

Nowthen City Council
September 12, 2023
Regular Meeting Minutes

1. CALL TO ORDER

Mayor Pilon called the meeting to order at 7:01 pm.

Present: Mayor Pilon, Council Members Rainville, Fladebo, Alders and Breyen.

Also Present: Chief Deputy Jacobson, Chief Schmidt, Planner Stockman and Deputy Clerk Johnson.

Absent: Administrator Lehner.

Agenda –

Council Member Breyen requested to move 7J to 13C1.

Council Member Rainville requested to add 14 – Community Update.

**MOTION BY COUNCIL MEMBER BREYEN, SECONDED BY RAINVILLE TO APPROVE THE AGENDA AS AMENDED.
5 AYES. MOTION CARRIED.**

2. FLOOR ITEMS

Mr. Sam Corns of 19223 Burns Parkway requested clarification from city council as to the steps a resident would take to be heard by city council for issues with city staff not being resolved. Mayor Pilon explained a work session could be called by the mayor or two (2) council members.

Mr. Corns explained he feels that a city code violation has continued over a year without resolution, he feels the city administration is not investigating intentionally and that Administrator Lehner is defending & representing city contractors rather than city residents. He is quite frustrated. He is requesting city council members to reach out to him.

Mayor Pilon requested Mr. Corns send a written statement of the issues to Deputy Clerk Johnson to forward to council. It will be decided if a work session is necessary.

3. PUBLIC HEARING

Opened at 7:09 p.m.

This public hearing is for Ordinance 2023-02. No written comments. No public comments. No City Council comments.

Public Hearing Closed: 7:11 p.m.

PUBLIC HEARING

Opened at 7:10 p.m.

This public hearing is for Ordinance 2023-03. No written comments. No public comments. No City Council comments.

Public Hearing Closed at 7:12 p.m.

MOTION BY COUNCIL MEMBER RAINVILLE, SECONDED BY FLADEBO TO ADOPT ORDINANCES 2023-02 AND 2023-03.

Discussion: Mayor Pilon explained these ordinances give time for the dust to settle and see what happens with MN legislation. There is conflicting information – the city is waiting on the state for clarification on many items.

VOTING ENSUED: 5 AYES. MOTION CARRIED.

4. PROCLAMATION FOR CONSTITUTION WEEK

Mayor Pilon declared September 17-23, 2023 Constitution Week. He read the Proclamation.

5. NOWTHEN LION JUDY HERRALA PRESENTED THE CITY WITH TWO (2) TREX BENCHES.

The Nowthen Lions started a Trex Project, collecting 500 pounds of plastic bags and soft plastics, equating to 40,500 plastic bags, that get turned into Trex benches. The Lions started this project at the Farmers Market 3 years ago. Residents asked for additional opportunities to donate plastic bags. Ace offered to place containers around town and the Recycling Center was also offered to use to collect plastic bags. The Lions chose to use the city's recycling center as a collection location. Lion Judy was present to present two (2) Trex benches to the city; one to be placed at the Recycling Center for residents to see and one to be placed at Memorial Park. Thank you to Public Works employees Eric Madson and Isaac Schultz for putting the benches together. There will be a plaque placed on each bench. They will be receiving bench # 5 in October. The other benches will be donated to other partners in the collection process. The Trex Company accepts 500 pounds of plastic semi-annually from each group. Lion Judy expressed that they are working on partnering with a 3rd grade class that has been collecting bags as well. Mayor Pilon suggested the city could become a partner as well and turn in plastic for additional benches. Council Member Rainville suggested the Nowthen Seniors as well.

MOTION BY COUNCIL MEMBER BREYEN, SECONDED BY ALDERS TO ACCEPT THE DONATION OF TWO (2) BENCHES FROM THE NOWTHEN LIONS. 5 AYES. MOTION CARRIED.

6. PRESENTATION OF THE NOWTHEN FIRE DEPARTMENT'S CITIZENS AWARD TO KEITH ELLIOTT.

On April 13th of 2023 Mr. Elliott was traveling through the city of Nowthen when he noticed smoke and fire in the area of 190th Ave. He promptly dialed 911 to notify dispatcher of a house fire. In addition to reporting the event to dispatch, Mr. Elliott courageously and quickly assessed the situation and discovered a garden hose. He began to fight the fire with the garden hose and was successfully able to stop the fire from progressing further, undoubtedly saving the home from catastrophic and significant damage loss. Chief Schmidt and Captain Suchy both talked about the call and stated without Mr. Elliott's quick thinking, the home likely would have been a total loss due to the winds that day.

Mayor Pilon presented the award to Mr. Elliott who accepted the award humbly. He stated he would accept the award on behalf of the real heroes, the first responders, fire fighters, sheriff deputies, and police officers.

MOTION BY COUNCIL MEMBER RAINVILLE, SECONDED BY BREYEN TO APPROVE RESOLUTION 2023-47 PRESENT THE CITIZENS AWARD TO MR. KEITH ELLIOTT. 5 AYES. MOTION CARRIED.

7. CONSENT AGENDA

MOTION BY COUNCIL MEMBER BREYEN, SECONDED BY RAINVILLE TO APPROVE THE CONSENT AGENDA AS AMENDED. 5 AYES. MOTION CARRIED.

8. ENGINEERING

None

9. FIRE DEPARTMENT

- a) Approve Resolution 2023-55 Authorizing the Hiring of Four (4) Firefighters.

The Nowthen Fire Department has spent considerable time and effort to hire additional firefighters for the City of Nowthen. After an open house event in May, the Fire Department interviewed several candidates. Ultimately, four (4) candidates have moved forward through the process and have successfully completed pre-employment screening. Those candidates are: Garrett Reighard, Vincent Dietz, Hailey Artmann, and Andrew Hanks.

MOTION BY COUNCIL MEMBER RAINVILLE, SECONDED BY BREYEN TO APPROVE RESOLUTION 2023-53 AUTHORIZING THE HIRING OF FOUR (4) FIREFIGHTERS FOR THE NOWTHEN FIRE DEPARTMENT. 5 AYES. MOTION CARRIED.

- b) FIRE DEPARTMENT REPORT FOR THE MONTH OF AUGUST.

For the month of August 2023, the Fire Department responded to 15 incidents (7 less than the previous month) with an average response time of 13 minutes and 19 seconds (2-minute increase from July). The average number of firefighters attending calls for service was 3.2. The Fire Department reports no dollar loss from fires during the month of August. The Fire Department did not assist any other agencies for the month of August and received no assistance from other agencies during that month.

On August 2nd, the Fire Department was dispatched to the 20900 block of St. Francis Blvd. for a report of a person suffering from heat-related illness. The patient was working in the yard for a few hours, as temperatures reached 90 degrees. The patient was treated on-scene by both Fire and ACSO personnel (including Chief Schmidt and Chief Deputy Jacobson) and transported by Allina to the hospital.

On August 19th, the Fire Department was dispatched to the Threshing Show for another report of a heat-related illness. Again, the temperature on this day was 90 degrees. The patient was treated on-scene by both fire personnel and the Threshing Show staff and transported by Allina to the hospital. The Chief would like to recognize the Threshing Show staff as they did an excellent job of treating the patient at the event.

On August 31st, the Fire Department was dispatched to the 9000 block of 190th Ave. NW for a report of a gas line that had been cut. The cause was due to the homeowner doing some trenching on the property. The homeowner did have locates completed for utilities, but a gas line was missed by the firm completing the utility locate.

10. SHERIFF'S REPORT

Calls for Service

Sheriff's Deputies responded to 130 calls for service. Total for 2023 is 1,042 calls, which is 121 calls over the 2022 year to date total.

August 2023 calls for service included:

2 to Bar None

9 Alarms

15 Medicals

14 Animal Complaints

Bar None

Year to date calls at Bar None are at 20. That is down 3 from last year and calls to the location are down drastically over past years:

2019 YTD: 69

2020 YTD: 48

2021 YTD: 43

Noteworthy Calls for Service

On 08/05/2023 at 2:00 PM, deputies were on patrol in the 8000 block of Viking Blvd. NW when they observed a female they knew to have an active warrant for her arrest walking along the roadway. The female was arrested and was confirmed to have a felony warrant from Carver County for controlled substance violation and a felony warrant from Hennepin County for controlled substance violation. Suspected methamphetamine was located in her purse during the arrest. She was booked at the Anoka County Jail on her warrants and a new charge of felony possession of a controlled substance.

On 08/06/2023 at 11:50 AM, deputies were on patrol on Viking Blvd. NW near Baugh St. NW when their attention was drawn to a vehicle that was crossing both the center line and the fog line while traveling westbound on Viking Blvd. NW. The driver, an adult male, showed signs of alcohol impairment and was ultimately arrested for DWI. He was found to be over double the legal limit to drive. He was booked at the Anoka County Jail on charges of DWI.

On 08/19/2023 at 10:55 AM, deputies were on patrol in the area of Viking Blvd. NW and Saint Francis Blvd. NW when they observed a Dodge Ram truck being driven by a male they knew to not have a valid driver's license. They stopped the vehicle and the driver, an adult male, was arrested for driving on a cancelled license (IPS). Suspected methamphetamine was located in the vehicle. The driver was booked at the Anoka County Jail on charges of driving after cancellation and a new charge of felony possession of a controlled substance.

On 08/30/2023 at 1:40 PM, deputies received a phone call report regarding a dog bite that occurred at a home in the 7300 block of Viking Blvd. NW. The reporting party indicated that she was delivering packages for Amazon when a dog approached her from the driveway of the home and bit her. The owner of the dog spoke with ACSO and indicated he has told Amazon in the past to leave packages at the end of the driveway in a container for deliveries. The dog was quarantined for 10 days per standard protocol.

Miscellaneous

There were multiple car vs. deer crashes in August and we are entering the busiest time of the year for these types of crashes. Nearly half of all car vs. deer crashes in Minnesota occur in October through December, mostly at dusk and dawn. Please watch for deer and adjust your speed accordingly.

An observation from the Chief Deputy is how nice it is that the deputies are familiar with the area, residents, and businesses. They are recognizing people with warrants and making arrests, understanding the problem areas in Nowthen, and getting to know city staff.

The Sheriff's Department will be holding an Open House on September 21st, 2023, 4:00-7:00 p.m. in Andover. The information is posted on the city website.

The Sheriff's Deputies and the K-9 unit will be at the Heritage Festival in Nowthen on September 23, 2023. Stop by to say hello!

11. PLANNING AND ZONING

a) Approve list of residents to receive assessment notices.

Planner Stockman presented five (5) code enforcement citations that are outstanding. Planner Stockman is requesting to send letters to the property owners to request payment for the citations. If payments are not received, a public hearing will be held, then the citation will become an assessment on the property with the property taxes. Three (3) of the offenders are repeated from last year.

Discussion regarding the process, the fees, and extension of deadlines. The official notices would be sent via certified mail and Planner Stockman has added additional time due to the mail issues residents and businesses continue to have. Many cities have decided to send directly to the prosecuting attorney after a third (3) citation notice. Currently, the city of Nowthen has chosen not to do that.

Planner Stockman was directed by the council to please number the citations in future documents so the properties can be addressed by number rather than address.

Discussion regarding different fees assessed; Planner Stockman stated each offense is \$200.

MOTION BY COUNCIL MEMBER RAINVILLE, SECONDED BY FLADEBO TO APPROVE THE ASSESSMENT SCHEULE AND MAILING OF ASSESSMENT NOTICES TO THE FIVE (5) RESIDENTS WITH OUTSTANDING BALANCES OWED TO THE CITY.

Additional discussion regarding time frame to be sending code violation assessment letters. Find out what other cities around us are doing. The city of Nowthen needs a process to send these violations to the prosecuting attorney. Planner Stockman to present an explanation at the next meeting or before.

VOTING ENSUED. 5 AYES. MOTION CARRIED.

12. ADMINISTRATOR UPDATE

- a. Important Dates:
 - i. Next Budget Meeting is Thursday, September 14 at 6:00
 - ii. Heritage Festival is September 23, 2023
 - iii. Next City Council Meeting is October 10, 2023
 - iv. Recycling Day is October 14, 2023
- b. Project Manager Update: 4 Applications received. 2 have withdrawn, 1 isn't available until January and 1 interviewed with the personnel committee.
- c. Human Foosball – it had been discussed at a budget work session to look at disassembling the Human Foosball Court at Twin Lakes Park.

MOTION BY COUNCIL MEMBER RAINVILLE, SECONDED BY ALDERS TO DIRECT STAFF TO REMOVE THE HUMAN FOOSBALL COURT AT TWIN LAKES. STAFF TO REUSE OR SELL ANY MATERIALS POSSIBLE, SUCH AS THE FENCING AND DISPOSE OF THE REMAINING MATERIALS.

Discussion: Are there any materials that can be used? Have staff remove the court and determine if any of it is salvageable for sale or recycled in a reasonable amount of time.

VOTING ENSUED. 4 AYES. COUNCIL MEMBERS PILON, RAINVILLE, FLADEBO AND ALDERS. 1 NAY. COUNCIL MEMBER BREYEN.

13. CITY COUNCIL

a. OLD BUSINESS

1. Ordinance 2023-04 Authorizing and Regulating the Conduct of Lawful Gambling with the City of Nowthen, MN.

Mayor Pilon thanked City Attorney Bob Ruppe for answering all the questions the city had. Clarification that the Nowthen Lions are exempt under statute for holding raffles. The city has had gambling in establishments for years. Bootleggers has had legal gambling with the Elk River Hockey Association and the city thanks them for always making a contribution to the city each quarter. The city believes that Northwoods also has gambling, and this ordinance would affect them and the organization that has gambling in the establishment. Planner Stockman will contact City Attorney Ruppe to determine where in the city code should this ordinance go.

MOTION BY COUNCIL MEMBER RAINVILLE, SECONDED BY FLADEBO TO ADOPT ORDINANCE 2023-04. 5 AYES. MOTION CARRIED.

Deputy Clerk Johnson is directed to send both establishments a certified letter stating this ordinance has passed and is effective immediately along with a copy of the executed ordinance.

2. ATV Ordinance Work Session – a date is still needed. Deputy Johnson is instructed to contact Chief Deputy Jacobson, Administrator Lehner, and Planner Stockman to coordinate a date to bring back to the council to schedule a work session. Planner Stockman requested that code enforcement be considered to be a part of this work session as well.

b. NEW BUSINESS

Bar None Compliance

Bar None is currently non-compliant with the city code. It is hard to tell staff from client. Planner Stockman is unable to locate a CUP or IUP, the facility has been working without current permits; for example, running a school. It has multiple changes in use at the facility, changing from behavior issues to mental issues, boys and girls, boys only, girls only, adding a school, etc. Over the past 15 years, the trend has been better; however, the city has met with the facility leaders multiple times about having better trained staff and retaining them. The facility is asking to bring the Children's Residential Treatment Center (CRTC) program to the Bar None Facility in Nowthen from the City of Minnetonka. The City of Nowthen has permit requirements that will need to be met.

MOTION BY COUNCIL MEMBER BREYEN SECONDED BY RAINVILLE TO HAVE MAYOR PILON, ADMINISTRATOR LEHNER AND ATTORNEY RUPPE WORK TOGETHETER TO BRING THE VOA/BAR NONE OPERATIONS INTO COMPLIANCE WITH CITY REGULATIONS OR, IF UNABLE TO DO SO, DETERMINE WHAT STEPS WOULD BE REQUIRED TO COMPEL VOA/BAR NONE TO CEASE ALL NON-COMPLIANT OPERATIONS.

Discussion: Amend to have an initial report to city council by the October 10th council meeting. Planner Stockman will send a copy of the history with VOA/Bar None to the new city council members.

VOTING ENSUED. 5 AYES. MOTION CARRIED.

c. ITEMS MOVED FROM CONSENT.

7J – Approval of Resolution 2023-56 Authorizing Dependable Electric Inc. to Remove Existing Lights and Install Seven (7) New Lights Supplied by the City to Light the Outdoor Ice Arena Area.

Council Member Breyen pulled this item off consent to get a better understanding of what is needed at the ice arena for lighting. Currently, only 2 of the lights work. What are the specifics of the lights to be

put up. Staff to verify the style, size and how they will be installed so as not to interfere with the night sky. Mayor Pilon indicated that there would be 6 lights on the hockey arena and 1 light facing the pleasure rink area.

MOTION BY COUNCIL MEMBER RAINVILLE, SECONDED BY FLADEBO TO MOVE THIS ITEM TO THE OCTOBER MEETING WITH STAFF UNDERSTANDING TO BRING LIGHTING INFORMATION AND TO CONFIRM IT MEETS CITY ORDINANCES. 5 AYES. MOTION CARRIED.

14. COMMUNITY UPDATE


The 16th Annual Heritage Festival is Saturday, September 23rd. Activities are planned to begin with a Pancake Breakfast, vendors, dinner, and fireworks. The public safety partners will be there with fire trucks and a K-9 demonstration. Plan on attending and bringing your friends!

The meeting adjourned at 9:00 pm.

Respectfully Submitted,



Scott Lehner, City Administrator



Jeffrey M. Pilon, Mayor