

CITY OF NOWTHEN
CITY COUNCIL WORKSHOP **DRAFT Meeting Minutes**
THURSDAY, JULY 6, 2017 @ 7:00 PM

The Nowthen City Council met for the City Council Workshop on Thursday, July 6, 2017 at 7:00 PM, at the Nowthen City Hall, 19800 Nowthen Blvd NW, Nowthen, MN.

Present: Mayor Jeff Pilon
Councilmember Dan Breyen
Councilmember Mary Rainville

Absent: Councilmember Paul Reighard
Councilmember Randy Bettinger

Others: Planner Liz Stockman

1). Planning & Zoning

a). Grant Rademacher (for property owned at 8077 Viking Blvd.) - Request for the following two (2) matters.

- i). **Conditional Use Permit** – *to allow expansion of Bill's Superette fuel station and Convenience Store by establishing a separate diesel pump island.*
- ii). **Conditional Use Permit** - *to allow deviation from the required five (5) foot parking lot setback to establish a new driveway along the north side of the property and access to Nowthen Boulevard. -*

Rainville said on page 4 of the Finding & Decision item #14 should say Park & Rec. Committee not Park Board. She would also like to see an agreement on the number of trees that will be replaced and an escrow requirement for the purchase, restoration and placement of the replacement trees. She thinks it would be beneficial for the Park and Rec. Committee to really get a good chance to review this. She would like money in escrow for a later date. The current plan is to take down all the trees along there.

Pilon asked if there is any consideration to keep some of the trees that are on the City property. Stockman said to keep in mind that Rademacher has a year to fill the conditions of the CUP.

Rainville has full faith that they would fulfill that, but we need to treat everyone the same on these requests. It is also a protection for the City. It needs to be captured in the motion and the Findings and Decision.

Pilon would like to propose to the Council (as he thinks that the City Hall/Park parking lots north access is wide enough for incoming and outgoing cars) to eliminate the south access all together and just use the one access point.

Pilon doesn't think that it is a good idea to access onto Bill's Superette driveway. He would like to strike the access if the Council agrees.

Breyen said knowing that there could be additional cost to the City to realign the southerly City Hall/Park parking lot access; he thinks eliminating the southerly access and just having the northerly access is adequate for our use.

Rainville agrees as well. If we can get by with minimal cost to the City and as long as there is striping and signage, she is fine with eliminating the southerly access.

Pilon said that Nelson's memo indicates that the City Council must agree to the removal of trees and specifically grant the applicant permission to remove them. Stockman said that the plan does accurately show the trees that will be removed. She can revise the findings item #14 to include the approval.

Pilon would like to also include the approval to allow the additional grading onto City property. That should also be included in the Findings & Decision. He said that the plans indicate two rows of sod the entire length of the curb on the north side and seeding with MNDOT 25-131 seed mix. Stockman said that is typical MNDOT specs of having fast growing and normal growing seed. Pilon thinks that the City needs to consider the park side of this and the type of grass seed we want placed there.

Breyen wonders if there are any other options to eliminate or reduce the potential costs of the replacing the existing storm sewer system by having the drainage run towards the southeast of the property to drain out there. Pilon said that is one of the questions that he had. He doesn't know how difficult it would be to direct that to the east. He put in a call to Hakanson Anderson to talk with them about that. He thinks that the storm water runoff could be reduced and not cost extra money for the City. That is something that will have to be asked.

Pilon said a couple things to consider are alternate drainage possibilities and seeding with bluegrass along the park side (at City expense).

Rainville said that Nelson's memo also references long term costs for the City. It would be nice to know a ball park figure of what type of expenses they are looking at. By eliminating the south connection, that eliminates some of her questions. She doesn't want to go into this blind.

Pilon said that the other thing that was mentioned by Nelson was the goal of constructing a continuous frontage road system from Nowthen Blvd. to Iguana Street.

Stockman said part of the concept plan is to continue it north to 199th Ave. That was one advantage to keeping the connection, but it would go through the current city hall. If we want that connection we need to address that with Rademacher.

Pilon said the Council will need to decide if they want to eliminate the southerly access. Also, Pilon agrees to meet with Rademacher and the Park & Rec. Chair to discuss leaving some of the trees there. Another Council Member is welcome as well.

b). LAESTADIAN LUTHERAN LANDSCAPE PLAN, 8595 201st Avenue

Review and recommendation of the revised landscape plan as required under the approved Conditional Use Permit. – Just need a motion to formally approve this. In the future just have the Zoning Administrator review and approve it or just send it directly to the City Council. No deadline to get the landscaping done. It is all getting completed by donation and volunteers.

c). 2040 COMPREHENSIVE LAND USE PLAN UPDATE –

Discussion of Nowthen's existing land use plan and changes for the 2040 Comp Plan Update - Stockman said that in preparation to the upcoming land use plan, which also ties into the land use change recently requested), it is good to look at the overall picture. We need to get this started. We need to set some dates and find out how we would like to see the residents get involved. In the past we used newsletter, website, newspaper notices. Pilon asked if Stockman could possibly provide the Council with a chart of the process. That way the Council can see what needs to be done and in what order.

Pilon would like to have residents' participation, possibly neighborhood meetings and open houses. Stockman will touch base with Met Council to make sure that the MUSA is going to be removed. Update the inventory of the Plan and then from there we can plan for options for the 2040 Plan. Stockman will find out how many meetings her proposal covered and let the Council know.

Rainville wants to make sure that when everything is sent out it is clear that it is just a concept and that the public will have a chance to weigh in on it and are invited to participate.

d). Encroachment Agreement – A & B Welding/City of Nowthen – Stockman said his Encroachment Agreement will assist A&B Welding and assist the City in protecting the drainage easement. There were a few questions that came up about the agreement. It was advised to have Stockman contact Attorney Ruppe about some of the language changes about if they put equipment into the drainage easement area. Stockman said she would include all that language in the agreement.

Breyen questioned if it would just be cheaper to move the fence to the area that allows them to store items.

It was discussed to include in the encroachment agreement that the lots be combined and to address the removal of any items within the easements.

Possibly table until further information is collected. Pilon said that he can meet with Ulwellings if they would like to discuss this.

e). Code Enforcement Updates – Stockman provided the Council the updated code enforcement spreadsheet. No items to address

2). Park and Recreation:

- a). **RCA - Recommend Appointing New Member- Al Viall** – Rainville said that the committee voted to request approval to appoint Al Viall to the committee. It was recommended to put this item under the Consent Agenda of the City Council Meeting.
- b). **Cancel July 4th meeting date and reschedule** – Cancel the August 1st to Wed August 23rd. It was recommended to put this item under the Consent Agenda of the City Council Meeting. Rainville would like an agreement that the committee could add items to the immediate following Council agenda's if they need immediate attention. That didn't appear to be a problem with the attending Council Members.

3). Consent Agenda:

- 1.1 **Approve the June 8, 2017 City Council Workshop, June 13, 2017 City Council Meeting and the June 19, 2017 Budget Meeting Minutes** – One minor change to the workshop minutes was requested.
- 1.2 **Financial Report** – No questions or comments.
- 1.3 **Approve All Audited Bills Claim # 270 through Claim # 308, plus Net Distribution reports dated June 9th, June 12th, and June 26th, 2017** – Question on the crack seal bill.
- 1.4 **RCA – Approve Temporary 3 Day Liquor License for Ramsey Lions for the Nowthen Threshing Show.** – No comments
- 1.5 **RCA – Approve the Generator Preventative Maintenance Service Contract** – Contract is for both generators
- 1.6 **RCA – Approve Contract for 2017 Financial Audit (\$7,650)** – No questions or comments.
- 1.7 **RCA – Updated time and material expense report for costs associated with the Hockey Rink** – Question about the clear plexiglass panels and the use for them and the storage of them.
- 1.8 **RCA - Direct Staff to compile a Building Inventory Spreadsheet** – Check into LGA Funds and what can be used for this. Rainville said that part of this inventory she would like included the routine maintenance and the schedule for that and documentation that those items are getting taken care of per the operating procedures and recommendations. Rainville will have to put together an RCA for her request. Then compile a routine maintenance plan. Include items that are owned or not owned by the City.
- 1.9 **RCA – Staff recommendation for location of Hockey & Pleasure Rink** – Rainville asked staff if they would consider adding to the RCA that until they

receive quotes nothing is done to that site. This needs to go to the Park and Rec. Committee first to decide this.

1.10 RCA – Council Direction – Rainville is looking for clarification of a response that was received. She would like it clear clarification as to when to have that information. Pilon wants to be careful with this as Glaze does have a heart for the City. There is a standing agreement with the Mayor and Glaze and Pilon would like to keep that option open. He doesn't want to throw a wet towel on this. Pilon can understand addressing item #1 of the RCA, but he thinks items 2-5 should be taken out and put on a separate request and those should be first directed to Glaze to give him a chance to response to that. Rainville will separate them.

4). Council Items:

- a). **Accept or Reject bids for the Recycling Center Addition** – Need RCA to accept or reject bids. Rainville will write up an RCA for the Council Meeting.
- b). **Feasibility Study for Old Viking Blvd** – Need an RCA to request for a Special City Council Meeting for this to meet with Council, Engineer, Attorney and staff. Breyen will write an RCA

5). Introduction of New Items: -

Pilon made a motion to adjourn the meeting at 8:54 PM; Breyen seconded. All in favor; motion carried.

Respectively Submitted by:

Corrie LaDoucer, City Clerk

Mayor Jeff Pilon

**CITY OF NOWTHEN
CITY COUNCIL MEETING DRAFT MINUTES
TUESDAY, JULY 11, 2017 @ 7:00 PM**

The Nowthen City Council met for the City Council Meeting on Tuesday, July 11, 2017 at 7:00 PM, at the Nowthen City Hall, 19800 Nowthen Blvd NW, Nowthen, MN.

Present:	Others:
Mayor Jeff Pilon	Lt. Wayne Heath
Councilmember Dan Breyen	Planner Liz Stockman
Councilmember Mary Rainville	
Councilmember Paul Reighard	
Councilmember Randy Bettinger	

Approve/amend the meeting agenda – Reighard would like to pull out 1.7 and 1.9 for discussion under 5.c. and 5.d. **Rainville made a motion to approve the amended agenda; Bettinger seconded. All in favor; motion carried.**

- 1). **Sheriff's Report** – Lt. Wayne Heath provided a report of Sheriff Services for the month of June, 2017. He said that there were multiple scams and emails going on this month. Do whatever you can to safeguard your personal information.

- 2). **Floor Items:** Brandon Ebert, of 9157 Burns Parkway, is here to bring something up about the 2030 Land Use Plan and 2040 Land Use Plan. There seems to be a process in place for the changes in zoning and the process is all set up for the business or person requesting it. The City seems to guide the applicant as to which hoops to jump through. He wanted to know what the process is for a resident or non-applicant to stop or halt the change or request. It seems that writing a letter of opposition during a public comment period seems more of a formality for the applicant. In opposition, they need the process of hoops explained to them, by the City, if a petition is needed? If so, how many signatures are needed to halt an amendment? Is there a permit needed to solicit in Nowthen. He knows that permits are needed for solicitation in Elk River. Ebert said that Otsego is in a similar situation. The residents are trying to halt an amendment or zoning change there, relating to a gas station/truck stop next to a residential area. He said those applicants have retained a lawyer. Is that something the non-applicants of Nowthen need to do?

Pilon said that the Council normally doesn't respond to floor items. He is not aware of a permit for soliciting in Nowthen. Following what is happening in Otsego with the truck stop, he would hope that they could communicate more effectively, so people don't have to hire attorney's and complicate things. Pilon said people that own property have the right to request use and the City retains the right to deny that usage. He thinks it is incumbent on the City to be most effective as they can to

communicate. They stumbled out of the block in the last one, because it may have come as a big surprise that it was an amendment to the Comp Plan, as opposed to a suggested update. There will always be public hearings for any land use changes. The public is always invited to weigh in on those. The Comp Plan update will also have open houses. They are discussing other means of communicating this electronically. Hopefully the process is open enough so that everyone understands the accountability aspect of it. Pilon thinks that it is important that the process be open and effective, so that everyone involved feels respected. Whether the land owners and potential developers don't or do get their way, they feel respected if they are denied. There should be a process where everyone gets a chance to communicate and feel respected and that it wasn't just a formality. There is heightened awareness and sensitivity right now. They welcome that accountability to follow what is going on at all the meetings. The City has a website, Council Minutes and YouTube videos, so they do expect this to be a very open process. Pilon said that only elected officials are the 5 of them sitting at the City Council Meetings. The people at the Commission and Committee Meetings are appointed. There are some of them who are still in the learning process, so he would ask for some grace. The Council will take in account feedback from residents and property owners. The process for opposition is to write letters or call the City Council members. They are available to discuss this and meet with the residents and property owners. Otherwise there is no formal process for opposition.

Clayton Connelly, of 9030 184th Ave, said his comment is towards the budget portion of this and it sounds like it is going to increase. He had 20 years of service with the Brooklyn Park Police. There were two Bill's Superette's with standalone liquor stores abutting up to residential properties in Brooklyn Park. They are in the South West corner of a community that you have a contract car. He has been a resident for five (5) years and he hasn't seen one Anoka County Deputy on 184th Ave, not one. That will change, he can guarantee, if a stand alone lot liquor store or a standalone gas station is allowed in the community.

Connelly said the other thing is the Asphalt Concrete Solutions.

It was \$7,500, but he doesn't know what that all covered, but he encourages any Council Member if they want to take a stroll down 184th Ave. He encourages the City to get their money back if any of the \$7,500 went to the stripping. He enjoys it because it is like speed bumps. He came here five (5) years ago to tell them about his kid who is hard of hearing and he wanted a Deaf Child Sign. He doesn't mind it because it slows traffic down.

Connelly said the last thing is the Planning Company. His question is in June 2017 it is a \$6,434.45 bill. Is that a month that we are paying for contracted services for Planning and Zoning because that speaks to the current issue with the Roessler and Rademacher, where he could see where this could just explode. To Connelly it is something that he did his homework. He was single before he came here, but he was married and had two kids. He did his homework and did the 2009 Comprehensive Plan where Nowthen was. He specifically chose that piece of property

because he knew his kids were going to go to Twin Lakes. He knew that he was in a horse community. He knew that he could only buy five (5) acres where it was. It is up to seven (7) miles of riding trail. The Comp Plan has continued and went until 2030. It just seems like an easy thing to him, to take the application and deny it and move on and go somewhere else. Connelly said Roessler came on and made a complaint. It was in the ABC news article on February 19, 2016, where he went after the City Planner in saying a simple lot split, which he was trying to help out a local farmer, it cost him \$3,862.20 to do a simple lot split from forty (40) acres. Connelly is not a farmer, but he knows many farmers. He can't think of now his position after making a complaint after taking so long and have all these developments and properties in Elk River that he talks about and how Liz has handcuffed him and made a complaint that he can't develop in here. Well it's not true. It is just where he is taking it and now you're taking a whole farm away that you are trying to help out and you are going to take his 30 acres that is closest to him and turn it into Commercial/Residential above that. Connelly can't think of a worst idea to do to help out a local farmer. He will have to take his machinery much further to do his farming. It doesn't make sense. We have the Planning and Zoning covers the many other issues of where commercial currently is and where it is available; go there.

Pilon said Connelly made a comment about a local farm boy and 30 acres; he is not sure what Connelly is referring too. Connelly said that Roessler in February 19, 2016 in an ABC news article, when he initially did the lot split of the forty (40) acres. He had the ten (10) acres and (30) acres. Pilon said that was over on CR 22 and Hwy 47. That was a completely different property. That was Roessler's own house. He has an agricultural cluster at his own house.

Connelly said that he cannot keep track because Roessler owns so much property. Pilon said that had nothing to do with this. Connelly said that it still has something to do with this because he is making a complaint against the planner because she is handcuffing the City and it should have been a simple lot split. Now it has cost him \$3,862.20 and he doesn't have this problem when he goes to Elk River or Oak Grove and he claims all this tax base he brings in. Fine, keep going, don't come here. We're sticking to the logo "City of Nowthen, Where it still feels like Country". That is what we are going to stick to, we're in it. Just like the Lieutenant said, "just want to remind you because you wouldn't think it would happen here". How many times did he reference that? He said it over and over again. He wanted to remind people that when you put a standalone liquor store and a gas station there and butt them up to residential, the sheriff is going to be very busy.

3). **Planning & Zoning**

a). **Grant Rademacher (for property owned at 8077 Viking Blvd.)** —
Request for the following two (2) matters:

- i). **Conditional Use Permit** – *to allow expansion of Bill's Superette fuel station and Convenience Store by establishing a separate diesel pump island.*

- ii). **Conditional Use Permit** - *to allow deviation from the required five (5) foot parking lot setback to establish a new driveway along the north side of the property and access to Nowthen Boulevard.*

Pilon said that he had discussions with Rademacher today and Rademacher is weighing in on his costs associated with his request. **Pilon made a motion to table Grant Rademacher's requests until the August meeting; Rainville seconded.**

Reighard did have concerns. He is supportive of the project, but there shouldn't be any costs to the City. If we are allowing him to excavate on City property then he should have to pay the costs. He is against moving the trees to a different location. The parking lot is a major issue as well.

Pilon said that the way Rademacher's report is written, Rademacher would be responsible for all the costs to improve it, but the City would have to maintain it. He doesn't know what his ultimate costs are.

Rainville said that the purpose of her bringing up the trees is because she wanted to make sure that the new location of the trees was the best location. It is shown on the plan, but is that truly the location that they want them. By determining a dollar amount for the replacement of the trees, it gives the Park and Rec. Committee time to look at and choose the best location to replace them at. She wanted them to have the ability to not be restricted by the location on the picture. She does like the buffer that is there.

Pilon agrees with a buffer from a major intersection to the park. He would prefer the trees to be along the south edge of the park. He would like to see if any of those trees could be saved. He thinks that is another justification to tabling this.

Bettinger agrees with Reighard that we should connect to the service road. We should have two accesses. As far as the tree line, the site distance triangle goes back further than we think.

Pilon said subsequent to the workshop, there was discussion about emergency vehicles, turn around and access through the City Hall parking lot. The lot is too narrow and there is no area to turn around.

Bettinger said that if we are going to keep that access, now is the time to do it. Maybe part of this is through negotiations. We should connect at this point.

Pilon would like to know how far west of CR 5 (Nowthen Blvd) the access is. He thinks it could be a problem. Part of the negotiation could be location.

All in favor of Pilon's motion; motion carried.

b). LAESTADIAN LUTHERAN LANDSCAPE PLAN - 8595 201st Avenue
Review and recommendation of the revised landscape plan as required under the approved Conditional Use Permit. – Rainville made a motion to accept the landscape plan as presented; Bettinger seconded. All in favor; motion carried.

c). 2040 COMPREHENSIVE LAND USE PLAN UPDATE –
Discussion of Nowthen's existing land use plan and changes for the 2040 Comp Plan Update. – Stockman said that 2040 Comp Plan Amendment proposal identifies four (4) meetings (2 public hearings and 2 regular meetings).

There was previous discussion about some neighborhood meetings. If the City Council wants to go that route it would be at the City's expense.

Stockman clarified that the rezoning request at 181st and Baugh would be an amendment to the 2030 Comp Plan, as that is the current plan in place. What the City is working on now is to update the 2040 Comp Plan.

Stockman questions holding neighborhood meetings. Rainville said neighborhood meetings are good, but it is difficult to get people out to them. She thinks it is a better use of staff time to have a better location that could house more people. All the meetings would be open to the public and noticed on the website.

Rainville asked if there are any thoughts on when we would like to start this process. When would we tentatively hold public Open Houses? Stockman would like to see sometime in early October. Then they can talk about the land use plan. She said that there are only a couple of changes the LRUS and the Council to decide if they want to replace the 80 acres of Commercial area that was removed this year. She will check with Met Council on this.

d). Encroachment Agreement – A & B Welding/City of Nowthen – Stockman said that she did speak with Ulwellings representative. They don't wish to combine the lots and want to just meet the setbacks. She said as for the IUP, they are technically just increasing their outdoor storage area. If in this case, the City finds that the type of fencing is acceptable, they wouldn't need to go through the IUP process. They would have to be comfortable with the screening. The ordinance does allow chain link with the slats.

Pilon wanted to know if not combining the lots affects the outside storage. Stockman said technically, no. He wanted to know if she has discussed with them about other fence options. She had not.

Bettinger would like to see this put back into the ordinance in which they don't

have to go through the IUP process to have outside storage. He thinks we can just make it clear in the ordinance what is and what isn't allowed for outside storage and eliminate the IUP process. Reighard agrees with Bettinger on this.

Stockman said it is preferential on how they want to handle the outside storage. They have a current request that will be coming to P&Z in July. Many Cities want the discretion of this.

Breyen made a motion to table the request until August; Rainville seconded. All in favor; motion carried.

4). Consent Agenda:

- 1.1 Approve the June 8, 2017 City Council Workshop, June 13, 2017 City Council Meeting and the June 19, 2017 Budget Meeting Minutes**
- 1.2 Financial Report**
- 1.3 Approve All Audited Bills Claim # 270 through Claim # 308, plus Net Distribution reports dated June 9th, June 12th, and June 26th, 2017.**
- 1.4 RCA – Approve Temporary 3 Day Liquor License for Ramsey Lions for the Nowthen Threshing Show.**
- 1.5 RCA – Approve the Generator Preventative Maintenance Service Contract**
- 1.6 RCA – Approve Contract for 2017 Financial Audit (\$7,650)**
- 1.7 Moved to item 5.c.**
- 1.8 RCA - Direct Staff to compile a Building Inventory Spreadsheet**
- 1.9 Moved to item 5.d.**
- 1.10 RCA – Council Direction**
- 1.11 RCA - Recommend Appointing New Member- Al Viall**
- 1.12 RCA - Cancel July 4th and August 1st Park & Rec. Meetings and reschedule them.**

Rainville made a motion to approve the Consent Agenda with moving item 1.7 and 1.9 to Council Items for discussion; Bettinger seconded. All in favor; motion carried.

5). Council Items:

- a). **RCA - Reject bids for the Recycling Center Addition – Rainville made a motion to reject all bids for the Recycling Center Addition that were received; Bettinger seconded.** Reighard wants to know if they want to set up an ultimate game plan. They can have it come up at the August Council Meeting. **All in favor; motion carried.**
- b). **RCA - Feasibility Study for Old Viking Blvd – Breyen made a motion to schedule a Special City Council Meeting with the City Attorney and City Engineer to discuss Assessment Guidelines that can be used for Feasibility Studies; Rainville seconded. All in favor; motion carried.**

- c). **RCA** – *Updated time and material expense report for costs associated with the Hockey Rink* – Reighard said that the RCA is asking for a quarterly report. He questions if a quarterly report is necessary since there is little to no activity going on during the summer. If there is anything done, they would see it on staff's timesheets. He is not opposed to having a report showing some type of costs associated with this, but he thinks quarterly is excessive. It was his understanding that when the motion was made they were going to do this for other things as well; one of them being the Heritage Festival. There is a lot of City time and money being involved with that. It was brought up months ago about costs that have been being paid for that event (fire fighters time, staff time, etc.). Reighard doesn't have any problem with this, but if they are going to do it for one, they need to do it for everything. He wants to make sure that is being done so everything is transparent. By logging this, we can see how much City funds are going where.

Rainville said the reason for quarterly reports is to give them updates. If there isn't much to report, it won't take very long. This summer there are questions about getting bids on the concrete, lights and well associated with the rink. There will be some time associated with the rinks this summer. For budgeting purposes, she thinks that it is important that they know that. Rainville said as far as the report for the Heritage Festival, that committee is working on that report. When it is complete they will provide it to the City. That was a requirement of the festival for receiving a donation from the City. If the Council wants to request that information going forward they need to have a Request for Council Action with a motion that includes everything that is being requested.

Reighard also said as far as staff time to research location, lighting, cement, etc. to get bids, there are volunteers on the Park and Rec. Committee that were going to do that, but Rainville said that they couldn't talk about it. He talked to committee members and reviewed the video and that is not the liaison's roll. They can talk about whatever they want, regardless if the Council directed staff. It was pointed out at the workshop that the Council does a very poor job of defining which staff they are directing to do what. If you go back and look at the meeting, what the Council was asking for is to have staff contact the attorney about legal placement, engineer about permanent location and the fire chief about the well. It wasn't just for Glaze to go out and get bids. There is a lot more to it then what is being said.

They had volunteers on the committee who are willing to go out and do some of that work, but Rainville refused and would not let them talk about it. That is not the liaison's role.

Rainville said the issue with hockey updates was on the Park and Rec. Agenda. There was nothing provided with the agenda, so they had no idea what the update was and who it was going to be provided by. She provided what the last two (2) Council actions were. She made the original motion, based on the Park and Rec. Committee's request that the City Council place the hockey rink in the area that it was last year. That motion died. The second motion was done by Bettinger asking staff to put together their suggestions as to where the rink should be placed permanently and that passed. The second motion was done by Reighard to direct staff to get the bids for the different pieces that would be necessary for a rink. Rainville brought that, as information, to the Park and Rec. Committee saying this is where it stands. She also told them at any time they have the right to contact any of the Council Members to provide their opinion of what is going on. She never told them they couldn't talk about it. What she told them is what had occurred and where it stands with the Council. If they have input, they can always provide it. After the two (2) motions were made by Bettinger and Reighard, it was all laid in the staff's hands. If they meant that it should be committee members that should have been included in the motion.

Reighard said there is no reason why the Committee Members couldn't have taken their time to help staff out. When we direct staff to do something and a volunteer is willing to donate their time and energy to do that and present it to staff, that can't happen? Rainville said she went by what was in the motion.

Pilon said that the Council needs to be more specific when they are directing staff. Who are they talking about when they say staff. It needs to be clearly understood if it is contracted staff, internal staff, etc. He thinks what was asked is to investigate different spots. At the Park and Rec. Meeting there were no indications that any other spots were looked at. There was no feedback. If that was what they wanted, they need to be clear. Define the spots that need to be looked at or come up with alternatives. He thinks they can do a much better job as a Council identifying specifically which staff and exactly what they are asking. Going forward, the Council needs to do a much better job at that.

Pilon said it is point well taken and they need to be more precise on their motions or more thorough with the directions.

Reighard agrees to that. The other issue is the role of the liaison is not to direct the committees on the topics they can talk about. They are just a conduit of communication between the City Council and the committee. If the committee so chooses to discuss a topic, that is the committees choice. They set the agenda. He feels Rainville is overstepping her bounds as a liaison.

Pilon said Rainville was just pointing out to the Park and Rec. Committee what direction the motion in the minutes gave.

Reighard said there was nothing stating that just because that is how the motion was worded, that they still could not talk about it in more detail.

Pilon will suggest one limitation. He does think that while there is legwork that the Council is expecting committees to do, direct negotiations on behalf of the City needs to go through the staff it is assigned to or the Council. That needs to be clear as well.

Bettinger said a lot of stuff in his motion was taken care of. The attorney, engineer and fire chief were contacted. As far as he is concerned, the committee members are part of their staff. They do a lot of the legwork for the City and they are supposed to. That's how a small community like us runs on a small budget. If they want to do the research for free; that is fantastic. Our Park and Rec. Committee are our long range planning committee. Anything like this, they should definitely be weighing in on.

Rainville said the Park and Rec. Committee did weigh in on it and they suggested the location and the Council voted it down. The next step then was Bettinger's motion to have staff research this. She said that was internal staff. They already had a recommendation from Park and Rec. The night of the meeting Rainville provided the committee with the attorney and engineers comments. She told the committee that she has not seen anything from staff of what they recommended. The Council has a Request for Council Action now, but they didn't have it then. When the motion said to have staff go out and investigate costs, to her that is internal staff. If it doesn't say someone other than that, then it is our staff. They need to be clear with their actions.

Bettinger said that Rainville is correct that Council did vote down the first recommendation, but they have received new information and the Park and Rec. Committee should be able to look at that information and make a new recommendation. As a Park Committee, they are planning our parks for the future.

Rainville said if they were provided the information, the recommendation would have been the same as the first time.

Reighard said who cares if they would have provided the same recommendation. They would have had the information and could have made their recommendation off of that. The only reason they voted against the permanent location of the hockey boards in the first place was

they weren't sure what would happen if they did permanently place them there.

Rainville made a motion to direct internal staff to prepare a report to include all costs (time and material) associated with the Hockey Rink for the period of January 2, 2017 to June 30, 2017. The report should be presented to the Council at the August 4th and 8th, 2017 Council Meetings. Going forward cumulative reports should be processed quarterly and presented at the January, April, August and October Council Meetings; Breyen seconded.

LaDoucer asked if there was a reason that the report needed to be presented to them at a meeting. Couldn't the data be compiled and just a copy of the report given to them. LaDoucer questioned why she would put it on a RCA Form when she is not requesting any action from the Council. Rainville said that they would just receive and file it the same that they do with other reports that are given to them. LaDoucer said that in those cases she would just compile a report and put it in their boxes not put it as a line item on the agenda. **Rainville rephrased her motion to state "Provided" instead of "Presented"**

Bettinger thinks that quarterly is overkill and a waste of time. Breyen would agree down the road they may not need this, but this is a transition time. He said that right now the time sheets don't provide a line item for this. Maybe they can be revised to include that. Reighard agrees that quarterly is excessive. He also wanted it noted that the only reason staff had to take down the boards was because they had volunteers lined up to remove them, then it rained and they were working on a different date.

Four in favor of Rainville's motion; Bettinger opposed; motion carried.

- d). **RCA – Staff recommendation for location of Hockey & Pleasure Rink –** Reighard does want to vote on the permanent location. At the workshop it was mentioned not to do any work until bids come in. He doesn't want fall to come around and staff not have a chance to prep the site. If they do pick that for a permanent location now, regardless where they end up, it still gets done this year.

Pilon said that Glaze has been in communication with the person who was contracted to remove the dirt for that area and regrade it. He thinks the recommendation to have a recreation rink east of the hockey boards. Leveling of the dirt would be an important part of the preparation. Pilon does think there will need to be preparation done. He does agree that

they need to focus on what it is going to take and there may be some costs associated with that.

Reighard doesn't think that they need to have frost footings. If you do, the costs will go up significantly. He knows of some communities that set their boards directly on asphalt. He would like to also get some clarification on what would be best. Pilon agrees. Many cities have year round setups where they put posts in the ground. He thinks it makes a huge difference instead of putting in frost footings. We need someone in the concrete business to say what type of base would work.

Reighard made a motion to designate the field north of the recycling center and fire station as the designated location of the Hockey Rink and Pleasure Rink; Breyen seconded. Glaze to head up obtaining bids for a sub base, lighting, etc., but can obtain input from the committees or the public. Bettinger is not sold on this as the best location as the lot is for a future municipal building. We can move it to the soccer field or move it to Twin Lakes Park. In his opinion, the location needs to be looked at further. Breyen said that if we want to do something in the future with that location, the rinks could be moved to a different location. **Four in favor; Bettinger opposed; Motion carried.**

6). **Introduction of New Items:** No new items were introduced.

Rainville made a motion to adjourn the meeting at 8:55; Pilon seconded. All in favor; motion carried.

Respectively submitted by:

Corrie LaDoucer, City Clerk

Mayor Jeff Pilon

**CITY OF NOWTHEN
BUDGET MEETING JULY 17, 2017
DRAFT MINUTES**

Present:	Guests:
Mayor Jeff Pilon	Ramsey/Nowthen Fire Chief Matt Kohner
Council member Randy Bettinger	Ramsey/Nowthen Captain Chad Sacre
Council member Dan Breyen	
Council member Mary Rainville	
Absent:	
Council member Paul Reighard	

Chief Kohner introduced Captain Sacre to the Council, and stated that the Fire Department has gone through a restructuring of the Command Staff, and with Sacre's reassignment as Captain, he's in charge of Station #3 located in Nowthen.

Kohner stated that for the most part, the budget has stayed constant. A couple of the items that did increase were due to call volumes increasing. If it continues at this pace, they will be over 100 calls over the previous year. The part-time employees increased \$2,000, the calls, contract and truck fees were also bumped up \$2,000, and worker's comp went up to \$7,922. Those increases brought it up roughly \$5,829 from the previous year.

Kohner said that you may also noticed that they continue to carry over the turnout gear at \$7,500 each year. Currently they are on schedule for gear replacement in 2020.

Rainville asked if there was a certain area that calls were increasing.

Kohner replied that it's medical calls that have increased. They are going to less and less fire calls, and more medical calls.

Breyen asked Chief Kohner about the SCBA's on the budget and noticed that they have moved up a year.

Kohner agreed and said that with the restructuring of the command staff, they were able to assign someone specifically to the SCBA's and found that the initial years that the SCBA's were purchased was incorrect. They were dated at 2004 and were actually purchased in 2002.

They purchased them for Nowthen's station in 2006, but they were refurbished so their original date is 2002. They have a 15 year life and that will be reached at 2017, and will need to be replaced in 2018.

Pilon asked about the radios.

Kohner said that they have all been purchased. The last group that they received the funding for from the Centerpoint Grant and the Lions are all they are waiting for. As soon as they receive those radios, Station 3 will be in service.

Pilon said that last year's actuals for fire department administration budget was at \$28,000 and the actual was \$39,800. That's over by \$12,000, and Pilon was wondering if Kohner feels the \$30,000 will be sufficient based on last year.

Kohner said he looked at the trend over the last 5-6 years. There were a number of structure fires, more than usual, and obviously he cannot predict those. He expects an increase, but thinks that the \$39,000 was out of the ordinary to be that high. Around that \$30,000 would be more realistic.

Sacre noted that they were at about halfway through the year at \$13,300 on the \$28,000 budget this year.

Kohner said that those numbers can fluctuate based on the types of calls that they get.

Pilon said the ones they were over already halfway through the year were small tools and minor equipment, we had \$1200, and it's \$1685 year to date, but it's kept at \$1200 for next year.

Kohner explained that the overage was two sections of hose that went bad. He had talked with City Clerk LaDoucer about that and if it was the best place to pull the funds out of on an emergency replacement. These line items are our basic operating expenses. The two hoses that failed are out of the ordinary and they had discussed that it maybe should have come from the fire equipment fund that was above and beyond the normal use, but LaDoucer must have chosen the small equipment fund to take this expense out of instead.

Pilon questioned the Professional Services going up by \$400.

Kohner said he's had those discussions with the Fire Protection Council and in October they will be able to firm that up but everything is leaning towards a slight increase so he wanted to add that in there just to be safe.

Kohner feels comfortable with the proposed budget and that the numbers that were increased could actually decrease. It's all depending on that call volume but as far as all the line items, he went back over a 5 year history, looked at what they have been spending, some of the items that they've been replacing or may need to replace, and is comfortable with what is being submitted.

Pilon asked about the turnout gear and if it's being maintained in the account or accruing by \$7500 per year.

Kohner said that the turnout gear is good until 2020, but they could get a structure or chemical fire tonight and they are replacing three sets. The idea is to keep that allocated every year and if it's not getting used, it will go into the fire equipment fund.

Pilon said that he had thought they were going to try to dedicate a fund just for gear. When it's in the equipment fund, and we know we are going to need turnout gear in the future, but we have money coming out for equipment, the money may get used for something else and won't be there for the gear.

Sacre said that you can look at the staff and see when they started, knowing that in ten years it needs to be replaced. If you have five new hires, that's five new sets of gear that needs to be purchased.

Kohner is perfectly fine with setting up a separate account labeled turnout gear. The bottom line is that they don't want that to go away because of the potential need as they move forward.

All new hires need turnout gear.

Pilon said because of turnover, retirees, or possible damage from a fire, he would feel safer knowing that money is there. They already know they will need \$10,000 in 2020 and he wants to feel comfortable that that money is there plus a cushion. That way there's no hesitation when someone needs turnout gear that they've got it.

Bettinger asked how many firefighters were on staff in Nowthen.

Kohner replied there are 15 firefighters.

Bettinger said that based off that number, 1 ½ need to be replaced per year, on average, if they have to replace every ten years, so they could put that much money per year in the capital improvement plan so when they one they can just draw off of the existing capital improvement plan.

Kohner said that was what was talked about last year and he doesn't think anyone ever plans on draining that capital equipment fund, so whether they decide to dedicate it to whichever fund, the capital equipment or PPE, he would leave that up to Council.

Kohner said that currently in the PPE Fund would be turnout gear, uniforms, and badges. The turnout gear is really the highest item and that's everything from the helmet to the coat, gloves, bunker pants and boots.

Bettinger said it would be nice when they are working on the Capital Improvement Plan to have the Fire Department do an inventory on the number of turnout gear needing replacement each year, but still budget to make sure the money is there.

Kohner replied that they currently have a spreadsheet to keep track of when the turnout gear needs to be replaced or repaired, and that can be shared with the Council so they are aware of what's coming up. If everything stays status quo, they would not need to make any purchases until 2020.

Breyen mentioned that as far as the budget goes, the turnout gear and uniforms are in the same account, so the \$7500 is not just in there for the turnout gear.

Chief Kohner mentioned that the Capital Improvement portion of the budget is a little different than last year. He had taken what the previous Chief had and has had about a year now to take a look himself at how things are running and was able to make some changes. SCBA's were move up to 19 from 18. That's a mandated safety feature. Bottles are regulated by DOT and have a 15 year life. He did bring down the Rescue 31 cost – it was originally at \$60,000 last year and now it's down to \$50,000 based on looking at used equipment. The other change was the Tanker. Although it's one of the least used pieces of equipment, it's one of the most valuable here in Nowthen since the City is not hydranted. A used tanker is approximately \$100,000, whereas new would be closer to \$200,000.

The only other change was building improvements. There's a few issues they are concerned with. One is a safety issue as to where the turnout gear is being held. It's currently located right behind the trucks and when trucks are pulling in or out the exhaust is getting on the gear. Another issue is on hot days, the firefighters come back from a scene and have nowhere to cool down and lower their body temperature, and just the overall morale. There have not been any complaints, but if something could be done to show support to the firefighters since they put their lives on the line for some of the calls they are on, it's just a small token to show that we care about their well being. This is really just a placeholder for Council to give the Chief approval to begin looking into options, whether it's a small air conditioned training room, or just a different layout inside the building.

Council advised Chief Kohner to go ahead and get some numbers together to bring back to them as far as building improvements at the Nowthen Fire Station.

Back to the topic of the rescue truck, Chief Kohner explained that the current rescue trucks that are at Station 1 and 2, that they would try to immolate, carries five firefighters. This truck is used to respond to personal injury accidents, and any type of medical call. By having a smaller vehicle, it's better maneuverability and with the long driveways, and having an ambulance coming in as well, it's a challenge to back an engine out of there, especially in the evening and as winter months approach, not every driveway is quite as wide as in the summer. It would also save on the wear and tear of the new engine that they've purchased. That's a big ticket item and if they can reduce the wear and tear on it, and extend it's life, that would be great. Everything that they currently need to respond to a call, whether it be a fire or medical call, personal injury accident, extrication equipment, is packed in all of the compartments

on the engine. It's so packed that they have to remove many items just to get to the one item they are in need of. It's not very user friendly.

Pilon said that the money is already in the budget for this and asked if he knew what quarter he would like to make this purchase in.

Kohner said that in the used equipment market, the turnover is fairly quick, and you never know when the deal is going to arise. They would like to be able to purchase it as soon as they see it. If Council approves, they would start looking right away. They might find one in January, they may not find one until December.

Kohner said that as soon as Nowthen City Council and Ramsey City Council approves the purchase of the SCBA's, they will purchase them and begin training for the whole department. The total cost for the SCBA's is \$49,556.79, which includes the masks, harnesses, bottles, and a couple of the recharging battery stations. There is currently over \$100,000 in the equipment fund.

Bettinger asked that a well system be looked at for the City of Nowthen's Fire Department. Not only a well system, but a fill station for the tankers so that we can serve our community better, rather than running down to Ramsey, St. Francis, or Elk River to fill the trucks up. He thinks that may even lower our insurance rates and our fire rating.

Sacre agreed and said that just washing the trucks, they have a small holding tank that needs to be pumped out 2 or 3 times per year.

Kohner said that Mork Well has offered the Fire Department to fill up their trucks.

Respectfully Submitted by:

Lori Streich, Deputy Clerk

CITY OF NOWTHEN
SPECIAL CITY COUNCIL MEETING DRAFT MINUTES
THURSDAY, JULY 27, 2017 @ 7:00 PM

The Nowthen City Council met for a Special City Council Meeting on Thursday, July 27, 2017 at 7:00 PM, at the Nowthen City Hall, 19800 Nowthen Blvd NW, Nowthen, MN.

Present:	Others:
Mayor Jeff Pilon	Engineer, Shane Nelson
Councilmember Dan Breyen	Attorney, Bob Ruppe
Councilmember Mary Rainville	Financial Advisor, Bruce Kimmel
Councilmember Paul Reighard	
Councilmember Randy Bettinger	

Feasibility Studies for Road Improvements and Assessment Guidelines and Procedures –

The meeting was scheduled with some professionals to discuss road improvement projects, special assessments and financing options.

The Council needs to know how to best present this and communicate what they are doing, how they are doing it and why they are doing it.

The City has a road study that needs to be updated to determine what roads need improvements and how to fund them. They originally proposed three scenarios; Old Viking Blvd. Rogers Lake and Ebony and Garnet. The scenarios would be tools to help the Council make appropriate decisions.

Attorney Bob Ruppe explained Minnesota Statutes Chapter 429 to the City Council. Chapter 429 allows the state legislature to give cities and other governmental units the authority “to levy and collect assessments for local improvements upon property benefited thereby.”

Ruppe said the process is straight forward and is the traditional way to finance road improvement projects. If you assess the residents you can bond for it. That is where the financial advisor fits into the project.

There is also a special benefit test. Special assessments reflect the influence of a specific local improvement on the value of selected property. No matter what method the city uses to establish the amount of assessment, the real measure of benefit is the increase in the market value of the land because of the improvement.

Generally, when you do the assessment it is spread out over 10 years. The law says that you have to treat the same type of property classification the same throughout the whole project. There is direct and indirect benefit. Direct are the property owners that have direct access onto the road being improved. There is also indirect benefit to the property owners who use the improved road to access the road they live on. That is something the City Engineer can help figure out and put together. The process is very straight forward and would start with a feasibility study.

Ruppe does not recommend the City create an Assessment Policy, because then the City is bound by that policy and would have to use the policy for every project. If you don't create an Assessment Policy you can treat each project differently.

A summary of the process is as follows:

1. **Project Initiation** – Petition or by City Council vote.
2. **Feasibility Report** – Includes factors such as when the project is necessary, availability of city funds to pay the City's share, an estimate of the cost, and whether the improvement is cost effective. The report must also include an estimate of the amount to be specially assessed and a methodology for calculating assessments.
3. **Improvement Hearing** – This is a public hearing in which the City Council can discuss a specific improvement with residents before ordering it to be completed. The council considers the information in the feasibility report, testimony from affected property owners and any other information necessary for deliberation. Specific notice of the improvement hearing needs to be published in the City's official newspaper and delivered via mail to all affected property owners.
4. **Order Improvements** – The Council can order the improvement by passing a resolution within six months of the improvement hearing.
5. **Construction Plans and Bidding** – Plans and specifications are prepared by the City Engineer and then put out for bids to contractors. All bidding needs to comply with the competitive bidding requirements.
6. **Assessment Hearing** – This hearing gives property owners an opportunity to express concerns about the proposed special assessments. The hearing is held following specific notice, like the improvement hearing. This can be held before or after the project is complete.
7. **Adopt Assessment Roll** – The Council must adopt specific assessments by passing a resolution. The resolution typically includes in interest rate for the assessments, plus the payment timelines (i.e., number of years).
8. **Challenging Special Assessments** – Property owners can object to special assessments at the assessment hearing in writing and must then file an appeal to the District Court within 30 days of adoption of the assessment roll.

If an assessment is appealed, the property owner must provide evidence to show that the assessment does not meet or exceed the benefit to the property. There

are various methods to address the concerns; a ruling by a judge is the last resort. This challenge is not covered by the City's insurance. If we don't know the values, we can use a drive by appraiser that can give some estimates of what the benefit could be.

Engineer Shane Nelson said the City has not done a road project since 2008. In 2012 he prepared a Street Study and rated all the roads in Nowthen. The report talked about the Pavement Deterioration Curve and the characteristics of pavement deterioration. It also talked about Pavement Management and Pavement Maintenance and Rehabilitation. What we want to do is to intercept the deterioration rate. Pavement Maintenance consists of the following: crack filling, seal coating, localized patching, reclaim and pave or a total reconstruct. Nelson said that crack filling is the biggest bank for our buck when it comes to Pavement Maintenance.

Nelson said back in 2012 there was an estimate of about 3.3 million dollars in back log of road improvements/repairs for bituminous paved roads in Nowthen. We have 35 miles of paved roads and 29 miles of gravel roads. In today's dollars, it probably cost around \$350,000 - \$450,000 to build a mile of paved road. That is an investment or an asset of \$15 million - \$19 million dollars in our paved roads. Our gravel roads cost around \$100,000 - \$150,000 per mile to construct those. That is probably an investment or asset of \$3 million - \$4 million. That is about \$20 million dollars of investments/assets in our roads. It is a substantial number and we have a lot to take care of.

Nelson said some roads have deteriorated and need to be reconstructed. There were some preliminary discussions about doing an overlay on Old Viking Blvd. and he thinks that is a valid discussion. Part of the task moving forward is identifying what are our priorities. Normally that is done with a 5 year plan. There is also a color map in the 2012 report with the recommended maintenance/rehabilitation activities. All the areas on the map in blue were recommended for overlay. The question now is if the City wants to still consider those roads for overlay to try and improve their condition and extend the life of the road. Overlay's cost about \$130,000 to \$180,000 per mile. It all depends on how thick the overlay is and how much patching is needed. A lot of times if you don't do anything for ten (10) years, it goes from an overlay to a total reconstruct. A total reconstruct costs anywhere from \$500,000 to \$700,000 per mile.

Nelson agrees that we should consider doing some road work. There is some work to be done on determining what roads are our highest priorities.

It is a balancing act of where the improvements should be. In prioritizing roads, we can somewhat cluster road projects together and not do such big projects for the first couple of years, then by the 3rd year we can do a large project.

Financial Advisor, Bruce Kimmel said that he can really help with a Capital Financing Strategy when he understands what the projects are and what the 5 year plan is. He briefly discussed some financial options for road improvement projects. He also said that we can do multiple projects together and have one bond to cover them. He could

come up with a Capital Funding Plan when the City decides what they want to do. He also talked about franchise fees and how those work in financially assisting road projects.

Nelson said there are quite a few roads that were built between 2000 and 2005; some of those roads are starting to show their age. Maybe we want to consider some overlays on those roads. That would be a less expensive repair and would help those roads to last longer.

If Nelson was put in charge of the roads he would develop a 5 year plan that the City would support. That plan would identify the roads that they are going to focus on in the next 5 years. He would then work with the Road and Bridge Committee to help develop the 5 year plan. He strongly recommends working on the roads that are still in good shape to extend their life. He thinks that we also need some buy in from the residents. After you start improving some of the roads, then the residents start understanding that they are working to approve them.

Ruppe said that once you get started and implement a plan, it gets easier over time. He said that the City should come up with a plan of what roads first, and then determine the policy on how you are going to pay for it.

The question was asked about improvements to the Rogers Lake area. Nelson feels that the Rogers Lake area is too large of a project to take on right away. He thinks it could be considered after a couple years.

Nelson will put together a proposal to evaluate roads that should be considered for a Capital Improvement. He will get that proposal to the Council for the August meeting.

Ruppe will supply the Council with a summary of the special assessment process. He also indicated that there is a Special Assessment Toolkit on the League of MN Cities website as well.

Pilon made a motion to adjourn the Special Meeting at 10:20 PM; Reighard seconded. All in favor; motion carried.

Respectively Submitted By:

Corrie LaDoucer, City Clerk

Mayor Jeff Pilon