

MINUTES
Nowthen City Council
June 8, 2021

Members attended: Mayor Pilon, Councilmember Alders, Councilmember Greenberg,
Councilmember Rainville

Also in attendance: City Clerk, Lori Streich; City Planner, Liz Stockman; Anoka County Sheriff Commander, Wayne Heath,
and Assistant Fire, Chief Joe Lawrence

Absent: Councilmember Blake

Pilon requested to amend the agenda by adding before the Sheriff's Report, the council consider the concrete bid for the Fire Station that the Council received this evening. He also asked to add item 5.b. Discussion of potentially redoing all of Ebony St NW, grinding up all of the patch and redoing all the way through instead of risking the patch not holding up with the new road. Clerk Streich added Item 5.c, Discuss Seasonal Park Maintenance position application, and 5.d, Clarification on the Farmers Market Coordinator and Assistant Market Coordinator stipend request. Pilon asked to pull Item 1.h and put it with 5.c discussion on Seasonal help. Rainville requested to add 5.e to discuss expectations regarding the June 15, 2021, Planning & Zoning Workshop.

**MOTION BY PILON TO APPROVE THE AMENDED AGENDA; 2ND BY RAINVILLE. ALL IN FAVOR.
MOTION CARRIED.**

1. **7:00 PM:** Consent Agenda:

- a) Approve City Council Meeting Minutes of 04-20-2021
- b) Financial Report: Approve Treasurer's Report, and Claims dated March 10, 2021 through June 1, 2021.
- c) Resolution 2021-20 Approving Liquor License Application for the Long Horn Group #2, DBA Bootleggers Saloon & Eatery
- d) Resolution 2021-21 Approving Liquor License Application for Burns Bottle Shop and Northwoods Bar & Grill
- e) RCA Appointing new Planning & Zoning Commission Members
- f) RCA Request from Nowthen Heritage Festival Committee
- g) Resolution 2021-23 Accepting the Coronavirus Fiscal Recovery Fund Established under the American Rescue Plan Act
- h) Clerk's Memo – Approve Hiring Part-Time Recycle Center Attendant, Kelly Joslin
- i) Clerk's Memo - Approve Part-Time Seasonal Ditch Mower
- j) Resolution 2021-24 & 2021-25 Awarding Contracts for Road Projects – lowest 2 bids were \$30 apart, and they were \$50k below all other bidders. Lowest bidder was not familiar to us, so Engineer did background checks.

MOTION BY RAINVILLE TO APPROVE CONSENT AGENDA, EXCEPT FOR ITEM 1.H (moved to Item 6.d); 2ND BY GREENBERG. ALL IN FAVOR. MOTION CARRIED.

2. **7:15 PM:** Floor Items – None

3. **Concrete Bid** – Discussion regarding CenterPoint Energy helping pay for concrete work in easement. CenterPoint said no, and they went to T-Mobile requesting to share their easement. CenterPoint is no longer requesting an easement from the City. Fire Station contractor pulled together a bid. Building Official said that the 2nd door is an egress door and needs to be ADA compliant, handicap accessible, 5' wide, ramping down to the parking lot, which was not part of the original bid. Further inspection showed that the concrete going into the service door is busted up and the concrete going into Bay 4 is busted up where the door meets the slab. The bid in front of the Council is for the sidewalks around the new addition, minus the part the contractor is responsible for, cutting the asphalt and hauling away, fill for the sidewalk, and removing/disposing of concrete in front of service door and at Bay 4 overhead door. The bid is only good for 30 days.

MOTION BY PILON TO APPROVE THE CONCRETE BID TO PROCEED AND FINISH UP THE FIRE STATION BUILDING; 2ND FOR DISCUSSION BY RAINVILLE.

Rainville wanted to know if the budget has \$4,853 to pay for this item. Clerk Streich said she just received this at 3:00 today and has not had time to research that in the budget. Asst Chief Lawrence said that they are coming into the project after it had already been started, so as far as he is aware there is no more funds that have been approved within the construction project. Rainville asked if we have received documentation regarding the next round of funds for COVID. Council just approved accepting these funds in the Consent Agenda. More information will be forthcoming, but it appears that the guidelines will be less restrictive than the first round, and the City has 3 years to use the funds, with significant impacts on broadband and public safety.

Alders asked if they could take \$5,000 from the Hockey Clubs pull tab disbursement. \$7,000 of the \$15,000 given was used for air regulators. This feels like it is part of that to finish the fire department. He proposes to take the funds from that, leaving \$2,000, and the City will get 3 more distributions throughout the year. The rest of the Council agreed with that suggestion.

MOTION WAS AMENDED TO STIPULATE THAT THE \$4,853.00 WILL COME FROM THE HOCKEY CLUB PULL TAB DONATIONS, WITH THE UNDERSTANDING THAT THE HOCKEY ASSOCIATION WILL GET THE UPGRADED RINK MATERIALS AS DEDICATED, WITH THE ADDITIONAL FUNDS COMING IN YET THIS YEAR. ALL IN FAVOR. MOTION CARRIED.

4. **7:25 PM: Sheriff's Report**

Commander Heath gave his report. He reviewed the calls for service within the City. Summer months generally see an increase in calls. There was also a follow-up check in with Bar None. They are trying some different strategies, working with Allina Health and Allina EMS to try and segregate some of their non-emergent service using BLS (Basic Life Service) vehicles, so they will not generate calls for the service for the sheriff unless the incident becomes a crisis. They also plan on using a health officer from their staff instead of the sheriff's department to sign any holds that are necessary. If it involves the county, using social services, child protection, etc., then the county would be billed.

Pilon asked Asst Chief Lawrence what the Fire Dept involvement is in responding to certain Bar None medical calls. Lawrence responded that currently Nowthen Fire is only responding to what he called the "Top Five" - difficulty breathing, unconscious, not psychological issues unless it involved the other things, fire alarms, smoke, etc. Also discussed was the Allina Response time being below par for calls to our area. Lawrence said that data should be used to respond to this claim, and private companies are not required to provide data. The data that is released may or may not be accurate. Response times are currently between 20-30 minutes for calls to this area. Bar None's planned changes would potentially see an increase in calls for BLS lower level vehicles, as opposed to the Advanced Life Services (ALS). Lawrence responded that typically what happens is that in the short term there will be an improvement, but over the long term it will get worse because initially they will assign a BLS ambulance, but if they are short BLS ambulances they will send an ALS ambulance and bill it as a BLS. Just because it is a BLS run, that does not mean that an ALS truck is not performing the call. Commander Heath said that it is not the Sheriff's Department's place to tell either the City or Bar None that their decisions are acceptable. But he agrees that these calls need to be monitored, as long-term solutions to these issues are the goals. He also reported that inattentive driving and increased speeds seem to have become more prevalent since COVID. Asst Chief Lawrence reported that the Anoka County Sheriff Department has provided the Fire Department with NarCan, an opioid reversal. There have already been over 20 overdose related deaths in Anoka County since they got this. He expressed gratitude to the Sheriff Dept for providing this to them, as this is an ongoing issue. Rainville asked if that meant that the Fire Dept will now be responding to overdose calls. Lawrence replied that they always have, as it depends on how it is dispatched. The overdose call that would trigger use of NarCan would be an unconscious, though they don't assume it's an overdose. That is determined at the hospital, but onsite indicators will trigger use of NarCan.

5. **7:45 PM: Planning & Zoning**

a) FX Auto, CUP for Auto Repair – 19745 Nowthen Blvd

This item was tabled at the last meeting. The site has been improved with vehicles being moved to the back, and the signage concern has been resolved by FX Auto choosing to share the pole with Dave Perkins. TPC recommends approval of the Findings of Fact for this CUP.

Rainville asked regarding pg 2. 4.c – Parking area on the existing gravel. Planner Stockman said that Rene Perkins will not allow his employees to park in that area any longer, but if customers or others park there it is not something he can control. Rainville also asked about pg 3. Item 6 – wondered if there is a time frame where the pre-treatment and infiltration basins will be restored. Stockman said technically they have a year. The basins have not been filled in, but they are storing things there which may deflect some of the storm water. Rainville said this is a violation of their initial CUP and should have an earlier time frame. Discussed August 6th as the deadline, in time to have an update for the August Council Meeting.

MOTION BY RAINVILLE TO APPROVE THE CUP AND VARIANCE AT 19745 NOWTHEN BLVD NW, FOR FX AUTO, WITH THE ADDITIONAL DATE OF AUGUST 6, 2021, ENTERED IN UNDER ITEM 6 OF THE FINDINGS OF FACT; ALDERS 2nd. ALL IN FAVOR. MOTION CARRIED.

b) Amended IUP for Exterior Storage – 19009 Rhinestone Street

Stockman reported that due to the co-ownership of this property and the fact that one of the owners does not wish to see exterior storage on this site, the City is obligated to Deny this Request. If at some time in the future Mr. Guimout wishes to reapply, he may do so. The exterior storage on this site currently must be brought into compliance, all vehicles stored inside, or the applicant could jeopardize the 2019 IUP he currently has and lose all storage. Guimont has agreements with his renters that they will receive one month notice before removal. Typically a property owner in violation of City Code will get notices and have 8 weeks to bring into compliance. Council decided that Guimont will have until August 1, 2021 to bring his property back into compliance with his current IUP.

MOTION BY ALDERS TO DENY THE AMENDED IUP APPLICATION FOR EXTERIOR STORAGE AT 19009 RHINESTONE, WITH THE STIPULATION THAT HE HAS UNTIL JULY 31, 2021, TO BRING THE 2019 IUP INTO CONFORMANCE; 2nd BY RAINVILLE. ALL IN FAVOR. MOTION CARRIED.

c) Front Setback Variance, House Addition – 20066 Baugh Street

Stockman stated that this is a very unique parcel on a small lake lot, less than minimum 2.5 acre lot size. DNR is in favor of the City moving forward as the addition is moving closer to the street instead of the lake. Planning & Zoning Findings were red-lined as per DNR recommendations, requiring gutters on the north side of the addition to drain the water away so it does not gully down the hill. TPC recommends approval of the variance. Property owners have all of this information.

MOTION BY RAINVILLE TO APPROVE THE VARIANCE FOR A 26'X40' HOUSE ADDITION AT 20066 BAUGH STREET NW, AT A DISTANCE OF 60.85 FEET FROM THE CENTERLINE OF BAUGH ST; GREENBERG 2ND. ALL IN FAVOR. MOTION CARRIED.

d) Ordinance 2021-02 Amendment – Grading, Landscaping & Erosion Control Escrow

Planner Stockman gathered more information, researched and discussed with Engineer Nelson after the Council discussion last month. Basically, this Escrow would apply to all properties, with Residential Projects being Low Priority uses, and High Priority uses being Commercial and Non-Residential Projects. In discussing the fee structure with Engineer Nelson, he thought it would be easiest to require a \$200 fee at the time of building permit issuance that would be used to cover 2-3 inspections throughout the building project. The \$2000 Escrow would be held and returned in full, unless there is an issue. If the contractor or homeowner is not maintaining their erosion control adequately or there are other issues relating to grading or landscaping according to the plan, the City may tap into the escrow. If all is satisfactory, the applicant would get the full amount back. The building Official does the Pre-construction inspection, leaving a middle and an end inspection for TPC or HAA to complete. Assuming there are no issues after those inspections, the full escrow would be returned to the applicant. The \$200 fee would not come out of the escrow.

Communication up front is important, informing applicants of the fees and the fact that the fees will be used for the three inspections and will cover the time to go out to the site, recommend changes as needed, and a follow up visit onsite.

Rainville said that a few years ago this idea was presented, and the Council did not move forward with it, against the Building Official and City Engineer recommendations. Stockman said that this is a MN state law that Cities are required to follow. Residents are covering their own costs in a pass-through system, otherwise the Cities bear the burden of the cost. It's a little bit of an incentive to just keep up with what is required. Stockman did attach in the packet, Exhibit B, as an example of a short form inspection sheet that anyone could complete. Public Works crew could have the list of 5 things to watch for as they are out and about in the City, and then notify either Engineer Nelson or Planner Stockman to perform a more detailed inspection, Exhibit C, the long form inspection. The actual agreement, Exhibit D, is the property owner agreement authorizing the City to use the escrow if they do not follow through with everything required. Stockman will make sure that Attorney Ruppe reviews the agreement.

Specific action Items:

- Create Nowthen-specific short form for residential building, ready for July Council meeting.
- Create Landscaping Escrow Agreement, with criteria for inspection included
- Ordinance 2021-02 Amendment with the three items; Stockman has simplified accessory building wording – Escrow is generally not required for accessory structures. Escrow is applicable for single family new construction, single family improvements with 10,000 feet or more of disturbance, and all commercial projects.
- Non-residential projects have a minimum of \$2,000 grading Escrow, but the City Engineer can request more at his discretion.

Alders wanted to know if both Escrow amounts could be \$1,000. There are quite a number of fees and up-front costs to build in the City, and this would require an additional \$2,000. He asked if the City has had a history of problems with residents building a new home and not putting in the yard. Stockman said it has been common for new construction to take at least a year to complete landscaping, less common since 2008. Typically, homeowners want their new home to look nice and will complete the landscaping. Greenberg and Rainville are both fine with the \$2,000 Escrow vs. \$1,000 Escrow amounts.

Discussed how to move forward with this. Rainville wanted to table it and have Stockman clean it up and bring it back to the Council. Stockman said the intent was to move this Ordinance forward and clean up the checklists later. Alders thinks it should be all approved and implemented at the same time, and it can wait a month. Stockman said in that scenario, the city will continue as they have been currently doing, with Planner Stockman inspecting erosion control before Occupancy is granted.

Alders said he understands the intent of this Ordinance, but also looks at the City of Nowthen and individual construction is not being done on quarter acre lots. Homes are being built on 5, 10, 20 & 30 acres which were typically tilled. It appears that erosion is acceptable in a plowed field 100 feet to the left or right of a developed lot. In a city, he would totally agree with this, but Nowthen is unique in so many ways. There needs to be some reasonability to what is being done here. He understands the need for silt fences, but it seems crazy to require someone to hydroseed an area at their house going into winter, but the farmer next to them can plow it up going into winter. Discussion about seeded yards and undisturbed areas that act as silt fences, and erosion onto city streets, wetlands, or neighboring properties. The MS4 is a mandated program where there is no funding, so the City becomes responsible for the cleanup and costs. The City is trying to make things clear, so they are not arbitrary to an inspector, where one property in a plowed field may not need the same erosion control as a property on a hill near a major waterway with potential wetland impacts. Alders said that he wants to make Planner Stockman's position clear and successful as she is the one in front talking with residents. Basically, in normal language, the silt fence can go down with the yard goes in.

Discussed online training for inspectors to comply with MS4 and creating checklists. Currently Exhibit C is what is expected for non-residential sites, and Exhibit B is basically what Planner Stockman uses for residential sites. Council wants a clear checklist for residents to review when they submit the Escrow, knowing that when they complete the entire scope of that checklist they will get their full Escrow reimbursed to them.

MOTION BY GREENBERG TO DIRECT PLANNER STOCKMAN TO UPDATE THE MS4 PERMIT AND GRADING AND LANDSCAPING EROSION CONTROL ESCROW, THE SHORTFORM, THE ORDINANCE AND THE AGREEMENT TO PRESENT AT JULY 13, 2021, COUNCIL MEETING; 2ND BY ALDERS. ALL IN FAVOR; MOTION CARRIED.

6. **8:30 PM: Administration**

a) Discuss training dates for Planning & Zoning Commission Members, Council & Staff
Clerk Streich presented the calendar. Planner Stockman presented potential items on the Planning & Zoning Agenda for June 22nd. Rainville suggested one of the training dates be the June 22, 2021 Planning & Zoning Meeting. Stockman said that regular meeting will be largely attended by neighbors interested in the development under discussion. Neighbors are frustrated and do not like change with development, and may not understand the process. Discussed possibly moving the Planning & Zoning meeting to 6:00 pm to allow for the training meeting from 7:00-9:00 pm. Concern for residents who may not be aware of a time change and may think the Council is trying to pull a fast one. Effort being made to be as transparent as possible. Decision to keep PZ meeting scheduled at regular time at 7:00 pm, with a decision on the topic by 8:00. That meeting will then be closed, and then Council, Planning & Zoning & Staff training will take place from 8:00-10:00 pm. New PZ members are not required to vote on a decision if they are not comfortable voting. Attorney Ruppe was consulted and will be available June 22nd from 8:00-10:00 pm. Rainville said she may be out of town but will call in to the meeting. Requested that Fusion training information be shared ahead of time for review. Stockman asked for Council approval to email those that submitted emails and inform them that questions need to be submitted ahead of time to be considered and notify them of the meeting time. Council agreed.

b) Discuss redoing all of Ebony St NW, including redoing the patched area
Concern regarding the relatively new patch on Ebony done previously that may not hold up the same as the new road being done. Recommendation to reclaim that area also and include that in the entire project. Discussed getting estimate from contractor and Engineer Nelson, with Council decision on June 15th as part of the Special Meeting notice.

c) Discuss Seasonal Park Maintenance Application and hiring Part-time Recycle Center Attendant, Kelly Joslin
Recommendation for hiring Kelly Joslin. Discussed expectations for Recycling Center Attendant and minimum information submitted on application. Clerk Streich explained that she and Public Works Supervisor Glaze interviewed Joslin, and he is well qualified for what is expected at the Recycling Center. She also stated that applications are not coming into the city for any positions at this time. Greenberg is comfortable with this applicant who is familiar with the recycle center's dirty environment, sorting, equipment, baling, etc. Discussion about accountability factors and providing steel toed shoes for Recycle Center Attendant.

MOTION BY RAINVILLE TO HIRE KELLY JOSLIN AS PART-TIME RECYCLE CENTER ATTENDANT, Tuesdays & Thursdays 11AM – 7PM and Saturdays 8AM-4:00 PM, EFFECTIVE AS SOON AS POSSIBLE; 2nd by ALDERS. Discussion about making probation period of up to 90 days clear to Joslin; offering pre-training onsite and shadowing Public Works staff. **ALL IN FAVOR. MOTION CARRIED.**

d) Discussed hiring a minor to help with parks and lawn care maintenance. It is legal as MN statute has been changed, but Cities must have proper safety equipment and procedures in place. Applicant must have safety glasses, hearing protection and work boots/shoes are required (no sandals). Applicant has the experience needed for the job.

MOTION BY RAINVILLE TO HIRE MORGAN ALDERS AS PART TIME PARK MAINTENANCE EMPLOYEE, AT \$16/HOUR, NO MORE THAN 32 HOURS A WEEK, AND THAT CLERK STREICH WILL INVESTIGATE THE PROPER SAFETY REQUIREMENTS. GREENBERG 2ND. Morgan is available for up to 25 hours a week. **ALL IN FAVOR: GREENBERG, RAINVILLE AND PILON. ALDERS ABSTAINED due to conflict of interest. MOTION CARRIED.**

d) Clarification on the Farmers Market Coordinator and Assistant Market Coordinator stipend request
Clerk Streich needed clarification regarding when the stipends would be paid out – at the beginning or the end of the Farmers Market Season. Council agreed that it should be paid out at the beginning of the Market Season. Stipends will be added to this month's claims.

e) Discuss the expectations for the June 15, 2021, Planning & Zoning Workshop.
Discussed customer service in the public sector, expectation of contractors representing the City, and communicating clearly with the residents in "lay people's terms." Tuesday, June 15th meeting objective is to discuss these things. Rainville mentioned that one of her goals is to hire an internal City Planner, but she's not

sure that the June 15th meeting is the appropriate time to discuss that. The pass-through system has been in effect since Nowthen became a City, but she is wondering if it is time to change to a full-time City employee. Time to evaluate if what we are doing is the best way to continue. In discussing hiring internal vs. external, if the City chooses to continue contracting external services, then a different billing process needs to be discussed. Checklists for residents to review going into a project are very helpful.

Greenberg asked if he could bring up Ad Hoc committees and parks at the June 15th meeting, and Pilon said no. The focus of the meeting needs to be on this one item of Contracted Planner service. Discussed various things that need to be discussed in different work sessions:

Tuesday, June 15 – Discuss Internal vs External Planner position, External flat fee structure, and clarity of a checklist and what it needs to look like, and communication

Tuesday, July 13 – Regular Council Meeting

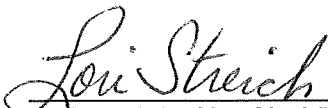
Tuesday, July 20 - Capital Improvement Plan Work Session; Discussion of Goals & Values, Ad Hoc committee & Pickleball discussion – Greenberg may present an RCA regarding Pickleball.

Pickleball discussion – Greenberg thinks pickleball is probably the most straightforward project the City has that will require the least amount of money and the most amount of traction. This is a good way to get into the process of using the Ad Hoc committee, by giving them a specific budget and project. Council Members each have stated goals and pet projects, and these should be reviewed so the Council can all be on the same page with values and goals.

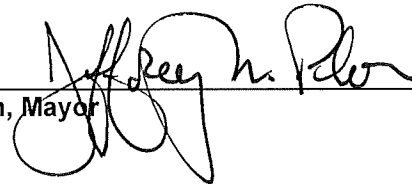
7. **8:45 PM:** For the Good of the Council nothing discussed.

MOTION BY ALDERS TO ADJOURN; 2ND BY PILON ; MEETING ADJOURNED AT 10:00 PM.

Respectfully Submitted,



Lori Streich, City Clerk/Treasurer



Jeff Pilon, Mayor