

**CITY OF NOWTHEN  
CITY COUNCIL MEETING DRAFT MINUTES  
TUESDAY, APRIL 12, 2016 @ 7:00 PM**

The Nowthen City Council Regular City Council Meeting on Tuesday, April 12, 2016 at 7:00 PM, at the Nowthen City Hall, 19800 Nowthen Blvd NW, Nowthen, Minnesota.

Present:

Mayor Jeff Pilon	Councilmember Paul Reighard
Councilmember Randy Bettinger	Councilmember Jim Scheffler
Councilmember Mary Rainville	Others: Lt. Wayne Heath

**Approve/amend the meeting agenda - Rainville made a motion to approve the amended agenda, as presented tonight; Reighard seconded. All in favor; motion carried**

- 1). Sheriff Report** — Lt. Wayne Heath gave an update of the Sheriff's services for the month of March. He provided a partial list of calls for service. He indicated that another fraud complaint was made of stolen identity and reminded people to keep their credit card information safe. April 11th -15th is severe weather awareness week. Heroin and opium deaths are increasing in the County this year. He wants to make everyone aware of the Prescription Drug Take Back Program available at the Sheriff's Office. There are eight (8) drop boxes throughout the County, as well. They can locate a prescription drop off box by visiting the Sheriff's Office website. There is one located at the St. Francis Police Dept. lobby as well.
- 2). Floor Items:** — Bill Schulz introduced Pastor Nathan Kemper from Nowthen Alliance Church to do an invocation.

Liz Stockman, Consulting City Planner of The Planning Company (TPC), 3601 Thurston Ave, Anoka presented the following comments in response to the topic of Planner Services/Planner Fees/City Fees. Discussion at the April 7th CC work session centered around whether or not the City Council (CC) should investigate other options relative to planning services, either in-house or in addition to existing planning services. Stockman said, it is absolutely understandable that the CC wants to ensure that the City's money is being spent wisely, but you have already identified what the issues are:

Frontage Road Plan; cost to get a project approved and misconceptions about what is possible under the terms of the ordinance, or application of existing requirements for processing such as CUPs, IUPs and Variances. There's no doubt that as cities grow, there is a natural progression from consulting services to hired staff, but the City Council needs to think about what's changed in the last 6 years? Same physical environment, growth has been minimal. What's going to be different? All other things are status quo: Comp Land Use Plan, City Code, Ordinances, same direction from the City Clerk, and my relationship to other staff. We are entering the busy season, so it is not a good time to change. There is still the question as to whether there's

physical space for another person in the office. Hiring a different consultant is not the answer. The fact of the matter is that the large majority of the 100+ property owners that TPC deals with each year are satisfied; talk with staff relative to TPC's dealings with people. Step back and examine the issues first: decide whether keeping the pass through fee system is reasonable or whether flat fee amounts should be established for applications with the City's general fund subsidizing any review fees above and beyond. The Council can review the Ordinances and simplify them. They could also recommend an intern to assist, learn and potentially grow with the City. Hiring a U of M student at \$10-15/hour may work; but you would need to define how these roles are different from the seasonal Building Inspector roles.

Stockman stated that TPC was hired to update the City's Comp Plan. Met Council projected growth for this area and required 1000 contiguous acres of MUSA (Urban Service Area). TPC worked on the City's behalf to minimize the damage that Met Council afflicted on a City that had no desire for sewer service. Kept RRA at 1/5 density rather than 1/10 as Met Council suggested. TPC was then hired to update and codify the City Code and Ordinances to match what the City Council laid out in the Comp Plan, created a zoning district for the MUSA. The changes were all reviewed with the Planning and Zoning Commission (PZ) and the City Council prior to adoption, with the understanding that control remains with the City Council requiring approval of subdivisions and major applications associated with commercial/industrial development, thus the use of IUPs. TPC followed the guidance of the PZ and City Council to maintain long established standards, such as lot sizes and setbacks, permitted uses, accessory building requirements and allowance of home businesses; Stockman indicated the most common things that increase the cost of review are: complexity of the site in terms of history, non-conforming structures or uses that need to be addressed, property owner's opposition or deviation from ordinance requirements, lack of requested information or the need to revise or review plans multiple times.

The \$120/hour private rate consultant's fees include component costs such as office/overhead 20%, self-employment tax 15%, other taxes, insurance, cell phone, 90 miles/day round trip for which the city is not charged; no benefits, no vacation or sick leave. TPC reduced city rates 40% to \$60/hour for the day-to-day tasks to make our services affordable. St. Francis, (through last fall) and Oak Grove's part-time consulting Planner to assist the Administrator are the same charged rate as TPC. All communities, with the exception of the larger cities such as Ramsey and Andover, require applicants to pay actual review costs. Cities, with larger tax base, have the means to lower fees to a point where a portion of those fees are subsidized and borne by the general taxpayers. Until Nowthen grows to the point where they can justify a flat fee, the practice of costs being passed through to those creating the need for services (applicants/property owners) and those benefiting from the permits or businesses approved, should remain the same.

Stockman has spent the last five years cleaning up from the lack of planning in years prior: lack of survey information, poorly documented CUPs and no paper trail. She has refined the application and review processes and made huge strides in code

enforcement. Review process which documents the details of each project, not only in plan form, but in writing. The City has transitioned to thorough written reviews; including the history of sites, where important, legally enforceable documentation in the form of findings and IUP/CUP conditions. Stockman has built relationships with staff and residents in 5 years. She would welcome feedback from residents for anything that she does; but it needs to be done equitably, it needs to be impartial and it needs to include all city staff with whom applicants come into contact with during the approval process. Stockman would like to continue our partnership as a friendly, welcoming community by continuing the proactive planning approach to preserving our natural resources and encouraging positive development.

### 3). Planning and Zoning

- a). **P&Z Policy on Structure, Meeting Order and General Procedure - Rainville made a motion to table this until the whole Commission discusses the changes and refers it back to the Council; Pilon seconded.** Rainville believes that it is important that the full commission has the ability to look at the existing structure and the proposed changes. Reighard is not one to have extra meetings, but it sounded quit clear to him that P&Z was looking for guidance of the Council as well.

It is Reighard's opinion that the Council should meet with P&Z and work on the policy together. **Rainville amended her motion to table this until a joint meeting with the City Council and P&Z can be scheduled; Pilon seconded. Three in favor; Bettinger and Scheffler opposed.**

- b). Recommended Appointment to P&Z - Rainville made a motion to return the appointments to the P&Z Commission to complete the interviews, as directed by the Council; Pilon seconded. Rainville believes that it is important for all the candidates to be interviewed. They need to have a more defined process, policy, etc. This helps them operate in a professional manner and one that everyone can follow and know what is expected. She thinks it is important to bring those three candidates back to P&Z for interviews.

Reighard said that P&Z already recommended two candidates to the Council. The Council made a decision, because of some circumstances, to send it back to P&Z, but in lieu of what happened at the last P&Z meeting, he would rather get the positions filled and not wait.

Bettinger would also like to move forward and fill the positions. We do have a policy on filling those positions and we did follow that policy. He believes that two candidates were interviewed and recommended for appointment. The third candidate was out of the Country, but was called and notified. Last month, we gave it one more chance and it just didn't work out. He said that they need to fill the positions.

Rainville said that there has been confusion around this; but she doesn't feel that it is fair to the resident that applied to be removed from the process, based on the Council not being able to decide on how to move forward.

Pilon said that he understands the desire to get back to 7 members, but he thinks that is part of what they are trying to communicate to the public, and that they get a chance to participate and be interviewed and that the Commission gets a chance to express themselves. He thinks it is important to the residents that they have a fair shot after hearing all the candidates; it is worth it. He would recommend that they proceed as motioned by Rainville. **Two in favor; Three opposed. Motion failed.**

**Reighard made a motion to appoint Kelly Pearo and Kristin Moan to the Planning and Zoning Commission, as previously recommended; Bettinger seconded.** Rainville cannot support that and it is a bad precedent to set. Pilon would vote against the process. **Three in favor; Rainville and Pilon opposed. Motion carried.**

- c). **Glenn Hammer - Approve courtesy lot split - Scheffler made a motion to adopt Resolution 2016-07, A Resolution Exempting the Hammer Property from the Nowthen City Code, Chapter 10, Subdivision Ordinance; Bettinger seconded. All in favor; motion carried**
- d). **Code Enforcement Direction —**
  - (1). **John Rohach — 21202 St. Francis Blvd — Rainville made a motion to have staff work with the resident for compliance and have a completed to-do list done by April 21st. Reighard seconded. All in favor; motion carried.**
  - (2). **Jerry Bauer — 21226 St. Francis Blvd — Rainville made a motion to have staff continue to try and contact the owner and continue the progress and have a report by the May meeting; Pilon seconded. All in favor; motion carried.**
  - (3). **Andrea Keacher - 6612 189th Lane - Rainville made a motion to have staff continue to monitor for compliance; Scheffler seconded. All in favor; motion carried.**
  - (4). **Gary Scott — 21830 Xenon St. — Rainville made a motion to allow staff to waive the remaining fee for the Demolition Permit; Pilon seconded. Scheffler would like to go ahead and issue that permit, but he would rather see the amount postponed and not forgiven. If things don't go right, the City may have to pay for the removal itself and this fee can go towards the overall costs.**

Bettinger thinks that the fee can be put on hold until the fall; and at that time, they could consider assessing them if needed. In the meantime, allow the resident to proceed at this point. Rainville withdrew her motion at this time. **Scheffler made a motion to have staff issue the demolition permit and collect payment at a further date; Bettinger seconded.**

Rainville said that this motion can also set precedence. Scheffler said that with this case, we are trying to move forward and help the homeowner. He

doesn't see precedence unless they were to waive the fee entirely. Rainville said that she was not suggesting forgoing the fee; but if they would negate the other half, they could start with the demolition tomorrow. Pilon said that there were a number of residents that were cooperative last year and they did waive a lot of money on those. If this moves us forward and keeps the bill open, the homeowner could proceed with the demolition and the Council could take it up with the other assessments at the end of the year. **Scheffler amended his motion to state that the home owner can be allowed to proceed and the billing would stay open and the Council can continue to assess the progress; Bettinger seconded. All in favor; motion carried.**

- (5). **Harvey Greenberg** — *8040 Viking Blvd* — Kent Roessler stated that he met with Greenberg and they came up with a plan to remove the trailers. The letter from Greenberg read as follows: "Dear City of Nowthen, the semi-trailers located in my yard have items from my old business stored in them. The items are manuals, parts books and specialty tools, etc., that take a special buyer and some time to sell. I need the items close to me because I am old and don't drive much. When Liz Stockman stopped at my house, I just got out of the hospital 2 days prior and was on a lot of medication during my operation and did not fully understand what was going on. Now that Kent has stopped over, I am feeling much better and understand the situation. I am 84 years old. I don't have any money. I don't have much help with the trailers because most of my family is out of state. Most of my friends are my age and my health is not good and my insurance doesn't cover young people that I would have to hire. I'm in a really bad situation and don't exactly know what to do right this minute. I feel really bad about the City being upset with me. I intend to sell the manuals and the rest of the stuff, as soon as it warms up and dries out. I can sell the trailers, once they are empty. I will line up the rest of the stuff and try to put them behind the garage, so you can't see them from the road. Hopefully by fall, everything will be done. Please don't send any more of your people out and if you do, at least have the courtesy of giving us a phone call before they come. I am 84 years old, and the last thing I need is to be harassed by Liz Stockman".

Rainville would ask to direct internal staff to draft a to-do list and attach Greenberg's letter to it and to have a fall completion date. **Bettinger made motion to allow Greenberg until fall to clean up the property and address it at that time; Scheffler seconded. All in favor; motion carried.**

- e). **Planner Services** — **Scheffler made a motion to review this at future workshops to consider all the Council's options on how they provide planning services; Rainville seconded.** Rainville would ask to add to direct staff to draft a RFP for planning services for the City of Nowthen. The end

product should define what services are going to be requested, a reporting structure for the Planner and what is a good mixture between internal and external and where everyone is going to fit into it. She would like to see staff come back with some detail as to what they think is beneficial for the City to have going forward. She said they need to look at the big picture first, and then hone it down from there. Scheffler said that it would be helpful to have staff bring that information, so they can have that discussion at future meetings. All in favor; motion carried.

- 4). **Building Department** — Recommendation of purchasing a workstation computer — **Bettinger made a motion to move forward with the purchase of a workstation computer and printer for the Building Inspector, in an amount not to exceed \$2,000; Scheffler seconded. All in favor; motion carried.**

5). **Road and Bridge:**

- a). **Recommended Appointment to R&B** — *Bill Schulz* — **Bettinger made a motion to appoint Don Eldridge to the Road and Bridge Committee; Scheffler seconded.** Bettinger said that the R&B Committee recommended appointing Bill Schulz, but he thinks that Don Eldridge is more qualified for the position. He thinks that he is the best qualified candidate. Rainville cannot support that. The committee twice interviewed and twice recommended the appointment of Bill Schulz. Reighard agrees with Rainville, those recommendations should be trusted and recommend who they put forth. **Bettinger and Scheffler in favor; three opposed. Motion failed. Rainville made a motion to appoint Bill Schulz to the Road and Bridge Committee, as recommended; Reighard seconded. Three in favor; Bettinger and Scheffler opposed; Motion carried.**
- b). **Adopt Road and Bridge Roles & Responsibilities** — **Bettinger made a motion to approve the Roles and Responsibilities, with the addition of the number of members and what constitutes a quorum; Rainville seconded. All in favor; motion carried.**
- c). **Pre-purchase Fuel** - **Bettinger made a motion to pre-purchase 4,000 gallons of fuel at \$1.69 per gallon; Scheffler seconded. All in favor; motion carried.**
- d). Recommend to direct staff to obtain pricing for 2" overlay for Old Viking and the Rogers Lake Development - Bettinger said that this is for informational purposes only. The Road and Bridge Committee is working on reviewing this and getting additional information together.

6). **Park and Recreation:**

- a). **Adopt Park and Rec. Roles & Responsibilities** - **Reighard made a motion to approve the Roles and Responsibilities, with the addition of the number of members and what constitutes a quorum; Rainville seconded. All in favor; motion carried.**



- b). **Recommended appointment to P&R Committee — Cassie Reis — Reighard made a motion to appoint Cassie Reis to the Park and Rec. Committee, as recommended; Rainville seconded. All in favor; motion carried.**
- c). Earth Day/Park Clean-up — April 22, 2016, 4:00 pm to dusk — **Reighard made a motion to allow the Park and Rec. Committee to have a Twin Lakes Park Clean-up date on April 22, 2016 from 4:00 pm to 7:00 pm.** Date to be put on the electronic sign and to post at other posting locations. City to provide the bags and staff to pick up bags; **Rainville seconded. All in favor; motion carried.**

**7). Consent Agenda:**

- 1.1 Approve the March 8, 2016 City Council Meeting Minutes
- 1.2 Financial Report
- 1.3 Approve All Audited Bills Claim # 9971 through Claim # 10027, plus Net Distribution reports dated March 7, March 21, and April 4, 2016. 1.4 Northwest Diamonds - Lawn maintenance service agreement

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

**8). Council Items:**

- a). **Discuss Appointments to the URRWMO & Proposed 2017 Budget — Bettinger would like to leave the appointments to the URRWMO Committee, as is; Scheffler seconded.** Reighard agrees, but he would like to remind the members they are representatives of the City and to act appropriately to that effect. Pilon said they also want to remind the committee members to be respectful of the position. **All in favor; motion carried.** Bettinger said that the budget is for discussion purposes only, but the Council will still have time to review and get comments to the URRWMO before May 3rd.
- b). **2016-2017 Chamber of Commerce Map - Does City want to purchase Ad - Rainville made a motion to approve the purchase of a \$230 ad to be placed in the Anoka Area Chamber of Commerce Map with the Nowthen Logo and the caption "For Development Opportunities Call 763-441-1347"; Pilon seconded.** Rainville had compared the Chamber map with the City map and found it to contain everything. She suggested maybe not ordering as many of the free maps in the future, so we don't have to store and try to distribute as many. Reighard is not opposed to putting in an ad; but he wants to know if there is any way it can be tracked that people are using the map so the City can get a return of their investment. He wonders if we can track how many maps we get and how many we give out. Scheffler agrees with Reighard, but when we revisit this next year, he would like information about this in the future. **All in favor; motion carried.**

- c). **Eldon Farb - Offer Letter** (*Request City to purchase Gladys Farb property CR22/47*) - Rainville made a motion to direct staff to send Eldon Farb a "Thank You" letter; but at this time, the Council will not be acting upon this request; Pilon seconded. All in favor; motion carried.
- d). **Employee Reviews** — Rainville made a motion to direct staff to report back to Council at the May meeting what our current review policy is, when were the last reviews completed and by whom, what criteria is used for evaluating an employee and the current evaluation form, for Council discussion, going forward. Pilon seconded. All in favor; motion carried.
- e). **League of MN Cities Annual Conference** — Rainville made a motion to approve any Council Member to attend the League Annual Conference and reimbursement will be per current policy, and if the Council Member is unable to register before the early bird registration, they would pay the difference; Pilon seconded. All in favor; motion carried.
- f). **Request Discontinued Use of Conceptual Frontage Road Plan** — Scheffler made a motion to discontinue the use of the Conceptual Frontage Road Plan and to have it removed from the Comprehensive Plan, when the Comp Plan gets updated; Bettinger seconded. Rainville's concerned is if they do discontinue the use, we may end up with a situation that we currently have in front of Bill's Superette, Pine River State Bank, Northwood's and Bootleggers. In that location, there isn't a frontage road; it is basically a walkway from people walking there. We have been fortunate that there have not been any pedestrian incidents there. By removing the Conceptual Plan, she is worried they will not have anything to use when parcels are developed. Scheffler said that we do and always have reviewed the commercial development plans on a case-by-case basis. The City has had the engineer make recommendations on future network of roads, during his reviews. He doesn't think that will change and on a case-by-case basis, we can address the needs for connecting networks of roads. Bettinger said the service road concept is out there in use right now. Those commercial properties mentioned are very unique and don't have a lot of depth. That is exactly what the businesses there wanted. They are privately owned and it doesn't cost the taxpayers a dime to maintain them. That is what was agreed upon and everyone is happy with it and it works fine.

Pilon said that the reason the Council invested in a Conceptual Plan is that part of the idea is the City got a heads up that, depending on density and traffic volume; the roads will eventually be divided roads. As development comes in, if they have at least a concept plan in place, it would be helpful to avoid things that are seen in other cities. The idea was to at least give someone a concept that if they are developing in one of the intersections, and they could work in a backroad plan, that would be helpful in the future development of the City, the safety of those intersections and the effectiveness. It is possible the application of a concept plan has been too stringent, but the plan itself is reasonable.



Pilon thinks this is to help in guiding people. If someone comes in and wants to develop the corner, the idea would be how do you get in and out of the property now and down the road. He thinks that it is worth having that discussion and having the concept plan does that. If we are saying, here is the place the road is and is the only place it can be, that is being too restrictive of individual property rights. The Conceptual Plan was never intended to be that. It was intended to be there as a marker, so people understood that when they are developing on a corner, you may not have safe access, in the future.

Reighard agrees with Scheffler that this could be done on an individual case-by-case basis. They have already learned and heard by many land owners in the area, that they have already missed out on opportunities to sell, because this plan is in place. It is preventing the land owners from making a sale of the property. By the City having this in place and the land owners losing out on the opportunity to sell, it also is a loss to the City for future tax revenues. If the City eliminates it now and handles it on a case-by-case basis, we can cover some on what Pilon is saying as well.

Pilon doesn't think that the Conceptual Plan should be applied as "this is how it's got to be". The developers should be made aware of the plan and the future access issues, in the future. He thinks that it is better to have a Conceptual Plan, which is not set in stone. **Three in favor of Scheffler's motion; Rainville and Pilon opposed. Motion carried.**

**9). Introduction of New Items:** Consensus of the Council on the Recycling Center improvements is to obtain bids on architectural designs.

**Meeting Adjourned - Rainville made a motion to adjourn the meeting at 8:35 pm; Scheffler seconded. All in favor; motion carried.**

Respectively Submitted by:

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Corrie LaDoucer, City Clerk

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Mayor Jeff Pilon