

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL OF THE CITY OF NORTH BRANCH IN THE COUNTY OF CHISAGO AND IN THE STATE OF MINNESOTA

REGULAR SESSION

August 25, 2014

CALL TO ORDER: The North Branch City Council met in regular session and Mayor Lindquist called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE:

ROLL CALL: Councilmembers present were Kathy Blomquist, Theresa Furman, Ronald Lindquist, Joyce Borchardt, and Trent Jensen. Staff members present were City Administrator Konrad, Planner Roberts and the City Attorney Helmers.

Lindquist expressed sympathies on the loss of Dallas Kasper.

CONSENT AGENDA:

- Claims
- ~~Minutes – July 14, 2014 Regular Session~~
- Minutes – August 11, 2014 Regular Session
- Minutes - August 18, 2014 Special Session
- Resolution 059-08-25-14 – Special Event Permit – Kids Carnival and 5K Walk/Run – Living Branch Church
- ~~Resolution – Street Dance, Extension of Premises & Special Event Permit – Street Dance JJ Bowl~~

Items 4B and 4F were removed for discussion.

Motion by Furman, seconded by Jensen, to approve the consent agenda as amended to remove B and F. All voted AYE. Motion carried.

Motion by Borchardt, seconded by Jensen to approve Minutes of July 14, 2014. Members voted: Aye – 3, Nay – 0, Abstain – 2 (Lindquist/Furman). Motion carried.

Motion by Furman, seconded by Borchardt, to adopt Resolution 062-08-25-14, “A RESOLUTION APPROVING TEMPORARY EXTENSION OF PREMISES FOR ON-SALE LIQUOR LICENSE, STREET DANCE AND SPECIAL EVENT PERMIT FOR GRJ PROMOTE/JJ’S BOWL AND LOUNGE” as amended changing “security” to “police” in number 3. All voted AYE. Motion carried.

PUBLIC HEARINGS:

NONE

COMMITTEE/COMMISSIONS:

6A PLANNING COMMISSION

A1 Minutes INFO
A2 Family Pathways Rezone & Comp Plan Amendment

Planner Roberts provided an overview of the proposed comp plan amendment for Family Pathways who purchased the former Fairview Clinic on Oak Street. He noted that the building was not occupied for more than a year so the non-conforming status expired. The zoning ordinance and comp plan amendments would change the parcel to a commercial use. He noted that since the Planning Commission meeting the chair has raised the question if rezoning is the best option.

Konrad noted that the current R1 zoning allows for non-profit operations that are adjacent to commercial zones as a conditional use permit. One option may be to amend that language.

Blomquist said she is in favor of the rezoning and comp plan amendment as she wants to be welcoming for business.

Borchardt said that she is concerned with spot zoning this parcel causing long term issues with integrity of the neighborhood so she would like to pursue the conditional use permit or interim use permit.

Furman said she thinks this is spot zoning and she is not in favor of it.

Lindquist said that this proposed use is perfect but they may not stay and then the City does not know what might come in. He would like to try the conditional use permit.

Rich Smith, Family Pathways Executive Director, said that the interim use permit affects their finances and balance sheet as it affects the ability to sell the property. City Attorney Helmers indicated that interim use is meant to be temporary when the use in the future is proposed to change.

Motion by Furman, seconded by Blomquist to extend the 60 day time period for the Family Pathways rezoning/comp plan requests. All voted AYE. Motion carried.

Motion by Furman, seconded by Borchardt, to adopt Resolution 060-08-25-14, "A RESOLUTION DENYING A CHANGE TO THE COMPREHENSIVE PLAN FROM LU2 (MEDIUM DENSITY RESIDENTIAL) TO CL (COMMERCIAL LIMITED) FOR THE PROPERTY AT 6413 OAK STREET AS RQUESTED BY FAMILY PATHWAYS, INC." All voted AYE. Motion carried.

Motion by Furman, seconded by Blomquist, to adopt Resolution 061-08-25-14, "A RESOLUTION DENYING A CHANGE TO THE ZONING MAP FROM R1 (SINGLE-FAMILY RESIDENTIAL) TO B2 (LIMITED BUSINESS, FOR PROPERTY AT 6413 OAK STREET AS REQUESTED BY FAMILY PATHWAYS, INC." All voted AYE. Motion carried.

Motion by Furman, seconded by Borchardt, to send this back to Planning and Zoning Commission to review an amendment to the R1 conditional use permit language. All voted AYE. Motion carried.

A3 Driveway Variance Michelson

Planner Roberts reviewed the requested driveway variance. The applicant is requesting a variance to allow a second driveway to access an accessory building in the back yard.

Borchardt asked if this would be a primary driveway or a seasonal driveway. Andy Michelson, the applicant said he would like to have access to his new building. This would not be every day use but would allow them to access their new building without driving through their yard. He also brought up that there are two driveway homes in his immediate area.

Lindquist said that it is crucial to have access and with his line of business he has to access septic and has to drive down through the ditch. He does not feel this sets a precedent because they are in all over the place.

Furman asked which of the criteria for granting the variance was discussed. Roberts stated that the Planning Commission did not specify and specific non-economic hardship for the parcel. Furman stated she could not support the variance.

Motion by Furman, seconded by Blomquist, to adopt Resolution 063-08-25-14, "A RESOLUTION DENYING A VARIANCE FOR THE CONSTRUCTION OF A SECOND DRIVEWAY FOR THE PROPERTY AT 5491 FENIAN COURT." Members voted: Aye – 3, Nay – 2 (Borchardt/Lindquist). Motion carried.

A4 Comp Plan Amendment – 1 Acre Lots

Planner Roberts outlined the proposed change to the comp plan. The change is necessary so the zoning ordinance and comp plan are not contradictory for one acre lots.

Lindquist said that this is the first year plats have come in for a while and those are for one acre lots not water and sewer.

Jensen said that there is an awful lot of land outside of the water and sewer. He then said that allowing people to opt out of City sewer and water is not in the best interest of the City.

Blomquist said she does not think it is in the City's best interest to have someone right next to City services to be able to opt out and then the next property over has to pay more to have his property on sewer and water. Blomquist said that she feels it makes sense to look at the growth patterns that are already there.

Fred Schmidt, 1855 Summit said that their farm has been in the 20 year growth pattern for 45 years. They are fine with high density as proposed but Section 9 is going to be sold and nobody wants it because there is no way to get to Section 16 with City water and sewer. Mr. Schmidt indicated that this property develops with 80 families or 8 but one way or the other they have to do something with this property.

Lindquist said that the 20 year growth plan might be wrong because it's been 45 years for Mr. Schmidt's property.

Konrad noted that changes could be made to the 20 year growth area but there would be consequences. Changes would likely impact sewer and water rates because improvements, some which have already been constructed, were based on the current 20 year growth area. Also the comprehensive sewer and comprehensive water plans would need to be redone.

Blomquist said she wants to strike a balance between city services and well and septic.

Council consensus was to look at possible changes to the 20 year growth area. Konrad suggested a joint meeting with Water and Light. Jensen would like to see a meeting with the infrastructure information for discussion.

Council agreed to a work session with Water & Light sometime in the near future to review where existing utilities are.

Motion by Furman, seconded by Jensen, to refer this matter to a work session after the preliminary budget is set. All voted AYE.
Motion carried.

6B ECONOMIC DEVELOPMENT AUTHORITY
B1 Minutes

INFO

6C PARK COMMISSION

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C1	Minutes	INFO
6D	WATER AND LIGHT COMMISSION	
D1	Minutes	INFO
<u>STAFF REPORTS:</u>		
7A	ENGINEERING/PUBLIC WORKS	NONE
7B	ADMINISTRATION	NONE
7C	BUILDING	NONE
7D	FINANCE	NONE
7E	LEGAL	NONE

Konrad noted that Item 4G was not printed on the Agenda and asked Council to consider it now.

Motion by Jensen, seconded by Borchardt, to adopt Ordinance No. 214-14, "AN ORDINANCE AMENDING THE 2014 FEE SCHEDULE RELATING TO INTERIM USE FEES." Motion carried.

NOTICES AND COMMUNICATIONS:

PUBLIC COMMENT:

Jeff Bernoski of 8th Avenue asked about the air quality due to the comments and concerns about Superior Silica Sand and Tiller Corporation. He then asked if the air quality is being monitored right now. Konrad noted that Tiller Corporation has an air permit through the MPCA and there are monitoring requirements which are reported to MPCA.

UNFINISHED BUSINESS:

NONE

NEW BUSINESS:

Blomquist commented on the two articles she received with the packet for the Planning Commission. She would like some information like this not included in the packet because these are one sided opinions.

Lindquist commented that other items have been included in the past before.

Blomquist said she would not have objected if the other side was included as well.

MAYOR AND COUNCIL:

12A Upcoming Agendas

INFO

Motion by Furman, seconded by Jensen to adjourn. All voted AYE. Motion carried.

ADJOURNED: at 8:40 p.m.

Respectfully submitted,

Bridgitte Konrad, City Administrator
jrl/TOSS