

Nowthen City Council
November 14, 2023
Regular City Council Meeting Minutes

CALL TO ORDER

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

All present recited the Pledge of Allegiance.

Present: Mayor Pilon, Council Members Fladebo, Rainville, Breyen and Council Member Alders called to state he was running late.

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

CONSENT AGENDA

Mayor Pilon would like to pull Consent Item E and move it to 9D1.

MOTION BY COUNCIL MEMBER BREYEN, SECONDED BY RAINVILLE TO ACCEPT THE AGENDA AS AMENDED. 4 AYES. MOTION CARRIED.

PUBLIC FORUM

Planner Stockman explained that any residents wishing to comment on the Mackenzie Hills Plat are welcome to sign up and speak at this time or speak at the public hearing which has been re-noticed for 11/28/23 Planning and Zoning Meeting.

Derek Linn from the ACET lives in Ramsey, MN. He is promoting Election Reform and Integrity. This group has been working with the county, along with reaching out to local cities asking to keep elections local. Anyone with questions may contact him at 612-475-0170 or email info@techforelections.vote.

Mackenzie Hills – Neighboring Residents took the floor.

Tim Mueller – Voiced his concern regarding 205th extended through to Engen & Nowthen Blvd in regard to the Gustafson property. Planner Stockman explained that the “proposed future road” would only be triggered by the owner’s desire to subdivide. The Gustafsons want to leave it a dirt road and will maintain it themselves until the road would be turned over the city ONLY in the case that adjoining property owners are developing their properties. Mr. Mueller stated he doesn’t like this plan, that his family has no desire to develop the “Century Farm”, it has been in his family since 1903. Please do not keep this as part of the plan and reconsider the “proposed” extension of 205th.

Joel Collins – Oppose the Gustafson Split. Oppose the proposed extension of 205th; by doing that it would become a truck road, why put a road in for the property to be split in 3. Mayor Pilon explained that in order to create the lots, each lot had to have road frontage. This was a way to make that happen by having them build the road and maintain it until other properties develop and the road is turned over to the city.

Lynn? - Opposed to the new driveway that will be a “road” and extending to new lots. Would not work without impacting wetlands. Planner Stockman explained that the wetland delineation information has

been given to the Planning and Zoning commissioners and will be a part of the 11-28-23 Planning and Zoning public hearing. Nothing will be decided tonight.

It was asked where do the long-term plans come from. Planner Stockman responded that the city always needs to be looking forward to future roads. The information comes from the city planner and the city engineer. If you do not look forward, there is a chance some properties may become land locked.

Why does the development need a name? Planner Stockman explained because when you plat a property into Lot and Blocks, the subdivision requires a name. She reiterated that this is for three (3) lots, not a huge development and it is intended to stay within the Gustafson family. Planner Stockman explained that according to the city code, they could be splitting into seven (7) lots if wetlands weren't a problem and they wanted to.

It was asked when does the city decide if it would be a through road? Planner Stockman explained it is not in the City's interest to be in the road business and it would not be decided until surrounding properties wanted to subdivide and develop. Mayor Pilon also stated the city is not in the business of developing roads. The developers are responsible for building the roads. If you are not selling your property, there will not be a road coming through it.

Mayor Pilon asked if anyone else wanted to speak, no one else came up so the public hearing was closed at 7:45 p.m. He also reminded residents that letters will be going out this week regarding the public hearing scheduled at the Planning and Zoning meeting 11-28-23 at 7:00 p.m.

MOTION BY COUNCIL MEMBER RAINVILLE, SECONDED BY BREYEN TO ACCEPT THE CONSENT AGENDA AS AMENDED MOVING "E" TO 9D1. 4 AYES. MOTION CARRIED.

ENGINEERING

None

FIRE DEPARTMENT

Presented by Chief Schmidt.

For the month of October 2023, the Fire Department responded to 22 incidents (6 more than the previous month) with an average response time of 14 minutes and 29 seconds (1 minute 26 second increase from September). The average number of firefighters attending calls for service was 3.8. The Fire Department reports no dollar loss from fires during the month of October. The Fire Department assisted other agencies 2 times in the month (Oak Grove) and received assistance from St. Francis once in the month.

Notable Calls

On October 14th, the Fire Department was dispatched by ACSO deputies after discovering someone burning a mattress and other trash on the 8300 Block of Viking Blvd at a self-storage facility. Crews were able to extinguish the fire without incident.

On October 31st, the Fire Department and ACSO deputies were dispatched to a report crash on Norris Lake Rd and Jarvis. Crews assisted with patient care and traffic control until the roadway could be cleared of the crash. Road conditions were poor this morning due to snow/ice.

The NFD participated in Fire Prevention Education at St. John's School in Nowthen.

Winter Recruitment Open House will be scheduled soon, the next training schedule begins in March and NFD would like to have some candidates attending. Chief Schmidt added he would like to have a black sign out again advertising the open house.

SHERIFF'S DEPARTMENT

Presented by Chief Deputy Jacobson.

Sheriff's deputies responded to 139 calls for service. Total for 2023 is 1,310 calls, which is 123 calls over the 2022 year to date total.

October 2023 calls for service included:

1 to Bar None

6 Alarms

13 Medicals

10 Animal Complaints

Bar None

On 10/18/2023 at 11:57 AM, a deputy responded to the facility on a medical involving a staff member stung by a bee. The patient ultimately self-transported to the hospital.

Noteworthy Incidents

On 10/03/2023 at 1:22 PM, a deputy was on patrol in the 6700 block of Viking Blvd. when he observed a sheet of pressboard fly out of the trailer being pulled in front of him. The pressboard was carried into the air and struck the windshield of a westbound tractor-trailer. The deputy stopped the vehicle, a 2021 GMC Yukon, and spoke with the driver. He was cited for failing to secure his load properly. The incident was captured on video via the squad's onboard cameras.

On 10/10/2023 at 3:08 PM, a deputy had contact with an adult female in the 8000 block of Viking Blvd. who he knew to have an outstanding arrest warrant. She was subsequently arrested for an outstanding Hennepin County felony warrant for controlled substance crime. She was booked at the Anoka County Jail.

On 10/10/2023 at 8:40 AM, a deputy received information that an adult male would be in the 19500 block of Nowthen Blvd. and the male had an outstanding department of corrections (DOC) warrant for fleeing police in a motor vehicle. The deputy arrived in the area and located the male. He was arrested on the DOC warrant and was booked at the Anoka County Jail.

On 10/17/2023 at 6:05 PM, a deputy was responding to an emergency call in the City of Ramsey when he observed a red Dodge Stratus stopped on the shoulder of Viking Blvd. NW near Highway 47. After clearing the emergency call, the deputy returned to the stopped vehicle to see if the driver needed assistance. When he arrived in the area, he found the vehicle had been moved off the roadway and well into the entrance to an adjacent field. Finding this suspicious, the deputy made contact with the sole occupant of the vehicle, an adult male. During the deputy's interaction with the male, he fled on foot through the field. Multiple officers and deputies responded to the area to assist including K9 teams from the Blaine Police Department and ACSO. Also assisting in the search was a Minnesota State Patrol Helicopter and an unmanned aerial vehicle (UAV) from the St. Francis Police Department. After an extensive search, the suspect was not located.

NOTE: 7:55 p.m. Council Member Alders entered the meeting.

On 10/19/2023 at 2:07 PM, a deputy responded to the Nowthen Recycling Center in the 19800 block of Nowthen Blvd. on a report of a disorderly male. The male was reported to have been using profanity after becoming upset over a recycling rule. The male was known to law enforcement and staff were advised to call 911 if he returned so he could be issued a trespass notice.

On 10/20/2023 at 11:00 AM a deputy was on patrol in the area of Nowthen Blvd. and Viking Blvd. when he observed a red Altima pass him. As the vehicle passed the squad, the driver made an intentional movement to cover his entire face. The deputy noted the odd behavior and turned around to locate the vehicle but was not able to. About 15 minutes later, he observed the same vehicle turn into a business near Iguana Street without using a turn signal. The deputy stopped the vehicle and made contact with the driver, an adult male, and discovered he was operating the vehicle without an ignition interlock, which is a violation of the male's restrictions on his driver's license. The deputy also observed open packages of marijuana in the driver's compartment of the vehicle. The driver was cited for the ignition interlock violation as well as the open marijuana package violation.

On 10/27/2023 at 1:50 PM a deputy responded to the 22600 block of Norris Lake Rd. on a report of an Amazon delivery driver who was bitten by a dog. The victim, an adult male, suffered a bite while attempting to make a delivery at the address. The owner of the dog was notified and was cooperative. The dog was quarantined for 10 days per state law. The owner was cited for failing to obtain a city dog license and for allowing an unprovoked bite.

Miscellaneous

On 10/19/2023 the ACSO Marine Unit trained at Twin Lakes Park. The team had 4 ACSO boats on the water and successfully completed a training dive mission. During the dive, the team lifted a 12-foot by 12-foot training platform that had been at the bottom of the lake for approximately 30 years. The platform was lifted, cleaned, and moved to a new area of the lake. Thank you to the NFD for helping clean it up. A question was asked how deep the lake is – the answer is 20'-30' in some areas which make it good for dive training.

A few questions from City Council members were asked.

Seems like there has been an uptick in arrests – why? Chief Deputy Jacobson answered that arrests are proactive policing, the deputies working in the area are aware of warrants, this is a symptom of having regular deputies in Nowthen.

Do Sheriff Deputies respond to all medical calls? Chief Deputy answered yes, unless the FD calls them off.

Animal complaints are also up – seems to be a lot of dogs on the loose and dog bites. Please keep your animals on your property and attended when outside. Keep them vaccinated and have records available. It is a city ordinance. With all the deliveries, keep your dogs under control. The Amazon drivers don't like to get bitten! Have good instructions for delivery drivers.

An attending resident asked where are the burglaries happening? The Chief Deputy answered he thought businesses right now – but will get back to staff with stats.

Are the assaults happening at businesses or in residential areas? He isn't sure, but will get back to staff with stats.

Received the morning after the meeting:

I just wanted to follow up to a few questions from last night's meeting.

Regarding the increase in burglaries, this has been driven by an increase in burglaries from storage units. There have been 6 over the last 11 months. Since these thefts occur from buildings, they are categorized as burglaries. Another one of the burglaries was a residential home in which cash went missing from a drawer. There was no forced entry to the home, and it is unknown when exactly the cash went missing. There was a burglary at Northwoods last week, I won't say too much on that yet as it is under investigation. I can probably say more on that one next month during my report.

The question regarding assaults was about what types of assaults we are seeing in Nowthen. In January there was an assault at Bootleggers between two patrons, one was cited for misdemeanor assault. There have been 4 assaults at the Bar None campus this year, all misdemeanors. There was an assault on a deputy on 09/17/2023 during a property dispute. That male was arrested. There were also various domestic related assaults.

PLANNING AND ZONING

7a) MACKENZIE HILLS RE-NOTICED:

No action will be taken on this plat tonight, asking for City Council to be in attendance at the P&Z meeting on November 28th, 2023 at 7:00.

7b) UPDATED ASSESSMENT LIST – 19144 CLEARY ROAD

The resident is in the process of moving the container. The city could decide to assess the entire fee, could access only city costs or could waive the assessment altogether. Council Member Rainville stated she would like to see the city recoup the out-of-pocket costs for this code compliance, the other council members agreed.

MOTION BY COUNCIL MEMBER BREYEN, SECONDED BY ALDERS TO ASSESS \$350.00 TO RECOUP THE CITY COST FOR THIS CODE COMPLIANCE ISSUE AT 19144 CLEARY ROAD. 5 AYES. MOTION CARRIED.

7c) Planner Stockman is asking for directions as to how the city council wants her to proceed with the three (3) most difficult code enforcement properties. Shall she proceed with sending them to the city prosecuting attorney?

MOTION BY COUNCIL MEMBER RAINVILLE, SECONDED BY ALDERS TO MOVE THESE THREE PROPERTIES TO PROSECUTING ATTORNEY GLASER TO MOVE FORWARD WITH THESE CODE COMPLIANCE ISSUES.

Discussion: What happens if the resident ignores Attorney Glaser's notices? If they don't show up in court, they will get an arrest warrant issued. Many of these types of cases/complaints will get resolved after the first court appearance. What is the process? Planner Stockman isn't sure. The ordinance does allow for prosecution to the fullest extent of the law with possible arrest.

ACTION ITEM: City council directed her to get an outline and recommendation from Attorney Glaser.

Discussion continues stating does the ordinance need to be amended to include how many "chances" a resident has to comply?

Council Member Rainville amended her Motion to include:

MOTION BY COUNCIL MEMBER RAINVILLE, SECONDED BY ALDERS TO AUTHORIZE STAFF TO MOVE THESE THREE PROPERTIES TO PROSECUTING ATTORNEY GLASER TO OUTLINE THE PROCESS, STEPS AND TO GIVE A RECOMMENDATION AND BRING BACK TO COUNCIL AT THE DECEMBER 12TH MEETING. IF A LETTER IS SET OUT TO PROPERTY OWNERS, IT SHOULD EXPLAIN HOW ALL COURT COSTS, ATTORNEY COSTS AND STAFF COSTS ARE THE RESPONSIBILITY OF THE PROPERTY OWNER. 5 AYES. MOTION CARRIED.

ADMINISTRATOR'S UPDATE

- a) The Gambling Ordinance is in place and both establishments in Nowthen have been notified and are on board with 10% donation to the city. The mayor suggested Administrator Lehner send a letter requesting/asking if the Anoka-Ramsey Athletic Association had any extra money they would like to donate going back to January 1, 2023, the city would greatly appreciate it. A huge thank you to Bootleggers and ERYHA for the continued relationship, the donations have helped put in the new well that services the Historic Town Hall and Fire Department along with the ice arena flooding and park.
- b) Administrative Position: A full day of interviews on 11-20-23. The position will consist of two (2) part-time employees working up to 30 hours per week, rather than one (1) full-time. After the position was re-posted as a possible job-sharing position, more qualified applicants came in. We currently have two (2) part-time temporary employees working and it is working very well with Karen and Connie; however, both will be leaving us in December. Both may come back for elections. The council thanked them for their hard work and dedication to the City of Nowthen.
- c) Judy Herrala reached out from the Nowthen Lions asking for assistance from the city to help light up the trees. Maintenance staff will be assisting the Lions on November 21st. The annual Tree Lighting will be on December 2nd from 5:00 to 6:30. The Fire Department and Sheriff's Department will be participating along with Santa and Mrs. Claus.

Council Member Rainville asked if Maintenance could cut back the trees to get the lights on the memorial? Administrator Lehner stated that remodeling the memorial is part of the 2024 parks plan, to clean it up and spruce it up.

OLD BUSINESS

- 1) Bar None Compliance – No update about the new program coming on at Bar None at this time. The mayor indicated that must be a permitted process and public hearing. He and Administrator

Lehner will continue to work with Attorney Ruppe to get this process going and to shut down operations until they are properly permitted.

- 2) ATV Ordinance – No action has been taken.

Discussion that it will be difficult to get to this later due to elections coming up and we will have a special election as well for County Commissioners for our district as ours is leaving to become the city administrator for the City of East Bethel. Local Government Officials meeting on the 11/29/23 with an opportunity to meet these commissioners.

STATUS OF ACTION ITEMS

- 1) Personnel Policy – Some discussion at the 11-9-23 Meeting. Still much work to do on PTO, Sick Time, Health, Dental, short-term, and long-term disability, legislative updates regarding ESST. Council Member Rainville passed out her suggestions; however, with only three council members present, it was decided to table the issue until another meeting.

- 2) Updating Fee Schedule – Still in progress – some prices have been approved and changed. Many items still need to be updated.

- 3) Recycling Hours: The budget for 2024 relied on a reduction of hours at the Recycling Center. The current staff would like to be out of the Recycling Center before dark if possible. If we hire two (2) part-time front desk administrative assistants, there would be additional funds available to keep the hours as they are currently because 50% of the administrative assistant hours are coded to recycling for the front desk duties collecting recycling fees and completing the reports as required for the SCORE Grant.

Council Member Rainville proposes we continue to stay open until 5:00 p.m., continue to try to reduce costs and continue to track where customers are coming from – (in the last two weeks, only 4 Nowthen Residents were customers, the other customers came from other communities). The county would like us to start collecting compost, but we do not see a need for compost recycling in Nowthen, most residents, if they do it, do it at their home.

- 4) Public Hearing Notices – for the road improvement project for 2024 have been sent out by Attorney Ruppe’s office.

NEW BUSINESS

- 1) New population signs presented by Project Manager Genevieve Hirschboeck. She presented a map showing the locations of each city sign coming into the city. Signs 1-5 will not be changed, sign #11 is currently wounded and needs some attention. There is no cost to change just the population number, but if council would like to change to include “Welcome to the City of Nowthen” logo, the costs are \$96.72 or \$126.62 each.

Discussion regarding the sizes of the existing signs and the sizes of the proposed signs. Will they fit on the existing signposts?

Council Member Rainville suggested the council table this topic until exact sizes are known.

Discussion on the sign options. Council Member Breyen stated he did not like the “Welcome To” on one of the options as the font and size didn’t seem to line up correctly or balance on the sign. It was suggested to have the logo mimic the letterhead for the city and take off “Welcome To.”

MOTION BY MAYOR PILON, SECONDED BY RAINVILLE TO MOVE FORWARD WITH SIGN REPLACEMENT NOT TO EXCEED \$700, MIMICKING THE LETTERHEAD, REMOVING “WELCOME TO.” 4 AYES – MAYOR PILON, COUNCIL MEMBERS RAINVILLE, BREYEN AND ALDERS. 1 NAY – COUNCIL MEMBER FLADEBO. MOTION CARRIED.

Note: Money for these signs would come from the gambling fund or sign budget.

ITEMS REMOVED FROM CONSENT AGENDA

- e) Approval of Resolution 2023-64 approving the Hiring of Isaac Schulz as a public works maintenance technician for the City of Nowthen.

In September, the mayor stated that we could not hire any full-time staff until the personnel policy has been updated.

1) The city thinks highly of Isaac. Many of the staff, council and city have worked with him; he is impressive and has a wonderful work ethic.

2) As a full-time employee, a benefits package needs to be determined.

3) **ACTION ITEM: Because he is an on-call firefighter, there is some record keeping that needs to be determined for payroll.**

The offer to Isaac with a benefits package would cost the city \$67,850. A benefit to the city is a daytime firefighter to respond as day time hours is always short staffed. His 180 days as a seasonal employee is just about up and the city administrator would like to transition him to a full-time employee immediately. Council Member Alders suggested since he has already worked the probationary amount of time, that the city waive his probation of 6 months and give him 80 hours of earned PTO to start.

COUNCIL MEMBER RAINVILLE MOTIONED, SECONDED BY MAYOR PILON TO OFFER THE POSITION TO ISAAC SCHULZ AT \$25 PER HOUR, PLUS 80 HOURS OF PTO, WAIVING HIS 6-MONTH PROBATIONARY PERIOD.

Discussion: What is the PTO plan to be going forward? Council Member Alders stated it does need to be worked out. Suggested zero to five years gets two weeks. Administrator Lehner joined the conversation to state he believed the new personnel policy and changes would go into effect 1-1-24 and would the city consider grandfathering Isaac in with the current package? As council has stated multiple times, we want to be the employer of choice around this area.

Council Member Rainville handed out options for PTO versus Vacation Time/Sick Time and ESST time.

Administrator Lehner argued that he isn’t a new employee, he has been employed by the city as a firefighter and seasonal employee with a known track record. Council Members stated but he would be “new”, as a full-time employee.

Chief Schmidt stated that the city has a unique opportunity to be able to hire Isaac. The chief has no problem with Isaac working full-time in public works; in fact, it would be an asset to the city with his work ethic and ability to respond to daytime calls.

MOTION AMENDED BY COUNCIL MEMBER ALDERS AND APPROVED BY RAINVILLE TO OFFER TOMORROW AT \$25 PER HOUR, 80 HOURS OF PTO, SAME HOLIDAYS AT CURRENT TEAM MEMBERS, ESST BEGINNING JANUARY 1 WITH AN UNDERSTANDING THAT HE KNOWS THE POLICY WILL BE UPDATED FOR 2024 TO INCLUDE LIFE INSURANCE, LONG TERM AND SHORT TERM DISABILITY AVAILABLE, NOT TO INCLUDE EMB UNLESS LONG TERM AND SHORT TERM DISABILITY ARE NOT OFFERED, THEN IT WOULD INCLUDE EMB WITH AN ACCURAL DATE OF HIS SEASONAL START DATE. 5 AYES, MOTION CARRIED.

Council Member Rainville stated based on Natalie finding out about open enrollment of new programs for the city, we will need to pass a resolution offering the new programs to the employees. The mayor tabled to the December meeting. He also stated that the city council just signed off on \$256,526 for claims. Deputy Clerk Johnson stated the largest portion of that is for the Sheriff's contract.

MOTION TO ADJOURN BY COUNCIL MEMBER RAINVILLE, SECONDED BY ALDERS.

MEETING ADJOURNED AT 10:05 P.M.

Respectfully Submitted,



Scott Lehner, City Administrator



Jeffrey M. Pilon, Mayor