

**CITY OF NOWTHEN**  
**CITY COUNCIL MEETING DRAFT MINUTES**  
**TUESDAY, FEBRUARY 14, 2017 @ 7:00 PM**

The Nowthen City Council met for the Regular City Council Meeting on Tuesday, February 14, 2017 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 Dan Breyen

Others: Lt. Wayne Heath

**Approve/amend the meeting agenda – Rainville would like to remove item 3.1.4, Donation of Warming House, and add it to item 4.k. for discussion. Bettinger made a motion to approve the amended agenda; Breyen seconded. All in favor; motion carried.**

- 1). **Sheriff Report** Lt. Wayne Heath provided an update of Sheriff's Services for the month of January 2017. He wanted to remind the public of a couple of things. First, when it comes to downloading things, be sure to check that it is a legitimate website. Second, it is tax season and there are a lot of scams and fraud going on right now. Lt. Heath also mentioned that the Sheriff started a "Socializing with the Sheriff" program. This is a chance for the public to come speak with Sheriff deputies and staff about questions they might have or to just get a chance to meet them. This is being held in several locations and if anyone is interested, they can contact Laura Landes.
  
- 2). **Floor Items:**— Dan Williams, of 7967 191st Lane NW, has a couple things that he would like to discuss. First is a title change for the City Clerk. He doesn't think the Title of Clerk is the proper title for her for the job she does for the City. It should be Clerk/Administrator or City Administrator, so when people call our City they know they are talking with someone that knows the City and she definitely knows the City. As for the Strategy Meeting that he keeps hearing about, he hopes that it will be at 7:00 PM and that a public notice go out so that all citizens are able to be there. He doesn't know why the Council wants to have it at Anoka or some other place. We have cameras here and a new floor and there is plenty of room. It should be at the City and not some back room, so they can keep everything and the citizens involved.

At the meetings, Williams keeps hearing a lot of stuff being delegated to staff. It sounds as though everything is getting shuffled to staff. Have any of the Council members talked to staff to see what their workload is? We are now down to two full time staff. He knows that if they don't get things done on time, it gets brought to the Council. The Council needs to meet with staff to see what their workload is and what is feasible. Item three, he has the Nowthen City Council Code of Conduct and it says "Interactions – Council members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of the city council, boards, commissions, committees, staff or the public". It also says "Positive Work Environment – Council members shall support a positive, efficient and effective environment for residents, businesses and city employees". He doesn't think that is happening here and there is a lot of staff bashing going on. We have two office staff. When

you say that staff is not doing something, it is almost like calling them out by name. He was at the workshop the other day and there was an item, that one Council Member put on the agenda, which was challenging the staff in public. Two other Council Members asked staff why what was supposed to be done wasn't done and there was a rational explanation. It didn't have to be made public in a vindictive way. He thinks that staff and Council need to work out this difference between them, as it does exist. He is just wondering if anybody has attended some sensitivity training, but we are all supposed to be on the same team. It is not like master slave, where you work for me. That seems how it works here. Some don't think that everyone is equal. He thinks that the City would benefit if everyone was working together equally and if everyone respected everyone. He thinks respect is a big part of that. He would like to see that move forward. Everyone should work on bridging the gap that is there. He also keeps hearing about the broadband coming into the City. Is that a Council thing that is getting pushed? He has heard about meetings at the church that some Council Members were at. On the Nowthen Bulletin Board Facebook, there is information on it. How is this information getting out to everyone? The only way he can find out anything is to look at that Facebook page. People keep asking if it is coming. Someone needs to do a better job of getting the information out there.

### 3). Consent Agenda:

- 1.1 Approve the January 10, 2017 City Council Meeting Minutes
- 1.2 Financial Report
- 1.3 Approve All Audited Bills Claim # 50 through Claim # 109, plus Net Distribution reports dated February 9th and February 23rd, 2017.
- 1.4 Moved to item 4.k.
- 1.5 RCA – Request of Extension of Temporary Habitation
- 1.6 RCA – Request Use of the Baseball Field
- 1.7 RCA – Approve Contract with Safe Assure

**Bettinger made a motion to approve the Consent Agenda; Breyen seconded. All in favor; motion carried.**

### 4). Council Items:

- a). City Hall HVAC System – Breyen thinks the simplest solution is to go with two separate systems, but that may not be the best option. It may be better to look into one system overall. Pilon said that we would need to see what the engineering requirements or restrictions would be on the bearing wall. Do we want to engage an engineer, and if reasonable, do we want to go with the scope of service.

Bettinger said that it was brought originally when the furnace was repaired and that the chimney flute may be cracked. He doesn't think that anyone has actually climbed on the roof and looked down the chimney to see if it is even lined. It was also mentioned that the heat exchange was starting to wear thin, but it works. He thinks the biggest issue at the time is the chimney flute and if it is leaking carbon monoxide. Until someone actually climbs up and actually looks down it, we don't know. The simplest fix would just be to replace the one furnace. It will be more expensive to replace everything.

The newer furnace is 20 years old and the other one is older than that. Pilon agrees that if it is working and the weather holds up, we are in good shape. It would seem reasonable to be looking into this. If they can combine it into one system, it seems worthy of investigating.

Schreder agrees that they should check into the chimney and see what we currently have. It would be a small investment of time to see what we have.

Rainville asked if the fire dept can check into the CO levels. She thinks it would be beneficial to find out if we can penetrate the wall with duct work and what it would cost for one furnace and one AC unit.

Bettinger thinks we are going to spend more money on investigating this than it would cost to just replace the bad furnace.

Rainville said that if we wait until one of the two furnaces just quit, then decisions have to be made quickly and they would not make the best decision. If they take the time to investigate it, that would be dollars well spent. Schreder said a limited amount of research on this might determine some more ideas of which route to go with this.

**Pilon made a motion to engage Andy Schreder, for an amount not to exceed \$200.00, to put together the research and recommendation for replacement of the HVAC System (s) at the City Hall; Rainville seconded. Breyen would like to see that include the different options and to include local HVAC vendors from Nowthen. All in favor; motion carried.**

- b). **Resignation of Bldg. Official** — Schreder's last day with the City of St. Francis will be the 24th of February. LaDoucer indicated that St. Francis will still be providing Building Official Services under the contract but they will be submitting their 60 day written notice to cancel the contract. Andy Schreder presented the Council with an Agreement for Building Official Services as an independent consultant.

Bettinger would like to see how Metro West compares to the contract that Schreder presented to the Council. Breyen said that there are still questions about this and he thinks they need more time to discuss it.

**Breyen made a motion to table the discussion until the next Council Meeting; Rainville seconded. All in favor; motion carried. Breyen made a motion to obtain additional information such as; a copy of the current contract with St. Francis, what does Metro West charge, will the Building Inspector be providing the services directly to Nowthen under the current contract or will the person/company that St. Francis contract with be providing the service to Nowthen, and what are other cities doing for service; Bettinger seconded. All in favor; motion carried.**

- c). **RCA** — Audio and Video taping of all City Council, Commission and Committee Meetings/Workshops. – **Rainville made a motion that all City Council, Commission and Committee meetings be videotaped for placement on YouTube and that the staff**

report back at the March 9th and March 14th 2017 City Council Workshop/Meeting with a procedure as to how all the meetings will be taped for placement on YouTube; Breyen seconded. All in favor; motion carried.

- d). **RCA** — Amend Nowthen City Council Policy 1-1-13 – **Breyen made a motion that all City Council Meeting minutes (including the Thursday Council Meeting (workshops) and Budget Planning Meetings) be taken and published in the same manner per Chapter 1, Section 1, 1-1-13, which states “minutes shall be published as required by MN Statute §412.191, 331A.08, subd. 3, 331A.01, subd. 10.” And that publishing a summary of these meetings, which includes a copy of the topics covered and/or an agenda; a brief synopsis of the discussion and it’s disposition will be done for all meetings; Pilon seconded.**

Reighard said that as discussed at the workshop and as advised by the attorney, they are meeting the minimum state requirements. They can go above and beyond that. Before they vote on anything, he wants to know what impact this has on staff. We all know, there is limited staff and if we keep adding more and more burden on staff, what is going to happen?

Bettinger said this is just adding more staff time, a cost to taxpayers and more government. He thinks we should be simplifying government and streamlining everything. We should have one meeting and one set of minutes. It would make it easier and simplify everything.

Pilon said if there are discussions at the workshop and you wanted to know what that was; a brief summary would be helpful. He doesn’t know why it will cost more money. If it turns out that they cannot do it without more staff that would be something that they would have to address.

Bettinger said that it will take more staff time to process the minutes. That is more expense. Staff is busy already and they will have to stop doing something else to do this. If they got rid of the workshop, a lot of the items can be just taken care of at the meeting. We are discussing items twice.

Reighard agrees with Bettinger on this. The workshop has also been moved to 7:00 PM, so you took time away from the workshops. It is very rare that that items that were discussed at the workshop are not discussed at the meeting.

Pilon said they talk about things multiple times because they don’t have enough information at the workshop. They usually get additional information before the meeting. It should expedite the meetings and shouldn’t expect that they will be going too late.

Reighard said that it took them 3 hours to go through the workshop agenda and there are no committee/commission items on the agenda. Now tonight they still aren’t expediting anything. They are basically saying the exact same things they did at the workshop. If they don’t have two meetings, then the minutes would not be a hassle.

Rainville feels it is important to have two meetings. It allows them time to discuss and obtain additional information if needed. Yes, staff is small, but with some adjustment, she believes that it won’t be a burden. If this passes and it becomes a burden, staff will have to inform the Council.

Reighard said they sit there, as Council, and make decisions on what they think is the best for the community. How often do they actually ask staff what impact is it going to have on them. He thinks that before they pass this, they should get staff's opinion.

Rainville would expect staff to provide input on this and if they chose not to, that is to their detriment.

Bettinger said that staff has never been asked to voice their opinion on this. Since they haven't been asked, they don't feel it is appropriate to voice their opinion. We need to find out if they have the time to take the task on. When filling out the Request for Council Action Forms, the source of funding is not filled out. How are we going to know what impact this is going to have on the budget unless we talk with staff?

Reighard feels there isn't anything that says this has to be done today. He would propose that they table this and get staff input and get a true impact that this might have and/or ask staff if there is a way to do this to get the Council truly what they want that is economical and doesn't burden them. He is not opposed to doing it, but let's get staff's opinion.

Breyen said that the intention for the Request for Council Action is not to do anything different, but that they have meeting that minutes need to be taken and published. This is currently not happening with the budget meetings or the workshops. Summary minutes would be adequate and that is how the motion was made.

Reighard would like clarification of what is needed? By state statute and the City Attorney, we are currently doing what the state requires. Breyen understands that workshops are regular meetings and that minutes from those meetings should be published. Pilon said there are minimal requirements of what needs to be published. How elaborate the minutes are is up to the Council's discretion.

Rainville wonders how we are meeting the statutes if we are not publishing anything from the Thursday nights workshops. Reighard said that you have to publish minutes on things that you take action on. At the workshops we are not taking action on anything. Technically if we are not taking action at the workshops we don't need to publicize minutes. Reighard said according to the statute we are meeting the minimal requirements.

Rainville again questioned how we are meeting the minimal requirements if we are not publishing minutes from the workshops. She said there is no documentation available that they even met. At a minimal, they are not doing that. As a Council, they can request additional minutes from the minimal requirement.

Bettinger agrees with Reighard. We have the position from the State Auditor and the attorney. They know what they are doing. We all agree that we can do something different, but we are meeting the statutory requirements.

Reighard thinks this should be tabled to determine the true costs and what the impact would be and exactly what the Council wants. Rainville would like clarification that they are meeting the statute for their workshop and budget meetings. **Breyen withdrew his motion for further clarification. Breyen made a motion to table his RCA until there**

**is further clarification and to discuss the depth of detail the Council would like to see in the workshop/budget minutes; Pilon seconded. All in favor; motion carried.**

- e). **RCA** — Clarification of City Code 1-1-3 & 1-1-4 1:16 Breyen made a motion to hire the City Planner to train the Deputy Clerk to update the City Codes and policies. The updated documents should be published accordingly to keep current all official copies. The website should also be updated as the code is changed.

When possible, Breyen would suggest replacing paper copies with electronic copies for ease of replacement; Rainville seconded.

Bettinger said that this is another item that staff was not talked to about how it is going to impact their work load. It should be tabled and discussed with staff to see if they have time and the ability to take on the task.

Reighard agrees that the updates to the City Code need to be done, but he would like to get further information on the best efficient way to do this. Bettinger would like to ask LaDoucer about how she feels about this in using staff time.

Pilon said that there haven't been updates since 2012. If staff does it over a period of time, he is ok with that. It is not something that they have budgeted for. He thinks that staff can work it in during slow times. If staff says they can't get it done, then they can revisit it. He thinks that it is a reasonable request. If staff can fit it in and we avoid hiring it out, that's better.

Bettinger agrees 100% that he would like to see it upgraded, but he would like to talk with staff on how this is going to fit in.

LaDoucer said the way she would like to see it done is to have the planner take care of all the updates from 2012. Then moving forward, staff can be trained to do the updates moving forward. That would be easier than to take on a substantial project of years' worth of updates. They are going to find that it is going to take more staff time and training than they think. During the training time you are going to be taking staff away from the day to day operations, which will cause other things to get behind.

Reighard said that given it hasn't been updated for many years and the number of pages that need updating; it is probably a good idea to have the planner do the initial updates. Then train internal staff to update going forward.

Bettinger thinks we should check around to see what other cities pay to have their codes updated. It doesn't hurt to check around. It might be money well spent.

Pilon said that this has never come up at a budget meeting or a need. Other cities are doing it on an annual basis because they have been budgeting for it each year. He would like to see what staff can do and see how significant this is.

LaDoucer reminded the Council that we are currently in the process of fixing a section in the City Code because of a verbiage error. There is a lot of cross referencing of different sections of the code and that is where the inconsistent errors occur.

Breyen said there are a lot of Ordinances that are just search and replace and those should be able to be done easily enough. We could save money by getting as much of it done with in house staff.

Rainville does think that we do need to get this done in house. She thinks it is important that our staff learns how to do it. Work in conjunction with the Planner, figure out what is the best software to accomplish this and work on it. Rainville would like to start in house with staff being trained by Stockman. If it takes a while, then it takes a while. At least we are working on it. Reighard asked who is going to proof this. Breyen understands that is part of the Planner's quote of the 4-6 hours. **Three in favor of Breyen's motion; Bettinger and Reighard opposed. Motion carried.**

- f). **RCA — Repairs to City Hall — Breyen made a motion to proceed with the repairs to the City Hall and to get quotes to repair and paint the wall, repair and paint back hallway and bathrooms, order sand trapping rugs for the entry from G&K, purchase new drapes for the window and new chairs and tables, purchase black table cloths to be used for tables at Council meetings, for a total price not to exceed \$5,000; Rainville seconded.** Breyen said if we can get the repairs for under \$5,000, let's move forward.

Reighard thought they were supposed to be going out and getting quotes for this. Bettinger agrees. Get estimates first and decide how they are going to fund it.

Pilon said there is over \$800 dollars in the Lions organization that has been donated towards this. There was also talk about excess funds that are in the General Fund right now.

Pilon asked if the Council would be willing to move forward if there is a cap.

Bettinger said that the colors haven't even been discussed and decided on. Pilon said that the recommendations came up with the Audio/Video vendors.

Rainville would like to move forward with this if they have a capped amount. She thinks it is important to move forward while the room is bare. She didn't see any other suggestions from Council Members.

Reighard feels there are still a lot of things to consider before they move forward with this. Bettinger said that hasn't even been decided where the money is going to come from.

**Breyen made a motion to table the repairs to the City Hall until they receive more detail quotes on the costs associated with this. Rainville seconded. All in favor; motion carried.**

- g). **RCA – Amend Nowthen City Council Policy 1-1-11 – Breyen brought this up because when the amendment was made at the last meeting, item D was removed. The discussion then came up as to when the materials needed to be available to the Council, Mayor and City Attorney. It was discussed that the bills may need more time to process, but that everything else could still be distributed by Monday evening.**

LaDoucer indicated that it is not just the bills that could delay the packets going out. There are several other things that can cause a delay. The City Council now wants staff to do the updates of the City Code, meeting minutes for all meetings, and now you're going to push up the deadline date of when the packets are supposed to be done. It seems as though the Council is just adding more duties and deadlines and not giving any consideration the other duties that the staff has. She doesn't think that it is going to be appropriate to require them to have the packets done by the Monday. The Council already changed it that they are supposed to have their agenda items to staff by noon on Monday. That doesn't allow for much time to finalize the packets by the end of Monday.

Pilon asked if they could get the information to her by the end of the day the Thursday before. Could the packet, less the bills, be provided to the Council on Monday? LaDoucer still doesn't think that it will always work.

There are only two staff in the office and there could be cases of sicknesses, vacations, etc. that could prevent the packets from going out in time. That would also only be two (2) days after a Planning & Zoning Meeting as well.

Reighard suggests not changing the policy and give it a try first to see if it works.

Breyen's intention of removing item #d was that the sooner the items were supplied to staff, the sooner the packets could be compiled. If they can get this worked out, then item #d can just be left out, as he originally intended.

Pilon thinks the packets do need to get out earlier. Bettinger thinks that the Council needs to work with the staff to determine what works best for them. **Breyen withdrew his motion. It was determined to have staff work on this and then give feedback. All requests to place an item on the agenda must submitted to staff by the end of the day the Thursday before the Thursday's Council Workshop (1 week before) and for staff to work on getting the packets to the Council by the Monday before the workshop. The packets will not be posted on the website until they are complete.**

- h). **RCA** — Clarification of City Council Policy 1-1-16 – Breyen withdrew his Request for Council Action on this item.
- i). **RCA** — Request donation of \$2,500 for Heritage Festival and waive all facility fees – **Breyen made a motion to waive the facility use fees for the Heritage Festival; have the Heritage Committee work with staff to complete the repairs to the park, that were documented last fall; have staff document staff hours that were used for the Heritage Festival; the 2016 Heritage Festival tax returns be submitted to the City when they are completed; have the Heritage Festival document their volunteer hours; donate \$2,500 to the Heritage Festival; and that the Heritage Committee work with the Fire Dept. and Sheriff's Dept. for possible volunteer hours for their involvement at the Heritage Festival; Bettinger Seconded.**

Reighard would like to see the total cost to the City for this event, which would include everything they just talked about.



In the spirit of transparency, the City is giving them a big chunk of facilities for use, money and staff time. Everyone should be aware of exactly how much this is costing the City and how much the City is paying for the event, especially when it is not a City event. All in favor; motion carried.

- j). **Anoka Chamber Newsletter Article – Spotlight City Article – Rainville made a motion to have Breyen develop the newsletter article; Breyen seconded. All in favor; motion carried.**
- k). **Adopt Resolution 2017-06** — Accept Donation of Warming House – Rainville appreciates the generosity of A&B Welding, however she thinks they are setting some precedence. This is the second time that Council and/or staff have solicited either funds or product from a business or residents. There has been no input from Council. The private conversations between staff, Council or committee members aren't appropriate. It takes the remainder of the Council out of the conversation and puts something in front of them that they are pretty much obligated to vote yes for.

Reighard said that this was on the workshop agenda, so why was this not discussed then. He also asked Rainville who solicited it. Nobody that he is aware of went to A&B Welding and asked for a warming house. He is not sure where she is getting her information from.

Rainville said that it has come up before at the Park and Rec. Meetings. It was never brought to Council as a discussion. The Council should have the opportunity to discuss something of this magnitude before the item is placed on our property.

Reighard thinks it is wrong for Rainville to make accusations that people are out soliciting businesses. He has no issues if a local business wants to donate and give the City something that cost \$25,000 to \$30,000, that the City then doesn't have to invest money for it. He doesn't see any issue in that and as far as he is aware, the City didn't have to sign anything for it. No time during discussions with A&B Welding did the mention of a donation of a warming house come up.

Bettinger said the Council has the right to refuse a donation, no matter what it is. If we vote it down tonight, they will come and take it.

Pilon thinks the issue is something that obligates the City, like the Audio/video recording equipment did. What he understands is that something very nice and very big was placed before the Council even accepted it. There was not discussion and it is in place. The question is, should that have been placed and getting use before the Council even had a chance to accept it. It is obligating the City to some additional funds. It would be nice to have some Council input before it is actually placed. It may have been germane to call a special meeting for something like this.

**Bettinger made a motion to adopt Resolution 2017-06, accepting the donation of the Warming House from A&B Welding; Breyen seconded. Four in favor; Rainville opposed. Motion carried.**

- 5). **Introduction of New Items:** — Seniors set up of the City Hall — It was discussed to have staff just bring in the tables and chairs for the time being to allow the floors more time to cure.

**Breyen made a motion to adjourn the meeting at 9:40 PM; Rainville seconded. All in favor; motion carried.**

Respectively submitted by:

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Corrie LaDoucer, City Clerk

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Mayor Jeff Pilon