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CITY OF NOWTHEN CITY COUNCIL MEETING TUESDAY, JULY 12, 2016 @ 7:00 PM

The Nowthen City Council Regular City Council Meeting on Tuesday, July 12, 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 – Rainville made a motion to approve the amended agenda, with pulling item 4.1.3 for discussion; Pilon seconded the motion. All in favor; motion carried.

- 1). **Sheriff Report** – Lt. Wayne Heath provided an update of Sheriff's Services for the month of June 2016. He stated that they are in the process of preparing the 2017 budget. On July 29th, The Anoka County Sheriff's Office will be partnering with Fishing for Life to host a Kid's Fishing day and tournament. Children will be paired up with a Fishing Guide and taken out in a boat. Trophies will be given for the largest Bass, Northern, Pan Fish and more. All equipment bait, lunch, entertainment and trophies are provided for free. This event is open to children ages 5 - 15. The event will be held at the Lake George Regional Park. 8:00 am – 1:00 pm.
- 2). **Floor Items:** - Bill Schulz, of 18509 Baugh St. NW, introduced Fred St. Jean, the Deacon at the Church of St. Andrew Catholic Church in Elk River, to do an invocation for the public tonight.

Mary Rainville, of 6633 191st Ave NW, would like to respond to a couple of issues that were directed to her at last month's meeting by Debbie Mahutga. Mahutga stated that at the Council Meeting, January 2011, Rainville advised the Council to obtain legal advice. Rainville did voice her concern as a resident and she had every right to do that. As taxpayers, her tax dollars were going to be spent on this. Council was under no obligation to act upon her comments. But her comments were a concern that our existing attorney did not have the expertise needed to negotiate a union contract. She felt it was prudent that we did have someone that had that expertise.

Rainville said that Mahutga's comments are not reflected in the meeting minutes, when she said that by signing this Union Agreement, they would have paid monthly dues and received nothing for it and Mahutga's belief of having the City represented by an attorney that is not adverse in public labor law, at the negotiating table, reaffirms her concern that the City needed to protect themselves and the taxpayers. As an AFSME Member, Rainville paid for that contract negotiation and the employees never paid a penny into it. Mahutga also brought up that at the March Council Meeting Rainville voted against a 3.5% Cost of Living Raise; well, Mahutga was right, Rainville did not vote for it. Rainville thinks she clearly articulated the reasons for doing so. Mahutga doesn't agree with them and she has her rights to not agree. Rainville said that regarding her salary, Mahutga would say that Rainville said that she did not receive any raise, which is not true. Mahutga was correct, Rainville did receive raises during those times, one included a promotion to a higher paid position. She also had raise freezes from March 2002 to March 2004 and May 2010 to January 2012. To be clear, Rainville never said that she never received a raise. That is untrue. She did receive raises that were previously stated by Mahutga. Her salary is public record, but she doesn't know why Mahutga needs to state her salary. If it was to say Nowthen employees are underpaid by comparing her salary, there is no comparison. She has been with the City of Mpls for 24 years and a member of a union. Mahutga has been with the City of Nowthen for 12 years and unrepresented, with a final salary of \$18.55; so to compare those two salaries is irrelevant. If any residents have questions on that, they can contact Rainville directly.

Dan Denno, Chairman of the URRWMO, said that they had an open house a week ago. There was a piece of paper handed out asking everyone to write down how much they thought an assessment should be per \$100,000.00 of property value. The answers were: two people said \$0.10 or less, four people said over \$2.00, two people said \$5.00 - \$10.00, five people said \$20.00 - \$25.00 and four people said over \$50.00. Denno thinks that we were charging \$0.25 per \$100,000.00 value. The engineer working on this assumed we are now charging \$0.65. The reason Denno is bringing this up is because this is now the information BWSR has and they will say that a majority of the people think that we should be charging over \$10.00 and maybe even \$25-\$50 per \$100,000.00. If we equate that to our budget, which is currently \$15,000, and add \$25.00 per \$100,000.00, our URRWMO budget would be approximately \$477,000.00. We could turn into the Coon Creek Watershed. Denno wants the Council to be aware of what this says, because he knows that BWSR is going to use this as ammunition on how much we should be increasing everyone's allotment to the URRWMO.

There was some information provided of a proposed plan and the costs associated with the proposed plan were around \$163,000.00 to \$176,000.00 per year. What we really want to do by July 20th, is to have each City Council Member send a statement to Chuck Schwartz about what they feel the URRWMO should be doing and what the priorities should be. If we don't give pushback to BWSR, we will just be railroaded.

Dan Williams, of 7967 191st Lane, wanted to say, that if we didn't give the pile a dirt away yet, but down at Twin Lakes Park over the past couple of years, there has been an influx of people bringing there outboards, kayaks and canoes down to the lake. They park in the designated boat ramp parking, because they don't want to carry them that distance. Has anyone looked into using the dirt to fan the parking ramp out towards the east or southerly and make the parking along the road? It is really a mess at the lake on weekends. He just hopes that someone is looking into this, before we give the dirt away. We could also use the dirt for BMX bicycling or an RC track. Williams said that there are a lot of cities that are making ice trails. You take the dirt and make a lane 15 to 20 ft. wide and bank it up a couple of inches to contain the water, then make an ice trail and in the summer, make it a walking trail. Other cities are doing this and it will be a win win situation. A lot of people he has talked to want something to happen on the ball field. They don't want Ham Lake or East Bethel using the field. They bring nothing to our community. Williams would rather see his neighbor kids playing on the field. He recommends the Council go out and talk to people and see what they would like to see there. With the hockey rink coming in, some people would say to put it on the soccer field. He said that the soccer field use has grown and we have 3.5 acres of land not being used. Someone needs to utilize the whole field by Nowthen Citizens. People are screaming for change. They look out at the baseball field and wonder why nothing is going on with it. If anyone cares, they can call Williams and have them talk to the people he talks to. People don't want East Bethel out there; they want people from Nowthen playing there.

Debbie Mahutga, of 7560 Viking Blvd NW, indicated at the last meeting that her words get spun and the whole truth wouldn't be told and that is just what happened. Mahutga said that Rainville did initiate that the Council get another attorney. Mahutga knows that it wasn't up to her to do it, but Rainville gave the Council the idea to do it. Thus, the Council decided to hire another attorney along with our City attorney. That made for the extra expense. Per Mahutga, Rainville also stated that with the Union, she pays dues because she is contracted and Mahutga agrees with that, but the Nowthen staff did not accept a contract, because they did not agree with everything in the contract. They did not pay dues, because they did not sign a contract.

Mahutga said that both Rainville and Pilon voted against the raise. Mahutga said that it was pointed out that it was a cost of living raise, not a merit raise. So we didn't get a raise from 2008, until just now. Mahutga said, as far as Rainville's pay, there was a job change in 2008 from Police Support Technician to 2009 Secretary C. So in 2008, Rainville started out at \$21.65 and then went up to Secretary C at \$24.03. Mahutga counted the reset of the time. Rainville had indicated that her wages were frozen from 2002 to 2004, but Mahutga did not request information for those years. Rainville then indicated that from 2010 to 2012 she had a wage freeze; but in 2010 Rainville's wage started at \$25.13, but by the end of 2012 Rainville was making \$25.21. Mahutga said that it is not a lot, but it is a raise in wages. Now Rainville is saying that she never said that she didn't get a raise, but Mahutga thinks that the Council would agree with her that Rainville had said that many times at meetings. This is why Mahutga brought this out. Mahutga wanted to say, that just because we were looking for our 3% that was budgeted, Rainville didn't have the right to say that she didn't get any raises. Mahutga said she didn't compare Rainville's salary to hers she just brought it up to prove the fact that Rainville did get raises. She didn't compare jobs, because they are completely different. If anyone has any questions, they can contact Mahutga.

3). **Planning and Zoning**

a). **Ordinance 2016-03 - Amendment to Zoning Ordinance-Section 11-10-5 – Allow Council to specify an IUP/CUP Compliance Deadline date – Rainville made a motion to adopt Ordinance 2016-03, an Ordinance amending Chapter 11 of the City Code to update Section 11-10-5 pertaining to Interim and Conditional Use Permits to all the City Council to specify a date for compliance with approve conditions and subsequent execution of the special permits; Scheffler seconded. All in favor; motion carried.**

b). **Second (2) Driveway Draft Ordinance Revision-Section 11-6-2, J.3. – Rainville made a motion to send Ordinance 2016-05 to the Planning and Zoning Commission for public hearing; Pilon seconded.**
Bettinger still is of the opinion that the Ordinance is not necessary at all. It is more government and more fees. He would rather go with a policy than an Ordinance. Rainville believes that it should stay, as it clearly defines what is expected from Council and staff and it allows the neighboring properties owners to be notified, if a second driveway is being installed. Pilon thinks the idea is allowing the residents to know what the regulations are and have it as a structure in an Ordinance. Reighard wonders where they draw the line on a 2.5 acre parcel.

He thinks that the way some of the lots are laid out, a lot less than 2.5 acres could easily have well over 125 ft. of frontage. Pilon said that these are the recommendations of the P&Z and after the public hearing, they will make a final recommendation. Pilon thinks that 2.5 acres was the compromise and it is what the minimal lot size in a development is. Reighard thinks that if you have over 125 ft. of frontage, your lot size shouldn't matter. Bettinger said that you can have a 1.5 acre lot that is split by a wetland and you're only allowed one driveway, unless you go through the process of an IUP or CUP. Then, there are fees involved. The Planner will get involved, the Engineer will get involved and you have to pay for a public hearing. Those are fees and taxes and he doesn't think it is necessary and can be done without an Ordinance. It can be done by policy or nothing at all. Even the Anoka County Hwy Dept. doesn't have an Ordinance, they do it by policy. Reighard agrees with Bettinger and never understood why this was ever adopted into Ordinance. He will vote to pass it onto the Planning & Zoning as long as they are aware that they don't have to approve the Ordinance and can just do it as a policy. That is an option they can discuss and vote on. **Four in favor; Bettinger opposed; motion carried.**

- c). **Adopt P&Z Policy on Commission Structure, Meeting Order and General Procedure, and Rules of Procedure for Public and Non-Public Hearings – Rainville made a motion for the Council to adopt the Planning and Zoning Commission policy on commission structure, meeting order and general procedure and the Rules of Procedure for Public and Non-Public Hearings; Pilon seconded. All in favor; motion carried**
- d). **Proposed Ordinance 2016-04 - Temporary Housing Opt Out Ordinance – Rainville made a motion to send Proposed Ordinance 2016-04 to the Planning and Zoning Commission for public hearing, if required, or adopt, if not required; Pilon seconded. All in favor; motion carried.**
- e). **Code Enforcement Direction**
- (1). **Springer Property – 18288 Nowthen Blvd – Mining Restoration –** Rainville made a motion to move forward with making sure that it is documented in the file, that if and when the property sells, the new owners need to adhere to the stipulations of the CUP. Pilon said that we should be proactive on this matter, so there is a possible restoration of the new owners.

Bettinger said that the CUP is recorded against property and is already documented in the file. He thinks that Liz was going to send a letter about the garbage. Scheffler feels that other than the Code Enforcement, the person buying the property should be well aware of the CUP requirements. He doesn't think that there is any Council action needed. **Rainville withdraws her motion.**

- f). **Escrow Requirements** – *Building occupancy prior to completion of all improvements (landscaping-temporary housing, etc.)* – **Per discussion at the Council Workshop, the Council consensus is to table the escrow requirements, until we receive advice from the attorney.**
 - g). **Langer** – *22315 Xenon St. -Temporary Housing (building new home before old one is torn down).* – **Rainville made a motion to approve the Temporary Housing request from Bill and Christine Langer for the building of a new structure while the old house is there; Pilon seconded. All in favor; motion carried.**
 - h). **Resolution 2016-16** – *A Resolution recommending interim policies with regard to the Frontage Road Plan, pending update of the City's Comprehensive Plan.* – **No motion was made on this item.**
- 4). **Consent Agenda:** *Items in the Consent Agenda are approved with one motion without discussion/debate. The Mayor will ask if any Council member wishes to remove an item. If no items are to be removed, the Mayor will then ask for a motion to approve the Consent Agenda*
- 1.1 **Approve the June 14, 2016 City Council Meeting Minutes-**
 - 1.2 **Financial Report**
 - 1.3 **Approve All Audited Bills Claim # 10167 through Claim # 10219, plus Net Distribution reports dated June 13th and June 27th, 2016.**
 - 1.4 **Approve Temporary Liquor License** – *Ramsey Lions- Nowthen Threshing Show*
 - 1.5 **Adopt Resolution 2016-14** – *A Resolution approving State of MN Joint Powers Agreements with the City of Nowthen on Behalf of its City Attorney*
 - 1.6 **Adopt Resolution 2016-15** - *A Resolution Approving Master Subscriber Agreement.*
 - 1.7 **Adopt Resolution 2016-17** - *A Resolution Approving the Appointing of Election Judges for the Primary Election*

Rainville would like to confirm that Staff is still documenting all material and staff time for the Ebony and Garnet improvements. LaDoucer stated that the project was not complete yet, so the final figures have not been determined.

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

5). Council Items:

- a). **Alexandra House** – Request for donation **Rainville made a motion to approve a donation to Alexandra House in the amount of \$500; Scheffler seconded. All in favor; motion carried.**

- b). **Audio Recording of Meetings** – *Update* – **Rainville made a motion to direct LaDoucer to contact and meet with the interested vendors and that Pilon and Reighard are to continue to work with LaDoucer on the Audio video equipment; Pilon seconded.** Reighard said that he is confused on why they are making a motion on something that was already motioned last month. His understanding was that Council directed staff to contact the vendors and that the vendors meet with LaDoucer, Reighard and Pilon and give their opinion on our needs.

Pilon said that it didn't really need a motion, just an update. A resident did provide some potential contacts and that information was then provided to LaDoucer. He said that when the people were contacted to find out if they were interested, they informed Pilon that this was their busy time of year, so they couldn't do it immediately. The only thing Pilon did was contact the companies to see if they were interested and then pass on the names to LaDoucer. Other than that, there wasn't any other conversation.

Bettinger agrees with Reighard. A month ago, there was a motion made to have something for this meeting. He doesn't know why it took a month to get that information to LaDoucer. Now we have a motion again with no deadlines on it.

Pilon said that it was recommended that a resident supply contact information, that resident did and now all the vendors are busy. Pilon said that they are hoping to get information together by the August workshop.

Scheffler said that being in business himself; he cannot see that as an excuse for these vendors not to give a bid. We have one bid already, and then it was suggested to get others. If these vendors are not interested in giving us a bid in our time frame, then so what, there are others out there. For this to be an excuse is unacceptable.

Reighard said by Pilon contacting the vendors, it goes against Council direction. The vendor contact information was supposed to be submitted to staff and then staff was supposed to make contact. This is where he gets frustrated,

Direction is not being followed and now we are making the same motion that was made last month. We have received donations and have an obligation to let the donators know where we are in the process.

Pilon thinks that it is important to get the best value from the money we received from contributions. Reighard said that we need to follow Council direction in contacting the vendors. Bettinger said that part of the problem is the non-profits have donated money and project gets delayed for months and they are frustrated with this.

Scheffler would like the vendors to know that they have a deadline to meet and if they cannot have a quote into us by our next month's meeting, then they are out. **Rainville withdrew her motion. Bettinger made a motion to have proposals in by the August Council Meeting to move forward and if they companies cannot get us a proposal by then, they will not be considered; Scheffler seconded. Three in favor; Rainville and Pilon opposed.**

- c). **Generator Maintenance Contract - \$1,585.00 – Bettinger made a motion to approve the Generator Maintenance Contract; Scheffler seconded. All in favor; motion carried**
- d). **Employee Evaluation Review Forms – Bettinger made a motion to have staff come up with draft evaluation forms and present them to Council; Scheffler seconded. All in favor; motion carried.**
- e). **City Council Salaries – Amend Ordinance/Code – Rainville made a motion to table proposed Ordinance Amendment until the upcoming Budget meetings; Pilon seconded.** Rainville said that this Ordinance cannot take place until January, so she feels that they can further discuss it at budget meetings.

Bettinger would like to move forward with this and it can still be put in the budget. It has been kicked around enough and he would like to move forward.

Reighard is fine with the Ordinance, as presented, but it would be helpful for them to come up with guidelines that fall under the Other Compensation section. That way, they would have a general idea of what the Council preapproves for meetings. If it is something outside the guidelines, that person could ask for compensation, but there would be no guarantees. He thinks that if people do attend extra meetings, that they provide a report or summary of what the training is and what they got out of it.

Pilon thinks that was some of the concern that came out of the workshop. There could be likely new members coming up on the Council and they will want and be encouraged to attend meetings and conferences. It could be very suggestive, the way it is written under Other Compensation.

Bettinger said that is going to be suggestive. We can talk about it at the budget meetings. If it listed item by item, then they cannot go to anything else, because it wouldn't be listed. Pilon thinks that it could be done by categories. Pilon doesn't have a problem, but would like to see some type of pre-approved list of meetings and trainings.

Rainville doesn't think we need to make any changes. If changes are going to be done, it should be done at budget time. She wants to make a vote on her motion. **Rainville and Pilon in favor of the motion; three opposed. Bettinger made a motion to adopt Ordinance 2016-02; Scheffler seconded. All in favor; motion carried.**

Rainville asked Bettinger, "if your motive is to save the City money, would he be willing to support a motion to make the supervisory positions salaried"? A move such as that would save much more money than a move to change the Council salary. This is a punitive measure to those that want to attend additional meetings. Rainville feels that Scheffler should be compensated for attending additional meetings. We are penalizing those who want to be proactive and enhancing those that don't want to attend additional meetings. **Three in favor; Rainville and Pilon opposed. Motion carried.**

- f). **Employee Resignation – Dianne Wright – Scheffler made a motion to accept the resignation of Dianne and thank her for her service; Bettinger seconded. All in favor; motion carried.**

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- g). **Award/Deny Sealed Bids – 1992 Ford L8000 Single Axle Truck - 1997 Chevy 4x4 1 ton - 1970 Namco Standup Forklift – Rainville made a motion to reject the bid received for the Chevy 1 ton and list the items on Craig’s List or other appropriate websites for 30 days; Bettinger seconded.** Leave it up to Glaze to determine value to place it on Craig’s List or other appropriate websites. List the Single axle for not less than \$5,000 and the One Ton for not less than \$2,500 (list at \$4,000 or Best Offer). Pilon said that he could contact an associate for some listing prices. **All in favor; motion carried.**
- h). **Douglas & Carolyn Serdahl – Request Temporary housing at 20255 Nowthen Blvd, while their home is being built. – Scheffler made a motion to approve the temporary housing request from Douglas & Carolyn Serdahl; Bettinger seconded. All in favor; motion carried.**

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

Rainville made a motion to adjourn the meeting at 8:40 PM; Pilon seconded. All in favor; motion carried.

Respectively Submitted by:

Corrie LaDoucer, City Clerk

Mayor, Jeffrey Pilon