

Nowthen City Council
MINUTES
January 12, 2021

1. Call to Order at 7:00 PM via WebEx

Members attended: Mayor Pilon, Council Member Alders, Council Member Blake, Council Member Greenberg, Council Member Rainville

Also in attendance: City Clerk/Treasurer, Lori Streich; Sheriff's Commander Wayne Heath; City Planner, Liz Stockman

Planner Stockman requested to amend the agenda to move the Phil Hanson Accessory Building item up to be earlier in the Planning & Zoning discussion. Council agreed to move it to the first time.

MOTION BY RAINVILLE TO APPROVE TONIGHT'S AGENDA AS AMENDED, SECONDED BY ALDERS. ROLL CALL VOTE – All in favor. MOTION CARRIED.

Appreciation expressed for everyone's work through the challenges of the past year.

2. Oaths of Office were administered for the following members:

Jeff Pilon – Mayor

Mary Rainville – Council Member

Jason Alders – Council Member

3. Consent Agenda:

- a) Approve City Council Special Meeting Minutes of 12-02-2020, City Council Workshop Minutes of 12-03-2020, and City Council Meeting Minutes of 12-8-2020.
- b) Financial Report: Approve Treasurer's Report, and Claims dated December 2, 2020 through January 5, 2021.
- c) Resolution 2021-02 Resolution Appointing a City Responsible Authority
- d) Resolution 2021-03 Resolution Approving Nowthen Knights Baseball Team Care & Use of Nowthen Memorial Park Baseball Field & Contract
- e) Resolution 2021-04 Resolution Designating the City's Official Newspaper

MOTION BY RAINVILLE TO APPROVE CONSENT AGENDA, SECONDED BY BLAKE. ROLL CALL VOTE – All in favor. MOTION CARRIED

4. Floor Items

Dale Ames, 22176 Sugarbush Rd NW

He is here representing himself as the former chairman of the PZ Commission and gave a history of the PZ – 1st chairman was Harvey Greenberg, then Melvin Johnson (about 30 years), Fred Rolland (15 years +), and then Dale became Chairman in 2005. At one time there was a 9 member board, and they changed it to 7 members. Barry Wagner served on the PZ for 13 years, Harold Jorgensen has served for about 20 years, and Dale has been on the PZ Commission for about 40 years. He was literally shocked to find out about all the changes that took place on the Planning & Zoning Commission last month. 1) 7 members are very important; 5 members are not enough. Kristen Moan resigned and that opening was never posted to be filled and was never replaced. Another member has no internet so can't participate with online meetings. With 7 members, you have more people reviewing the codes and ordinances and getting more input to have things interpreted correctly. It scares him to have five members or less. In fact, the January meeting will have only 4 members, because Council hasn't posted anything yet to fill the openings from Barry Wagner's resignation and Jason Alders' election to Council. With the new ordinance wording, if someone gets sick they can't even have a meeting this month. There are 12 pages regarding the Planning & Zoning construction, meeting, orders and general procedures. These 12 pages lay out exactly what PZ can do – they cannot make any decisions, but can only make recommendations to the

City Council. All the way through the policy that is reiterated. He is upset, and he does not see where LMC or the attorneys have recommended these changes. He suggests that this new Ordinance be rescinded and that Council does a better job of looking into it, because the Planning & Zoning wasn't even considered in this decision. After 44 years of giving services to the Planning & Zoning of Burns Township and the City of Nowthen, as well as the other members who have served faithfully, he does not appreciate being treated this way.

Council Member Blake tried to make a motion to rescind Ordinance 2020-07 that was made in December changing the makeup of the Planning & Zoning Commission until Council has a chance to hear the thoughts of the current members. Council has caused a lot of hard feelings and mishandled this situation. Council rushed through an RCA that we should have had more time to think about, talk about, talk to more people about. Dale is correct in that this is a community, not just a Council, and we need to be aware and want to work well with our committees. We don't want tension and bad feelings, and she thinks that is what Council is doing here. To go into the new year with bad feelings from PZ Commission is not good. Pilon said this is not appropriate at this time in the meeting, because it is the open Floor Items section. There will be opportunities later in the meeting to address this.

5. Sheriff's Report

Commander Heath briefly reported on activity of the month. Bar None calls were down some from last month. Meetings have taken place with VOA over the past month, with good conversations and open communications. He hopes to see movement soon on some of those issues. 2020 end of year calls total was slightly decreased from 2019. Commander Heath also assured Council that the Sheriff Department has contingency plans in place for any large scale events that may happen, considering recent unrest & events in the news.

6. Engineering

a) Ebony & Garnet Road Project

Engineer Nelson said that this road project has the most history of any project he has worked with in Nowthen. There was a Public Hearing on Dec 9, 2020 to discuss the proposed project with residents. Council may now consider passing Resolution 2020-71 Ordering improvements to Ebony St NW and Garnet St NW if Council wishes to move the project forward.

MOTION BY ALDERS TO APPROVE RESOLUTION 2020-71, ORDERING IMPROVEMENTS TO EBONY ST NW AND GARNET ST NW; SECONDED BY GREENBERG. ROLL CALL VOTE – All in Favor. MOTION CARRIED.

Engineer Nelson presented the payment due to North Valley for Pre-project work on Ebony & Garnet that was completed, including replacement of several culverts, excavation and drain tile installation. Based on work that has been completed, he recommends payment of the December 11, 2020 North Valley Invoice for \$132,983.67.

MOTION BY RAINVILLE TO AUTHORIZE PAYMENT OF \$132,983.67 TO NORTH VALLEY FOR PRE-PROJECT WORK COMPLETED; SECONDED BY BLAKE. ROLL CALL VOTE – All in Favor. MOTION CARRIED.

b) Rogers Lake Area Road Project

Engineer Nelson presented Resolution 2020-07 Ordering Improvement for the Rogers Lake Area.

MOTION BY RAINVILLE TO APPROVE RESOLUTION 2020-70, ORDERING IMPROVEMENTS TO ROGERS LAKE AREA; SECONDED BY GREENBERG. ROLL CALL VOTE – All in Favor. MOTION CARRIED.

Engineer Nelson recommended Council authorize Haugo GeoTechnical Services' Quote for 12 soil borings and 12 pavement cores in the Rogers Lake Area which are needed as engineers plan and prepare, now that Council

has determined to move forward with this project. It is a lump sum quote of \$6,530. If any organics are encountered, the borings will be extended and there will be a slight additional charge, as noted on the quote.

MOTION BY GREENBERG TO AUTHORIZE QUOTE OF \$6,530 WITH ADDITIONAL WORK AS NEEDED AND STATED IN QUOTE, FOR GEOTECHNICAL SERVICES TO HAUGO GEOTECHNICAL SERVICES IN THE ROGERS LAKE AREA; SECONDED BY ALDERS. ROLL CALL VOTE – All in Favor. MOTION CARRIED.

c) 2020 Road Project

Engineer Nelson recommended authorizing payment to North Valley for 2020 Road Improvements completed to date, in the amount of \$72,769.94.

MOTION BY RAINVILLE TO AUTHORIZE PAYMENT OF \$72,769.94 TO NORTH VALLEY FOR 2020 ROAD IMPROVEMENTS COMPLETED; SECONDED BY ALDERS. ROLL CALL VOTE – All in Favor. MOTION CARRIED.

d) 185th and Jasper Street

Engineer Nelson presented for discussion the consideration of a Resolution supporting a grant application for the local road improvement program for 185th and Jasper St. This has not been discussed with the Council previously, but the solicitation recently came out and there is an opportunity to apply for the Routes of Reasonable Significance program. This is a competitive program, so there is no guarantee that the City of Nowthen will be successful in obtaining the grant, depending on how our project scores. The first step is passing this Resolution, and then we would ask that Anoka County pass a similar Resolution, as Nowthen is a non-State aid city. This process was previously done for the Old Viking Bridge. He recommends passing this Resolution.

MOTION BY BLAKE TO APPROVE RESOLUTION 2021- ___, A RESOLUTION OF SUPPORT FROM SPONSORING AGENCY FOR LRIP FUNDING FOR 185TH AVE NW AND JASPER ST NW; SECONDED BY ALDERS. ROLL CALL VOTE – All in Favor. MOTION CARRIED.

Rainville asked why there are two similar resolutions, and Engineer Nelson explained that the 2nd Resolution is to be sent to Anoka County for their approval.

Alders asked regarding the typical grant amount, and Nelson responded that the maximum grant amount is \$1.25 million. The last solicitation he worked with was awarded the full grant amount.

Rainville asked about including the section of Jasper that is currently gravel in this consideration. Nelson said that including that segment would hurt our score, because one of the criteria that the segment provide a connection to a higher order road within the state aid standards for consideration. These Grant applications are due early March for consideration, so the City of Nowthen should know by mid-Summer.

7. Planning & Zoning

a) Phil Hanson Accessory Building

Planner Stockman presented her MEMO, regarding the fact that Hanson's house is log construction and the proposed accessory structure exterior color will not match exactly. Looking for Council direction. City Ordinance requires the building be compatible with the principle structure. Planner feels that the proposed barn red walls and slate blue roof will complement the unique rustic looking home with dark grey shingles.

Rainville is uncomfortable with the fact that they will not match. Stockman said that the Ordinance does not require that they match, but just that they are compatible. Hanson feels that building a 40K structure and trying to make it look rusty seems silly. He would like to make it barn red with a slate blue roof similar to the house roof, and is planning to do build another similar structure on the other side in the future. Greenberg agrees with Planner Stockman.

MOTION BY ALDERS TO APPROVE PHIL HANSON'S CHOICES OF BARN RED SIDING AND SLATE BLUE ROOF; SECONDED BY BLAKE. ROLL CALL VOTE – GREENBERG, BLAKE, ALDERS – AYE; PILON & RAINVILLE - NAY. MOTION CARRIED.

b) Hazeman Invoice, 19350 Jasper Street

Planner Stockman's TPC Memo and documentation of the communication and work on Hazeman's Vacation Application process were presented. Council had previously put a hold on the \$318 Balance Due, to get more information. Stockman reiterated that the pass-through fee system and City policy makes applicants responsible for any fees associated with their project. She did not adjust the billing.

Blake said she didn't want to change precedent. Alders asked Stockman if her billing was based on time and materials. Stockman explained. Discussion about changing the Vacation fees to have the City subsidize the fees and make it a set fee for applicants.

Blake asked what Hazeman thought it was going to cost. Greenberg said that the City is billed by the contractors and the city code requires that applicants pay for how they involve the City Contractors in their particular projects. To help the City Budget, he thinks the balance due should be paid by Hazeman. Stockman clarified that Hazeman was made aware that if he would have placed his septic system somewhere else, he would've been able to avoid this vacation process altogether. He chose to proceed. Discussion about legitimacy of fees charged.

MOTION BY ALDERS TO REQUIRE HAZEMAN PAY THE FULL BALANCE DUE, AND COUNCIL SHOULD HAVE A SEPARATE MEETING TO DISCUSS PASS THROUGH FEES AND SET FEES FOR FUTURE PROJECTS; SECONDED BY BLAKE. ROLL CALL VOTE – All in Favor. MOTION CARRIED.

c) Breyens Bend Final Plat & Development Agreement

Planner Stockman presented the Final Plat and the Development Agreement for Breyens Bend Subdivision. Attorney Ruppe reviewed and amended the Agreement and said that there is nothing out of the ordinary in it. The Final Plat is 13 lots on 65 acres. Council previously approved the variance for the 9 acre lot and the variance for the 100 ft setbacks (instead of 120 ft). Some of the changes to the plat since the preliminary approval have been mainly because of engineering concerns and the removal of the rain garden in the middle of the cul-de-sac. This was removed because Attorney Ruppe was concerned about long term maintenance. There will still be an island there, but the residents have the option to maintain it or the city will mow it like a ditch section, once or twice a year. Park Dedication is \$2,000 per lot and Trail Dedication is \$500 per lot. TPC recommends approval of the project. Attorney Ruppe said he is open to scheduling a separate meeting to go over the agreement item by item with Council, but there is really nothing out of the ordinary about it to warrant another meeting. Everything is in conformance with City Code, and the Developer has agreed to limit the accessory building sizes to 3200 sq ft. There are 21 conditions in the Findings of Fact, including Engineer Nelson's Findings. Developer is planning to maintain the roadways until the first layer of blacktop.

MOTION BY GREENBERG TO APPROVE THE BRYENS BEND FINAL PLAT & BREYENS BEND DEVELOPER'S AGREEMENT WITH THE FINDINGS OF FACT; SECONDED BY BLAKE. Council discussion about billing and pass through items being billed to the Breyens Bend project.
ROLL CALL VOTE – All in Favor. MOTION CARRIED.

d) Ordinances from December 2020, not discussed (snow removal, graphic of ROW)

Ordinance 2020-01 ADOPTING REGULATIONS FOR THE RRA, RURAL RESIDENTIAL AGRICULTURE DISTRICT, the RRT, RURAL RESIDENTIAL TRANSITION DISTRICT, DELETING THE LONG RANGE URBAN SERVICE DISTRICT and AMENDING LANGUAGE FOR DRIVEWAYS/PARKING AREAS AND SINGLE FAMILY DEVELOPMENT STANDARDS

MOTION BY RAINVILLE TO APPROVE ORDINANCE 2020-01, but changing PZ recommendations back to the originally approved Council decisions; **SECONDED BY PILON.**

Alders asked why the Council is not willing to go forward with what the Planning & Zoning Commission recommended. Rainville responded that the Council had originally agreed to her recommended changes, and as the Planning & Zoning Commission is just a recommending body, she thinks they should go back to what the Council had originally agreed upon. Alders said that he did not agree with that decision. The Planning & Zoning had reviewed this for two months and looked at several different layouts to try to provide a fair compromise between what people are looking for in this development and allow some creativity to people that are developing the lots rather than just a cookie-cutter setup. He believes that the recommendations from the Planning & Zoning made should stand. He also does not agree that the staff was not involved and on board with this, because when he was on the Planning & Zoning, the Commission had alignment from the whole PZ Commission, which included members of the staff as well.

Pilon said that there was never a layout presented for a 175 ft. width, and a 50 ft difference between homes is significant when you have 300 ft depth. He thought the PZ discussion was fairly subjective. Alders asked if a layout was ever made showing these changes, and Pilon said they were working off what had been done in the past and the examples available in neighboring cities. Blake asked if Council was doing the same requirements for Breyens Bend as they were requiring for the RRT area. Pilon said that there were exceptions made for wetland issues. Discussion about exceptions and setting precedents.

Alders said that a big part of the RRT discussion is that the lots are a 2-acre average in the RRT area vs the 5-acre average in the Breyens Bend subdivision. The setbacks should be adjusted as it is a different scenario, allowing discussion about placement for septic systems & backup systems, front yards, back yards, and allowing some flexibility. That was the Planning & Zoning discussion. This requirement is a minimum, not a maximum. Pilon said most developers will work with minimum requirements. Greenberg said that he talked with a developer who agreed that they generally work with minimum requirements and save money, and they also stick with a basic plan, based on placement on one lot, throughout the neighborhood, to keep a consistent, cleaner look throughout. Rainville said that because of the smaller lot sizes, this area is not going to look like the rest of Nowthen. These requirements will help maintain that look with houses further back and more space in between, etc. She doesn't want decisions made because they will help someone else make more money.

ROLL CALL VOTE – All in Favor. MOTION CARRIED.

Ordinance 2020-03 AN ORDINANCE AMENDING CHAPTERS 10 & 11 OF THE CITY CODE REGARDING LOT BUILDABILITY REQUIREMENTS, CUL-DE-SACS/DEAD-END STREET WIDTHS, AND DRIVEWAY TURN-AROUND CONFIGURATIONS

MOTION BY RAINVILLE TO APPROVE RESOLUTION 2020-03, but changing PZ recommendations back to the originally approved Council decisions; **SECONDED BY PILON.**

Pg. 1.B.1 – Revert back to the minimum 23,000 sq ft land area and 3 ft of separation between final surface elevation.

Stockman commented regarding pg. 4.C. She requested to change the wording from "Optional Turnaround Designs" to "A driveway turnaround shall be required for all properties which do not meet the standards established in Section 4.E." Rainville & Pilon agreed to amend their motion to add Stockman's recommendation.

Alders asked what was driving Rainville's request to revert to Council's original decision and disregard the Planning & Zoning's recommendations. She responded that Council had based their decision on the recommendations of the City Planner & City Engineer. Alders asked for clarification why the Planning & Zoning got this Ordinance for discussion after the City Council had made decisions already. Rainville said that both Council and PZ have looked at this a couple times. Planner Stockman said that the original discussion was at a work session, and then it went to the Public Hearing as required by law to make the residents aware of the Council recommendations. Rainville said regardless of whether it was a work session or a council meeting, there was agreement on the Council. Greenberg asked Engineer Nelson his opinion on 3-feet versus 2-feet of

separation. Nelson said that it is a real tough section of the code to write, because it is based on historical data. Now that all of Anoka County has been ditched, some of the water level data has changed. In some cases where there is a lot of ditching in the area, the separation doesn't mean as much because the actual water table could be five feet lower. The difference between 2 & 3 ft of separation impacts the amount of fill to be hauled in. Requiring 3 ft would require more truckloads of fill to achieve that. Greenberg asked how often fill is needed to be hauled in, and Nelson said it can be fairly often. The standards are quite variable statewide. Nelson said he believes the reason it is written in City Codes is to protect basements from flooding, but it is not a perfect science. Item B.5 would allow a variation to the basement floor elevation.

Alders said that the reason PZ allowed for the variation was because they didn't want houses to look like they have been built on gopher mounds. He is concerned that leaving this separation requirement at 3 ft with 23,000 land area would create houses built in the middle of a lot that look like they are built on a little hill. PZ discussed that the separation requirement may be arbitrary, considering all the tiling that has been done in Anoka County within the past 30-40 years. He wants to allow flexibility instead of making all the homes look like they are stuck on a little hill. Rainville said that flexibility is built into the ordinance in 4.b., allowing them to prove something different if they want to vary. Alders said that may be true, but it is at an extra cost that may be for nothing. He reminded Council of discussion earlier about making it easier to do business with the City. This is building in extra cost for every one of these potential lots, and the 2-ft vs 3-ft is very arbitrary to begin with. If unchecked, each one of these lots, for 23,000 sq ft, potentially will be required to haul in a foot of fill. Rainville said this is an ordinance for the whole city, not just the RRT area. Blake asked if Breyens Bend was meeting the 3-ft separation requirement. That was confirmed.

Engineer Nelson asked for clarification on the driveway turnaround requirement. Stockman clarified that it is above the State requirement because Nowthen has so many long driveways within the city, and it addresses safety concerns.

ROLL CALL VOTE – Ayes: Greenberg, Blake, Rainville, Pilon; Nay: Alders. MOTION CARRIED.

Ordinance 2020-04 AN ORDINANCE AMENDING CHAPTER 5 OF THE NOWTHEN CITY CODE RELATING TO ON-STREET PARKING REQUIREMENTS AND SNOW REMOVAL

Planner Stockman's cover letter recommended that more discussion is needed before more amendments are made to the Ordinance or property owner notification letter. She said she needed a little more guidance before things can be finalized. Parking Requirements, page 1, has been analyzed and is good, but page 2, Section 5-1-3, amending Snow Removal Requirements needs attention. Discussion about challenges of graphics, Public Works Supervisor's recommendations, and realistic resident requirements. It is hard to establish a number of feet that snow needs to be piled back from the road. Existing language and language from State Law is included, because she was going back to basics. More clear language the "right-of-way or ditch" is needed in order for this Ordinance to be enforceable. Supervisor Glaze and City Clerk Streich can help Planner Stockman with cleaning up the language, and she can bring this back for the February Council meeting for approval. Council Members agreed.

8. Committee/Commission Structure
 - a) Planning Commission Application

RAINVILLE MOVED TO TABLE THE PLANNING COMMISSION APPLICATIONS UNTIL THE COUNCIL HAS BEEN ABLE TO DISCUSS THE PROCESS FOR APPROVAL, AND THEN COUNCIL WILL ALLOW STAFF TO ADVERTISE FOR APPLICATIONS. PILON SECONDED.

Discussion about LMC training available to Planning Commission members and expectations for applicants, timeframe for the Council decision, and functionality of current Commission. Pilon said that a quorum is a majority of the individuals that are currently serving, and the timeline would be the sooner the better, with the goal to be presented at the February's meeting. Clerk Streich clarified that the applications included in the packet just came into the office, with no solicitation going on at all. People are aware of the openings on the Planning Commission, and it is actually quite exciting to see people wanting to get involved. To see two people already step up was very

exciting, so she forwarded them to the full Council. Greenberg said that the education he received from the training was huge, and should be pitched as an "opportunity" for education up front.

ROLL CALL VOTE – All in favor. MOTION CARRIED.

Planner Stockman reminded Mayor of the discussion of the IUP/CUP list.

Clerk Streich reported that Planner Stockman has taken the lead on providing the history and list of IUP/CUP holders, and Office Staff will send out letters, maintain the list, and schedule periodic checks on them to be sure they are operable. Pilon stated that he didn't want individuals receiving letters to feel threatened by the letter, but just let them know that it is for informational purposes. Planner Stockman and Clerk Streich are both on the same page in regard to that. Planner Stockman recommended bringing back draft letters for Council approval, as this will be an education process for residents with IUPs and CUPs. Discussion about verifying property addresses and owners before letters are sent, and the IUP/CUP listing sort options.

Alders asked for clarification why Council is doing a 3-page letter to IUP/CUP holders. He wondered if there is something else that could be done from a communication standpoint to let residents know that the Council is looking for information to update IUP/CUP compliance. This potentially could whip up a lot of residents and is a huge change from the past 20-30 years method of operation. Pilon stated that IUPs have a condition for regular compliance checks to verify. CUPs stay with the property, but they may be inactive and eliminated to clean up the City rolls. IUPs stay with owners, and if the property owner changes, it becomes inactive and can be eliminated. The CARES Act funding pushed this verification process forward, as the city was not current on what businesses are active within the City.

Greenberg said there are clearly violations of the City Code within the City – blatant, subtle, visible, hidden, and invisible. Code violation enforcement could become a major project. Stockman said that general term Code enforcement is one thing, but Permit Findings Conditions are specific and enforceable and are a different situation. Alders said he agrees with the task to verify and enforce, but with such a major change management, there need to be a good communication plan in place or people will be upset and believe that the City is cracking down on them. Educational information is the initial stage and plan.

b) Resolution 2021-01 City Council Annual Appointments

Rainville had changes to Resolution 2021-01 presented by Clerk Streich for approval.

- 1) Pg. 2 – Official Newspaper, can be removed, as it was previously approved under Resolution 2021-04 in the Consent Agenda. Going forward it doesn't need to be approved separately.
- 2) Pg. 1 – City Administrator can be removed
- 3) Pg. 3 – Correct the year to 2021
- 4) Pg. 3 – Eliminate #5 & #6, and thus #7 becomes #5.

Filling in the blanks on the Resolution: (all members agreed)

Acting Mayor – Mary Rainville

Planning Commission Liaison – Jeff Pilon

Recycling Liaison – Mary Rainville

County Fire Protection Council – Jeff Pilon (primary) & Jason Alders (alternate)

Anoka Co Hwy Dept Rep – Lynda Blake

Emergency Mgmt Director – Chief Dave Schmidt; Joe Lawrence

Watershed Reps – Joel Greenberg; recommended Dan Breyen as a citizen rep (he approved)

Fire Board Representatives – Jeff Pilon, Jason Alders

RAINVILLE MOVED TO ADOPT RESOLUTION 2021-01 WITH THE CHANGES ABOVE. BLAKE SECONDED. ROLL CALL VOTE – All in favor. MOTION CARRIED.

9. Electronic Sign Removal

a) A&B Welding Quote & Weiss Electric Quote

Weiss Electric will handle the disconnection of the electrical in exchange for the keeping the sign panels. A&B Welding will remove the post for \$500.

PILON MADE A MOTION TO APPROVE QUOTES FROM WEISS ELECTRIC AND A&B WELDING TO REMOVE THE ELECTRONIC SIGN FROM HISTORIC CITY HALL PARKING LOT. ALDERS SECONDED. ROLL CALL VOTE – All in favor. MOTION CARRIED.

10. For the Good of the Council

Blake reminded Pilon about her previous attempt to make a motion regarding Planning & Zoning.

BLAKE MADE A MOTION TO RESCIND ORDINANCE 2020-07 APPROVING CHANGES TO THE CURRENT MAKEUP OF THE PLANNING & ZONING COMMISSION. ALDERS SECONDED.

Discussion: There only 4 members of the current PZ Commission, and Council has heard from 3 of them who are all very upset about the way it was handled. Blake does not think that it is a good way to start the year with the stress between council and commission. Greenberg agreed with most of the RCA, but did not agree with the council being the ones to appoint the chairman and co-chairman. Pilon said that state statute and LMC says that the council should be the ones to appoint, and technically, like the EDA, the Council could be the Planning Commission. Instead of having two meetings, there would be only one meeting. Blake said she wasn't arguing with Pilon's thinking at this point. She just thinks that it was handled poorly and shoved through without proper discussion and thoughtful consideration. Pilon responded that the rush and inconsideration was trying to clean up a legality, no one is being removed as a member, and they are trying to get Council meetings done by 9:00 pm.

Alders agreed with Blake and reminded Council of the Mayor's previous comments about avoiding surprises. No one on the Planning & Zoning Commission was aware that the City Council was going to push through a change in the middle of December with zero prep. Chairman Ames did not know. Commissioner Pearo sent an email to Clerk Streich. Alders himself was not aware of it. He attended the December Council meeting and requested that this be tabled, but it got voted through anyway. He talked with another Commissioner about it who was also caught off guard. He agrees that Council should unwind this thing. He does not disagree that the Council should have the final authority on the chairperson decisions, but he thinks it should be the same as other procedures. The PZ Commission makes recommendations to the City Council. From a transparency standpoint, there was very little transparency on what happened last month. From the City Council to the PZ Commission. From the City Council to the citizens of Nowthen, with that move Council is taking the ability for people to get involved from seven down to five. That PZ Commission is a very good opportunity for residents to get involved in the community and become someone that the Council can turn to "on the bench" when there's a city council opening or something in a couple years. We want to give people opportunity. He ran for City Council on the platform of transparency and giving people opportunities to be part of Nowthen. Shrinking the Commission down to what is being proposed is totally against that.

Pilon said that the function of the Planning & Zoning is Planning & Zoning, not grooming for the City. Having 5 members that are prepared and present is better than having seven members who don't show up. Alders responded that Council has not given residents the opportunity to see if they can get involved, because the openings were never posted. Blake added that this is a small community, the Council is to be "servants of the community," not the "be all and end all" of the community, and are to be listening to residents and what they are thinking. She thinks there was a gross amount of insensitivity involved with this decision. People are feeling that they are being marginalized. As a Council, out of respect for the people who have served our community for many years, we need talk with them and listen to what they have to say. She does not feel that is the kind of Council she wants. The community needs to know that the Council cares.

Rainville feels Council had made a good decision.

Alders did not agree with Rainville. He said that Council has not even given the community an opportunity. Two people applied for the Commission position opening before it was even posted. Earlier in this meeting, Council agreed that there should be good requirements out there so people know what they are getting into, proper training, etc. and he agrees with that. Why would Council not provide an opportunity for 4 people to be informed and trained instead of 2? There are 7 people that potentially will either stay on the Planning & Zoning Commission, may be on the Ad Hoc Committees for some of the other decisions, or a springboard for City Council. The current Council will not be on the council forever, and it would be a great opportunity if someone is interested in the PZ to get to the next level, because they would be aware of the ordinances, IUP, CUP, etc. There is no reason why you can't have seven or why the Council cannot allow the PZ Commission to make a recommendation as to who the members are and their chair person. Council will be the final approval on the recommendations anyway, but this decision is an effort to take away that responsibility from the Planning & Zoning team, and it frustrated them. They may have not talked with Mary, but Alders personally talked with 3 of the 4 other Council members. Pilon mentioned comments made on the FB group, but both Alders and Blake said that is not reliable and Council will not stoop to that level. Pilon said that as a Statutory City, though it may be the less merciful way, the City is required to abide by state statutes. Greenberg said his biggest concern was simply allowing the Commission to choose their own chairman, as the Council still has the final authority to approve. They know themselves best, and they can deduce themselves who should lead them. Pilon said that the lack of Council's rubber stamp on the Commission's choice could cause more issues.

Rainville said that nothing in the motion precludes the Commission from making a recommendation, with the knowledge that the Council has the final decision.

Alders asked why the Council does not trust that the Planning & Zoning has the ability to bring forward a candidate. Pilon said it is not part of their statutory responsibilities. Alders said it would be the same as it has always been, where the Commission would recommend a candidate and a chair person to the Council for approval.

Blake called for the vote.

ROLL CALL VOTE – Aye: Alders, Greenberg, Blake Nay: Rainville, Pilon. MOTION CARRIED

Elected Leaders Institute for the Advanced Program, February 2-13, 2021, an online course.

Pilon & Rainville would like to attend. Greenberg is not interested.

Alders would like to attend the beginner class.

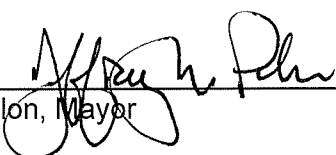
Blake may attend, but she will need to check her schedule. She will let Clerk Streich know her decision.

GREENBERG MADE A MOTION TO ADJOURN AT 10:30 pm. PILON SECONDED. Meeting Adjourned.

Respectfully Submitted,



Lori Streich, City Clerk/Treasurer



Jeff Pilon, Mayor