

Nowthen City Council
October 10, 2023
Regular Meeting Minutes

1. CALL TO ORDER

Mayor Pilon called the meeting to order at 7:02 pm.
All present recited the pledge of Allegiance.

Present: Mayor Pilon, Council Members Fladebo, Alders and Breyen.
Also Present: Administrator Lehner, Chief Deputy Jacobson, Planner Stockman and Deputy Clerk Johnson.
Excused Absence: Council Member Rainville and Chief Schmidt

MOTION BY COUNCIL MEMBER BREYEN, SECONDED BY FLADEBO TO ACCEPT THE AGENDA AS PRESENTED. 4 AYES. MOTION CARRIED.

2. PUBLIC HEARING

Opened at 7:05 p.m.

This public hearing is for Miscellaneous Special Assessments.

#1 – 5833 Norris Lake Road. \$1,639.06.

No progress on this property. No one here to dispute. Move forward with assessment.

#2 – 19144 Cleary Road. \$1,206.51

This property owner is working with Planner Stockman to clean up the property and has been told by the daughter-in-law that the clean-up will be completed by October 30th. The recommendation of Planner Stockman is on the assessment list and she can remove it before the list is certified if she is able to verify the property has come into compliance by October 30th.

***ACTION ITEM – PUT ON NOVEMBER AGENDA FOR REVIEW.**

#3 – 19960 St. Francis Blvd. \$6,139.27

No progress on this property. No one here to dispute. Move forward with assessment.

#4 – 19155 Burns Parkway. \$4,917.17

No progress on this property. No one here to dispute. Move forward with assessment.

#5 – 5270 189th Ave. \$620.50

Brian Weichelt, property owner at the meeting to dispute the charges.

Much discussion regarding the past citations and last year “waived” citations with conditions progress was to be made. Building inspections did not pass and the building permits have expired. The home is still uninhabitable. RV has been removed, but this property has been an issue since 2020. Planner Stockman’s recommendation is to waive \$200 of the fine for this item.

MOTION BY COUNCIL MEMBER ALDERS, SECONDED BY BREYEN TO REDUCE THE FINE TO \$420.50. 3 AYES, PILON, ALDERS AND BREYEN. NAY, FLADEBO. MOTION CARRIED.

Public Hearing closed at 7:49 p.m.

3. FLOOR ITEMS

None

4. **CONSENT AGENDA**

Mayor Pilon added 10.A.1. – Discuss Sam Corns Meeting Request

Add 10.B.3. – State Funds to be Allocated for Voting Operations, Technology, and Election Resources.

MOTION BY COUNCIL MEMBER BREYEN, SECONDED BY FLADEBO TO APPROVE THE AGENDA AS AMENDED. 4 AYES. MOTION CARRIED.

5. **ENGINEERING**

City Engineer Shane Nelson presented the feasibility report and called for a Public Hearing for the recommended road improvement needed on Waco Street, Waco Drive, 182nd Ave. and Ventre Lane. Mr. Nelson explained that this is the first step in the 429 process that is required. The next step is two (2) public hearings. The first for the public to hear the plan, and the second to present solid numbers as what is presented today are estimates. Residents by challenge property values vs. assessment amount. 18 properties will be affected and benefit from this project. This project will be in cooperation with the City of Ramsey. The mayor noted that Ramsey residents will not be assessed because the City of Ramsey included road improvement in their levy and Nowthen does not; therefore, Nowthen residents will be assessed an approximate value of \$8,700 per property. The overall estimated cost of this project is \$752,000 with the city paying the majority of the costs with the residents paying 50% of the street replacement cost.

Discussion regarding reducing the width from 28" or 26", kinds of curb and gutter, culverts, assessments.

MOTION BY COUNCIL MEMBER BREYEN, SECONDED BY FLADEBO TO APPROVE OF RESOLUTION 2023-XX RECEIVING FEASIBILITY REPORT AND CALLING FOR A PUBLIC HEARING ON IMPROVEMENTS. 5 AYES. MOTION CARRIED.

***ACTION ITEM: GET PROPERTY OWNER LETTERS OUT AND PUBLIC HEARING NOTICES PUBLISHED.**

6. **FIRE DEPARTMENT**

For the month of September 2023, the Fire Department responded to 16 incidents (1 more than the previous month) with an average response time of 13 minutes and 3 seconds (16-second improvement from August). The average number of firefighters attending calls for service was 4. The Fire Department reports no dollar loss from fires during the month of September. The Fire Department assisted other agencies 2 times in the month (St. Francis once, and Ramsey once) and received assistance from St. Francis once in the month.

On September 3rd, the Fire Department was dispatched to the 6300 block of 218th Ave. NW for a reported Allergic Reaction after a bee sting. Prior to arrival, the patient self-administered an Epi-pen, as the patient had a known allergy with anaphylaxis to bee stings. Upon arrival, the patient's condition began to decline again. The Fire Department successfully administered a 2nd dose of Epinephrine. This incident is an excellent representation of the importance of carrying critical medications, that even though this patient had a prescription and was aware enough to be able to self-medicate, the duration of Epinephrine is very short (approximately 2-3 minutes) and having the capacity to provide further interventions made a difference in the outcome for this patient.

On September 4th, Anoka County Sheriff/St. Francis PD/Nowthen Fire responded to a report of a cardiac arrest with CPR in progress at the Bar None facility. On arrival of law enforcement, staff was providing chest compressions

to one of the residents at Bar None. Law enforcement established the patient did have a pulse (or return of a pulse) but noted the patient was not breathing. Law enforcement provided lifesaving interventions until the arrival of Nowthen Fire who assisted law enforcement with critical activities including the use of the powered suction device and the advanced airway known as an "I-Gel". Narcan was also provided intranasal. The patient was transported to the hospital by Allina EMS in serious condition.

On September 5th, the Fire Department, Anoka County Sheriff, and Allina Ambulance were dispatched to Pickerel Lake for a water rescue. Initial reports were that a boat had capsized, stranding a victim on top of the boat. Another victim was swimming for an island along with a stranded hunting dog. Nowthen Fire arrived initially and deployed their rescue boat. They were able to recover both victims and the dog. The area of rescue was a significant distance from the launch. Assistance was utilized by ACSO with their boat as well to recover floating items and ultimately tow the boat and recovered victims to shore. No injuries reported. On the positive side, responders were also able to assist with the recovery of hunting equipment including guns, a portable gas can (pollutant), decoys and recovered game.

On September 30th, the Fire Department, along with ACSO Deputies and Allina responded to a report of an accident with injuries on the 22400 block of St. Francis Blvd. Initial reports were that two vehicles collided head on. The Fire Department and deputies were already responding to the Bar None facility when the accident occurred. Fire personnel provided traffic control assistance on St. Francis Blvd. as the patients were attended to by Allina EMS.

All of the new recruits have started their training. The recruits are currently enrolled in an EMT course being delivered through Allina EMS and are in class every Tuesday and Thursday evening.

The Fire Department open house during Heritage Days went very well. Unfortunately, the weather in the later part of the day did not cooperate for the fireworks display.

7. SHERIFF'S DEPARTMENT

Calls for Service

Sheriff's Deputies responded to 129 calls for service. Total for 2023 is 1,171 calls, which is 106 calls over the 2022 year to date total.

August 2023 calls for service included:

4 to Bar None

5 Alarms

8 Medicals

6 Animal Complaints

Bar None

On 09/04/2023 at 11:14 PM deputies responded to the Bar None campus on a report of a 16-year-old male not breathing. Arriving, deputies found the victim had a pulse, but was not breathing adequately. First responders recognized a possible overdose situation. Deputies administered Narcan and Nowthen FD arrived and placed an advanced airway in the victim. The victim began to recover on scene and was transported to a nearby hospital for additional care.

Noteworthy Incidents

On 09/05/2023 at 2:29 PM, deputies responded to the area of Viking Blvd. NW near Highway 47 on a report of a 2002 GMC Sierra truck that was driving recklessly and passing on the shoulder. A deputy located the vehicle and observed it completing an unsafe pass. The deputy stopped the vehicle in the area of Viking Blvd. NW at Rum River Blvd. NW. The deputy made contact with the driver, an adult female, and she showed signs of alcohol impairment. She was subsequently arrested for DWI and tested at double the legal limit. She was booked at the Anoka County Jail.

On 09/20/2023 at 8:25 PM, deputies responded to the 6100 block of Viking Blvd. NW on a report of a vehicle that had rolled over into the ditch. The first arriving deputy located a 1996 F350 rolled over onto the top of the cab. Deputies found the vehicle unoccupied. Fearing someone may have been ejected from the vehicle, extensive resources were called to assist the Nowthen squad, including a total of 12 squads, a drone from the Coon Rapids Police Department and resources from Nowthen FD. A tow from Northstar Towing was also called to the scene to see if anyone was trapped under the vehicle. Ultimately, no one was located. The vehicle was towed and held for proof of ownership.

On 09/27/2023 at 10:47 PM deputies responded to the 6100 block of Viking Blvd. NW on a report of a rollover crash with injuries. The reporting party indicated she was westbound on Viking Blvd. NW when a 2007 Ford F150 passed her at a high rate of speed, lost control, slid sideways, and left the roadway and rolled into the south ditch. The driver of the F150, an adult male, suffered minor injuries but showed significant signs of impairment. He was ultimately arrested for DWI and tested at .23 BAC. He was booked at the Anoka County Jail.

ACSO Open House – more than 1,000 people came to see us at the 2023 Open House.

Nowthen Heritage Festival – ACSO joined the Heritage Festival and we had squads on display, our patrol boat on display, and also hosted two K9 Demos with Diesel and his handler, Deputy Jesse Cutler.

Recent ACSO Awards:

Det. Jesse Standal from the Criminal Investigations Division received the Minnesota Sex Crimes Investigator of the Year award at this year’s annual conference for his work on a child sexual assault investigation.

The Midwest Regional Forensic Lab received the Project Foresight Maximus Award. The award is given to the top 15 performing forensic labs in the world.

Deputy Cole Brownfield was named a 2022 DWI All Star Honorable Mention by the Minnesota Department of Public Safety for his efforts in DWI enforcement last year.

The ACSO SWAT team was awarded top overall team and top Iron Man team at their 2023 annual training at Camp Ripley.

Pink Patch Sales – ACSO is selling pink patches to the public for \$10 each for Breast Cancer Awareness Month. We are helping raise money to support Firefly Sisterhood, a local organization that provides one-to-one social and emotional support to women who have been impacted by a breast cancer diagnosis.

Update on SRO’s in schools: ACSO has several SRO officers in the county. With the legislation changing regarding the use of force, there is too much confusion. ACSO will still respond to school emergencies, but there does need to be a resolution. Council Member Breyen spoke with Representative Novotny and spent Wednesday morning listening to a session at the capital regarding this issue. There is a bill being drafted to amend this law.

8. PLANNING AND ZONING

a) Consider Approval of an IUP to allow the Leasing of Outdoor Storage Space at 7411 181st Ave NW.

The council is aware there were surrounding residents at the public hearing in opposition of this IUP. Planner Stockman was presented with a letter from the property owner, stating she does not believe that November 15, 2023 is enough time to remove items required to be removed and requests an extension to May 1, 2024.

Discussion regarding the outdoor storage happening on the property without an IUP allowing the outdoor storage of equipment and vehicles for the lessee, John VonDelinde. Much discussion around finding a

solution by selling unlicensed vehicles and equipment, moving remaining equipment and licensed vehicles to the northwest side of the property further away from the Howards property and to have it all located on .25 of an acre, fenced so the neighbors do not need to view it. Recommendation to move forward with the IUP, give Mr. VonDelinde until November 15th to remove the items, less the approved items on the updated facts and findings that Planner Stockman will send out, vehicles remaining must be licensed, and a temporary fence must be built to hide the items remaining. All outdoor storage to be removed by May 1, 2024. If Mr. VonDelinde does not comply with the facts and findings, the property will receive an administrative notice with two weeks to comply with the initiate abatement. Planner Stockman also mentioned she would like to have a work session regarding code enforcement to receive clear steps from the council as to how to move forward with properties that are not in compliance.

MOTION BY COUNCIL MEMBER BREYEN, SECONDED BY ALDERS, TO APPROVE AN IUP TO ALLOW THE LEASING OF OUTDOOR STORAGE SPACE AT 7411 181ST AVE NW WITH THE CONDITIONS SET FORTH IN THE FACTS AND FINDINGS WITH THE CHANGES MADE TONIGHT REGARDING A FENCE IS NEEDED, .25 OF ACRE TO BE USED FOR STORAGE ON THE NW SIDE OF THE PROPERTY, UNLICENSED EQUIPMENT TO BE REMOVED BY NOVEMBER 15TH, 2023 AND ALL ITEMS REMOVED BY MAY 1, 2024. 4 AYES. MOTION CARRIED.

- b) Consider Approval of a Variance to allow the location of a 3,200 SF Accessory Building within the “Front” Yard of this corner lot at 7700 188th Lane NW.

It is a unanimous recommendation from the Planning and Zoning commission to approve this variance and there were no residents at the public hearing in opposition.

MOTION BY COUNCIL MEMBER ALDERS, SECONDED BY BREYEN TO APPROVE THE MOAN VARIANCE SUBJECT TO THE CONDITIONS AS OUTLINED IN THE ATTACHED FINDINGS OF FACT. 4 AYES. MOTION CARRIED.

- c) Consider Approval of a Variance to allow the addition of a Front Porch at 8766 Norris Lake Road.

It is a unanimous recommendation from the Planning and Zoning commission to approve this variance and there were no residents at the public hearing in opposition.

MOTION BY COUNCIL MEMBER FLADEBO, SECONDED BY ALDERS TO APPROVE THE VARIANCE TO ALLOW THE FRONT PORCH ADDITION AT 8766 NORRIS LAKE ROAD. 4 AYES. MOTION CARRIED.

- d) Consider Approval of a Moratorium on the Leasing of Building or Land as part of Extended Home Occupations.

The Ordinance is confusing and not clear relating to land and leasing as part of home occupations. By approving this moratorium, it gives the city time to clean up this ordinance.

MOTION BY COUNCIL MEMBER ALDERS, SECONDED BY BREYEN TO APPROVE THE MORATORIUM, THEREBY PROHIBITING ANY LEASING OF BUILDINGS OR LAND AS PART OF THE EXTENDED HOME OCCUPATIONS FOR A PERIOD OF ONE (1) YEAR AND DIRECT THE PLANNING AND ZONING COMMISSION

TO STUDY THE NEED FOR REFINEMENT AND CLARIFICATION OF STANDARDS IN SECTION 11-4-3B. 4 AYES. MOTION CARRIED.

9. ADMINISTRATOR UPDATE

- a) Administrator Lehner let the council know that Ride to End Alzheimer's is coming through Nowthen on 10/14/23.
- b) Administrator Lehner let the council know that the ACSO Marine Unit will be training at Twin Lakes Park on 10/19/23.
- c) Discussion regarding the steps to request a work session going forward.
 - 1. Know the request or action requested of the council.
 - 2. RCA/Resolution with back up information to be drafted by person requesting the "action".
 - 3. If an ordinance changes or document changes – have a red-lined copy of requested changes.
 - 4. Send all the information out to the council for review and questions.
 - 5. Then a work session date will be sent.

If a resident brings a floor item with something to be addressed, council will "direct" staff with a motion and vote to gather information for an RCA and a Resolution if needed.

- 6. Recycling Day is Saturday 10/14/23 8:00 a.m. – 1:00 p.m. There will be limited staff due to cost. The council members volunteering are Mayor Pilon, Council Members Rainville, Fladebo, and Breyen.

10. CITY COUNCIL- OLD BUSINESS

- a) Sam Corns concerns and work session requested.

Discussion about what does Sam really want from the council. This is an issue between neighbors, he has filed a complaint. Steps have been followed. He does not like the answers he has received so he has gone through city staff, the mayor, and now 4 of the 5 council members. He has made accusations against staff, our city prosecuting attorney, city subcontractors, etc. He wants a meeting to have a "conversation" with the council and will not pay the \$500 fee associated with having a work session to address his concerns. If the council waives his fee, will every resident with a complaint get the fee waived if they want to "talk" to council? This situation has cost the city quite a bit of taxpayer money. In addition to the cost of having the meeting, paying Planner Stockman, Attorney Glaser, Administrator Lehner, and Deputy Clerk Johnson at the meeting, there has been the cost of phone calls, documentation, meetings, that have accrued. Does the city and its taxpayers really want to continue this disruption with Mr. Corns? Most residents here want to be left alone, raise families and be safe. Council Member Breyen is not comfortable without any more information to substantiate his claims, Council Member Alders is not either, it could get out of hand, and it seems the city will never be able to satisfy Mr. Corns. The goal of code enforcement is to resolve issues before it gets to the council members. In the end, council members decided to have council members Fladebo and Breyen convene and go through the documentation from Planner Stockman and Administrator Lehner, to make a recommendation to state yes, we should have a meeting or no, a meeting is not needed, and council member Alders asked to have the fee included in the recommendation. If a meeting is recommended, it will be October 16, 2023 at 5:00 p.m.

11. CITY COUNCIL- NEW BUSINESS

- a) Discussion about price increases to the recycling of mattresses and comparison to other recycling locations & hauling costs.

MOTION BY COUNCIL MEMBER BREYEN, SECONDED BY FLADEBO TO INCREASE MATTRESS PRICES TO \$50 PER MATTRESS EFFECTIVE NOVEMBER 1, 2023. 4 AYES. MOTION CARRIED.

- b) Discussion to discontinue to accept commercial cardboard recycling as review of SCORE grant does not reimburse the city for commercial recycling.

MOTION BY COUNCIL MEMBER BREYEN, SECONDED BY FLADEBO TO TABLE DISCUSSION REGARDING DISCONTINUING TO RECYCLE COMMERCIAL BUSINESS CARDBOARD. 4 AYES. MOTION CARRIED.

- c) Discussion regarding State Allocated funds for voting operations, technology, and election resources.

MOTION BY COUNCIL MEMBER BREYEN, SECONDED BY FLADEBO TO AUTHORIZE ADMINISTRATOR LEHNER TO EXECUTE THE VOTING OPERATIONS, TECHNOLOGY, AND ELECTION RESOURCES (VOTER) ACCOUNT COUNTY – MUNICIPALITY AGREEMENT. 4 AYES. MOTION CARRIED.

***ACTION ITEM: DEPUTY CLERK JOHNSON TO VERIFY THE COUNTY IS USING THE CORRECT CENSUS NUMBERS OR PROJECTIONS FOR THE ALLOCATION TO NOWTHEN.**

ITEMS REMOVED FROM CONSENT AGENDA

- 4a) Mayor Pilon addressed that there are Action Items in meeting minutes. Such as:

- When will the council meet the newly hired firefighters?
- What is the status of the Human Foosball court and materials?
- Have the assessment notices been processed?
- What is the status of the hockey rink lights, how much work?

How will staff get these on an action item list so things do not get lost along the way?

MOTION BY MAYOR PILON, SECONDED BY COUNCIL MEMBER BREYEN TO TABLE APPROVING MEETING MINUTES PRESENTED IN THE CONSENT AGENDA 4A UNTIL A PROCESS FOR ACTION ITEMS IS DEVELOPED. 4 AYES. MOTION CARRIED.

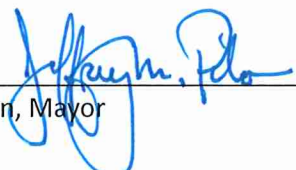
MOTION BY COUNCIL MEMBER FLADEBO, SECONDED BY BREYEN TO ADJOURN.

The meeting adjourned at 10:35 p.m.

Respectfully Submitted,



Scott Lehner, City Administrator



Jeffrey M. Pilon, Mayor



SIGN - IN SHEET

Meeting: Regular Meeting Date: 10/10/23

PLEASE PRINT

	NAME	ADDRESS
1.	Richard Hemen	19838 Winton, SE NW.
2.	Tom Olson	7561 191 st Ave NE
3.	Eric Moon	7700 188 th LN NW
4.	Jim Sadler	21146 St Francis Blvd
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SIGN IN SHEET - FLOOR ITEMS

CITY COUNCIL MEETING:

Regular Mtg 10/10/23

Name

Address

Phone

Topic

Brian Merchett 15407 Nowthen Blvd 763 760-9269 Assessment

SHARON A PAONE

10-10-23

7411 181 AVE NW

NOWTHEN MN 55303

TO: THE CITY OF NOWTHEN MN 55303

PLANNING AND ZONING COMMISSION:

REGARDING REDOMMEDATIONS FOR INTERN USE PERMIT FOR OUT-DOOR STORAGE.

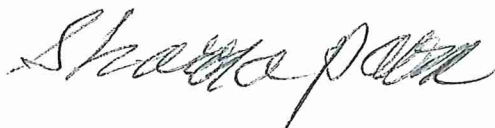
NUMBER 14. THIS INTERIM USE APPROVED BY THE CITY COUNCIL MUST BE EXERCISED OR PUT INTO EFFECT NO LATER THAN NOVEMBER 15, 2023, BY FULFILLING EACH AND EVERY CONDITION ATTACHED THERETO, OR IT SHALL TERMINATE , UNLESS A REQUEST IS SUBMITTED TO THE CITY IN WRITING NO LESS THAN THIRTY [30] DAYS PRIOR TO THE DEADLINE.

DUE TO WINTER APPROCHING. I DO NOT BELIEVE THIS AMOUNT OF TIME IS ENOUGH TO COMPLETE THIS TASK. I REQUEST THAT NUMBER 14. BE ELIMINATED. TO ALLOW TIME FOR THE LARGE AMOUNT OF EQUIPMENT NEEDED TO BE SOLD AND REMOVED FROM THIS PROPERTY. I REQUEST AN EXTENSION THAT EXTENDS TO THE PERMIT TERMINATION DATE OF MAY 1, 2024.

CONSIDER THIS REQUEST ON OCTOBER 10, 2023 LESS THAN THIRTY [30] DAYS PRIOR TO THE DEADLINE OF NOVEMBER 15,2023.

SINCERELY

SHARON A PAONE

A handwritten signature in cursive script, appearing to read "Sharon Paone", written in black ink.