

**CITY OF NOWTHEN
CITY COUNCIL MEETING
TUESDAY, JUNE 14, 2016 @ 7:00 PM**

The Nowthen City Council Regular City Council Meeting on Tuesday, June 14, 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: Sgt. Ann Bluml

Approve/amend the meeting agenda – Rainville requested to move Item 6.1.1 out for discussion. Bettinger added item 5. F. Renting Excavator Equipment. Reighard added item 7. I. Broadband Meeting. **Rainville made a motion to approve the amended agenda; Bettinger seconded. All in favor; motion carried.**

- 1). **Sheriff Report** – Sgt. Ann Bluml stated that things have been quiet. There have been some newer deputies in the area. On Tuesday, June 28th, law enforcement will be having its Annual Torch Run (Flame of Hope) for Special Olympics. It starts at 8:30 am at the Ramsey Police Dept.
- 2). **Stormwater Pollution Prevention Program – Open for Public Comment** - City Engineer Shane Nelson stated that this was an annual requirement to fulfill our annual Storm Water Pollution Prevention Program annual requirement. There were no comments from the public.
- 3). **Floor Items:**
Debbie Mahutga, of 7560 Viking Blvd NW Anoka, wanted to set the record straight regarding the Nowthen employees wanting to check out Unions. She was employed by the City of Nowthen as an Administrative Assistant for over 12 1/2 years from 2003 'til May 2016 and now she is retired. This is the timeline re: Union background
 1. Last raise approved by Town Board - December of 2007
 2. Became City - July 2008
 3. There was no one from Town Board on City Council except Bill Schulz and he was Mayor.

4. The Nowthen Council consisted of: Jeff Pilon, Harlan Meyer, Laurie Olmon, Orval Leistico and Bill Schulz.
5. From that time on, things changed for employees in regards to working conditions.
6. There was a Special City Council held on January 22, 2009. The meeting minutes told of possible employee's benefits being taken away and changes of jobs or positions eliminated, made part-time or seasonal and some changed from paid hourly to salaried.
7. Comments the staff heard from Council were, "Anyone would like and want your job". Debbie stated that she even received a phone call in the office from a caller saying they would be working in the office when, in fact, there was no opening even posted.
8. The March 9, 2010 City Council Meeting minutes told of a Council Member proposing to take her Administrative Assistant position and make it into two part-time positions to save \$1500.00 for that year. This proposal was not known by any of the employees before this meeting and if it had been approved, she would have lost her full-time position.
9. We employees did not want a Union but had to look into it, in order to save our positions and retain the benefits we already had and had earned. We did not even ask for raises, as we knew times were hard, and there was already a 3% increase for wages built into the City budget.
10. Thus, staff sought out the AFSCME Union in December of 2010.
11. Previous Mayor Schulz and Councilman Pilon were approved by the Council to represent them and the City to meet with the employees and the Union to negotiate.
12. At the January 11, 2011 City Council Meeting, resident Mary Rainville advised the Council to obtain legal advice when dealing with Unions and so, a Union Attorney was hired in addition to our own City Attorney (who was not familiar with Unions). Both attorneys were requested to attend all Union Meetings, costing our taxpayers additional money and adding up to approximately \$50,000.00 after all was said and done.
13. Several grueling Union Meetings were held and Mayor Schulz and Councilmember Pilon consistently wanted to take our benefits away and would never even discuss wages.
14. The Union Rep demanded that staff go to Mediation in St. Paul.
15. Still after the 3rd Mediation meeting and no better negotiating by the City, the staff opted out of the AFSCME Union in May of 2013.
16. Since 2013 the issue of wage increases was never discussed. Because it was decided that the administrative policies and procedures and job descriptions, along with employee's reviews, should be done first.

17. Finally in March of 2015, the issue of raises was brought up again by Councilmember Bettinger. Please check articles of the Anoka Union Herald, The Anoka County Record and the City Council March 8th, 2016 Meeting minutes (Page 15 under Council Items - 6 d.) to see how the employees finally received a 3.5% cost of living raise. Also please note, when the vote was taken for this 3 1/2 % cost of living raise, that both Pilon and Rainville opposed. Vote was 3-2 in favor.

Mahutga needed to bring these facts out because Councilwoman Rainville keeps bringing the Union up, even as recent as the last March 8th, 2016 City Council meeting and as reported in the Anoka County RECORD March issue. Mahutga wants Nowthen residents to know the truth of the Union background. She reiterated we, the employees, only sought Union backing to keep the benefits we already had and to receive the 3% raise that had already been budgeted.

Mahutga wanted to point out another thing to set the record straight. Whenever employee raises were brought up at Council Meetings, Councilmember Rainville would say that she, too, had not received any raises from her employer, the City of Minneapolis. This is not true. This was proven by info obtained from the Minneapolis Data Practices Coordinator Kristin L. Olson, and with a simple verbal request. Kristin Olson provided Mahutga with the information and it had revealed the following:

- From 2008 to the present Ms. Rainville has received a total wage increase of \$5.63 per hour.
- In 2015 alone, Ms. Rainville received 2 raises totaling an increase of \$1.05 per hour.
- As of April 19, 2016 Ms. Rainville's Minneapolis hourly wage was \$27.28.

In summary, the previous City Council, with exception of Laurie Olmon, cost Nowthen taxpayers money over the Union negotiations, not the employees. These costs or expenses were due to:

- Two Attorneys being paid - Our City Attorney and a Union/Law Attorney.
- The excessive unnecessary number of Union meetings, because of poor negotiations by Mayor Schulz and Councilmember Pilon, which cost the City extra money.

Mahutga said that everything she has said here tonight, she knows will be spun and the whole truth not told by Mayor Pilon and Councilmember Rainville.

Mahutga says to beware. Any issues or questions anyone has about this information can contact Mahutga directly.

Dan Williams, of 7967 191st Lane, said there are citizens that come up here and speak their mind month after month. He has been coming here for years and not one Council person has ever called him and shed any light on anything that he has said. He has lived out here for 23 years. No Council has ever called him about anything that he has said on the open floor time. If the Council is not going to act upon what is being said, they should change it from Floor Items to the Dead Zone, because ideas die here. He thinks that is just pathetic when the Council is supposed to be representing them. There is a workshop forum now and he attends some of those, but there is no time slotted to discuss floor items. He thinks they should do that if they are going to have a workshop. Then they can discuss some of the floor items that were brought up at the previous meetings. If they don't want to do that, they just go gladiator times and give them either give them the thumbs up or down. Then they would know if they agree or disagree.

Williams also wanted to congratulate the Council for spending the money getting the ice rink. He thinks this is the time to have discussions as to where to place the rink. This year marks June 2000, when he, Laurie Olmon and Joe Glaze had death threats over his Dan Plan. He thinks the new rink should be put on the baseball field. The field is a relic from the days that we had a town team. If we put a gate on the south field, right behind the two restaurants, parents will drop their kids off and spend money in our town. The way it is set up now, people from Ham Lake or East Bethel use that field, as if it is their own. They renamed it the Nowthen Pioneers, but they are not from Nowthen. There was one person on that team from Nowthen. If we put the ice skating rink there, we could use the dirt from the hill and make a track.

Williams thinks that the Clerk should have her name changed to either City Manager or City Administrator. Then when she goes to talk to other municipalites, they don't think that she is just a Clerk; they are dealing with much more than that. All it takes is one Council Member to say, let's change her name to City Administrator or City Manager. No monetary expenditure or Special Meetings. The Council can do that. She deserves it. She serves this City humbly, she never complains about her job and he thinks that she deserves that.

Mary Rainville, of 6633 191st Ave NW, stands before the Council to address comments resident Dan Williams directed towards her as a Nowthen City Council Member at the May 10, 2016 Council meeting. Mr. Williams has the right to voice his opinion; however, when doing so he, or anyone who speaks during floor items, should be truthful and respectful, and so she'd like to correct a few things.

Mr. Williams stated that due to her asking questions at the May 5th Workshop, she is responsible for delaying the City's purchase of a truck. As reflected in the May 10th minutes, his words were: "But Mary calls out for all of these things and puts a wrench in the works, which sets us back months and months."

Rainville admits to asking questions at the workshop, due to what she believed to be the lack of a full proposal and background information provided to the Council and residents. She felt it was important that residents knew whether or not the Road and Bridge Committee and Council did their due diligence concerning the expenditure of \$50,000 – \$80,000 of their money. However, her questions at the Workshop delayed nothing due to the fact the Council wasn't scheduled to vote on the purchase until after Mr. Williams spoke. So, Mr. William's statement is false. He, again in his closing remarks, said she was the reason the City doesn't have a new truck. Again, false.

He also said she was the reason the City didn't have Human Foosball. Again, false as the Council hadn't yet voted on the issue.

Rainville will not apologize for asking questions regarding issues before the Council. That is the job of a City Council Member. Residents expect Council Members to act in their best interests, in compliance with city policies, ordinances and in accordance with state statute. Apparently, Mr. Williams believes that Council should base their spending decisions on the following thought process: "Sometimes, when you shop and see a pair of shoes for a good buy, you purchase them and make the rest of the costume fit. When dealing with cars, sometimes you purchase an older one, and find a good deal on a motor and just install that". Well Mr. Williams shopping in that manner may be acceptable in his household, however, it isn't an acceptable way of spending tax payer's dollars and to make decisions in that manner is irresponsible.

Finally, Rainville will be asking the Council to support her motion to amend the May 10th City Council meeting minutes to reflect Mr. William's comments in their entirety.

If Mr. Williams is going to publicly speak, then he needs to own what he said. Rainville understands and appreciates our City Clerk's desire to present a professional product and her decision to not include the complete remarks. However, by not including his entire closing statement dramatically changes the tone and meaning of what he said. If Mr. Williams is willing to say something in public, then he needs to be willing to have it printed for the public.

Jason Snyder, of 19563 Rhinestone Ave, is seeking Council approval to purchase a lot north of him. There were many questions from the workshop, but he has not received any feedback yet. This matter discussed under Item 4.c.

4). **Planning and Zoning**

- a). **Planner service fees/pass through fees – Scheffler made a motion to table this for future discussion; Bettinger seconded. All in favor; motion carried.**
- b). **Code Enforcement Direction**
- (1). **Gary Scott – 21830 Xenon St. – Pilon made a motion to have Stockman proceed with the proposed check list, as presented; Reighard seconded. All in favor; motion carried.**
- (2). **Glen Connelly – 8060 Viking Blvd – Bettinger asked if staff forwarded the reapplication fees proposed to Connelly to get his feedback on the matter. LaDoucer said that we have not yet. Rainville made a motion to table this until Glen Connelly is aware of what the potential costs are; Bettinger seconded. All in favor; motion carried.**
- c). **Jason Snyder/Mike Light – Council Consideration of replat/minor subdivision –** The Council had directed staff to provide Mr. Snyder a copy of what the Attorney's and Planners opinions are. The matter will be tabled until such a time that Mr. Snyder can review the opinions and make a decision, if he wants to move forward with this.
- d). **Ordinance Revision Consideration – Second Driveways – Pilon made a motion to present a proposal to the P&Z for a public hearing on the ordinance amendment to allow additional driveways; Scheffler seconded.** Rainville wonders if P&Z should have discussion first, before
City of Nowthen

it goes to public hearing. Bettinger agrees with Rainville. They should have the discussion first to see how they want to move forward.

Pilon thinks that they can still have the public hearing, so residents can weigh in on what the proposed changes are. Reighard agrees with Pilon on having the residents weigh in on this. Scheffler thinks that P&Z should review this first, before a public hearing. **Pilon and Reighard in favor of the motion; three opposed. Motion failed. Rainville made a motion to present this to P&Z for recommendations of proposed changes and then present the proposal to Council for consideration; Bettinger seconded.** Reighard would like to see that citizens have their input at that time as well. Bettinger agrees with that, but it is putting P&Z out there, because they haven't even had a chance to review and discuss what changes they want to recommend. LaDoucer suggested having it on the agenda, but noted "Open for public comment". **All in favor; motion carried.**

- e). **Ordinance Revision Consideration – IUP Condition Extensions – Scheffler made a motion to send this to P&Z for review and recommended change, as presented by the Attorney; Reighard seconded. All in favor; motion carried.**
- f). **Building Official Contracted Services – Bettinger accepted Leo Donovan's resignation; Scheffler seconded. All in favor; motion carried.** Pilon said that maybe the Council could start discussion about a Building Official when they start the budget talks. **Bettinger would like to table the contracted services discussion until a later date; Rainville seconded. All in favor; motion carried.**

5) **Road and Bridge**

- a). **Swap Meet – Would the City be interested in hosting a swap meet – Bettinger made a motion to have Road and Bridge set aside their continued discussion for a swap meet for now and focus on other items; Scheffler seconded. All in favor; motion carried.**
- b). **Replace 1997 Chevy 1 ton, plow and box– see memo & May 17 R&B minutes – Bettinger made a motion to move forward with purchasing the 2017 Ford 550 from Boyer Ford for \$52,430.00 and the box from Towmaster for \$16,475.00 and the Aspen Plow for \$5,461.00 for a total of \$74,366.00; Scheffler seconded. Bettinger said if they move forward now, the delivery date would be in September. All in favor; motion carried.**

- c). **Dirt Pile across from Recycling Center** – *Recommend giving the dirt away* – Attorney’s opinion is that the City can give the dirt away since it has minimal value, once you factor in staff time. Pilon thinks there still has to be some type of process that determines how much dirt there is, how it is taken away, who takes it away and how much to get rid of. **Bettinger made a motion to declare the dirt surplus and open it up for proposals from interested parties, including restoration of the site to its original condition and that proposals be submitted by August 2nd; Scheffler seconded. All in favor; motion carried.**

- d). **Policy for Transfer of Funds** – *See May R&B Minutes* – **Rainville made a motion to table this until the July Council Workshop, so the Council can review it and have a discussion on this matter first; Pilon seconded.** Bettinger said that this has been tabled enough. The equipment fund is deficient. He would like to move forward with transferring the money that was excess as of January 1, 2016 and make it a policy that the surplus, less any reserves, be transferred every year.

Pilon said that at the end of the year, LaDoucer can give us the figures of what would be available for transfer at the end of the year. Pilon is concerned that the way it was presented, is that it would not be brought before the Council each year, before the transfer is made. He is opposed to an automatic roll over without Council discussion. Bettinger said that the fund is very deficient, because there were a couple of years that no money has been put into the fund. We need to have a plan to fund this Capital Equipment Fund. The policy can be changed every year if they want; but the fact is, there isn’t enough money in the fund.

Reighard said that they can create a simple policy that this gets reviewed every January, to determine if there is a surplus of funds and to determine where the funds should be transferred. **Four in favor; Bettinger opposed. Motion carried.**

- e). **Hiring of Seasonal Ditch Mower and a Park/Roads Maintenance-** – **Bettinger made a motion to hire Don Eldridge at \$14.00 an hour to ditch mow and to hire a temporary seasonal assistant at \$10.00 per hour for a time not to exceed 186 days and up to 40 hours a week; Reighard seconded.** Pilon said that the temporary seasonal employee needs to understand up front, that they may not be working 40 hours per week. **Four in favor; Pilon opposed. Motion carried.**

- f). **Rental of excavator for Ebony and Garnet project – Scheffler made a motion to approve the rental of an excavator, with the lowest bid, for up to a month; if Glaze determines he has the use for it, including delivery and pickup; Bettinger seconded. All in favor; motion carried.**

6). **Consent Agenda:**

- 1.1 Removed for discussion below
- 1.2 **Financial Report**
- 1.3 **Approve All Audited Bills Claim # 10086 through Claim # 10113 and Claim # 10129 through Claim # 10166, plus Net Distribution reports dated May 9th, 16th and 31st, 2016.**
- 1.4 **Approve Liquor License Renewals – *Bootleggers Saloon & Eatery and Bill's Superette***
- 1.5 **Resolution 16-09 - Accept donation from the Ramsey Lions - *towards the purchase of Audio Equipment and other needed items.***
- 1.6 **Resolution 16-10 - Accept donation from the Ham Lake Area Chamber of Commerce - *towards the purchase of Audio Equipment and other needed items.***
- 1.7 **Resolution 16-11 - Accept donation from Gary Ash – *A personal donation to the Park & Rec. Development Fund***
- 1.8 **Resolution 16-12 – Resolution for document destruction.**
- 1.9 **Resolution 16-13 – A Resolution Amending Clerk's Notice of Completion of Vacation Proceedings**

Bettinger made a motion to approve Consent Agenda Items 1.2 through 1.9; Scheffler seconded. All in favor; motion carried.

- 1.1 **Approve the May 10, 2016 City Council Meeting Minutes and May 24th Joint City Council/Planning and Zoning Meeting Minutes - Rainville made a motion that the May 10, 2016 Meeting minutes be amended to include the full comments of Dan Williams; Pilon seconded. Rainville said that she voiced her reason for wanting this and she believes that it is important that the minutes reflect what Williams said. She does not have any difficulties or concerns having those comments in there.**

Reighard feels that if someone else comes up and drops a derogatory comment, where do you draw the line. Pilon feels that in a case like that, we would just put in blanks in between letters. If you are going to have an open forum, you cannot regulate the content.

Scheffler thinks that it can be worded in a way that you get the point across, instead of word for word. Rainville thinks the word should be in there. Bettinger would like to keep the minutes the way they are written. Rainville is asking as a courtesy of the Council that the remarks be put in as stated.
Bettinger and Reighard opposed; Three in favor; motion carried.

7). **Council Items:**

- a). **Recycling Center Design Plans – Scheffler made a motion to move forward with the new design presented at the workshop and to have the architect start to draft the plans, not to exceed \$4,400; Bettinger seconded. All in favor; motion carried.** Rainville is concerned that we are not going to adhere to our own requirements of requiring a survey, as we do require it of others. Bettinger thinks that if a commercial business is dealing with the same thing, we should not be requiring them to provide a survey either. It will cost another \$1,000.00 + to get a survey.
- b). **Audio Recording of Meetings – *Update on funding and room layout* – Pilon made a motion to have Reighard and Pilon work with LaDoucer in obtaining proposals to present to the Council for the July Meeting; Rainville seconded. All in favor; motion carried.**
- c). **City Offices Interior Improvements – Bettinger made a motion to move forward with obtaining additional quotes and to have a HVAC system installed in an amount not to exceed \$3,624; Scheffler seconded. All in favor; motion carried.**
- d). **Employee Reviews – Pilon made a motion to obtain sample forms from the League of MN Cities, Scheffler and others for the next workshop; Bettinger seconded. All in favor; motion carried.**
- e). **City Council Salaries – *Amend Ordinance/Code* – Bettinger made a motion to move forward with Ordinance 2016-02; Scheffler seconded.** Scheffler said that there are a lot of benefits to this Ordinance from budgeting to time sheets, etc. Rainville thinks this is punitive and there has not been any abuse of this and she doesn't see the need for it. Pilon feels that there are some experienced Council Members that don't feel the need or the benefit to attend additional training that goes on. He would hate to discourage new Council Members from attending appropriate trainings. He doesn't think the

current policy is inconsistent with other City's policies. Bettinger indicated this is for attending regular and other meetings.

If someone wanted to go to additional trainings, the Council can still pick up the tuition for that. The City just wouldn't pay an additional \$50 per diem, mileage and meals for each training/meeting. Rainville doesn't see that it says that anywhere in the proposed Ordinance.

Reighard doesn't charge for mileage and meals and he doesn't see why we do. It is our choice to attend the meetings. He is in favor of having a flat fee, no matter how many meetings we attend. This also would not go into effect, until after the first of the year. There are some parts to the proposed Ordinance that he doesn't agree with. If it could be reworded so that Council can request for tuition, he would consider it. Pilon thinks that it needs further work. **Bettinger and Scheffler in favor; Three opposed. Motion failed.**

- f). **Schedule Budget Meetings** – Council is to submit dates to LaDoucer so she can get some meeting dates scheduled.
- g). **Retention Policy** – *CC, P&R, P&Z Minutes and Recordings* – **Rainville made a motion to adopt the proposed Retention Policy for all City Council, Commission and Committee meetings and Workshop recordings; Pilon seconded.** Rainville said the attorney's opinion is to follow the retention schedule of 3 months. Her concern is that after 3 months, the recordings are no longer available to residents. Her proposal was for an indefinite retention, but the Council could consider a more reasonable time frame. She would recommend retention of 5 years. There will be minimal staff time and cost to move forward with this policy. Reighard thinks we should just follow the attorney's recommendations. If the State's retention period is three (3) months, then that is what we should follow. Bettinger agrees with Reighard. Rainville said that there is no prohibition on retaining records longer if the Council wishes. **Pilon; Rainville in favor; Three opposed; motion failed.**
- h). **Posting of Council, Commission and Committee Meeting agendas, supplemental information and minutes onto the City's website.** – **Rainville made a motion to move forward with the Request for Council Action for posting of all Council, Commission and Committee meeting agendas, supplemental information and minutes onto the City's website. Pilon seconded. It was agreed to change the wording to state "posted on the City's website, or as**

reasonably possible". Rainville, Pilon and Reighard in favor; Bettinger; Scheffler opposed. Motion carried.

- i). **August City Council Meeting Date Change – Due to elections – Bettinger made a motion to change the August City Council Meeting date to Wednesday, August 10th at 7:00 PM, due to elections; Pilon seconded. All in favor; motion carried.**
- j). **URRWMO Plan – Open House June 29th at 7:00 PM. - It was recommended that Council Members attend the Open House to give their input on the plan.**
- k). **Farmers Market 2016 Budget – Pilon made a motion to approve the 2016 Farmers Market Budget in the amount of \$858.12; Bettinger seconded. All in favor; motion carried.** Kolasa also asked the Council about obtaining a couple of picnic tables from the City. It was noted that all tables are in use at the parks and that Kolasa should put in a request to the Nowthen Lions for tables.
- l). **Broadband Internet Meeting – Reighard asks that if someone on the Council hosts a City meeting in the future, make sure that they let the City staff and the rest of the Council know about it. Pilon thinks, if it is not a City Meeting, a summary of the meeting could be written up and provided to the rest of the Council.**

8). Introduction of New Items: No new items introduced

Scheffler made a motion to adjourn the meeting at 10:05 PM; Rainville seconded. All in favor; motion carried.

Respectively submitted by:

Corrie LaDoucer, City Clerk

Mayor Jeffrey Pilon