clerk, but he thinks that her job title should be more appropriately City Manager. If you do what she does in other cities, that is what they call them, not clerks. If she was to resign and we put an ad in for a clerk, it would take 4 or 5 people to fill her spot. Lastly, most of the time that he hears about Roles and Responsibilities, it comes from



Mayor Pilon and Councilmember Rainville; but at the meetings, they are the ones that are defending the alleged improprieties.

Williams thinks that they have the skills to push this community forward if they bury the hatchet with beef that they have with the staff. He said that the staff like their jobs. They just want to come in and do their job. They don't need a yoke put upon them. If they put as much energy working with people as they do against them, things would be a lot better. As far as the Roles and Responsibility, he does believe they need to be sanctioned for the action of the Scott fiasco and the cabinet shop issues. He hears about these alleged improprieties and he is upset with it. One thing that staff does have is solidarity. They respect each other and have each other's back. Our City Council does not have that. There is too much bickering and it is prohibiting the City from moving forward and he thinks that they should address that.

Dale Ames, of 22176 Sugar Bush Road, was looking where the candidates were recommended to the City by the Planning and Zoning Commission and Road and Bridge. He is concerned about the Planning and Zoning Commission. He doesn't understand why it is crossed off the agenda. They have been without seven members on the P&Z for several months now. If they end up with a tie vote and cannot make a decision, which could happen, what do they do then? Another concern he has is the power struggle that is going on with the Council Members. In January, it was voted to allow two people on the Planning and Zoning Commission. He knows that there were two members from the P&Z asking for that, so there was a reason for that. If you don't know the reason, ask questions. The biggest problem is that right now they are looking to go down to one Council Member. He has no problem with that, but the problem is that the Mayor has been on the Commission for over 10 years. He was involved in a lot of the plans that they worked on. He is very important to the P&Z. In fact, the City Council made a mistake as he should have been the liaison at that time. This whole thing is going to come back and bite them. Right now, you won't believe what other communities are saying about the City of Nowthen. He is disappointed in the way the Council is operating. One example is the Road and Bridge Committee. One Council Member tried two times to get on there, but was denied. Why do the other committees only have five members? On the P&Z they have seven members. In fact, they used to have nine members and he was against that. He is concerned about what is going on. There is a power struggle going on and someone is trying to take control. As a Council, just because you do get everything that you want, doesn't mean that you fight everything. There are things on the P&Z that he voted against, but he will go along with because of the majority. That is the way it should be with the Council. Let's get together and work together. Another thing he didn't like is the harassment that was given to the Mayor after the last City Council Meeting. It should have never been done. Ames said that it doesn't show any respect to the Council Members. The Council is very important. They are elected and represent every one of them.

The decisions they make affect every one of our residents. It is important that they all work together as a community.

- 4). **Stepping Stone (Emergency Housing – Julie Jeppson)** – Request for Donation – Unsure if Nowthen residents have used the services or not. **Rainville made a motion to deny the request for a donation, based on the limited use of the services by Nowthen residents; Pilon seconded.** Bettinger questions where the money is to come from since it is not budgeted. Scheffler thinks that it is a worthwhile program. Maybe we can budget for it in the future. **All in favor; motion carried.**
  
- 5). **Planning and Zoning**
  - a). **Eric, Karla and Cory Thomsen** (PID 35-33-25-22-0001) – A request for a **Subdivision** of property owned at 6215 187<sup>th</sup> Ave NW. The request is to split off on five (5) acre lot and plat the remainder as an outlot until future development is desired.– **Rainville made a motion to approve the request for a subdivision and the Developers Agreement by Eric, Karla and Cory Thomsen; Bettinger seconded. All in favor; motion carried.**
  
  - b). **Mark Johnson** of 6255 Viking Blvd (PID 23-33-25-33-0002) – A previous request for an **Amendment to the Rural Residential Ag District (RRA)**, to allow **Gun Ranges** as an **Interim Use Permit** and associated establishment of regulations pertaining to the discharge of firearms in the City has been withdrawn. – **Rainville made a motion to accept the withdrawal and deny the request from Mark Johnson to Amend the Rural Residential Ag District to allow Gun Ranges as an Interim Use Permit, based on the City Council Findings of Fact dated November 10, 2015; Bettinger seconded. All in favor; motion carried.**
  
  - c). **Dean Wirz** of 20822 St. Francis Blvd. (PID 13-33-25-42-0009) – A request for a **Conditional Use Permit (CUP)** to allow a lot split under the terms of the Long Range Urban Service District (LRUS) and a **Variance** to allow deviation from the required maximum lot size of two acres. – **Bettinger made a motion to approve the request for a CUP and Variance request by Dean Wirz based on the City Council Findings of Fact dated November 10, 2015; Scheffler seconded. All in favor; motion carried.**
  
  - d). **Wind Energy Conversion System & Solar Systems (WECS)** – Approve **Amendment to Section 11 of the City Code** to add Wind Energy Conversion, Solar, Geothermal and Hydronic Furnaces as alternative heating sources. – **Bettinger made a motion to approve Ordinance 2015-06, an Ordinance Amending Chapter 11 of the Nowthen City Code to Establish Regulations for the use of Wind Conversion Alternative Energy Systems; Scheffler seconded.** Pilon wants to make

sure that item C.1. does not include those in a barn and in a house. Rainville believes the way it is written, it is allowed. **All in favor; motion carried. Pilon made a motion to approve the summary ordinance for publication; Rainville seconded. All in favor motion carried.**

- e). **Dale Heide** of 22820 Spring Hill Road (PID 03-33-25-22-0009) – A request to approve a **Permitted Home Occupation to deal/sell firearms.** – **Bettinger made a motion to approve the request by Dale Heide for a Permitted Home Occupation to deal/sell firearms; Rainville seconded. All in favor; motion carried.**
  - f). **Approve Summary of Flood Plain Ordinance.** – **Scheffler made a motion to approve the summary Flood Plain Ordinance for publication; Bettinger seconded. All in favor; motion carried.**
  - g). **Jerry Bauer** – Bettinger said that he is in the process of moving his business out of there and a lot of it is already gone. Bettinger thinks Bauer’s time line is acceptable. **Bettinger made a motion to accept Bauer’s new time; Scheffler seconded.** Reighard asked if they are recommending the time line of December 15th, based on what was submitted. Bettinger stated that there are some things that are going to take place by March 1, 2016. Rainville said that nowhere does it discuss the intent to clean up the property. She thinks that they need to address the equipment that is still on site and to set a date of when the property will be cleaned up. Pilon said that he was originally given till June 2015. **Bettinger amended his motion to have the entire property cleaned up by March 1, 2016; Scheffler seconded.** Rainville thinks March is a long time given that they originally told him June 2015. She would recommend January 1, 2016. Reighard is satisfied with March 1<sup>st</sup> as that is Bauer’s time line for not operating his office there. Then that would be the deadline date that he cannot operate his business in any fashion and everything has to be cleaned up. Scheffler agrees as well. **Three in favor; Pilon and Rainville opposed. Motion carried.**
- 6). **Road and Bridge**
- a). **Plaque – Mission Statement** – **Rainville made a motion for permission to move forward with a Mission Statement of the Road and Bridge Committee and place a plaque at City Hall. A Committee Member has offered to pay the costs of the plaque; Pilon seconded.** It was brought up at the R&B Meeting of what is the intent of the Committee. The Mission statement would help guide them on their activities to focus on what they are doing. Then memorialize it in a plaque. Reighard said that if you do it for one committee, do you do them for all. As long as they are defining the Roles and Responsibilities of the Committees, that should be their mission statement. Pilon does think it is the Council’s responsibility

to define. If it is not clearly understood, it needs to be communicated by the Council. **Rainville in favor; Four opposed. Motion failed.**

7). **Park and Recreation**

- a). **Skating/Hockey Rink – Reighard made a motion to allow the City to place a skating surface on the Northeast corner of Nowthen Memorial Park and for staff to use regular working hours (no overtime) to maintain it; Bettinger seconded.** Scheffler said that at the workshop they were waiting to hear about insurance liability. LaDoucer indicated that she has not received any comments back yet. Rainville likes the idea, but she thinks there are too many unanswered questions and potential costs and time involved by staff and also the issue of how much water is required. She doesn't know what detail the business owner has been provided regarding how much water is being requested. There are too many variables. There are still too many unanswered questions. **Reighard amended his motion to include drafting a written agreement with Mork Well to use their pump and to have staff obtain confirmation regarding the liability; Scheffler seconded the amended motion.** Pilon thinks it is important to know what the City's liabilities are and costs. Get something in writing that there are no costs from Mork Well. Pilon is also concerned about the tanker truck and if there will be costs involved with general maintenance to the truck. If the tanker is not reliable, what do they do if they cannot use the tanker truck for this? Would this include costs associated with general maintenance of the truck? Reighard said that obviously there are general maintenance costs. Pilon wonders if this is reasonable to continue this to the December meeting, so they have answers.

Reighard said based on the way the motion is, would they necessarily have to table it. They are not above and beyond what the motion states. He would hate to see that they don't get started on this right away. **Three in favor; Rainville and Pilon opposed. Motion carried.**

- b). **Ballfield Lime – Reighard made a motion to purchase \$2,000 worth of lime for the ball fields; Bettinger seconded.** Reighard said that the funds would be coming out of the funds from the Ramsey Lions donation from the backstop repair. This is not an ongoing annual maintenance. It is done when necessary. **All in favor; motion carried.**

8). **Consent Agenda:**

- 1.1 **Approve the October 13, 2015 Regular City Council Meeting Minutes.**
- 1.2 **Financial Report**
- 1.3 **Approve All Audited Bills Claim # 9731 through Claim # 9775, plus Net Distribution reports dated October 12<sup>th</sup>, 19<sup>th</sup> and November 4<sup>th</sup>, 2015.**

- 1.4 **Adopt Resolution 2015-17** – A Resolution authorizing issuance of a penalty for a tobacco violation at Burns Bottle Shop
- 1.5 **Adopt Resolution 2015-19** – A Resolution Authorizing the Acceptance of a Donation from Pat Smuder

**Scheffler made a motion to approve the Consent Agenda as presented; Rainville seconded.** Pilon stated that there were a couple of typos in the meeting minutes. He will work with LaDoucer on getting those corrected. **All in favor; motion carried.**

9). **Council Items:**

- a). **Authorization for Communication with the Attorney – Bettinger made a motion to have all communication to the City Attorney go through the City Clerk and in her absence go through the Deputy Clerk; Scheffler seconded for discussion purposes.** Scheffler agrees with the motion and would like to have the attorney made available to all Council, every time he is contacted, what the reason for the contact was and what the attorney's response is. Reighard agrees with that. When going through the attorney's bill, it is very vague. The billing should be detailed further. Pilon said that it was brought up at the workshop to have detailed billing. A separate deal saying that everything has to go through the Clerk/ Treasurer or Deputy Clerk Treasurer is going a bit far.

Pilon feels that it is reasonable for Council to be represented and the ability to contact him directly. It is still a reasonable thing if they are getting detailed billings from the attorney. It gives an imbalance to the Council, having no representation with the attorney. There are times when the Council has questions regarding staff. He thinks that it is important to have that balance.

Rainville doesn't agree with having the contact go through the Clerk or Deputy Clerk. She feels that it is appropriate for the Mayor to contact the attorney, if they feel they have reason to do so. In looking back at the billings, there have been very few times that the Mayor contacted the attorney.

Reighard does agree that there are times, in regards to staff related items, that someone should be contacting the attorney. But, there has to be something in place that regardless who contacts the attorney, the other Council Members are aware of it. If someone is contacting the attorney, why are the rest not made aware of it. The Council is all on an equal playing field and should all be made aware of what is going on and why the attorney is being contacted. If the City is paying for someone to contact the attorney, the Council should all be made aware of that.

Pilon doesn't disagree with this. A majority of contact with the attorney comes from staff and Pilon thinks that Council should be getting information about that contact as well. He agrees that when the attorney is being contacted, that information does go out to the Council. He does think that the Council needs someone, in addition to staff, to be able to contact the attorney.

Reighard said that the attorney needs to be made aware that the communication needs to be documented and presented to the Council. He does feel that there are times where someone, other than staff, may have to contact the attorney. They do need to have something in place that when anyone, regardless who they are, contacts the attorney, the rest of the Council is made aware of why he was contacted and what the response is.

Bettinger said he still has concerns about this. It would be nice if everything went through the Clerk. Then everyone would know who asked what and what the response was.

Bettinger said that the Clerk is the hub for communication and to keep them from violating the Open Meeting Laws. That is why he thinks everything should go through her.

Scheffler feels that there are some situations in which the Mayor needs to contact the attorney, but certainly not on an ongoing basis. He thinks a majority should go through the clerk.

Pilon said that a majority does currently go through the Clerk. He thinks that it is to the benefit of the Council to have the ability to contact the attorney. They are just setting precedence, by restricting this.

Reighard said that the Council are all equals, but the Mayor has more authority to contact the attorney over the rest of the Council. They need to be informed what the contact is about. That is what needs to change. Pilon thinks that getting information in a timely fashion with appropriate detail solves that problem.

**Bettinger amended his motion that everything goes through the Clerk, unless it is an emergency situation or an employee situation, and that all communications with the attorney by staff or the Mayor be given to the rest of the Council.**

Pilon said that sometimes what is communicated loses something in the translation. He thinks that Council having direct access is still valuable to the Council.

Rainville believes that the Mayor should have the right to contact the attorney. He is the highest elected official in the City. There has been no proven abuse. She agrees with Reighard that they should all be informed about what is going on.

Reighard agrees with Bettinger's motion, because it does allow the Mayor to contact the attorney. Also, associated with that, the motion should direct staff to advise the attorney what the City is expecting of him and provide documentation on all communication with attorney, staff included.

**Scheffler seconded Bettinger's motion.**

Pilon thinks that they are heading down a dangerous precedence here, to say we are relying 100% on staff and the Council becomes minimized. That is an important avenue to keep open. Reighard doesn't have an issue, as long as the entire Council gets everything relayed to them as well.

**Bettinger and Scheffler in favor of Bettinger's motion; three opposed. Motion failed.**

**Reighard made a motion to leave the contact with the attorney to the Mayor and City Clerk and that all communication to and from the attorney, by and between the Mayor, Clerk or other Council Members, be forwarded to the rest of the Council, as soon as contact is made; Rainville seconded. Three in favor; Bettinger and Scheffler opposed. Motion carried.**

- b). **Requests from Public to be placed on the Council Agenda – Pilon made a motion that residents use the Request for Council Action Form and the discussion be at the workshop; Rainville seconded.** Pilon said that they are not excluding anyone and they are available for discussion at the workshops. Bettinger said that, from his understanding, any citizen can request to be placed on the agenda for the workshop and the City Council Meeting. If they are allowed to do that and it is their item, they have taken ownership to that item and want to present it.

Pilon encourages that the Request for Council Action be used. It will help them communicate more effectively. **Rainville and Pilon in favor; three opposed. Motion failed.**

- c). **Renew Embedded Systems Inc. Annual Siren Maintenance Contract (\$527.16 Annual Fee, no change from last year) – Bettinger made a motion to approve the annual Siren Maintenance Contract with Embedded Systems Inc.; Reighard seconded. All in favor; motion carried.**

- d). **Council Directive** – Scheffler said that in the future, he would like to see Council directives followed.
- e). **One Council Member Only as a Non-Voting Committee/Commission Liaison** – Bettinger made a motion to have staff change the code to one Council member as a non-voting Committee/Commission Member Liaison; Scheffler seconded.

Rainville and Pilon think that it is important to include the Roles and Responsibilities of the Chair and Liaison, so they are prepared to have that discussion. Reighard said that this was just a motion to direct staff to get that information; and then at the December workshop, they could define the Roles and Responsibilities.

Bettinger said that is what this is. It is to move forward with the format, and then they can decide on the Roles and Responsibility at the December meeting at that time.

Scheffler thinks that they are two separate issues and should be addressed that way. Rainville asks why it is not done all at one time. If they do not direct staff to have the Roles and Responsibilities, they won't have it for the December meeting. **All in favor; motion carried.**

- f). **Report from Local Government Officials Meetings** – Rainville attended the LGO and give a verbal report regarding the meeting.
- g). **Land Use Change Signs** – Rainville thinks that the Council should move forward with having a sign designed and presented to the Council. **Pilon made a motion to direct staff to see what guidelines are in place for this communication and get prices in regards to that; Rainville seconded. All in favor; motion carried.**

10). **Introduction of New Items:** - No new items presented.

**Rainville made a motion to adjourn at 9:45 PM; Pilon seconded. All in favor; motion carried.**

Respectively submitted by:

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Corrie LaDoucer, City Clerk

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Mayor Jeffrey Pilon