

MINUTES
Nowthen City Council
May 24, 2021

1. Meeting called to order at 7:00 pm.

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

Councilmember Rainville – in attendance late

Also in attendance: City Clerk, Lori Streich; Admin Asst, Lisa Lorensen; City Engineer, Shane Nelson; City Attorney, Bob Ruppe

7:00 PM - PUBLIC HEARING OPENED for the proposed assessments of costs related to the 2021 Road Improvement proposals for EBONY ST NW and GARNET ST NW.

Engineer Shane Nelson made his presentation. The first Public Improvement Hearing was held in December of 2020. Construction plans were prepared, and the city went out for bids. Tonight's meeting is the Assessment Hearing. This is where the City is most interested in hearing Residents' comments.

The City of Nowthen has 34 miles of paved roads and 29 miles of gravel roads and does not levy enough money to fully fund these capital improvement projects. Therefore, the City has a system where it assesses a portion of those project costs. If this project moves forward it will happen in 2021.

The roads under discussion were constructed in 1992, about 29 years ago, and have been in pretty tough shape for several years. A rural section is used for drainage, which means there's no curb and gutter, only ditches and driveway culverts. Additional boring logs were made to identify what was remaining for aggregate base thickness and the condition of the underlying subgrade. The borings were generally favorable, varying significantly throughout the roadway, from 3.5" (very thin) of aggregate base to significantly more where it had been rebuilt. The thin aggregate base is the suspected reason the pavement failed. In 2020, older road culverts were replaced, cattails were removed and some drainage improved. The boring logs help engineers know how much material is needed at each location. The goal is to have a minimum of 12" aggregate base in all sections to support the new pavement. New pavement bituminous will be constructed to a thickness of 3.5" thick.

There is a section of Ebony St with significant improvements that were completed in recent years. On that portion the proposal is to overlay, match all driveways in kind, and re-establish the gravel shoulder. The road will be slightly higher than it is currently, and topsoil will be used to feather in the slopes as needed. A couple driveway culverts in this area are more than 50% full of sediment, and so in those areas they will do some ditching and try to clean the sediment from the driveway culverts.

Nelson showed pictures of what the process will look like, machinery, and the general process. The existing bituminous will be reclaimed and additional aggregate base will be added and compacted. Spot testing is done in various ways to confirm density, and an additional test roll with a loaded truck is also performed, that helps visually observe any remaining soft spots. Paving will be done in two lifts: 2" base course of a non-wearing course and 1.5" wearing course. In the overlay section there will be only one lift of 1.5" wearing course.

Bids for this project were received and opened on May 11, 2021. Notices were prepared based on this project estimate of \$447,500 and most of the bids came in \$50,000 under this estimate. Generally the City waits until the end of the project and costs are known, and any cost savings are passed on to the residents.

The City will pay for any sub-base work and drainage improvements. If for any reason the road does not pass the test roll, the City will be responsible for digging out those sections and repairing them as needed.

Estimated replacement costs are \$288,000, which is the basis of the assessments. Nelson identified 20 benefitting properties that are proposed to receive an assessment. The City will pay 50% of replacement cost, and the other 50% will be covered by a proposed assessment of \$7,400 per unit. This is the maximum amount which can be assessed, but the City could choose to lower it the actual costs come in lower.

Project completion date is expected for the end of August, 2021. Final assessment amounts will be certified at the City Council meeting in September or October. Assessment amounts may be paid in full by November 15, 2021, or if unpaid they will simply be added to the property taxes, amortized over 10 years.

Project Schedule:

June 8, 2021 City Council Meeting: Bids will be considered for approval and contract awarded
Project start date is dependent on contractor scheduling
Project completion date is end of August before school starts

Alternatives were presented. To delay will cause more potholes and decreased level of service.

City Attorney Ruppe reiterated what Engineer Nelson had presented. He wanted to make sure that residents knew that under MN Law, if someone wants to object to the assessment and possibly challenge it in court, a written objection must be filed before the close of this public hearing. That does not mean that the City Council is going to move forward with this project. That decision will be made at a different meeting where the contract would be awarded and the project would move forward or another action may be taken. If residents are aware of lots that may be unable to be developed because of wetlands, zoning issues, etc., the City Council needs to be made aware of these and would consider that in their decision.

PUBLIC COMMENTS:

Jeff Porter; 18630 Garnet St NW

Porter said that all the culverts are flooding his property. It never flooded like that until all the culverts were put in. His trees are dying and falling over. He built his house in 1994 and the ditch was 6 feet wide and about 3 feet deep. He baled hay out there, had go-cart races, etc. and everything was dry. His kids are grown and gone now, so he doesn't play out in the yard like he used to, but now there are cattails in his yard. For the first 12 years, there was never a problem with the road and drainage. It may not have been put in correctly the first time, but it worked. Porter has a sub-basement under his basement (all approved), and for the last 5 years his sump pumps are going constantly. His ditch is down to 1 foot wide, and he bought a tractor to keep it at least 1 foot wide. The DNR said he can't change the way things are, but he is trying to just maintain. It has just gotten smaller in the past 8 or 9 years. In the spring, the culverts push in a lot of water, and he does not want his dry land turned into wetland. He thinks a ditch along the entire road would solve the problem. The cattails were never there until 9 years ago, but it was just grass. He just does not want everyone's water to run into his land. This problem needs to be solved before the road is done. He is willing to do what it takes to clean it up, but he wants to do things legally. The water builds, and eventually bursts and pushes dirt onto his land. Engineer Nelson responded that there is an exception that allows a property owner or the city to return a ditch back to its original grade profile. If either are interested in doing this as a project separate from this road project, that is allowed. If the ditch used to be 6 feet wide and 3 feet deep, that is the main

problem, as there is no place for the water to go now. The water in the ditch from the roadway down to Trott Brook needs to be able to continuously flow, or it erodes the subgrade of the road. This would not be part of the road project that is being considered tonight. Nelson said that the resident should fill out an Exemption Permit (State permit) to restore back the original drainage pattern. That gives the resident authority when questioned about why he is working in the ditch. Nelson offered to help Porter with that and to reach out to Anoka County Surveyors office for their records of the original county ditches as the first step. This happens on a regular basis, but Anoka County has many ditches that are not being maintained by individual property owners. Porter is willing to do the work to clear his ditch.

Mark Palm, 18793 Garnet St NW

Palm asked regarding the road topic and the water drainage. He thinks the water drainage in this development area has always been and will always be a problem. If Porter does as he is proposing, it may help somewhat, but an aerial view of the area shows that all the drainage funnels to that property and the property section just to the south of Porter. All culverts, drainage, etc. in the area goes down to their property. Any work that is done on that property will not facilitate getting the water out of there for all the properties in that development. If it doesn't go anywhere it will back up through the culverts onto other properties. Also, when the culverts were replaced, they were replaced with larger, concrete culverts and more water is moving through them. Palm asked Nelson if there is enough money built into the project to base to raise the roadway elevation so the water can drain properly if the first test roll reveals problem areas. Nelson responded that right now there is not enough aggregate base which will require importing aggregate as part of this project and is included in the project cost estimate. Discussion among neighbors about how full the culvert is currently.

Paul Reighard, 18711 Garnet St NW

Drainage is still an issue and will continue to be because of the clay. In the initial road study years ago, the Engineer estimated \$1 million to fix the roads as they should have been fixed at that time. Obviously, that was quite a few years ago, and now the estimate is quite a bit less. Reighard wants to know what guarantee the residents can have that they will not be going through this process again 10-12 years from now. This will be the 3rd time that many of the residents in this neighborhood have been assessed, and he does not want to be in this position again.

Nelson responded that Ebony & Garnet are his most studied roads in all of Nowthen. At one time there was a study that did not include increasing elevations but to remove what was there and add a sand cushion to build up from there. He said they build roads on silty sand and clays often. The largest problem was the first section that was repaired 10 years ago. A substantial amount of that and the culvert work is completed. This current estimate is for the work to complete building the road properly. The original construction for this road was before the road standards were in place. It was just bituminous surfacing to make it look good.

Reighard addressed the current policy to assess 50% of residents and asked the Council to consider the fact that some residents have been assessed on this road three times. He also wondered if the City would be able to take advantage of State Aid funds to help pay for this project. Pilon responded that this road would not qualify for State Aid, and the project on 185th and Jasper is currently being considered to qualify for a grant that City has applied for, which is still uncertain. If the City does not qualify for that grant, it will be leaving those roads undone until the City does qualify for State Aid. The City needs to reach over 5000 residents to qualify for State Aid, if it is available. Nelson reported that MNDOT recently stated that they have had an "overwhelming number" of applications for the Local Road Improvement Program, and that it will take them longer than expected to go through and score them. He thinks Nowthen's chances are slim to none for State Aid at this time.

Reighard's last question is to Attorney Ruppe. He understands that impact of the improvement on a property's value should be the same amount as the improvement assessment. Ruppe responded that it is called the "Benefit Test" and the easiest way to understand it is to compare current appraisal value

with appraisal value after the road improvement. If residents want to challenge this, it needs to be submitted in writing before the close of this meeting tonight, as stated previously. Then it would go into District Court where each side would present its evidence of the project and appraisal values, etc. and the judge would have to make a decision. The estimated assessment is assumed to be correct, but if the property owner can show evidence that the property did not increase by that amount to the satisfaction of the judge, the judge can lower the assessment amount. Reighard is wondering if he can appeal the assessment amount without appealing the project. Ruppe said in all of the cities and road assessments he has represented over the years, most of them do not move forward with the project if someone appeals the assessment, because the City knows that the legal fees are not covered by insurance. It has to go to District Court, and experts will be called for input, thus facing additional expense not included in the project. Reighard asked if there was another time for appeal, within 30 days after the project. Ruppe said no, that is not an option, and wanted to make it very clear that if someone wants to preserve the right to appeal, a written objection must be submitted before the close of this public hearing. It doesn't have to be fancy, just a hand-written note stating your desire and submitted to the City. This does not require going to court, but it is the prerequisite for appealing when appropriate. A copy of your objection will need to be retained and submitted to the court.

Reighard again requested that the Council reconsider the overall dollar value of the assessment for this project, based on the fact that some of these residents will have been assessed three times.

Alders addressed Engineer Nelson regarding the core samples that were taken 3.5" deep +/- . When the project is completed, the road will have 12" gravel, so it could theoretically increase the height of the road 7-9 inches. Nelson confirmed that would be true.

Palm

The collective neighborhood confidence is not very high regarding the stability and quality of the road, mostly due to water issues. He wants to know how quickly a road will be fixed if after 2-3 years the road starts to show substantial failing. Pilon said that one of the big things is to address the water issues to keep it moving away from the roadway. Regarding building the road bed, the City will rely on the Engineer to supervise and make sure it is built properly. Nelson said that if the road base is not able to properly support the proposed roadway, they will not pave the road without correction. They will come back to the City Council and discuss those concerns to get the correction. When the final test roll is done, the aggregate base should not move under the loaded dump truck tires.

Porter

If the problem with the water on his corner is not solved, this will not be fixed. His corner is too far away from the creek. The ditch is way off. Along the west side, there is a brick culvert and another culvert. The ditch further down is very flat. He recommended making a ditch along the roadway so the water can run to the other ditch. Nelson agreed that the ditches need to be unplugged. Porter said he will dig out his ditch and that will help one problem but will not solve the problem. It will create more water problems on the other corner where it drops under 185th. Nelson said there is nothing proposed for drainage improvements outside of the Right of Way. If the Council were interested in exploring that, he would investigate that, but it would require easements from private property owners. Council agreed that they would like Engineer Nelson to pursue investigating cost estimates for these drainage improvements, considering the culverts running east to west for water to get to Trott Brook.

At the 7:00 PM, June 8, 2021, City Council meeting, the decision will be made regarding moving this project forward and awarding the contract. Any additional comments should be sent to the City Clerk to be shared with the City Council for consideration.

MOTION TO CLOSE PUBLIC HEARING by Blake; 2nd by Alders. Unanimous approval. Hearing CLOSED.

7:15 PM - PUBLIC HEARING OPENED for proposed assessment of costs related to 2021 road improvements in the ROGERS AREA PROJECT.

Dennis King, 5010 183rd Lane NW

As a 100% disabled veteran, he is wondering why the city has not adapted the policy of the Veterans Administration regarding the assessment for his property. He is on disability income and would have to take out a loan from the bank to cover his assessment. Attorney Ruppe stated that MN Law does allow cities and towns in their discretion to grant deferments. It does not wipe out the assessment, but it does defer it with interest. The City can consider adopting a policy on this, and if that is something the City would like to explore it could be considered at the June Council meeting, as there is documentation that needs to be adopted. In the past, the City has never adopted any deferment policies and needs to understand that it will be absorbing that assessment amount in the City Budget because the contractor still needs to be paid, etc. Property owners need to understand that a deferment does not extinguish the assessment, it just defers it to a later time with interest. King said that would not help him, as it would just put him further into debt. Ruppe agreed and said that is why most people, once they understand this, do not ask for the deferment, as it will be real hardship later with the amount plus all of the accrued interest. King thought it would modify the assessment, if nothing else. Ruppe said no it would not, because that is MN State Law. He explained that the total assessment is not due in one lump sum. Property owners are allowed to prepay in full, but if they do not choose to do that, it will be added to property taxes spread over 10 years, which is easier for many budgets to handle. King said that is not the way he understood it.

Engineer Nelson made his presentation for the Rogers Lake Area project, which will include 183rd Lane, 184th Ave., 185th Lane, Salish Circle, Century Street, Waco Street and Yakima St, or portions thereof.

The City of Nowthen has 34 miles of paved roads and 29 miles of gravel roads and does not levy enough money to fully fund these capital improvement projects. Therefore, the City has adopted a system where it pays some of the Costs with the City Budget and also assesses a portion of those project costs. This project is being considered for construction, this year, 2021.

From the records available, the original construction of the road was in 1977 and an improvement project to pave the roads occurred in 1990. These are fairly narrow streets, 20' wide as opposed to the standard 24' wide throughout the City, but they seem to be functioning fine for the traffic there. In 2020 there were crews doing repairs to the sub-grade in several areas to allow them to go through a winter and the freeze/thaw cycle in preparation for this improvement project. This is a 31-year old road, and pavement is at the end of its useful life. Proposal is to reclaim the existing bituminous, replace road culverts (does not include driveway culverts), pave the new bituminous 3.5" thick at current 20' width, match driveways by replacing in kind (gravel to gravel, paved to paved, concrete to concrete), reestablish the gravel shoulder, and all in all there are no major drainage improvements included in this project.

Nelson showed illustrations of the process for residents, machinery, construction methods, etc. The Reclaiming machine grinds up the existing bituminous and mixes it in with the underlying aggregate base, creating a stronger subbase to build the new road on. After Reclaiming, it is shaped with a road grader, the aggregate base is compacted to prepare for paving, and then they pave the bituminous in two lifts. The first lift is what is called a non-wear course or base course, and the 2nd lift is 1.5" wearing course. Proposing to pave with 10' lanes, 20' total width, Class 5 aggregate shoulders on both sides, and as the new road will be slightly higher than the existing road, the slopes will be matched with topsoil on the in-slope to provide an acceptable slope.

At the Public Improvement Hearing the City listened to residents regarding what they would like included in the road improvements. Since then the City has gone out for bids on these projects. Actual contractor bids have been submitted and were opened on May 11, 2021. Total estimated cost of the

project was \$863,763.00. Bids actually came in about \$100,000 less than that. The City is proposing to pay the drainage and sub-grade improvement cost. Engineer believes they found and corrected the sub-grade problems, but if more sub-grade problems are discovered during construction they would be corrected at the City's cost. 185th Lane improvement cost is \$32,000 and that is to upgrade it to pavement. The two benefitting properties on 185th Lane will have a slightly higher assessment because of this upgrade.

The City uses a per unit assessment. The 2 benefitting properties on 185th Lane have a proposed assessment of \$8,000. The remaining 52 benefitting properties have a proposed assessment of \$5,800. Residents have the option to pre-pay their assessment in full by November 15, 2021. If it is not paid in full by that date, it will be added to property taxes, and amortized with interest over a 10-year period. At the June 8, 2021 meeting the City Council will consider approving the bids and awarding the contract. Construction start date is dependent on the contractor's schedule, with a completion date specified by September 1, 2021.

Alternatives were discussed – more potholes, decreased level of service and cost levels go up.

City Attorney Ruppe reiterated what Engineer Nelson had presented. Assessment estimates cannot be increased, but they might decrease based on actual costs. He wanted to make sure that residents knew that under MN Law, if someone wants to object to the assessment and possibly challenge it in court, a written objection must be filed before the close of this public hearing. That does not mean that the City Council is going to move forward with this project. That decision will be made at a different meeting where the contract would be awarded and the project would move forward or another action may be taken. If someone wants to preserve the right to appeal, a written objection must be submitted before the close of this public hearing. It doesn't have to be fancy, just a hand-written note stating your desire and submitted to the City. This does not require going to court, but it is the prerequisite for appealing when appropriate. A copy of your objection will need to be retained and submitted to the court. Once the assessment rolls are certified, residents may object, and the court will require that written objection.

Kristine Fallon, 4810 184th Ave NW

Fallon's property is the first driveway off of Hwy 7, which is 183rd and becomes 184th, on the north side of Rogers Lake. About 6' of their property is in Oak Grove, but the driveway is in Nowthen, and about 2 driveway widths is also Nowthen. That is the extent of their property on the road. She does not think they should be treated equally with the other properties along the road. They never go through the Nowthen roads, as they always use Hwy 7. She will write up her objection. She thinks this is not a good time to hit residents with an assessment right after COVID.

Kurt Maiborn, 4948 185th Lane

The section of road that Fallon was discussing was paved and within a year it was cracked. He wants to know what guarantee they have that this improvement will last instead of failing within a few years as it has in the past. Why is this project different? He is also upset that with all the trillions of dollars that are being taken for infrastructure by the Federal government, yet they still have to pay extra for this project. It's disheartening, along with the stifling of businesses during COVID, as he doesn't even know if he will have a job tomorrow.

Alders responded that the reclamation process that is being done this time is way different than just an overlay. Overlaying an alligator cracked road will yield the same cracks within a few years. The Reclaiming machine has huge teeth that chew up the existing road and mix it into the sub-base to strengthen it. The problem with these roads is that the sub-base is not good and is moving around and creating alligator cracks and potholes. The Reclamation process fixes the underlying problem, and then new bituminous asphalt will be added in multiple layers and tested for durability and stability throughout the process. This process produces much better roads in the rural areas and addresses the

fundamental issues with the sub-base itself. Alders designed the Caterpillar versions for Reclaiming machines for about 10-15 years, so has been on many of those jobs. This process works well to improve the sub-base issue. Alders agreed with Maiborn regarding taxes and infrastructure, but as that is a Federal issue and these are local issues, the City Council cannot address that. From a process standpoint, fixing the sub-base will fix the problems and create a better, stronger road.

Taking into consideration the fact that literal tree trunks have been removed from the roadway sub-base in many places, and those areas allowed to go through a freeze/thaw cycle, based on MNDOT design guidelines the Engineers follow, the expected road life is 20 years. Nelson's goal is for these roads to last much longer than that with proper maintenance and strategic bituminous overlays at proper times. He has seen pavement life extended to easily 30 years or longer. Maiborn asked if that meant that in 20 years the same process would need to be done again. Nelson responded that if nothing was done to maintain or overlay strategically within 20 years, yes – they would be right back in this room doing the same thing. The City has a policy to crack fill bituminous roads – north half one year, and south half the next year. Preventative maintenance will prolong the life of the road. Maiborn is concerned that some buried trees may have been missed in the preparation process, and there may a big patch in the road a couple years after the project is complete, beyond the 1-year guarantee period. He wondered who would shoulder that cost. Pilon said the City policy is to absorb that cost, as Public Works department has been pulling trees out of there for many years, and the Engineer tests the road bed before bituminous is laid down. Engineer Nelson asked residents to let him know where the spots of concern may be so they can address them.

Dale Beidleman, 18510 Waco St NW

Beidleman is happy that the road is being done and is not concerned with the assessments. He wants it done sooner than later and has lost wheel bearings. Requested fill to be brought in for existing potholes until project is started. Wants to know if there is a way to get things started sooner. He is even willing to share the cost of neighbors with financial concerns to help get the road done.

Dave Dauffenbach, 4959 184th Ave NW

Dauffenbach asked how much higher the new road will be than the existing road. Nelson said closer to 4" higher. Dauffenbach asked how far into that will they go for his concrete driveway so he doesn't have a big dip. Nelson responded that each driveway is evaluated individually, as there is no standard. It depends on the slope of the driveway, down or up, and how soon an acceptable transition can be made. His driveway is level with the current blacktop. Nelson said most transitions are 10 feet. With concrete driveways they consider where the joints are and try to go to the first joint. Dauffenbach said the first joint is only about 3 feet, so Nelson said they would have to go to the 2nd joint in that case. He asked if the contractor would be willing to do additional stuff for residents at that time. Nelson said that each contractor sets their own guidelines regarding that. There are usually a number of requests for driveway paving, some contractors will do it, but the higher percentage will not. The City/Engineer will not be part of that, but they would give residents the contractor's name and phone number to contact for separate work contracts. Residents will receive letters regarding the project dates and expectations, but the contractor contact information will not be included in that mailing. Contractors are not contracted to deal with homeowner concerns and questions. That is usually the Engineering project manager's job. Dauffenbach asked if road restrictions will be different or the same as currently. Nelson said the road design is for 9-ton capacity, and he is not aware of any other weight restrictions. Discussion about garbage trucks, neighborhoods working out a deal with trash haulers to minimize trucks hauling. Discussion about metal business and trucking. City will investigate.

Terry Culbertson, 18520 Yakima St NW

Culbertson had a question about the letter. They did not get a total cost of the project, but only the cost of the assessment. Attorney Ruppe responded that the amount in the letter is the most assessment one

property owner will pay. If the final cost is higher than the estimate quoted, the City will absorb the entire cost. Culbertson asked what the percentage was of the total project cost. The City is covering the cost of the removal of trees and base work. The bituminous cost is being covered 50% by the City and 50% assessed to the benefitting properties. Nelson said the total project is close to 70% covered by the City and 30% assessed to residents. Attorney Ruppe explained that the City Council chooses to wait to adopt the assessment roll until as late as possible, because once the assessment roll is adopted officially, the interest begins. Residents have 30 days from adoption date to appeal and/or prepay assessments, or at the latest, by November 15, 2021, before they are added to property taxes. The interest rate is determined based on the interest rate of the City Bond and the bonding statute requirements. Culbertson asked about the driveway tie-in with the height of the new road. He is concerned that he will have a skating rink 10 feet down his driveway because the road went up. Nelson said that he cannot speak to Culbertson's situation in particular, but no, it is not acceptable to have water ponding or an ice problem in individual driveway. How they deal with each individual driveway depends on the driveway itself. Sometimes they create a crown so the water will shoot off on either side. If the project moves forward, a construction observer will be assigned from the Engineer's office, who the residents can meet with in the field. That person will also be present during construction while the contractor is doing the work. If there are special specifics to be addressed within the scope of the project, he will be the contact person. The driveway tie-in is concluded in the cost of the assessment. Culbertson's yard sits next to the current gravel road that will be tarred, and he has a gravel driveway off that road to access his outbuildings. He wanted to know if there is any issue with that. Nelson said he couldn't speak to that, but would assume if there is access, he would have a driveway permit with the City at some point. Culbertson does not know, because it was there when he moved there. There is no culvert under that access. Discussion about the gravel shoulder, moving & replacing mailboxes, widening the gravel road to 20 feet

Gerald Peickert, 18600 Yakima St NW

Peickert said they forgot a spot on 27 going north, and there is a big dip in the road there. Nelson pointed it out on the map, where the Metal business is located. He said that section has bituminous curb and they believe it would be better to coordinate that project with the City of Ramsey when they do their road construction. It is not being considered for reconstruction at this time.

Before the Public Hearing was closed, Kristine Fallon submitted her objection to the assessment for the record. Blake wanted an explanation from the attorney regarding what happens next regarding that concern. Ruppe said that once the City Council certifies the assessment, the issue would be taken to District Court, which is not covered by LMC Insurance. Ruppe's office would handle it. The court presumes the assessment is valid under MN law, and the burden of proof is upon the resident to hire experts to rebut that presumption. A trial will take place and ultimately a judge will make the decision to lower the amount or keep it the same. It does not go away. Blake asked if cities ever decide that they do not want the expense of going to court, so they don't do the project. Ruppe said yes that has happened. The problem is that it costs money on both sides of the case over a small assessment amount. If a resident wishes to withdraw their objection, a written withdrawal needs to be submitted.

Discussion about assessments vs litigation, and the fact that "the City" really is the residents. Residents share the cost of road maintenance throughout the city through the tax levy.

Motion to CLOSE the PUBLIC HEARING by Alders, 2nd by Blake. Unanimous approval. Public Hearing closed at 8:25 pm.

T-Mobile Generator Project

Plans and general information regarding noise were included in the packet; generator will be inside the existing fence area and is to be for emergency use only as a back-up generator. The question is regarding the CenterPoint Energy gas line easement running through the parking lot to the fire station. As part of the approval of the easement, the City can ask for certain considerations, namely, requiring them to install a sidewalk, to allow the fire department to park trucks there during emergencies or open for parking for the Fire station, and that any work disrupting bituminous would be repaired to previous condition. Attorney Ruppe would write these conditions into the easement agreement. Discussion about water drainage in the area creating ponding and ice buildup. T-Mobile is looking for an easement to put their equipment in place. Planner Stockman said she would request a survey drawing describing their plan and showing the recent Fire Hall addition and existing buildings. They will draft an easement agreement that will be sent to Ruppe to review and redline, potentially getting back to the Council for the June meeting. Discussion about requirements for sidewalk specs to meet ADA accessibility requirements.

Name Brand Storage, Grading Permit for Phases 2 & 3 – Viking Blvd NW

Stockman explained that this Grading Agreement allows Josh Peterson to grade the site ahead of any building permit that is issued. This is identical to the one that was done for Phase 1, and both Engineer Nelson and Attorney Ruppe have reviewed this. Phase 2 plan is to get the 2nd set of buildings going for the Fall. Phase 3 includes taking down the existing house and barns and would require having the stormwater ponds in place. Discussion about requiring Peterson to come back to the City for a separate Grading Agreement for Phase 3 or approving both Phase 2 & 3 at this time. If Peterson had a building permit, he would not need a separate grading permit. When he goes to build Phase 3, part of that building permit will be the final grading.

Motion to approve Name Brand Storage Grading Permit for Phase 2 & 3 by Alders; 2nd by Blake. Unanimous approval. Motion Carried.

Planning & Zoning Member Selection

Impressive group of applicants for the Commission. Qualifications and questions helped to identify goals and applicants had reviewed the City's guiding documents.

Pilon made a motion to appoint Martin Bies, term ending December, 2024, Lars Carlson, term ending December, 2025 and Dan Haapala, term ending December, 2026. 2nd by Rainville.

Discussion about qualifications. Alders wanted to know why those three were selected. Pilon said he was impressed with their qualifications and the way they had prepared. Greenberg asked if each council member could rank the applicants on a 5-point scale, with 1 being the lowest and 5 being the highest, and the top 3-point earners would be who the top three candidates to vote on. Alders and Blake had the same opinion. Regarding Pilon's motion, **Pilon & Rainville voted Aye; Alders, Blake & Greenberg voted Nay. Motion failed.**

Greenberg made the motion that Council vote on all five candidates based on a ranking scale from 1-5, lowest to highest, and the top 3 candidates will be selected. Blake 2nd. Council members added their names to their voting sheets.

The five candidates are:

Joel Springer
Troy Bednarz
Martin Bies
Lars Carlson
Dan Haapala

Results were read aloud. Top three candidates selected, from top to bottom:

Lars Carlson, term ending 2026

Martin Bies, term ending 2025

Dan Haapala, term ending 2024

Candidates will be invited to attend next Planning & Zoning Meeting and training will begin. Rainville expressed her concern that the voting was still a secret ballot and asked that each council member's ranking for the candidates be included in the minutes. Greenberg asked if the Clerk could read aloud the ballots. Clerk Streich read the candidate scores from top to bottom:

Alders: 5)Troy Bednarz, 4)Martin Bies, 3)Joel Springer, 2)Lars Carlson, 1)Dan Haapala

Blake: 5)Lars Carlson, 4)Troy Bednarz, 3)Martin Bies, 2)Dan Haapala, 1)Joel Springer

Rainville: 5)Martin Bies, 4) Lars Carlson, 3)Dan Haapala, 2)Joel Springer, 1)Troy Bednarz

Greenberg: 5)Lars Carlson, 4)Martin Bies, 3)Dan Haapala, 2)Joel Springer, 1) Troy Bednarz

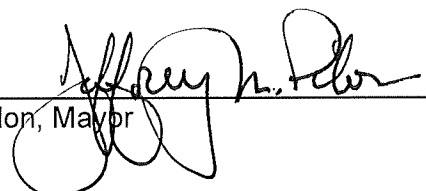
Pilon: 5)Dan Haapala, 4)Lars Carlson, 3)Martin Bies, 2)Troy Bednarz, 1)Joel Springer

Motion to adjourn by Rainville, 2nd by Alders. Unanimous. Meeting Adjourned at 9:05 PM.

Respectfully Submitted,



Lori Streich, City Clerk/Treasurer



Jeff Pilon, Mayor