

Nowthen City Council
October 20, 2022
Work Session Meeting Minutes

1. CALL TO ORDER

Mayor Pilon call the work session to order 5:30 pm
All present recited the Pledge of Allegiance

Present: Mayor Pilon, Council Members Greenberg, Rainville, Blake, Alders
Also present: Administrator Lehner, Deputy Clerk Johnson, Planner Stockman

Agenda:

Amend Agenda: 2a) Approve 3 payments to be mailed in a timely manner.
2b) Assessment List
2c) Code Enforcement Updates and Process
2d) CUP's and IUP's

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

2. CITY COUNCIL

2a) Approve 3 payments to be mailed on timely manner.
- Anoka County Sheriff's Law Enforcement Contract
- North Country Construction and Remodeling
- US Bank Finance

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

2b) Assessment List – Consider Approval of Resolution 2022 -XX Outlining Miscellaneous Special Assessment Process, Approving the Assessment Roll and Authorizing Staff to notify those presently anticipated to be assessed.

*Public Hearing to be November 10, 2022, at 7:00 pm

*Property owners will have until November 1, 2022, to pay the assessment.

*These assessments must be to the county by November 30, 2022 to be certified to taxes. (however, the county would like it sooner, if possible)

*Planner Stockman does not decide which properties are assessed, that is a city council decision.

Planner Stockman gave a description of each property complaint, contact, and progress of each property on the list. Much of the discussion was about how long the complaints have been on the city list and how the council has given "grace" with efforts and progress – now it is time to do something. The city council received copies of the list and photos of each property.

After discussion, city council decided as to whether to assess each property.

5833 Norris Lake Road - This has been an ongoing issue. Discussion about whether the city could clean up the property, assume the costs, and assess the property. Additionally, could the city assess for additional months the property is not cleaned up?

Decision by council: Assess this property and continue to assess penalties every 2 weeks until cleaned up.

19066 Jasper Street - This property owner has paid the assessment in the past, however, the previous Agreement has been violated. City Council had not been diligent in following up on agreements and citations.

Decision by council: Assess this property and continue to assess penalties every 2 weeks until cleaned up.

19960 St. Francis Blvd - As of 8/19/22 – no certificate of occupancy and other citations ongoing.

Decision by council: Assess this property and continue to assess penalties every 2 weeks until property complies.

20311 Twin Lake Parkway – Dogs at large, numerous repeat pickups.

Decision by council: Assess this property.

18660 Yakima Street – Property continues to have Semi parked on property. Resident concerns because it is a new road. This has been an ongoing issue. Liz has validated.

Decision by council: Assess this property.

19611 West Ford Brook Road – On-going issues with Semi-Trailer, living in camper, debris. Some progress has been made.

Decision by council: Ask the resident to keep working on it. Reduce the citation/assessment to \$300. Follow up to be sure progress is continuing.

5270 189th Ave – Outdoor storage, camper. Ongoing issue with some progress.

Decision by council: Ask the resident to keep working on it. Assess this property and continue to assess penalties every 2 weeks until property complies.

18288 Nowthen Blvd - Illegal accessory building, no permit. Ongoing issue.

Decision by council: Assess this property and continue to assess penalties every 2 weeks until property in compliance.

MOTION BY COUNCIL MEMBER ALDERS, SECONDED BY BLAKE TO ASSESS THESE PROPERTIES AND RE-ASSESS EACH PROPERTY THAT ARE OPEN, UNPAID, AND IN VIOLATION 10/21/22 AND CONTINUE WITH CITATIONS UNTIL IN COMPLIANCE. MOTION CARRIED. 5 AYES.

2c) Code Enforcement Update and Process

Mayor Pilon indicated that the current system isn't working well. The spreadsheet goes back as far as 2002. He explained that the City of Nowthen is a complaint driven community. He stated that how a property gets off the list is a mystery, and more time has been spent on code compliance than CUP and IUP.

Because the city is complaint driven – the city must decide if it is a valid complaint. Is it a health and safety concern? Section 5 of the Administrative Enforcement seems very out of date. The city council has not been heavy handed in the past and need to do better follow through.

The city has a responsibility to educate our residents. As a council, we want our residents to be able to do what they want on their property, that is why most move here and/or stay here. If there is a complaint by another resident, the first step the city needs to take is to educate the resident about the city code. Staff is instructed to put current policies on the website if it is currently not posted.

There was discussion about varies lot sizes. Smaller lots show code violations easier than the larger lots in this community. The council does not want to be looking for code violations, which is why it is a complaint driven enforcement.

Staff is directed to create a more clear and concise complaint form. Residents may submit the complaint to the city. It does require the resident's name; however, they will remain anonymous when compliance is initiated by the code compliance officer. Complaint form should include name, address, contact information, complaint, when, where, date, time of violation and if possible, the ordinance that is being violated. It will be up to the City Administrator and Code Compliance Officer to determine if the complaint is relevant. Is it a neighbor issue not a city issue? (Instruct the resident to reach out to neighbor to try to resolve the issue, or get an attorney if needed to help resolve, don't use the city to settle disputes between neighbors). Is it a valid complaint to investigate? Does it cause harm, create a safety or health concern? Does it devalue the area?

Step 1 – Receive the Complaint

Step 2 - Administrator receives complaint & decides where the complaint should go, whether he/she will take care of it and reach out to the resident or if it will be sent to code compliance officer. The goal is resolve these issues quickly.

Step 3 - Letter or visit to resident to educate the resident with a copy of the ordinance violation. Many of the residents just don't know the ordinances.

MOTION BY MAYOR PILON SECONDED BY COUNCIL MEMBER RAINVILLE FOR STAFF TO CLEAN UP THE COMPLAINT FORM, USE PLANNER STOCKMAN AND CITY COUNCIL TO CLARIFY AND WEIGH IN ON ORDINANCE VIOLATIONS WITH ALL COMPLAINTS GOING FIRST TO THE ADMINISTRATOR FOR HIM TO DETERMINE WHAT THE NEXT STEPS WILL BE AND WHO THE CORRECT PEOPLE ARE TO HELP RESOLVE THE ISSUE AND UPDATE CITY COUNCIL.

Discussion: It is state statue to keep complainant anonymous. Staff instructed to put reminders of common complaints in the newsletter and on the website. Example is the Snow Removal – no pushing across the road. Many people do not understand that. Planner Stockman goes by the direction of city council and city code. She does drive around looking for violations. The City of Nowthen has worked hard to keep Met-Council out of Nowthen.

The options the city council have are: 1. Do nothing 2. Enforce Code Compliance 3. Try to be more pro-active and educate our residents.

MOTION AMENDED TO INCLUDE SECTION 5 TO BE BROUGHT UP TO DATE AND TO BE CONSISTENT. MOTION CARRIES. 5 AYES.

The mayor opened the floor to residents who would like to comment.

1. Sam Corns (19223 Burns Parkway) He thanked the city council for having this meeting. He was unhappy with the current process and thankful for Administrator Lehner. He asked if the city has ever asked residents if they need help cleaning up properties – the mayor responded, yes the city has. It is also why we have 2 recycling days where some items for recycling are taken by the city at no cost to the resident. There was discussion regarding the complaint on his property and how he did not like working with Planner Stockman.
2. Rob Koehler (191477 Baugh Street) He had a complaint about a shed being on Ag land – stating that he should not have needed a permit and he did not appreciate Planner Stockman not explaining that. Planner Stockman

explained he had told her he would be “storing” non- farming equipment in the building; therefore, it did not meet the agricultural exception.

3. Mike Brede (18953 Jasper Street) He has a property with 10 acres and is unclear what he can do with it as it is unique in the city with three (3) roads boarding his property as far as putting a building up. He did as Planner Stockman had advised, and it is not where he would have put it. Can the city council please educate him as to what he can and cannot do? Administrator Lehner to follow up with him.
4. Jan Greenberg (21155 Nowthen Blvd) She stated no one moved here to “be in the city”. She recommended the city council host an open forum to see what the residents want. Is our current code realistic for each area of Nowthen? 1+ acres vs 5 acres vs 40 acres. The city could have a “Welcome to the Community” booklet to explain some of the common ordinance violations, what we have to offer and educate new residents. Discussion again how complaints need to be specific and not generic.

2d) CUPs and IUPs – Discuss the CUP and IUP verification process and consider direction to staff regarding the next steps.

What is the status? The present list with categories grouped together – can they be consolidated to determine what action to be taken?

The council had authorized Planner Stockman to send 8 letters to residents with existing CUPs to see if the property still meets the requirements of the CUP.

It was discussed that the city must have a copy of the permit and approval on record to revoke existing CUPs.

First properties to remove from the list would be properties that have changed hands by reaching out to residents to see if they know there is one on the property and if they still meet the requirements of the CUP.

Second properties to work on are the ones that have not changed hands. Find out if they are still in business and still in compliance.

Planner Stockman to work with staff to create critical electronic files.

Administrator Lehner to direct staff to update the spreadsheet to by arrange categories and colors. Then to look at and make recommendations to council for action. IUPs do not follow the property and should be revoked if properties have changed hands. Sending out letters and following up with residents would be the next step.

MOTION BY COUNCIL MEMBER ALDERS, SECONDED BY GREENBERG TO ADJOURN. MOTION CARRIED. 5 AYES.

The meeting was adjourned at 8:28 pm.

Respectfully submitted,

Mayor Jeffrey Pilon

Administrator Scott Lehner