

MINUTES
Nowthen City Council
April 20, 2021
*Recessed from the
April 13, 2021 City Council Meeting*

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

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

Councilmember Rainville - via phone

Also in attendance: City Planner, Liz Stockman and City Clerk, Lori Streich

Councilmember Rainville asked that RCA Requesting paper shredding component at the Saturday, May 8, 2021 Spring Recycling Event be added to the agenda. Mayor Pilon asked that the Planning & Zoning Interview process be added to the agenda.

MOTION TO APPROVE THE AGENDA AS AMENDED BY BLAKE, 2nd BY ALDERS; ALL IN FAVOR, MOTION CARRIED.

Consent Agenda

- a) Resolution 2021-19 Approving Elk River Youth Softball Association Care & Use of Softball Fields

MOTION TO APPROVE RESOLUTION 2021-19 APPROVING ELK RIVER YOUTH SOFTBALL ASSOCIATION CARE & USE OF SOFTBALL FIELDS BY RAINVILLE, 2nd BY PILON; ALL IN FAVOR, MOTION CARRIED.

Financial

- a) Quarterly Report

Council received the Quarterly Report and has had a couple weeks to review. No questions or comments were presented.

Planning & Zoning

- a) Property line change to split 10 acres off an 80 acre parcel – Dryden

Planner Stockman presented Council with a lengthy report, containing a lot of details. Stockman explained that they've really not gotten anywhere since she hasn't received any documents from the Drydens. Her job as a zoning administrator is to work with people regarding what the requirements are for subdivisions, conditional use permits, etc. She has met several times with the Drydens and she shared with them what she was looking for. They needed to start with the easement or road. We don't know if they own this strip of land if it's an easement situation, who it was deeded to, and if it's been properly recorded. That will dictate how the property is subdivided. It is critical and required that they submit a certificate of survey showing property boundaries. The whole 80 acres will need to be surveyed in order to split a piece from it. If they do not have street frontage, they need to create it. A cul-de-sac may need to be added if the 66 feet already exists. We no longer allow access via easement situations. It has to be a permanent road easement dedicated to the city.

Generally speaking, she's not sure why there's hesitation. She understands that it's a costly

process, but when we are dealing with the state, the county, the city, MNDOT, and wetland issues, there's a whole host of local governments that have to be involved. It's perceived by a lot of residents that this is an easy process. It seems like it would be easy when you want to move a lot line from north south to east west or whatever the case may be, but there's many steps involved. Normally a resident doesn't come before council unless there's something to present, and something to approve, and we haven't received anything.

Stockman has nothing to evaluate, and doesn't know yet if that 66 feet exists as a public road or not. This is an ordinance, a city code that the City Council adopted. Her job is to work with people on trying to achieve these things. Some of this is inexperience. There's a lot of people in Nowthen that have never split property, never developed property, or maybe if they have, it hasn't been done since township days.

Without any supporting documents to look at or review, we just can't move forward. Their friend that is a surveyor may not be a registered surveyor licensed in Minnesota because if he had been he would have provided that to the city. Instead he called the Engineer and asked what was needed.

Pilon asked where it should go from here. Somehow we're all in agreement that these steps need to be taken. The Drydens want to get moving on the project.

Deb Dryden – 6660 Viking Blvd, said they are trying not to do a minor subdivision. They have two separate pieces of property. They sold their son the house that's within the 80, so they would like to pull 10 acres off, mostly for mortgage reasons. His taxes would be less for a 10 acre lot, vs. 80 acres. They do not plan on developing that for many years, because now their daughter lives at the other end. They acquired 33 feet of torrence property. The east 33 feet is abstract. She doesn't remember if she recorded that east part.

Stockman explained that the 66 feet would have to be deeded to the city in a form of a permanent roadway easement. Their son would need to have access to his home, and the ordinance requires a turnaround so there would have to be some sort of a cul-de-sac or hammerhead for a turnaround, which is not a big deal. They do have to survey the 80 acres in order to split the 10 acres out of it. And they have to provide street access to the 10 acres.

The Drydens asked why they had to provide a survey for every building on every lot, every sewer & well on every lot. The sewers comply, and why do they have to comply?

Stockman explained that that's part of the surveying process, and when you are creating another lot, doesn't matter if it's 5 acres or 70 acres, you have to prove that it can support the septic system, primary and a backup.

Independent of all of the property that the Dryden's own, they just want to move the lot line on the (2) 10 acre lots that they purchased in January.

Stockman said that it doesn't have to tie in to the other properties if they know what the status is of the two 33 foot strips. If they have to involve one of the 10 acre lots, to take one of the two 33 foot strips. If the 33 foot strips are separate from the two tens, the other acres do not have to be involved. If you are doing a lot line reconfiguration, they have to be surveyed. It can potentially be done at two separate times so they don't have to plat. It would just take a little longer. The wetland delineation is not an option.

Dryden's said they don't want to plat because it's so expensive, and they don't mind having it take a little longer.

Stockman stated at this point, she can talk with the wetland specialist about the delineation. She knows that it is required, but if there is any way we can minimize the area. The other thing to consider is the number of lots that you are serving overall. You will have 4 lots that are coming off of this future cul-de-sac.

Councilmember Alders stated that his understanding is that the first step is to get the paperwork on the 66 feet. Secondly, a cul-de-sac or turnaround needs to be added to the end of that. He asked Stockman what needs to happen with the survey of the 80 acres.

Stockman said they have to survey all of it and she would like to avoid having to do the lot line reconfiguration separately but she doesn't want to create a precedent where we are allowing a four lot split. Stockman said she can provide a 5-10 page list of things to do but not everything applies to every lot. She asked that the Drydens get a copy of the recorded documents from the two 33 foot strips she will have the Engineer look at it and then better guide them as to what that surveyor needs to do.

Dryden's asked about park and trail fees.

Stockman replied that when you are creating a lot, yes, it applies to any new lot, whether it's a minor subdivision or a plat.

b) Brand Name Storage Phases 2 and 3, CUPs, Variance, Lot Reconfiguration

Stockman explained that Mr. Peterson has done a good job at addressing the majority of the issues regarding stormwater and revisions to the site plans. She wants Council to understand where the Nova Brick will be placed and that they did address that fire truck turnaround.

All of the east end of the buildings that are visible will have the Nova Brick. With all of the conditions as outlined in the finding of fact, Mr. Peterson will be going forward with a grading permit before he gets his actual building plans approved. Attorney Ruppe will be drafting the grading agreement similar to the one that he used in Phase 1.

Rainville commented about the color scheme and if it would fit into the area, and they ended up with blue again. She would like to request a color other than blue. She had thought there was a discussion regarding the colors that are more natural looking that would compliment the buildings that are close to them. They also talked about having fake windows on the ends of some of the buildings.

Pilon stated that he remembers talking about earth tones and asked Mr. Peterson what changing the colors of Phase 2 and Phase 3 would do to his scheme.

Mr. Peterson remembers having this conversation and it was agreed that blue was an earth tone because the water is blue and the sky is blue. He would like to keep Phase 2 and Phase 3 consistent.

Stockman commented that they did bring the color specific back to the Planning & Zoning Commission and they did talk about it and it was specifically approved as blue.

Blake said that we need continuity in the city and not have people coming in with oranges, blues, greens & bright colors that might not fit in. This should have been thought of when Phase 1 was approved and we cant go back now and ask him to change Phase 2 and Phase 3.

Pilon said that the council is the architectural review committee and it has actually been years since they've met on architectural review issues. Blue is typically a cooler color and doesn't normally fit in the earth tones.

Mr. Peterson stated that he thinks blue is a beautiful color and Mayor Pilon and Councilmember Blake seem to enjoy the color blue with what they are wearing, so why would they deny him the color blue?

Alders stated that it's fine if they choose this for a later discussion but Phase 1 is done and he's trying to replicate Phase 2 and Phase 3 to look like Phase 1 so it's a consistent storage facility not a blue one, a brown one, and a tan one. Alders proposes that if they choose to have a discussion on the definition of earth tones is maybe more like across the street versus the sky and the lakes, that's fine, but he doesn't think you can change it halfway through his phase construction process that he presented a few years ago.

Blake agreed with Alders that you have to have continuity and it would look ridiculous to change it midstream.

Stockman agrees with Alders and commented that they do have control at this point about landscaping and he's got quite a significant amount just south of Phases 2 and 3. If you feel like you don't want to see these buildings from Viking Blvd, then put more landscaping down there.

MOTION TO APPROVE THE CONDITIONAL USE PERMIT TO ALLOW THE DEVIATION OF A SETBACK TO ALLOW THE CONDITIONAL USE PERMIT UNDER SECTION 11-3-9-C-9 FOR MULTIPLE PRINCIPAL BUILDINGS, A VARIANCE FROM CITY CODE SECTION 11-6-2-K, AND THE EXISTING RESIDENTS USE ON PARCEL B WILL CONTINUE AS AN INTERIM USE PERMIT UNDER SECTION 11-3-9-D-5 UNTIL PHASE 3 COMMENCES BY ALDERS, 2ND BY BLAKE; AYES – ALDERS, BLAKE, PILON, GREENBERG; NAYES – RAINVILLE, MOTION CARRIED.

c) Ordinance Amendments

Stockman said that her thoughts on Ordinance Amendments would be to make this landscaping grading escrow a priority since we are just getting going with building season and then the certificate of occupancy would tie into that, where you maintain some escrow especially if they are getting a temporary CO. This will happen at certain times of the year when contractors are unable to finish their landscaping, grading, and stabilizing soil with sod or seed. Commercial would have a different process for commercial industrial versus residential. Some cities require development agreements for individual developments. That would be something that the City Engineer and City Attorney could talk about if Council is interested in that degree of detail. Otherwise Stockman can work with the City Engineer to get something that is satisfying. An estimate would be given, just as is done for residential subdivisions, what the cost to finish grading would be, should the developer or land owner abandon the project, and what the letter of credit should be.

The discussion on storage facilities, moratoriums or an ordinance not allowing similar or same businesses from being next to each other continued. Pilon brought up the option of having Attorney Ruppe draft a moratorium on storage units while Council researches the issue. Councilmember Alders agreed, and commented that they would also want to further define what their architectural requirements should be.

Stockman stated that there really isn't anywhere around this area that would be big enough to establish another facility unless we were to re-zone something. She recommended having a more detailed section of the ordinance that gets included for review and approval when these developments come through. That way you have Planning & Zoning and Council can review what Planning & Zoning recommends. It would be nice to create a packet graphically showing what the city wants that can be given to these property owners or developers. She has some good examples. Stockman will put together a design packet, along with these ordinance changes. She would also like to add the upgrading of the types of screening/fencing that we allow. Stockman asked how detailed they want to be with architecture with industrial versus commercial.

Stockman will put together an architectural design packet for the May meeting, and will make sure that as designs come up, she contacts the architectural review committee so it can be discussed. She will also address items 1, 5 and 2 on the ordinance amendment.

Public Works

a) Purchase of Capital Equipment-Mack Truck, continued
Moved to last item on agenda

b) Resolution 2021-11 Approving the 2021 Crack Seal Plan

MOTION TO APPROVE AMENDED RESOLUTION 2021-11 2021 CRACK SEAL PLAN, ADDING KRYPTON, 183RD, 184TH, MERLE'S LANE, 189TH & 190TH, BY RAINVILLE, 2ND BY GREENBERG; ALL IN FAVOR, MOTION CARRIED.

c) Resolution 2021-12 Approving the 2021 Proposed Gravel & Dust Control Plan

MOTION TO APPROVE 2021-12 APPROVING THE 2021 PROPOSED GRAVEL & DUST CONTROL PLAN BY RAINVILLE, 2ND BY BLAKE; ALL IN FAVOR, MOTION CARRIED.

b) RCA – Seasonal Park/Recycle Center & Seasonal Truck Driver

MOTION TO APPROVE RCA-SEASONAL PARK/RECYCLE CENTER & SEASONAL TRUCK DRIVER POSITIONS BY BLAKE, 2ND BY ALDERS; ALL IN FAVOR, MOTION CARRIED.

Recycle Center

a) Clerk's Presentation – History & Recommendations

Streich gave a presentation of the recycling center with history and information she has gathered, as well as recommendations. She recommended drop box windows that allow for free recyclables to be dropped off at any time, and the center staffed one Saturday a month for paid recyclables. If the Recycle Center is staffed, there would be less theft, vandalism and items dropped that aren't accepted.

Streich will submit an RCA to council for the May City Council meeting requesting a part time employee, with core hours, to staff the recycle center. Grant funds could be used to build an office at the recycle center.

b) RCA – Council Member Rainville

Rainville submitted an RCA offering a paper shredding component at the Saturday, May 8, 2021 Spring Recycling Event. There is currently a bin at the city offices for residents to deposit their papers for shredding, but she wanted Council's input on offering it at the Recycling Event.

Pilon stated that since it wasn't advertised in the Spring Newsletter, he feels this is a lot of money to spend without the opportunity of people knowing about it. Maybe wait for the Fall event so it can be advertised.

Rainville said she will bring it back up for the Fall Recycling Event.

Administration

a) RCA – City Facebook Page

The City Facebook page will be postponed until staff has adequate time to devote to this project.

b) Resolution 2021-07 North Metro Animal Control Contract, continued

Streich explained that Planner Stockman would continue to inspect the commercial kennels in the city, and North Metro Animal Control would inspect the private kennels.

The dangerous dog addendum will be added and the contract will go from 1 year to 2 years.

MOTION TO APPROVE RESOLUTION 2021-07 NORTH METRO ANIMAL CONTROL CONTRACT AS AMENDED WITH PLANNER STOCKMAN INSPECTING COMMERCIAL KENNELS BY ALDERS, 2ND BY GREENBERG; ALL IN FAVOR, MOTION CARRIED.

For the Greater Good of the Council

a) Planning & Zoning Candidates

Pilon stated that the interviews have taken place for 4 candidates, and the request is to wait until May to complete the interviews for one more person if able to by then, and then make a decision in May. This would push us out another month, pushes out training. We could move ahead with what we've got and encourage this final candidate to look at the next opening, or do we wait a month and hopefully hang on to the candidates that we've already interviewed.

Blake said that she knows that this candidate had no control over his situation, and feels that he should have the opportunity to be interviewed. She feels that the other candidates will be sympathetic to the situation.

Greenberg stated that this candidate indicated that he would still like to be interviewed, and he is in favor of allowing him to interview.

Rainville thinks that we should move forward. There are 4 candidates for 3 openings. There's been an opening on Planning & Zoning since January of 2020, and an opportunity for anyone to apply for that, and none of these candidates applied. She would like to move forward.

Alders stated that we have to interview him. He submitted his application in January. He doesn't agree that there have been openings since January 2020 that weren't filled, because we never posted for them. When this candidate applied in January 2021, Council told him he couldn't apply because it wasn't posted, now Rainville is stating that someone could have applied even if it wasn't posted. You can't have it both ways.

Pilon disagreed that he was told that he couldn't apply because it wasn't posted. It was because Council didn't have the process down.

Majority of Council agreed to wait until the final candidate had an opportunity to interview, which will be scheduled for early May.

Public Works

a) Purchase of Capital Equipment-Mack Truck, continued

Pilon stated that Rainville had a ton of questions regarding this and if her questions were all answered. She said yes and no. She is still not comfortable on voting on this purchase. There will be sales tax that will need to be paid. In talking with her friends, she doesn't understand why the Public Works Supervisor chose a Mack Truck over another truck like Freightliner or Peter Built. There was an inconsistency in the dollar amount in the beginning, the sales tax hasn't been included, and she wants to see what options were looked at. What is so much better in this truck than the other trucks in the state bidding process? She still has questions about keeping the old truck.

Alders asked with a Capital Purchase like this, at a higher level that Council should be on, it is crazy that they are looking at whether they should use a 7 pin connector or a 4 pin connector, which transmission, which truck, etc. At a higher level, the city council should approve a certain amount of dollars for a capital acquisition and then Streich and her team go out and find a truck for the price that meets the capital acquisition price. If they choose to keep the old truck, or trade it in, that's all part of it. He's trying to understand this process because if he's Streich, and he's got a council member or somebody else that knows nothing about trucks asking a thousand questions on why did you pick this warranty, why did you pick this wiring harness, why do we need 2 strobe lights – it's crazy. We should trust staff, and from what he's been told, Glaze is the expert and went through this proposal line itemed it out and said this is what we need for our city. Alders agrees as council members they need to be stewards of our cash, but once we made this decision to say we are going to spend ¼ million dollars on a new truck because we know it's time, the other one is shot, allow staff to go out and make that purchase. We are not giving staff the opportunity to go out and get that truck.

Pilon said that there is a capital improvement plan and it's two hundred thousand. So we've gone over our plan, he feels without justification.

Streich said that's not a fair comment as she has been providing all of the detailed information for the past several meetings now and answering pages of questions from council.

Alders continued by saying that if the truck cannot be purchased for two hundred thousand, maybe the mower that's in the plan needs to be taken off until next year.

Pilon said that years ago, before Streich started, council would tell Public Works Supervisor Glaze to put a placeholder in the capital improvement plan. Glaze presented this purchase in 2019 and the number that was discussed was two hundred thousand.

Alders asked if the goal is to have Streich go back to the team and ask if they can get a truck for two hundred thousand? Will it need to be de-featured, do we have to trade in the old truck, or do we have to revise our capital improvement plan.

Pilon said that they have never done this before with the current staff. The last truck purchased was when the city was a township. It was different back then.

Alders said that his point is that if council is authorizing staff to spend up to two hundred grand, let her run with that. If she goes through all 10 or 12 different makes of trucks and can't get one for that, and says okay, we had a plan of 200 for a truck and a plan of 80 for a mower, I reviewed it with my team and we can't get a truck for 200, it's going to be 240, our team has found a used mower for 40 that we think will work so we can hit the overall budget and get both, fine, or we are going to have to trade a truck in. He doesn't want to dig into truck specs after Glaze has already done it. It totally kills staff's

enthusiasm or try because he knows the next time he goes to buy something council will tear it apart anyways.

Streich explained that she came into this project after it had already been in the process. It was discussed by the Road & Bridge Committee several years ago, and then added to the 2019 capital improvement plan with explanation on why the truck was needed, and why they were planning for it. Her understanding was that she was to bring the specs to council for approval at this point. Staff did say that the mower would be taking a back seat to this purchase because the truck was coming in over budget. Glaze had researched other truck models and there were reasons he was choosing the Mack truck over the others, so he did not pursue pricing on the other models. If council does not want to purchase the truck, she is just asking that they vote on it and we can move forward. The current truck is 21 years old and is the primary truck for hauling in the city.

Blake said she sees everyone's points but they need to have confidence and express the confidence that they have in the staff. If Glaze has chosen this truck, we need to trust that he has chosen the best truck for what he feels needs to be purchased for the city. This just puts a division between council and staff. She understands that council is responsible in the end, but we overdue our questioning everything and trusting so little of what is presented to us that maybe this person knows enough that we can trust their decision. If it's the money and you don't want to spend it, just say it. At this point, we've been going over this and going over this and they've been answering the questions to the best of their ability and we're still not satisfied.

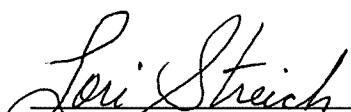
Alders said he would like to understand the process so the next time we go through this it isn't so painful. He does not want to go through line by line and spec out the truck for them. That is what he feels is micromanaging. Staff knows what they need. Alders wants to get to a point where they can empower staff to make a recommendation that we can support because right now it feels like Streich brings us something, we shoot it down, she goes back, answers a bunch of questions via email, she comes back, we aren't happy with that, and we've been talking about this truck for three different meetings now and we still don't have a decision.

Rainville stated that when they place money in the budget, it's a placeholder. That money is not obligated to be spent. She wants more justification. Also, if the older truck is so bad that needs replacing, why would we ask to keep it.

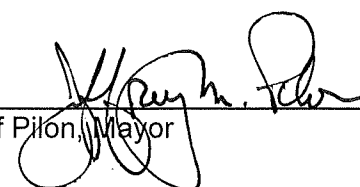
Adjourn

MOTION TO ADJOURN AT 10:18 PM BY BLAKE, 2ND BY ALDERS; ALL IN FAVOR, MOTION CARRIED.

Respectfully Submitted,



Lori Streich, City Clerk/Treasurer



Jeff Pilon, Mayor