

Nowthen City Council Regular Meeting
Minutes
August 10, 2021

Meeting Opened at 7:00

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

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

Agenda amended by Blake to add discussing a date for the Communication Workshop in Section 8, For the Good of the Council; and Rainville, requested to move Item 6.a) RCA – Letter of Credit Reduction – Breyen’s Bend and Item 6.b) Rogers Lake Area Road Improvement Update to Consent Agenda, and to add her RCA requesting reimbursement for purchases for the Nowthen Park Pavilion.

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

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

- a) Approve City Council Meeting Minutes of 05-24-21 & 06-08-21 & 06-15-21.
06-08-21 CORRECTION to Greenberg’s name; add the names of 2 assessment hearings and special Council meeting to 05-24-21 minutes
- b) Financial Report: Approve Treasurer’s Report, and Claims dated July 7, 2021 through August 3, 2021.
- c) Ramsey Lions Application & Permit for 1-4 Day Temporary On-Sale Liquor License
- d) Resolution 2021-27 Authorizing Acceptance of a Donation from B&L Custom Finishing & Lakeside Cabinets & Woodworking – for new Fire Station Addition
- e) RCA – Letter of Credit Reduction – Breyen’s Bend
- f) RCA – Reimbursement to Rainville for improvements to Pavilion
- g) Rogers Lake Area Improvement Updates

MOTION BY GREENBERG TO APPROVE THE AMENDED CENSENT AGENDA AND THE CHANGES IN THE MEETING MINUTES; 2ND BY RAINVILLE. ALL IN FAVOR; MOTION CARRIED.

2. **7:15 PM: Floor Items**

Dave Johnson 8863 184th Ave NW– Here to state his opposition to rezoning of Baugh St.; went through PZ 4 yrs. ago, new Comp Plan stayed RRA, here again for rezoning.

Jerome Lindner – 9133 184th Ave NW – He is opposed to rezoning at 181st & Baugh St .

Dick Walstrom – 20390 Basalt Ave – There is an issue with traffic & speeding on Basalt; come from north side and speeding; 6 driveways on each side between the top of the hill and 204th; little kids; no speed limit posted; Tar road with no shoulders; horse riding; wheel chairs; ATV’s on the road. If someone is walking on the road, there is no place to go if someone is coming fast up the hill. Not sure what to be done about it; something needs to be done or we will need to bury someone eventually. Invited sheriff to park in his driveway and set up radar.

Clayton Connelly – 9030 184th Ave NW – The neighborhood was here 4 years ago and was all against rezoning 181st and Baugh for possibility of Bill’s and G-Will Liquor store. He and his wife and their neighbors are adamantly against any rezoning to a business district. He based moving to Nowthen based on the Comprehensive Plan. He has done some legwork for taking decibel readings of that intersection and other intersections where Bill’s Superettes are, and he is willing to send information to Council. Mr. Rademacher runs a very clean business; his employees are well-respected, but this does not need to be rezoned. There are plenty of places to get food and the things that would be offered there, and he understands that population and housing are increasing. The southwest area of the City is a horse community, five-acre lots, trails, etc. Residents don’t want the issues of fast cars, as expressed by Walstrom. A stand-alone gas station/liquor store in a residential neighborhood will increase criminal activity. Recently he had called 911 on a suspicious person/suspicious car with an out-of-state plate, and it took 20 minutes to get sheriff response to the location. Ramsey

officer was in the area with no idea what was happening, and Connelly flagged him down to make the traffic stop. This is his neighborhood and he does not want suspicious vehicles and behaviors.

3. **7:15 PM:** Sheriff's Report

Commander Heath will follow up on complaint regarding speeding on Basalt and request extra patrols. He requested vehicle descriptions. Informed residents that the speed limit on a rural road that is not posted is by State Law 55 MPH.

Reviewed July's 138 calls for service; 9 of those to Bar None (4 runaway calls, 2 assaults, 1 medical, and phone property calls). Still having issues with young people staying on property.

Proactive incidents – Deputies on routine patrol and observed motorcycle traveling w/o headlight; driver impaired; sobriety tested; arrested. Sheriffs try to be proactive as they are on duty in the city. Increased activity in Nowthen, car crashes, house calls. Some days it is very busy, and it keeps law enforcement busy with calls. Response time for EMS response time is about 15-20 minutes; two personal injury crash events on July 31, 2021, Asst Chief Lawrence reported that Nowthen Fire beat the ambulance to the calls. 3 ambulances responded to the crash involving 3 individuals – 2 were transported by Elk River EMS Ambulance to Mercy Hospital; Allina Ambulance initially used, but then empty after the most critical patient was airlifted to HCMC by Life Link. Fire calls are also responded to by sheriff department, depending on the potential of involving personal injury, to help firemen concentrate on fighting the fires. Working on rescheduling work session with Sheriff James Stuart.

4. **7:25 PM:** Fire Department

a) RCA-Firefighter COVID-19 Reimbursement

Asst Chief Joe Lawrence presented the RCA for reimbursing a Firefighter, considered an essential worker by State of MN, so it is automatically treated as if the individual contracted it on the job, regardless. Estimated \$150-200 in back pay, as the individual was out longer due to complications from COVID, and less than \$300 in medical bills to be reimbursed. Funding would be from payroll budget. Future occurrences would be treated on a case-by-case basis. First In Injury Report is submitted to LMC. Not sure if it is an OSHA situation, but it will not be requested as Workers Compensation. Dealing with it through payroll. Total amount not to exceed \$500, which will include back pay and medical compensation.

MOTION BY RAINVILLE TO APPROVE RCA TO REIMBURSE FIRE FIGHTER COVID REIMBURSEMENT NOT TO EXCEED \$500; 2nd by GREENBERG.

Rainville asked if the expense would be reimbursable through American Rescue Act. Lawrence responded potentially, but it is more for infrastructure; **RAINVILLE AMENDED MOTION TO TRACT THIS FOR POTENTIAL REIMBURSEMENT THROUGH AMERICAN RESCUE ACT; GREENBERG AGREED. ALL IN FAVOR. MOTION CARRIED.**

5. **7:35 PM:** Financials

a) Resolution 2021 This will not -26 Pre-Sale Report for City of Nowthen, General Obligation Bonds, Series 2021A, presented by Bruce Kimmel of Ehlers Public Finance Advisors

Bruce Kimmel was not able to be present, so he was called via speaker phone to address the Council and to answer questions. Kimmel presented an overview of the financing plan for the 2021 Bond Issue. This is not a legally binding Resolution and can still be amended. September 14, 2021, is the date of the bond sale, and a Resolution will be then be considered that will obligate the city to close on the financing. He reviewed the Pre-Sale Report so all council members could ask questions and be prepared for the September 14th Bond presentation.

Five purposes for the proposed Bond:

- Krypton St Improvements (2020)
- 189th Lane Improvements (2020)
- Ebony St Improvements (2021)
- Rogers Lake Improvements (2021)
- Equipment Certificates to fund Fire Equipment and other City Equipment

Much more efficient to bundle several project purposes together as to makes a larger, more attractive bond sale, attracting more bidders in the bond market. Different portions have different amounts of time. Overall term of the bond is approximately 10 years & 4 months. The full bond will mature in 2032. First Interest payments will be due in August, 2022, and Principal payments due in February, 2023 through 2032. February 2023 payment will be funded by 2022 budget. Refinancing available in February 1, 2028. Early payoff also available at that time. Interest rates locked. Nowthen has a

stellar rating of AA+ with Standard & Poors. Kimmel does not see any issues with S&P affirming that rating for Nowthen again. Government Finance Officers Association (GFOA) and investors will be eager to snap up these bonds through a competitive sale. Ehlers is dialed in with the amount of money needed for these projects, and has been in discussions with Clerk Streich, Consultant Yager & Engineer Nelson regarding upcoming projects and equipment needs.

Discussed arbitrage and overage of funds available because residents prepay assessments, which would be resolved by reducing the tax levy to balance things out over 1-3 years, as all residents are subsidizing the road projects. No refunding opportunities. If project actual costs come in less than the estimates, then Ehlers would work with City Staff and the upcoming levies would be adjusted to the benefit of all residents in the city. If the actual cost is significantly less (thousands), then Ehlers should be informed and would adjust the amount of the bond before the bond sale occurs. Arbitrage earnings are basically holding onto the proceeds from the bond issue, and having more on the investing of those proceeds than is actually being paid on the bond issue. City needs to be aware and would need to write a check to the IRS for any excess earnings. Ehlers will keep track of this, but doesn't think it will happen here. May need to make adjustments for early payments or prepaid assessments. Bonds are tax exempt to investors.

Resolution is giving Ehlers the green light to move forward and work with City Staff to get the Bond; Official Bond statement will be presented September 14, 2021 to Council.

Equipment Certificate is the amount of net proceeds that the City would be able to use for the current and future year purchases of equipment. Ten years is a relatively short bond issue. Inflated the estimated rates by 25 basis points. Debt service schedule for each project detailed. Real numbers will be available on September 14, but the numbers presented are for planning purposes. 6% Interest rate totals were shown for each project. MN Law requires the levy to be 105% of the debt service, to cover delinquent fees. Nowthen delinquent fee is very low. Can avoid the 105% by showing other funds are available. Required to show the 105%, but it is more of a formality and may not be required. Alders asked regarding the total debt service for 2022 debt levy including the 105%. The individual improvement sheets do make an assumption on the prepaid assessments. Residents have until November 15th to prepay, and bonds are sold in September. Imperfect science. If information comes in regarding prepayment, the size of the Bond can be adjusted even on the date of the sale.

Nowthen has had very good financial management, so is in very good shape. This Bond issue will do very well in the bond market. Very little activity at this time, which is good for Nowthen. Bond/Buyer index is good. Nowthen is well positioned to fund these projects and equipment purchases. Taxpayers are contributing 50% of the debt service for each project. Additional tax burden per household in 2022 will be approximately \$167/per year.

MOTION BY ALDERS TO APPROVE RESOLUTION 2021-26 AUTHORIZING EHLERS TO WORK WITH STAFF TO MOVE FORWARD THE \$2,830,000 BONDING PROCESS; 2ND BY BLAKE. ALL IN FAVOR. MOTION CARRIED.

6. **8:22 PM: Engineering**

- a) RCA – Letter of Credit Reduction – Breyen's Bend – moved to Consent Agenda
- b) Roger's Lake Area Road Improvement Update – moved to Consent Agenda
- c) Ebony & Garnet Road Improvement Update

Email from Engineer Nelson included in packet which outlines concerns with Molnau Trucking. A Notice of Default was issued to Molnau Trucking with a request to respond to the issues by August 6, 2021. Registered letter was not deliverable because of dogs on property. As it is unclear whether or not they received the letter, the Molnau Trucking Registered letter was re-sent, and they were also sent an email copy. Council reviewed Engineer Nelson's summary regarding the lack of response from Molnau Trucking. Today, August 10, 2021, Attorney Ruppe spoke with Anna Molnau about Ebony & Garnet. Ms. Molnau said she sent the original payment for performance bonds on July 29, 2021, and is not sure why it wasn't received. She ordered duplicate original bonds and will contact West Bend Mutual Insurance Company the bond agent regarding the status update on when new bonds will be available. She also had Hakanson Anderson Associates (HAA) added as an additional insured on the certificate of insurance, which was confirmed by Engineer Nelson this afternoon, August 10, 2021. Ms Molnau said they were preparing a preliminary schedule in a meeting with Nick Molnau, August 10, 2021, which will be emailed to Engineer Nelson when completed. A pre-construction conference would also be arranged. Attorney Ruppe informed Ms. Molnau that if these items were not completed to Engineer Nelson's satisfaction by the end of the day, August 10, 2021, he would expect the City Council to authorize Attorney Bob Ruppe to send a letter notifying the company's surety, West Bend Mutual Insurance, that the city is requesting a

conference as the first step to declaring her company in default, which would adversely affect Molnau Trucking's future requests for bonds. Ms Molnau assured Attorney Ruppe that she would work to resolve these issues. As of the start of the City Council meeting tonight, the documents had not been received yet, but could be pending.

Attorney Ruppe is requesting that his email be entered into the record. He intended to get it out to the Council before the meeting, but Molnau was finally responding, so it was delayed. He is also asking the Council to engage his services to aggressively pursue this to its end.

Mayor read aloud the Registered letter that Attorney Ruppe drafted, attached at the end of these minutes.

Council discussed taking steps to potentially terminate contract with Molnau Trucking. Substantial completion date is September 3, 2021, and basic meetings have not taken place to date.

Rainville recommended to direct Attorney to take whatever steps to cancel this contract as they have not fulfilled their obligations and have had sufficient time to do so, and the City would move forward with the next lowest bidder. Nelson said they have 10 days to respond to the letter, and then the City can proceed with the default. Nelson also said that should they default, he recommends going to the next lowest bidder. The Attorney's opinion is that the City would need to re-bid which would mean the project would not get done this year. The bond is good for 3 years, so the project could be delayed until next year and still use the bonded funds. Nelson did all of the investigation and reference checks to verify the contractor. States preference would be to go to the next lowest bidder. North Valley was 2nd lowest bidder in both Ebony project and the Rogers Lake project. State law requires a city to take the lowest bidder.

MOTION BY GREENBERG TO AUTHORIZE ATTORNEY RUPPE TO MOVE FORWARD WITH THIS LETTER TO MOLNAU AND WESTBEND GIVING THEM 10 DAYS TO RESPOND, TO DETERMINE IF MOLNAU IS IN DEFAULT, AND TO LET COUNCIL KNOW THE NEXT STEPS NEEDED; 2ND BY RAINVILLE. ALL IN FAVOR. MOTION CARRIED.

7. **8:40 PM: Planning & Zoning**

a) Thompson Interim Use Permit – Jump City Inflatables, 8766 Norris Lk Rd.

Planner Stockman explained that Thompson is constructing a 54X99 pole building to house inflatables and jump houses; off-site rental of bounce houses, castles and water slides, with no onsite events. Some outside storage in designated areas. Applicant needs to sign and approve the Findings & Conditions (learned in Planning & Zoning training; incorporate immediately). Need to include in the motion that Planner Stockman will work with Attorney Ruppe to develop legal format

Discussed cost-effective way to enforce a time frame for zoning applications approved; inspection every 5 years.

MOTION BY RAINVILLE TO APPROVE THE IUP FOR JUMP CITY INFLATABLES AT 8766 NORRIS LK RD AS AMENDED AND AUTHORIZE PLANNER STOCKMAN TO WORK WITH ATTORNEY RUPPE TO DEVELOP LEGAL FORMAT FOR APPLICANT SIGNATURE AND APPROVAL OF FINDINGS; 2ND BY BLAKE. Blake is concerned about all the trailers. The Planning & Zoning Commission approved more than the applicant requested. Reviewed Site plan and explained screening and plan. Applicant Thompson understood Blakes concern and will be installing privacy fencing and trees to hide all of the inflatables and trailers. Inflatables are cleaned Tuesdays & Thursdays, weather permitting. Once inflatables have been cleaned & sanitized, they will be stored inside. Intention is to put the trailers behind the fence and trees. Work will be done in the back and will not be visible from the road. He likes things nice and neat. Planning & Zoning suggested increasing the number of trailers to 5 to allow for growth and expansion in the future. **RAINVILLE AMENDED HER MOTION** by removing specific days for cleaning (Item 2); Change 4.c to remove the number of inflatables. Alders agreed that days should not be specified for cleaning, as the applicant's business could expand, and they may need more than 2 days for cleaning. Requirements don't need to be that specific. Recommended the wording to be "Inflatables are set up for cleaning days." **BLAKE APPROVED AMENDED MOTION. ALL IN FAVOR; MOTION CARRIED.**

b) 181st Avenue/Baugh Street Rezoning – Work Session Scheduled

Planner Stockman reported that after the discussion at Planning & Zoning; Mr. Rademacher has requested a work session. Concept Plans typically only go to Planning & Zoning, which is the defined process and does not require a public hearing until the Preliminary Plat stage. Because a Rezoning Application requires a 4/5 vote of the Council, it is important for both parties to know if they have support before they invest the funds into it. If Council chooses, it can schedule a work session, and direct staff to share with surrounding neighbors to discuss his plan.

Planning & Zoning packet stated that this proposal differs quite a bit from the previous proposal. Ten (10) acres is currently being requested for rezoning instead of the previous proposal of 41 acres. The current proposal also includes the adjacent 100 acres for residential development. Mr. Rademacher is going to move forward either way with the residential section of this concept. Rezoning Application can only be done once per year. Mr. Rademacher is in the process of purchasing the land from Mr. Roessler, so Mr. Roessler had to sign the application as the current owner of the property. Residents have not heard what Rademacher is willing to do in the area. He is very straightforward and wants to communicate openly. Rademacher is in the Concept Plan stage, the intent is to talk about the Concept to provide the developer some sense of what the Council is thinking before moving forward. Stockman said that the residents have not heard what Rademacher is planning to do, and thinks this idea is a fair way to inform the neighbors.

Greenberg clarified for the record that this rezoning idea was proposed by Mr. Rademacher and not the City Council. He thinks rezoning should not be considered by the Council; just leave it as it is and follow the 2040 Comp Plan. Greenberg is willing to discuss the platting of residential lots and the park. Alders said that this is the proposal, and a 4/5 vote can change the Comprehensive Plan to allow a 10-acre commercial lot on the corner. The Council needs to discuss it to see if there is value in the development. Rademacher would like to split the development into residential and commercial.

Discussion about transparency. Packet was uploaded to website ahead of meeting but inadvertently failed to get sorted and refreshed to the top of the list right away. Concept plans don't require a public hearing; application from 4 years ago brought a large crowd to the public hearing; Roessler still owns the land that Rademacher is purchasing; unknowns get people concerned. Stockman restated that this application is still in the Concept Plan stage. Nothing has progressed or been withdrawn. The Concept Plan stage is advisory only – the City has not agreed to one single thing. Pilon alluded to the other requirements in the preliminary plat stage. Stockman reiterated that the intent of this request is to talk about this Concept Plan so the applicant can walk away with some indication of acceptance or not. Pilon said that the Planning & Zoning packet did not address the specifics of the Comp Plan or the Ordinance that would need to be changed, and said those things never came up for discussion at that meeting. Stockman disagreed, saying they were actually in her presentation. Stockman asked Attorney Ruppe point blank about spot zoning, which is rezoning one property instead of a group of a properties for the benefit of a single owner. Other factors are required to be considered: characteristics of the property, location of the property on arterial street and a collector road; and the degree of traffic at the corner. The decibel level is insignificant information. There is no legal basis to not allow this. Neither City Ordinance nor State Statute require a public hearing for Concept Plan. Pilon said even though it isn't required by law it seemed reasonable notify residents about the Concept Plan being presented. Stockman asked what Pilon might have suggested. If staff had gone ahead and gone "outside the box" in the established process for Concept Plan review and had done something that wasn't verbatim according to the City Code and Ordinance that the City Council has established, staff would've been reprimanded. Pilon responded that proactive communication is needed, and knowing the sensitivity of this parcel, suggested a number of options. Discussed packets being uploaded but not sorted to the top of the list on the website.

Blake asked for clarification regarding what is being asked of staff. Is Stockman supposed to come to the City Council before Planning & Zoning to get input before moving forward? Pilon said, in this case, it would have been worth meeting with the Council. Blake said she did not agree with that. Regardless of the situation, if there is protocol in place, the City should stay with the protocol for every situation. Applicants should be treated in the same way and have the same process, as it is a matter of equality regardless of past experiences. She said the mayor is requesting to change protocol in this specific situation just because of something that happened regarding a property 4 years ago. No one has done anything "on the sly." Everything is being done exactly how it should be done, and nothing has been decided regarding it yet. The applicant is still in the stage of sharing information with the Council, and the decision can be made later. The applicant has every right to share his thoughts. Stockman stated that part of the intent of the Concept Plan is for it to be reviewed by staff so things can be weeded out. Council should not skirt the important role of the Planning & Zoning Commission in the process, as they did an admirable job reviewing this and wanted to discuss it with Council before moving it along. We are still in the Concept Stage, and the residents could be involved. The plan can be shown and discussed openly. That is the initial reason for the RCA, and in her initial presentation, Stockman stated that Council can invite residents to the Open Meeting for input.

Greenberg stated that he believes the residents in that area do not want to consider spot rezoning to Commercial, so if the Council wants to talk about the development planning, park, trails, etc. he's for that, and residents can weigh in on that. He suggested removing the rezoning part of the application and just limiting the discussion to the residential development. Rainville said she didn't think that the Council can stipulate what an applicant presents to the Council. Applicants bring requests to the Council, and the Council is obligated to have a conversation on that request. Stockman clarified that the Council is not obligated at all to even necessarily discuss the Concept Plan. However, if Council wants to

be part of the advisory role in guiding this development, it can choose to do that. There is no formal decision on a Concept Plan. As a courtesy, before the representative of the property invests a great deal of money into development, Council allowing resident input would be a benefit to all.

Stockman recommended holding a "Neighborhood Meeting and/or Open House" and allow Rademacher to present his concept to the neighbors, City Council and Planning & Zoning Commission. This would allow input from everyone involved and concerns can be expressed. Applicant can answer questions at that time. Meeting will be recorded to have comments on the record. City will cover the cost of the letters, publication and Planner Stockman's time to prepare this meeting. A letter would be sent to residents to invite them, the meeting would be published in the newspaper, and 2 blue Land Use signs will be put up. Discussed times and dates. Mr. Rademacher asked if the Planning & Zoning Commission was going to be present at this Open House, and he was assured that they would all be invited. Connelly agreed that the letters and Open House would hopefully diminish the potential of the rumor mill distorting the facts.

MOTION BY RAINVILLE TO HOLD AN "OPEN HOUSE" ON AUGUST 23, 2021, 6:00-8:00 PM, AND ALLOW RADEMACHER TO PRESENT HIS ENTIRE CONCEPT PLAN FOR THE CORNER OF 181ST AND BAUGH, TO ALLOW RESIDENT INPUT FOR AN ALLOTTED TIME AND ALLOW RADEMACHER TO ANSWER ANY QUESTIONS; 2ND BY BLAKE. CITY COUNCIL HAS AGREED TO COVER COST FOR PUBLICATION, LETTERS, AND STAFF TIME TO PREPARE FOR THIS MEETING. 2 LAND USE SIGNS WILL BE DISPLAYED, ONE ON 181ST, AND ONE ON BAUGH. ALL IN FAVOR. MOTION CARRIED.

- c) Ordinance 2021-04: Accessory Building Clarifications

Planner Stockman put her comments regarding the issues in blue on the draft. The existing language in 11-4-2 is old language, harkening back to Township days.

MOTION BY PILON TO TABLE THIS ITEM. Directed Planner Stockman to clarify the issues. **ALL IN FAVOR. MOTION CARRIED.**

- d) Ordinance 2021-05 Interim Ordinance Placing a Temporary Moratorium on All New Commercial & Industrial Developments with the C-1 and I-1 Zoning Districts in the City

Planner Stockman reminded the Council of the recommendation to include a separation of the moratorium issues that were discussed. Discussed establishing a district. Alders asked if Rademacher's Concept would be subject to the moratorium. Page 2, Section 4 Hardship, a waiver would address that. Any uses cannot be prohibited as long as they meet the zoning uses, but Ordinance wording can be stringent and limiting regarding defined spacing. The Council can define spacing, but it cannot have an Ordinance prohibiting businesses within the Industrial zone permanently.

MOTION BY RAINVILLE TO ADOPT ORDINANCE 2021-05 AS AMENDED; 2nd by BLAKE. ALL IN FAVOR. MOTION CARRIED.

- e) Process Diagram and Checklists

MOTION BY PILON TO TABLE THE DEVELOPMENT REVIEW PROCESS AND MATRIX; ALL IN FAVOR. MOTION CARRIED.

- f) VOA Memo

August 9, 2021, meeting is not on the calendar because Pilon canceled it, due to the fact that the purpose of the meeting was not defined and other principal parties were not included. The purpose of the Planner's memo is to move this forward and get things moving, as discussed at the last meeting. Doing nothing is not going to help. The DHS & VOA have still not settled their differences, and things are not getting better. DHS has cited Bar None, and VOA has contested that citation. Pilon's opinion is that the City needs to wait for the DHS & VOA to resolve their issues, and the institutions sending individuals to Bar None need to be informed and involved. Until that is done, the City can't do anything, in his opinion. Rainville agreed saying that she is not interested in moving forward with anything until the Council understands what is there now.

Stockman reminded the Council of her recommendation last month, that the City would be the one to try to coordinate the meeting so everyone is on the same page, and nothing gets lost in the cracks. It is a big task, but VOA could come to the City tomorrow with an application, and then the Council would need to rush around to get things together. She advised trying to meet with some of the principal parties and figure this out. Someone needs to be in charge, and currently no one is taking the lead. It is not going away, and doing nothing is not going to help. Pilon said that everything that has been done with VOA over the years is like nailing jello to the wall. Stockman proposed that she call VOA attorney to get his point of view, and contact DHS and learn what they are thinking as well, in an effort to find out where things stand now.

Greenberg requested permission to speak pointedly. He stated that the City is not prepared to respond to any potential VOA application. The City needs to develop specific requirements for Bar None stating what the City would expect, regardless of where DHS and VOA are currently. He recommended that the City require Bar None to be a lockdown if the school were to be approved, and use the Anoka County Sheriff Dept and DHS as allies in developing the requirements. Getting VOA and DHS together for a meeting is just having another unproductive meeting, because they are master wordsmiths. The City just needs to be covered on its end to make sure requirements in this situation are addressing the issues and concerns of residents, with Attorney Ruppe's help.

Attorney's opinion is that right now, VOA is in violation because they expanded the program without the notifying the City and updating their CUP or IUP. Stockman asked if the Council is interested in revoking the existing CUP. Suggested engaging Attorney Ruppe to investigate what can be done to shut down the operation.

MOTION BY PILON TO ENGAGE ATTORNEY RUPPE TO FORMALLY INFORM VOLUNTEERS OF AMERICA THAT THE CITY OF NOWTHEN HAS GROUNDS TO SHUT DOWN THE OPERATION DUE TO VIOLATIONS OF CUP REQUIREMENTS; 2ND BY RAINVILLE.

Council needs to move forward boldly, or this issue will never be addressed. Greenberg requested addressing his comments about establishing requirements in the case that an application would be submitted also. Stockman suggested that to begin, Ruppe will need an outline and the historic violations that have been documented. Pilon requested Council approval to work with Ruppe on this.

AMENDED TO INCLUDE PLANNER STOCKMAN SENDING ATTORNEY RUPPE THE INFORMATION, AND AUTHORIZING PILON TO WORK WITH THE ATTORNEY ON THIS. ALL IN FAVOR. MOTION CARRIED.

8. **9:45 PM: For the Good of the Council**
a) Closed Meeting Memo

Pilon investigated the policy of closed meetings and possible violation of the Open Meeting Law. Council is acknowledging the inadvertent closing of the meeting, quoting MN Statute. The video of the meeting will be posted on the website as soon as possible.

- b) RCA Policy & Procedures for Notification of Land Use Applications

Rainville asked Council to read through the RCA. Agreed to table it until the September Agenda. Planner Stockman researched and could not locate the original RCA. Rainville will provide the minutes and RCA.

- c) RCA Hot-Patch road repair – Roger's Lake Area

Pilon reported that residents are requesting that potholes get patched on Waco, Ventre, Erkiem, Uranium, in the Fordbrook Estates 2nd Addition and Koala Hills areas. Cost unknown. Roads leading into Rogers Lake area from the south are full of potholes but will not be resurfaced until Ramsey does their roads in that area. Funding to pay for these projects coming from Road Maintenance Budget

MOTION BY PILON TO HAVE STAFF PATCH THESE AREAS; 2ND BY ALDERS. ALL IN FAVOR. MOTION CARRIED.

- d) Set a date for Communication Meeting

Blake said Council has talked often about the need to set a date for this meeting, but she does not want this tabled and forgotten. Clerk Streich needs to have input on this.

MOTION BY BLAKE TO TABLE UNTIL THE SEPTEMBER MEETING; ALL IN FAVOR. MOTION CARRIED.

Discussion Items:

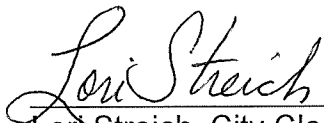
- Information on upcoming County & State Road projects
- Discuss interest in getting new city maps for City Hall, Fire Station, City Office- Requested Planner Stockman check on those costs.
- Discuss possible ordinance requiring developers to provide inground conduit for internet service when installing utilities to all new developments in the city; adds about 40% to do it after the development is done. Contacts regarding internet: Arvig, Comcast, MN DEED, and Century Link; Arvig contact on website and in Newsletter.
- Discussed Newsletter Draft. Blake voiced concerns that the Newsletter would not get to residents in time for the Recycling Day because of all the Council revisions requested. Pilon asked regarding the status of the Newsletter. Deputy Clerk Lendt responded that Clerk Streich's email said that it will have to wait until she returns from her vacation, as some of the requests were regarding her submissions. Blake asked what that meant cost-wise. Lendt said that it depends on what is actually decided. Vendor agreed to allow the City to pay the "grandfathered" price of \$500, instead of the current rate. Council established the new fee schedule with specific rates and sizes of ads for those interested in advertising in the newsletters. Advertisers design their own ads, staff does not manipulate them, and they pay for the specific amount of "real estate" they want to cover in the newsletter. Articles are therefore spaced around those ads to design an appealing presentation, at the vendor's discretion. To change the design to a 16-page spread, allowing the font of articles to be larger, the cost of the Newsletter will double. The reason for the Fee Schedule and the advertisements is to help cover the costs. Pilon suggested that articles go on one side and ads on the other and that Council determine the purpose of the Newsletter and how much will be spent; should be part of the budget discussion. Blake expressed concern that addressing Pilon's suggestions for Council input and budget discussion would push the Newsletter into October and again asked if this Newsletter was going to go out in September or will it have to wait until October so the Council can decide if it can go to a 16-page newsletter for this issue. Pilon said he is not proposing to have the discussion for this issue, and that since Clerk Streich will be returning next week, the newsletter would be delayed one week. Streich will need to know if Council wants to change to 16 pages or leave as is. Rainville said she doesn't even want her name in the newsletter if the font is too small to be readable. Blake suggested that it be changed to 16 pages and asked if the money was available to pay the extra \$500. Rainville said it was. Alders summarized direction to staff to make the newsletter 16 pages, make the font larger, and put the snowplow diagram on a full or half-page with the other snowplowing information. Priority on larger font for articles. Reiterated the request to have both commercial and residential tax info presented. Alders stated that the council feedback regarding the newsletter is great, but some of the comments need to go. Staff does not need to hear them. Pilon said, Understood. Blake said to keep it professional. Rainville replied to Alders that at 11:30 at night when she was trying to review..., but Alders stopped her saying that staff does not need it. Council is done.

MOTION BY RAINVILLE TO CHANGE TO 16 PAGE NEWSLETTER, WILL PAY EXTRA \$500 FOR DESIGNER; 2ND BY ALDERS. ALL IN FAVOR. MOTION CARRIED.

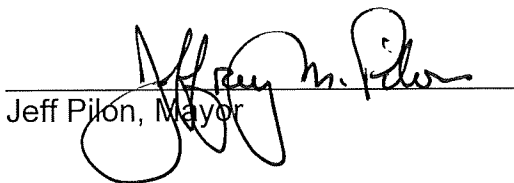
Stockman gave the Council an FYI that the Building permit for the CST Project on St Francis Blvd will be issued.

MOTION BY RAINVILLE TO ADJOURN, ALL IN FAVOR. MOTION CARRIED. MEETING ADJOURNED AT 10:53 PM.

Respectfully Submitted by:



Lori Streich, City Clerk/Treasurer



Jeff Pilon, Mayor