

City of Nowthen  
City Council Meeting  
April 13, 2021, 7:00 PM

1. **Meeting Called to order at 7:00 PM.**

Members attended: Mayor Pilon, Councilmember Greenberg

Members attended via phone: Councilmember Alders, Councilmember Greenberg,  
Council Member Rainville

Also in attendance: Sheriff's Commander Wayne Heath

Council Member Rainville suggested that the Council goes back to meeting via Zoom until things are looking better due to the pandemic and members currently having COVID, but she will go with what the majority of Council votes. Council Member Greenberg, Blake, Alders and Mayor Pilon stated that they are all comfortable meeting in person moving forward.

The intent of this meeting is to get through the pertinent information needed and recess the meeting to Tuesday, April 20<sup>th</sup> at 7:00 pm.

The following items will be recessed until Tuesday, April 20<sup>th</sup>:

9. Public Works

- a) Purchase of Capital Equipment-Mack Truck, continued
- b) Resolution 2021-11 Approving the 2021 Crack Seal Plan
- c) Resolution 2021-12 Approving the 2021 Proposed Gravel & Dust Control Plan
- d) RCA – Seasonal Park/Recycle Center & Seasonal Truck Driver

10. Recycle Center

- a) Clerk's Presentation – History & Recommendations
- b) RCA – Council Member Rainville

11. Administration

- a) RCA – City Facebook Page
- b) Resolution 2021-07 North Metro Animal Control Contract, continued

**MOTION BY ALDERS TO APPROVE THE REVISED AGENDA TO INCLUDE CONSENT AGENDA, FLOOR ITEMS, SHERIFF'S CONTRACT, ENGINEERING ITEMS & FIRE DEPARTMENT JOINT POWERS AGREEMENT, AND COTE LOT SPLIT 2<sup>ND</sup> BY GREENBERG; ROLL CALL VOTE: AYE – ALDERS, GREENBERG, RAINVILLE, PILON, NAY – BLAKE; MOTION CARRIED.**

**MOTION TO APPROVE THE CONSENT AGENDA AS PRESENTED BY GREENBERG, 2<sup>ND</sup> BY RAINVILLE; ROLL CALL VOTE: AYE – ALDERS, BLAKE, GREENBERG, RAINVILLE, PILON; MOTION CARRIED.**

**FLOOR ITEMS**

Anthony Schlegel, Zimmerman, Minnesota

Mr. Schlegel explained that in years past, the Elk River Youth Softball Association used the Nowthen softball field and the field at Twin Lakes Park, and in lieu of payment, have maintained them during their softball season. They would like to know if that could still be an option this year. Their season is May 1<sup>st</sup> thru July 31<sup>st</sup>, Mondays, Tuesdays and Thursdays.

Anthony will contact City Clerk Streich and ask to be added to the meeting agenda for Tuesday, April 20<sup>th</sup>.

### **SHERIFF'S REPORT**

Commander Heath is in attendance to discuss the 2022 Law Enforcement Contract. This is an unfortunate time to have to discuss law enforcement contracts since we have a lot of difficult issues facing our communities and our nation, especially when it comes to law enforcement – there's a lot of concerns. One of the things that Commander Heath wanted to remind the council of when talking about law enforcement, specifically the Anoka County Sheriff's Office is the relationship and the history that they have with the city. At the Sheriff's Office, their mission statement is to protect and serve the community in a manner that preserves the public trust. Those are not just words put down on a piece of paper. That is the expectation of their Sheriff as to how they provide service to their communities. That is their guidepost and what they use to decide what they are doing is the right direction to go.

The Anoka County Sheriff's Office provides law enforcement services to all 21 communities in Anoka County, from the very south end of Anoka County in Columbia Heights, bordering Minneapolis, all the way up to Nowthen. They are the exclusive law enforcement provider for 8 of the communities in Anoka County, which means they are basically their police department. Those include the cities of Nowthen, Oak Grove, Bethel, East Bethel, Linwood Township, Columbus, Ham Lake and Andover.

Their office has been present with Nowthen, (formerly Burns Township), since 1869 and they have been providing the law enforcement contract services since 2012.

Commander Heath is recommending a proposal of a 12 hour contract and having a deputy specifically assigned to Nowthen for that 12 hours. Looking at the calls for service over the past couple of years, the best time of the day is between 2:00 pm and 2:00 am. This would be 365 days per year. Nowthen currently pays for a Sheriff's fleet car and the Sheriff's Office would look at doing a dedicated car to the city to give a little bit more identity.

Heath also talked about a possible work station and a place to park their car for the deputy working in the city.

Commander Heath will provide an updated contract with exact numbers to Clerk Streich that she can forward to Council to provide any questions that the Commander can answer at a work session or future meeting.

### **6. Engineering**

- MS4 Permit Updates

A number of things have changed regarding the MS4 Permit. In the past, the Engineer has handled the majority of the duties. With the new requirements, the Engineer worked with the Public Works Supervisor and Clerk Streich to identify who would be doing which of the responsibilities.

**MOTION BY PILON TO AUTHORIZE STAFF TO SUBMIT THE MS4 PERMIT APPLICATION TO THE MPCA, 2<sup>nd</sup> by RAINVILLE; Unanimous. Motion Carried.**

- Resolution 2021-13 Approving Plans and Specifications and Ordering Advertisement for Bids for Ebony & Garnet Street NW.

**MOTION BY GREENBERG TO MOVE FORWARD WITH RESOLUTION 2021-13 APPROVING PLANS & SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS FOR EBONY & GARNET STREET NW, 2<sup>ND</sup> by ALDERS; Unanimous. Motion Carried.**

- Resolution 2021-14 Approving Plans and Specifications and Ordering Advertisement for Bids for the Roger's Lake Area.

**MOTION BY RAINVILLE APPROVING PLANS AND SPECIFICATIONS, (INCLUDING 185<sup>TH</sup> LANE), AND ORDERING ADVERTISEMENT FOR BIDS FOR THE ROGER'S LAKE AREA, 2<sup>ND</sup> by BLAKE; Unanimous. Motion Carried.**

- Resolution 2021-15 Declaring Costs to be Assessed and Ordering Preparation of Proposed Assessment and Notice of Assessment Hearing.

Assessment Hearing date proposed – Thursday, May 13<sup>th</sup> at 7:00 pm.

Discussion continued regarding the total cost of \$880,000 or \$863,000 with the 2 amounts being shown, which one is correct, and does one include the upgrade to 185<sup>th</sup>.

Engineer Nelson stated that the correct number is \$863,763 and includes 185<sup>th</sup>. The resident's portion would be \$423,688. The city will cover a little more than half because of the culvert improvements that were made in the fall of 2020.

**MOTION BY GREENBERG APPROVING RESOLUTION 2021-15 DECLARING COSTS TO BE ASSESSED AND ORDERING PREPARATION OF PROPOSED ASSESSMENT AND NOTICE OF ASSESSMENT HEARING ON MAY 13<sup>TH</sup> AT 7:00 PM WITH THE AMENDED AMOUNT OF \$863,763 FOR 2021-15, WITH THE CITY'S PORTION BEING \$546,163 (WHICH INCLUDES THE CULVERTS AND SUB GRADE PREP WORK DONE IN 2020), AND THE RESIDENT'S PORTION BEING \$317,600, 2<sup>ND</sup> by Rainville; Unanimous. Motion carried.**

- Resolution 2021-16 Declaring Costs to be Assessed and Ordering Preparation of Proposed Assessment and Notice of Assessment Hearing.

**MOTION BY GREENBERG TO APPROVE RESOLUTION 2021-16 DECLARING COSTS TO BE ASSESSED AND ORDERING PREPARATION OF PROPOSED ASSESSMENT AND NOTICE OF ASSESSMENT HEARING, DATE THURSDAY, MAY 13<sup>TH</sup> AT 6:00 PM, 2<sup>ND</sup> by Alders; Unanimous. Motion carried.**

- Resolution 2021-17 Declaring the Official Intent of the City of Nowthen to Reimburse Certain Expenditures from the Proceeds of Improvement Bonds to be Issued by the City

**MOTION BY RAINVILLE TO APPROVE RESOLUTION 2021-17 DECLARING THE OFFICIAL INTENT OF THE CITY OF NOWTHEN TO REIMBURSE CERTAIN EXPENDITURES FROM THE PROCEEDS OF IMPROVEMENT BONDS TO BE ISSUED BY THE CITY, 2<sup>ND</sup> by Alders; Unanimous. Motion carried.**

- Resolution 2021-18 Declaring the Official Intent of the City of Nowthen to Reimburse Certain Expenditures from the Proceeds of Improvement Bonds to be Issued by the City

**MOTION BY ALDERS TO APPROVE RESOLUTION 2021-18 WITH THE AMENDED AMOUNTS, DECLARING THE OFFICIAL INTENT OF THE CITY OF NOWTHEN TO REIMBURSE CERTAIN EXPENDITURES FROM THE**

**PROCEEDS OF IMPROVEMENT BONDS TO BE ISSUED BY THE CITY, 2<sup>nd</sup> by Blake; Unanimous. Motion carried.**

**7. Fire Department**

**a) Joint Powers Fire Protection Agreement to Terminate**

Mayor Pilon stated that the City of Ramsey is requesting this and they are also voting on this at their City Council meeting tonight as well. Attorney Ruppe agreed to the signing of this with the provisions that it would not go into effect if by chance the Governor fails to sign our legislation or the legislature significantly changes our legislation. This termination is in effect as of April 26, 2021.

Council Member Rainville asked if there was a revised agreement sent out that she is not seeing in the packet. And it would have been nice to know that in advance.

Council Member Alders also agreed that it would have been nice to know in advance.

Pilon said that is correct. He didn't know that this information wasn't communicated to staff. Attorney Ruppe's original statement was not to sign the agreement, but it was causing heartburn with our neighboring city, so he revised the agreement saying that it was fine to sign it but with the thought that if the legislature and governor have not done their part, it is null and void.

**MOTION BY RAINVILLE TO APPROVE THE AGREEMENT TO TERMINATE, 2<sup>ND</sup> by Blake; Unanimous. Motion carried.**

**7. Planning & Zoning**

**a) Cote Lot Split**

This involves 58.47 acres, splitting off 10 acres as Parcel A and keeping the remaining 48.47 acres as Parcel B. A single family home is proposed for each parcel. On Parcel A, the clarification is that the driveway that is to be constructed is to be centered on the 33 foot flag lot access. There is to be a 20 foot buffer on each side of the county and private ditches. These easements are for maintaining the ditch so there will be no utility easements, simply drainage easements. The driveway on Parcel B is to be a minimum of 15 feet from the west property line understanding at the easement on 201<sup>st</sup>, the county will designate where that driveway enters into that property and once it enters into the property, it needs to be at least 15 feet away from the west and needs to have proper drainage since the Tiger Street Development does drain through this property into the county ditch.

**MOTION BY ALDERS TO APPROVE THE LOT SPLIT RECONFIGURATION AND CONDITIONAL USE PERMIT BASED ON THE FINDINGS AND RECOMMENDATIONS OF THE PLANNER AND THE PLANNING & ZONING COMMISSION, 2<sup>ND</sup> by Greenberg; 4 in favor, Rainville abstained. Motion carried.**

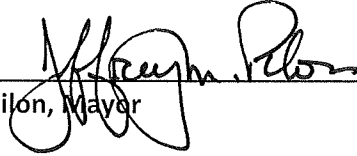
**MOTION TO RECESS UNTIL TUESDAY, FEBRUARY 20<sup>TH</sup> AT 7:00 PM TO ADDRESS THE REMAINING ITEMS ON THE AGENDA BY GREENBERG, 2<sup>nd</sup> by Rainville; Unanimous. Motion carried.**

Respectfully Submitted,



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Lori Streich, City Clerk/Treasurer



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Jeff Pilon, Mayor