

**CITY OF NOWTHEN**  
**CITY COUNCIL DRAFT MEETING MINUTES**  
**TUESDAY, MARCH 8, 2016 @ 7:00 PM**

The Nowthen City Council Regular City Council Meeting on Tuesday, March 8, 2016 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: Lt. Wayne Heath

**Approve/amend the meeting agenda** — Bettinger added Resignation of Al Viall between items c. and d. under item 4. Rainville would like to move item 6.i. under introduction of new items, she would also like to move item 6.b to be discussed under item 3.c.7.; split item 6.d into the two items for discussion and to remove item 6.h; **Bettinger made a motion to approve the amended agenda; Rainville seconded. Four in favor; Scheffler opposed. Motion carried.**

- 1). **Sheriff Report** — Lt. Wayne Heath gave a little update of Sheriff's Services for the month of February. He indicated that they are still working on getting the reports. Heath wanted to just remind residents of phone fraud and sending money to someone or someplace unknown.
- 2). **Floor Items:** — Bill Schulz, of 18509 Baugh St., said that many times we take for granted all the blessings that we are given. He then introduced Lauren Ingles to offer prayer for all.

Lisa Denny, of 6737 189th Lane, said that she has a concern about the Boulder Point business in the cul-de-sac. The traffic has gotten extreme. She is not opposed to a business being in the neighborhood, but it is the amount of traffic that goes by. She can sit at the end of her driveway and count the cars and 9 out of 11 will be texting on their phones or looking down. She has personally almost been run over two times. This is a big concern for her. How can they get this business to be calmed down or monitored more?

Al Viall, of 22726 Xenon St., said that he thought it was a good time to give a reason as to why he is resigning. When he started out on the Road and Bridge Committee, he thought he could build something.

Viall said that it is not turning out that way. There seems to be people with a personal agenda. The first time, there was a big deal made about the election of the committee's choices and a comment was made that the Council should just disband all the Committees, as they are not needed. Viall said the committee made a good choice appointing their most recently appointed member. This member is knowledgeable, talks and willing to go ahead with things. Viall said that he has been around to a lot of Council and Committee Meetings, to try and find out if there are

things that they could do to help Nowthen move ahead. Last Thursday, there was another comment made on how they voted. It was an overwhelming vote, and as he saw would be best fit for the Committee to work ahead. This Committee would not be the same as it was before. Viall thinks he has gone overboard by visiting a lot of cities to try and help save this City money and move it ahead. That comment made last Thursday is the last of it. He cannot work that way with someone who has a personal agenda. He is not a puppet and none of the people on the board are a puppet. He is sorry he has to do this. He didn't want to do this, but this is the way it has to be. He is not going to stand with people with personal agendas and doubting what they do. They made a good decision and he hopes the Council thinks about that.

Paul Dickey, of 6717 189th Lane NW, said that he lives in the corner of 189th Lane and Dolomite and the Boulder Point business has attracted a lot of traffic. He is concerned about the speed that people are traveling through that area. There has to be something done to get them to slow down. He knows the speed is excessive when driving by. There are a lot of neighbors with little children. They used to ride their bikes there and it used to be a safe place. Now he is concerned about the value of his property going down with this business.

Lisa Stokes, of 6757 189th Lane, said that she and her husband have lived out there for 22 years. The traffic has been out of control. Last fall her husband went down to Boulder Point and talked to them about traffic. He wasn't able to talk to the business owner at that time, so the owner approached them at their house. The owner said that she was willing to work with the neighborhood and see what she could do about putting up some speed limit signs up, or children at play signs up. She has not seen any of that done. Another resident has started a petition with the neighborhood. Stokes had signed it, but she does not agree with everything on the petition. She doesn't want to see the business shut down. She would like some respect coming to the neighbors in the area. There are small children there that would like to be riding their peddle bikes and are not even allowed to play in their front yards anymore.

Stokes said that there were 50+ people that drove through there last Sunday afternoon. There were pictures taken of it and pictures brought to the office. She thought there was an agreement that they were going to take both sides of the road, because it is a horseshoe there, but people continually go down the center of the road. Stokes asked if the City could speak to the Boulder Point business owners about that. They reminded her to remind her guests that there are children in the area and to have respect. When your children cannot even peddle bike in the neighborhood, it is a sad thing to see. They could have a discussion about getting road signs up, so people are not speeding through the area. The business owner said that they already spoke to City about this and that there was an agreement to pay for this. She also seemed concerned about this as well, but Stokes has seen nothing done about this.

Kent Roessler, of 4870 Viking Blvd., said that he wanted to bring to our attention Consent Agenda Item 1.4., Adopt Resolution 2016-05, A Resolution Supporting Principles for Reform of the Metropolitan Council. He said that the Anoka County Commissioner was in during the workshop asking for our support of the initiative. Met Council controls all of the outlying Counties and they are not being fair to the outlying Counties; especially Anoka County in particular. Met Council's focus is primarily on downtown Minneapolis and they are not being fair with their distribution. As we know, Met Council controls the Metropolitan Urban Service Area (MUSA), which is the sewer for the entire 9 County metro area. Met Council denied Nowthen's request as a municipality for expansion of the MUSA through Ramsey, up into City of Nowthen, for the 400+ acres that we have set aside for our Long Range Planning Area. Roessler said that the only reason Met Council denied that request, was because we had poor representation by our City Planner, Liz Stockman. She did not do her job, she did not represent the City well and had the City had representation from a planning company that knows how to deal with Met Council, and knows the rules and regulations, the City would have gotten that approved. That cost this community hundreds of millions of dollars in tax revenue, businesses and everything else. The City had a plan to pay Stockman \$25,000 to \$50,000 to amend our Comprehensive Plan. In that Comp Plan, there were over 400 acres that were set aside in our long range plan for sewer and water services. That area could no longer be sewer and water services. Not only did Stockman charge us the money to create the Comp Plan, now she is going to charge the same amount of money to amend the Comp Plan, because that isn't even a viable option at this time. That is not fair to the people who are sitting on that plan waiting for that sewer area to come to our district. Now they can scrap their long term hold on this, because we cannot get sewer to our area.

Roessler said that he deals with Met Council everyday on all the projects that he develops. He knows how Met Council works and he also knows that it is definitely possible to get sewer and water, if you have the right person working for you and your behalf and that wouldn't cost us extra time. Roessler highly recommends that the City support Matt Look and Anoka County and side with this initiative, so the outlying counties can pool together their resources and then fight Met Council, so they can distribute the money evenly. Right now they are not. They are focused on Minneapolis and the inner city and let the outlying areas go. Roessler asked the Council for their support of the initiative.

### **3). Planning and Zoning**

- a). **Bob and Mary Swanson** — (PID 24-33-25-34-0002) — A request for an Interim Use Permit to allow outdoor sales within the C-1, Commercial Zoning District and an increase in the number of vehicles being sold from what was approved by the Town Board on June 12, 2001. — **Rainville made a motion to approve the request from Bob and Mary Swanson for an Interim Use Permit, as recommended by Planning and Zoning and the City Planner and adopt the Findings and Decision dated March 8, 2016 with the following changes: Condition #3 to be changed to "not exceed 136 (9 customer spaces, 9**

**employee spaces, and 118 vehicles for sale); items #8 and #9, accept the Planners recommendations on the islands and types of trees; delete item #10 (driveway access to Hwy 47) and item #12 (requiring paving the first +/-300 feet of 199th Ave); Bettinger seconded. All in favor; motion carried.**

- b). Recommended Appointment to P&Z — Kristin Moan & Kelly Pearo — **Rainville made a motion to table this recommendation; Pilon seconded.** Rainville said that they have previously interviewed candidates and it was her understanding that those candidates would be contacted to see if they were still interested in serving on the Commission. Her understanding is that Jeryl Eidsvoog had not received contact from the City staff. Eidsvoog is still interested in the appointment, so Rainville would like to have her name brought back forward. LaDoucer said that all previous candidates were contacted. Those who did not answer the phone were left a message to contact us if they were still interested and we did not hear from Eidsvoog.

Reighard said that if that is the case, where a message was left and none were returned, he doesn't have a problem with moving forward with the recommended appointments of the two candidates.

Jeryl Eidsvoog got up and stated that she was in Mexico for 2.5 weeks and any of the messages she got during that time were garbled because service was so terrible out there. As a real estate agent, she gets many messages. If there is any way for the Council to reconsider for her to reapply, she would appreciate it.

Pilon said originally there was an interview process and a number of candidates were interviewed last summer. During that process, they had determined that the openings were not properly communicated. Then the policy was changed, which created more openings on the Commission. Pilon thinks that in light of this, he thinks it is reasonable for Commission to hear those interviews again. Pilon said that he would like to re-interview the applicants again. **Four in favor of Rainville's motion; Bettinger opposed. Motion carried.**

c). **Code Enforcement Direction**

- (1). Eisenschenk — 7038 Old Viking Blvd — Bettinger said that the City staff has been working with Eisenschenk for quite some time and he doesn't think that we are making any progress. Rainville thinks that we send one more letter and if no response, then send it to the attorney. Stockman said that they have sent some letters, but no contact at all. **Pilon made a motion to have staff send another letter with a deadline date and if they don't respond, submit it to the attorney for further action; Bettinger seconded. All in favor; motion carried.**
- (2). **Dan Larson** — 19066 Jasper Street — Stockman provided a time line of when cleanup progress is supposed to be made. **Rainville made a motion to move forward with the cleanup goals/ to do list, with the change of 10-12 cars removed in items #2, #7 and #8 of the goals and to have**

**Stockman work with the Larson's on the goals. Pilon seconded. All in favor; motion carried.**

- (3). **Jerry Bauer** — 21226 St. Francis Blvd — **Bettinger made a motion to grant Mr. Bauer until the end of March 2016 to clear up the business from his property; Reighard seconded. All in favor; motion carried.**
- (4). **Harvey Greenberg** — 8040 Viking Blvd — **Rainville made a motion, that given some health issues of the resident, she would like to hold off with code enforcement until he is in a better position to have discussion with staff about cleanup efforts.** There are many other issues on the code enforcement list that they have been working on longer; **Pilon seconded.**

Scheffler would like to see of some type of acknowledgment from Greenberg that he is aware of the issues. Stockman said that she has spoken with the Greenberg's and they are aware of the situation. They would prefer the trailers not to be there, but they are unsure what to do with remains of the business contents. Given his health, he would like more time. Scheffler said that there has not been any response from him as to what he is going to do with the trailers.

Pilon said that because of his health issues and winter, they were hoping they would recover some and draw up a plan. As long as they are working and talking with staff on this matter, he should be given more time.

Bettinger said that the city has other properties in the commercial areas, that have received complaints, and we did not grant them an extension. We made them move forward at a faster rate. For instance, Burns Auto Sales. That is in the commercial zone. There are health issues there, but they weren't granted additional time to come up with a plan to deal with the violations. Bettinger thinks that everyone needs to be treated the same. He doesn't think that we are asking a whole lot from Greenberg. Some type of recognition, like a letter with a plan to come into compliance. We have received a complaint on this property. On the Rohach property, there wasn't even a complaint, yet we have attorneys involved with the clean-up issues. Greenbergs need to recognize that there is an issue there that needs to be remedied and come up with a time line when this needs to be cleaned up.

Kent Roessler said that he agrees that everyone needs to be treated the same, but the day that Greenberg was notified of his violations, he just came home from a cancer treatment at the hospital. Mr. Greenberg does not understand exactly what is going on. He would say he isn't aware of the ramifications. He would beg us to give him a little time.

Pilon said for clarification, the condition with Burns Auto was a violation of their CUP. There were businesses on that site that weren't legal and

unauthorized. It is different than what is going on with Greenberg. There still needs to be a place, in our small community, for some compassion. We do have a patriarch here, who has been recovering from health issues. We should let the staff continue to work with Greenberg

Reighard doesn't have a problem with holding off for a little bit, but how long. Rainville said to give him 60 to 90 days. **Rainville amended her motion to give Greenberg 90 days before the City contacts him again; Pilon seconded the amendment.** Stockman said that she did discuss with Greenberg about getting some assistance and he resisted. He appeared fully aware what is going on. **All in favor; motion carried.**

- (5). **Andrea Keacher** — 6612 189th Lane — Stockman spoke to Keacher about the recent event she had at her property and Keacher indicated that she will forgo that event in the future. Stockman also asked her about amending her IUP and Keacher said no she will just continue to comply with the conditions. She is in conformance with her IUP regarding the horses. As far as the traffic issues, that is not Keacher's responsibility. Stockman would recommend that we continue to monitor the situation.

Pilon said that item #9 of the IUP says that if there are additional events, which vary from the horse events, an amended IUP would be required. Stockman will ask for the history of events that Keacher has been offering and bring that information back to the City Council. .

Reighard wonders if it would be valuable to have Keacher pay for some signs that say Children at Play. Pilon said that there was nothing regarding parking in the IUP. Bettinger said that they can look at posting no parking on this side of street. Rainville would suggest having conversations with the residents about that first, because it would affect them directly. **Scheffler made a motion to move forward with monitoring the situation and get feedback from the Planner on what is going on; Rainville seconded.** Ruppe said that posting a sign of no parking would require an ordinance. **All in favor; motion carried.**

- (6). **Randy Barrows** — 18554 St. Francis Blvd — Stockman said that she went on site and there were several unlicensed vehicles and junk. She gave him until 6:00 pm today to remove the items. He did get rid of all the cars. There are two trailers that are legal to have there. To Stockman's knowledge, there is no more painting or other activities being done in the garage. Stockman will contact Barrows to ask for permission to visit the inside of the garage. **Pilon made a motion to have Stockman follow up with Barrows for a site inspection; Reighard seconded. All in favor; motion carried.**

- (7). **Ronald Vieths** - 9067 190th Ave NW — Schreder said that once the compliance issues are addressed with the Vieths, he gets the indication that

they will work with the City on the issues. He would like the opportunity to allow time to work with them on the property cleanup. **Pilon made a motion to allow staff to prepare a cleanup time line plan and to work with Vieths on this and to table the discussion on the disputed fire call until then; Rainville seconded. All in favor; motion carried.**

- d). **Proposed Staffing Needs** — Schreder provided the City Council with some further information regarding the need for an additional staff. He explained that the fees for service are dedicated for review, inspection and retention of documents. His recommendation is to look at a seasonal inspector for the short term needs and then monitor the situation and come back with a plan for long term needs. This would allow the most flexibility.

Bettinger asked Schreder what is the average number of hours are being spent in Nowthen. Schreder said that on average, it is about 30-60 hours per week. **Pilon made a motion to continue this discussion until April so more specific details of the needs can be obtained.** Pilon said that as they talked about at the workshop, it is likely this will morph into a full time position. In light of some of the administrative needs in the planning, building and public works departments, we are recognizing that there are a lot of administrative and clerical needs. Pilon would like to see how the Clerk/Treasurer has as an overall plan and how it fits into filling this position. We need to be aware of all the duties done by administration.

Pilon said that there was talk at the workshop about how much planning support could be done by an in-house staff person, as opposed to contracted services. If we can put together that whole plan, it would be more appropriate to say this is how the seasonal person fits in. Pilon would like to also see in place, how the plan is laid out for seasonal employees review and where their direction comes from. **Rainville seconded Pilon's motion.**

Schreder indicated that these needs are in addition and separate from the retiring position. The clerical areas that he was referencing are solely concerning the Building Dept. It is not something that LaDoucer or the front office would be encountering. The attention to document management has been increasing over the years.

Pilon knows that it is completely separate and they do realize that LaDoucer's staff is taking a fair amount of the administrative part of the building, some planning and the maintenance department. Separate from that position, they are looking at what could be done internally to cover administratively public works, planning and building activities.

Schreder said that his primary focus is on field inspection, because that is where we need the most help. An additional benefit is to have a person who is familiar with building plans and documentation that is required per the building code. He cannot stress enough that it would be separate and in addition to any staffing

requirement. The way this would be structured would give the City the most flexibility. To wait any longer would be really putting us behind. There is a summary that shows the City is bringing in substantially more permits than we are staffed for. Pilon would like to define this before we move forward.

Bettinger said that the previous Building Official handled the whole permitting process, including the setbacks, and little was sent to the planner. Is that something the City could go back to, if we had a Building Inspector? Schreder said that they could look at that configuration. It has been his experience to have your own in house Building Inspector, also acting as a Zoning Administrator, is putting too much on one person. The Building Official, Planner and Engineer are three separate entities with separate disciplines, licenses and certification requirements. The way Stockman, LaDoucer and himself envisioned this position, is that they would be doing the routine zoning reviews.

Schreder is asking for some latitude to hire a seasonal position, as needed. The history shows the money is there. Schreder would like to think that they have proven themselves as reliable and trustworthy in order to monitor those needs. He could provide additional information if they want, but in the short term, this is what is needed.

Bettinger thinks that the funds are there to support a full time Building Official and the work is there. He doesn't think a site review and general setback reviews are necessarily the planner's job, this could be something a Building Inspector could do. A lot of those things could be done by the Building Department and could that could cut back the Planner costs. We need to either justify our building fees or lower them, because they are supposed to offset each other.

Schreder said that they do need help and this is the best solution that they can come up with. It gives us the ability to monitor our needs. If we did move forward and hire our own full time Building Official, you have benefits to pay. Then if the market goes down, you are stuck holding the bag. This gives us the most flexibility.

Reighard said that the way this is proposed right now, we would not pay benefits, so he wouldn't have any objections into giving this a shot and see how this works out. The funds are there and the need is there. Scheffler agrees with Reighard to a point. It would be worth giving it a try. He would like to see a reduction in the number of hours that we pay Stockman. If we do this for a 6 month trial and get those types of results, he doesn't see why we wouldn't give it a try. This also gives the Council time to discuss this further. We could then work on a plan this way.

Rainville agrees that bringing someone in will reduce some of the hours from St. Francis. We would still be paying for those hours, but at a reduced rate, because we are not paying benefits. One thing that we do have to be careful of is that the zoning piece of this position is going to be at the very entry level in regards to zoning. When you look at costs associated with zoning, it is with the more

complex projects. Looking at setbacks of a pool or deck is not going to be saving us a lot of money. Going with a six month pilot program is a good idea, and they can see how that works in a bigger picture. Rainville thinks that both Stockman and Schreder have brought information that having someone doing both the building and planning doesn't always work. The City needs to look at long term of what the staff is going to look like in the future.

Schreder said the best way to look at the health of a building dept. is over several years time. **Pilon in favor of the motion; Four opposed. Motion failed.**

**Reighard made a motion to move forward with hiring the seasonal Building Inspector that Schreder recommended, at the rate of \$20 per hour; Bettinger seconded.** Rainville asked Attorney Ruppe if there are any requirements that they need to adhere to with hiring the person Schreder recommended. Ruppe said there are not any requirements. **Four in favor; Pilon opposed. Motion carried.**

- e). **Planner Services Discussion** — Bettinger made a motion to refund \$500 to Roessler, as he thinks that the City was responsible for some of the extra fees that were charged. Bettinger himself, publically apologized, on Nowthen's behalf, because of the way the loss of the permit was handled. Bettinger is not pointing fingers, but the City misplaced Roessler's septic file and because of that, there were additional fees. Reighard seconded.

Reighard agrees with Bettinger to an extent, but said that the misplacement of the permit doesn't warrant the \$2,500 refund that Roessler was requesting. He said that there were some issues and we did have the file, so he doesn't have an issue with refunding the \$500 that Bettinger is suggesting.

Rainville asked if they would be setting precedence in refunding this. Ruppe said that they would not be, everything is on a case by case basis.

Stockman said that the septic permit was basically a miscommunication. She was trusting what the City told her, since it was a City issued permit. It wasn't anything meant to be harmful or illegal, by stating that we didn't have it or it wasn't issued. She did not know any better, based on the information that she had. Stockman is sorry for the miscommunication, but she also wanted us to know that there was little time, on her time, spent on the septic issue. It was the in house City staff who spent time on trying to locate the file in the office.

Rainville asked if the \$500, Bettinger is proposing for a refund, was coming from City funds and not planner funds.

Bettinger said it would be City funds. He also thinks that Stockman did spend time on it because there were emails and a letter wrote up about a non-compliant septic. Bettinger said that unfortunately the file wasn't where it was supposed to

be. Let's just accept responsibility and move on. Rainville just wants to clarify that the City miss filed it and not the Planner.

Stockman indicated that the septic was a unique situation that required a lot of researching for history. From the time the application was received to the time that the Building Official actually got what was needed to prove that they had a secondary sight was a significant amount of time.

Pilon also extended his apology, on behalf of himself and the Council, for the confusion and the misrepresentation, in our inability to find something quickly, that it may has caused Mr. Roessler. Roessler accepted the apology. All in favor of Bettinger's motion; motion carried.

#### **4) Road and Bridge**

- a). Proposed Budget Transfer — **Rainville made a motion to table this matter until the City Council has a chance to consider a transfer policy and procedures. Pilon seconded.** Bettinger said that they already have money available for transfer and they could work on a policy as well. He said that there is a deficit in the equipment fund and he doesn't think there is a need to wait for a policy and he would like to see them move forward with a transfer tonight. Pilon said that anytime they do a funds transfer, a policy is important. He thinks that they should have a policy in place and follow that policy. If there is a need for those funds, they can address it at that time.

Reighard asked if we want to set a time lime for getting a policy in place. Based on the Capital Improvement Plan (CIP) and the equipment that is recommended for replacement this year, he doesn't want to drag this out. Pilon said that at this time, there is currently money in the Capital Equipment Fund to use for this year. If they need to purchase equipment they can act on that if needed. Bettinger said that the money is just sitting in the Road and Bridge Fund. Pilon said that the reason to transfer to a CIP is to lock the funds so they are not used for other uses. Bettinger said there is a need to purchase a one ton truck this year. Pilon doesn't see the urgency to lock up the money at this time. **Four in favor; Bettinger opposed. Motion carried.**

- b). **Approve Dust Control Bid** — Northern Salt Incorporated — **Bettinger made a motion to approve the bid from Envirotech in the amount of \$32,408.64 and if they cannot complete the project by the deadline date of June 17, 2016, go with Northern Salt Incorporated; Scheffler seconded. All in favor; motion carried.**
- c). **Approve Capital Improvement Plan** — **Bettinger made a motion to approve the Capital Improvement Plan (CIP); Scheffler seconded.** Pilon said that this is a target and if the equipment is not needed then we could work with the CIP. **All in favor; motion carried.**

- d). **Al Viall** — Accept Resignation from Road and Bridge. **Bettinger made a motion to accept the resignation from Al Viall and send him a letter of recognition; Reighard seconded.** Rainville would like to ask Viall if he would like to reconsider his resignation. Viall would reconsider if they accept the recommended appointment of the committee. Pilon agrees that he would like to see a seasoned member stay on. Rainville would ask the Council's consideration to swap the agenda items and then have Bettinger withdraw his acceptance of the resignation. Bettinger said that he didn't feel that interview process was handled correctly.

Pilon didn't know there was a problem. He would like to see the acceptance of the resignation voted down and then move forward with the appointment. Bettinger said that the candidates where not asked the same questions. Reighard said that he didn't know that this was tied as well. If the committees are going through another interview process, he would hope that they would be consistent with the process. Reighard would hope that Viall would reconsider his resignation, but he would hope that the candidates would go before committee again. **Bettinger withdrew his motion to accept the resignation.**

- e). **Recommended Appointment to R&B** — Bill Schulz — Don Eldridge? — **Reighard made a motion to have both candidates be interviewed by the Committee again; Scheffler seconded.** Rainville feels that it is redundant. They know the candidates and their backgrounds. Pilon agrees. Rainville said that moving forward; they should give better directions on the process to the committees. She said that there is a lack of policy and procedure. **Three in favor; Rainville and Pilon opposed. Motion carried.** Al Viall pulled his resignation.
- f). **Rent Boom Mower** — **Scheffler made a motion to approve renting the boom mower, as recommended by staff; Reighard seconded. All in favor; motion carried.**

##### 5). **Consent Agenda:**

- 1.1 Approve the January 12, and February 9, 2016 City Council Meeting Minutes
- 1.2 Financial Report
- 1.3 Approve All Audited Bills Claim # 9930 through Claim # 9970, plus Net Distribution reports dated February 8 and February 22, 2016
- 1.4 Adopt Resolution 2016-05 — A Resolution Supporting Principles for Reform of the Metropolitan Council.
- 1.5 Adopt Resolution 2016-06 — A Resolution adopting the name change of The Bourbon Room Bar and Grill to Bootleggers Saloon & Eatery.

**Pilon made a motion to approve Consent Agenda Items 1.1 — 1.4; Bettinger seconded. All in favor; motion carried.**

**Consent Agenda Item 1.5 — Adopt Resolution 2016-06** — Attorney Ruppe said that the ordinance requires that if an ownership, which a company that has a

liquor license changes, the business has to come forward with a new liquor license. What the applicant in this case has asserted is that they are not changing the ownership characteristics of the business that holds the current liquor license. The owner is merely asking for the City to recognize the name change of the restaurant. The City was supplied with the documentation and letters from their attorneys showing that the actual underlying ownership there isn't going to be a changing. One of the current owners is bowing out and transferring their shares of ownership to the other current owner. Ruppe indicated that the ownership may change in the future, but it could be done with the renewal of the liquor license.

Ruppe said there was question about Sam Eastey acquiring the name of Bootlegger Saloon and Eatery. That was done to protect Eastey as a LLC lien holder. As the developer of the property, Eastey financed some of the equipment purchases. This does not preclude Eastey for acquiring business ownership interest in the future.

Since the state has asked for documentation recognizing the name change, Ruppe is recommending the Council approve adopting Resolution 2016-06.

**Bettinger made a motion to adopt Resolution 2016-06, A Resolution adopting the name change of The Bourbon Room Bar and Grill, to Bootleggers Saloon & Eatery; Scheffler seconded. All in favor; motion carried.**

**6). Council Items:**

- a). **Proposed Roles and Responsibilities — Commission/Committees — Rainville made a motion to forward the Roles and Responsibilities to the Committees/Commissions for their review and recommendations; Pilon seconded.**
- b). **Recycling Center Improvements — Scheffler made a motion to approve the purchase of a grey storage container for the recycling center, in the amount of \$2,600, from Brian Dreesen; Reighard seconded. All in favor; motion carried. Pilon made a motion to authorize Scheffler to move forward with a concept plan of adding onto the recycling center, with the possibility of office space; Bettinger seconded. All in favor; motion carried.**
- c). **Employee Reviews — Rainville made a motion to table the employee reviews until the Council defines the process as to who reviews who and when the last reviews were. Bettinger seconded. All in favor; motion carried.**
- d). **Wage increases — Bettinger made a motion to give all the full-time employees a 3.5% COLA increase, as they had not had any raises in the**

**past 8 years; Scheffler seconded.** Reighard would like to just state that it is a COLA increase since they have not had one in 8 years.

Rainville said that she is not in opposition of giving employees a raise, but she believes that before they do that, the Council should have the bigger picture. They were on a path of accepting Request for Proposals (RFP's) that would have given them a bigger overall picture of the wage and compensation of the staff. The wage study that was done for Union negotiations showed that a majority of the employees were being paid on par or above peers with like jobs and city sizes. It didn't include the benefit package. She thought they were making good strides going out for RFP's, and then all of a sudden, they got stopped on that path. Then the next thing was Council giving staff direction to say, what type of raise you think you should have. They came back with a 10%, in a scale.

Rainville said the Council still doesn't know how the scale is going to be used or where people are going to be placed if they are currently on the top of the scale now. She still thinks there is a lot of work to be done on that. There are issues that play into the 8 years and part of it was the Council's inability to do anything based on the action of the employees by petitioning for a union. The City expended a good amount of money on legal fees and Council salary to negotiate a contract. There were 3 employees included in that contract, two which sat on the negotiating committee. That committee came up with a temporary agreement on everything in the contract. Not everyone got what they wanted and had the contract been voted on, the employees would have gotten raises. Rainville said they you have to look at the current economy and everything happening within it.

LaDoucer indicated that she did what she was directed to do by contacting other cities and find out what COLA increases were given to their staff over the last 8 years. It was not staff's intention to show they were asking for a 10% raise, staff was just doing what they were asked to do.

Rainville said there was no comparison to those percentages. We are a small town with a small pot of money. We need to spend that money wisely and by just taking percentages and adding them up, isn't realistic. She thinks that they need to go back to the RFP's.

Reighard said they directed staff to obtain COLA increase from different communities for the last 8 years. The Council looked at the range of what staff came up with for that time period. If you start from 2008 to now and added them up, most came up to around 16% over that time period. The 10% was never suggested as a pay increase or raise. He thinks Rainville is sensationalizing that. The Council never once suggested a 10% pay increase. The pay ranges are based on current staff, and the ranges were adjusted based on COLA increase, which the Council determined by the numbers given both from other communities and the Social Security COLA's. All that

was done was adjusting that range by 10%. No pay increase was discussed based on the 10%. People are saying that staff is going to get 10% and they are not. The Council only adjusted the pay range, not anything else. What was budgeted for back in September was a 3.5% increase and that is what is on the floor now.

Reighard doesn't think a 3.5% increase, from 2008 to now, is out of line. He also thinks the Union has nothing to do with what is being discussed now.

Rainville understands that the 10% was the wage scale but sometime, in the future, that 10% is going to eventually play into this. The motion back in January wasn't to get COLA increases and she felt Social Security increases aren't relevant. When they discussed the 3.5%, they looked at 3.5% of the employee wages and did not factor in PERA, Social Security, Medicare, Workman's Comp. or benefits to be paid to a retiring employee. So to say it is just a 3.5% raise is true, but there are still more expenses that the Council has not taken into consideration.

Reighard said they could beat this to death. He is basing his decision on the information that was given by all the other communities. Just COLA increases that other communities gave their employees, not including raises, totaled roughly around 16%. If the Council proposed a COLA of 3.5%, we are by no means out of line.

Rainville agrees with that but what her issue is, all the additional expenses associated with the 3.5% increase that has not been discussed or budgeted.

Pilon said that there are 4500 residents that expect the Council to be thorough in their deliberation. This issue was discussed the first month this current Council was together. There have been several items that have not been addressed with this. When it was discussed to have a survey done, all the RFP's were rejected. Then Council directed staff to take a look, without really giving any guidelines. It has come up that the staff needs a raise because they haven't received one in 8 years, but the Council doesn't know how we truly compare apples to apples. With that being said, he would think the residents would want them to do their due diligence.

Bettinger said it was a mutual agreement not to move forward with a wage study. He said that it was discussed January 2015 and here we are a year later and nothing still has been done. Pilon said this was discussed over a year ago, but where are the justifications and the comparisons. There is no context in 8 years.

**Three in favor of Bettinger's motion; Pilon and Rainville opposed.  
Motion carried.**

- e). **Council Wages** — Proposed revision to Ordinance 2012-01 — **Rainville made a motion to table this matter until there can be further discussion at a workshop; Pilon seconded. Four in favor; Bettinger opposed. Motion carried.**
- f). **Ham Lake Chamber of Commerce Gambling Proceeds** — **Pilon made a motion to approve the acceptance the Ham Lake Chamber of Commerce Gambling Proceeds of \$683.77 and apply those funds to the future painting of the City Offices; Scheffler seconded. All in favor; motion carried.**
- g). **Minnesota Mayors Annual Conference & LGO** — **Rainville made a motion to approve Pilon to attend the Mayors Annual Conference and to approve any of the Council Members to attend the LGO Meeting and that reimbursement is based on current policy. Pilon seconded. All in favor; motion carried.**
- h). **Purchase Agreement** — Offer received to purchase Lot 1 Block 2 Burns Town Center — **Bettinger made a motion to accept the offer to purchase Lot 1 Block 2, Burns Town Center in the amount of \$78,400 from Craig Pantekoek, contingent upon him resigning the purchase agreement and that his \$400 earnest money clears the bank; Reighard seconded. All in favor; motion carried.**

**7). Introduction of New Items:**

**Request Discontinued Use of Conceptual Frontage Road Plan** — Scheffler would like this added to the workshop for next month. This is something that he brought up at the workshop and everyone had a chance to comment on it and no one did. Pilon thinks that a lot of work went into a Conceptual Frontage Road Plan. He thinks there needs to be a lot of discussion on this matter before we consider discontinuing the use of this plan. Rainville would like more detail on this. Bettinger said that this is just a concept and not set in stone and they don't need to force this upon every property owner. Rainville would like to have some type of documentation to look at.

**Rainville made a motion to adjourn the meeting at 10:15 PM; Bettinger seconded. All in favor; motion carried.**

Respectively submitted by:

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Corrie LaDoucer, City Clerk

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Mayor Jeffrey Pilon