

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

September 22, 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 Finance Director Hill, GIS Specialist Sondrol, Planner Roberts and City Attorney.

CONSENT AGENDA:

- Claims August 26 through September 8 and September 9 through 22, 2014
- Resolution 065-09-22-14 – Temporary Liquor License - NBML
- Ordinance 215-14 – Fee Schedule Amendment – Conduit Bonding Fee
- ~~Resolution – 2015 Fire Relief Contribution~~
- Resolution 070-09-22-14 – Legacy Grant Application Authorization
- ~~Minutes – August 21, 2014 Work Session~~
- Minutes – August 25, 2014 Work Session
- Police Data Sharing Agreement
- Resolution 071-09-22-14 – Election Judges for General Election

Items D and F were removed for discussion.

Motion by Furman, seconded by Blomquist, to approve the Consent Agenda as amended to remove Items D and E, All voted AYE. Motion carried.

5D 2015 Fire Relief Contribution

Blomquist would like to discuss funding pension through PERA and have that added to a worksession agenda.

Motion by Blomquist, seconded by Furman, to adopt Resolution 066-09-22-14, "A RESOLUTION TO CERTIFY FUNDS FOR THE NORTH BRANCH FIRE RELIEF ASSOCIATION IN 2015." All voted AYE. Motion carried.

5F Minutes – August 21, 2014 Work Session

Borchardt stated in the last paragraph of the first page it mentions Manager but she thought some comments were made by Commissioner Fisk so she would like that reviewed.

Motion by Borchardt, seconded by Furman to table. All voted AYE. Motion carried.

PUBLIC HEARINGS:

NONE

COMMITTEE/COMMISSIONS:

6A PLANNING COMMISSION

A1 Minutes – July 8 and August 18

INFO

Blomquist said that she is concerned about the Planning Commission trying to tell the Planning Director what to do as they are an advisory body. He needs to bring his professional opinion to the Council and is not an advocate for the applicant.

Borchardt indicated that the Planning Commission wanted to be sure their recommendations and discussions are forwarded to the Council because, due to timing of meetings, the Minutes of the Planning Commission are not always available before the Council is considering a matter.

Blomquist indicated that the Planning Commission is an advisory body and the Planning Director is entitled to his opinion.

A2 Conditional Use Permit – Verizon

Jensen asked why there does not seem to be an opt out or recourse for the City if the City does not like what Verizon is doing. The City Attorney explained that the City has an opt out if Verizon defaults but for the first 25 years there is not an opt out.

Motion by Jensen, seconded by Blomquist, to adopt Resolution 067-09-22-14, "A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR A CELLULAR ANNTENNA FACILITY AT THE CITY WATER TOWER LOCATED AT 5473 386TH STREET." All voted AYE. Motion carried.

A3 Happy Acres 2nd

Roberts outlined the three requests for the Happy Acres 2nd application.

Furman asked about losing money for the system and how much rates will go up. Hill indicated that would not be possible without a study. Furman said that she asked for a map to be handed out and it shows the 10-year potential contamination to the City water and the land is north of this area. Blomquist said that the maps are based on the distance from the wells. Furman said that this is the information Water & Light was looking at for impairing wells and this property is not in the area. Jensen asked if Water & Light was asked for input on this proposal and said he would like their input.

Fred Schmidt 1855 Summit Avenue said that the whole section to the south is one-acre lots.

Gary Shafer 40160 Hemingway Avenue said that there are two two-acre lots and he agrees not seeing water and sewer in there. He then said he is concerned with those acres all going into sanitary sewer because that could affect his well.

Mr. Shafer indicated that the developer said he has not been able to put this for sale for 50 years and it was for sale since he moved there in 1990 so please do not feel obligated to help the developer sell the property. The larger piece he sees as a ploy to get in there for the least possible cost with no regard to the people that will live there. Mr. Shafer said there are 1800 customers and the bills continue to increase and throwing out the Comp Plan they will have to foot the bill for many years.

Borchardt asked how water and sewer would get from 400th Street up to that area. Jensen said that he would like to wait until the studies are done and until the impact is known on bills for other residents by removing this property.

Fred Schmidt said he went into planning asking for two two-acre lots and planning felt that the whole 20 should be removed. He then said that they cannot do anything with the giant pipeline in that location. He would like to get the property on the market to allow for homes this spring.

Jensen would like to ask Water & Light the potential impact to customers. Lindquist said that he is adjacent to one-acre lots to the south. Blomquist would like to agree to the two lots at this time and look at the rest of the property. Furman asked if there can be some kind of easement to attach this to Harvester at some point in the future. Roberts indicated that staff looked at that but the topography is not conducive so it will be necessary to connect further to the north.

The Resolution was amended to allow for approval of just the two lots.

Motion by Borchardt, seconded by Furman, to adopt Resolution 068-09-22-14, "A RESOLUTION TO APPROVE A CHANGE TO THE COMPREHENSIVE PLAN AND COMPREHENSIVE SANITARY SEWER PLAN TO REMOVE A FOUR ACRE SITE FROM THE 20 YEAR GROWTH AREA FOR THE PROPERTY TO BE KNOWN AS LOTS 1 AND 2 OF HAPPY ACRES SECOND ADDITION (ON HEMINGWAY AVENUE, NORTH OF 400TH

STREET) AS REQUESTED BY FRED SCHMIDT.” All voted AYE.
Motion carried.

Motion by Jensen, seconded by Borchardt, to adopt Resolution 069-09-22-14, “A RESOLUTION APPROVING THE HAPPY ACRES SECOND ADDITIONL MINOR SUBDIVISION ON HEMINGWAY AVENUE, NORTH OF 400TH STREET.” All voted AYE. Motion carried.

A4 Ordinance Amendment – CUP’s in R1 Zoning District

Roberts outlined the proposed Ordinance Amendment. The amendment would allow non-profit business offices in an R1 districts as a conditional use.

Rich Smith from Family Pathways agreed to the proposed language and thanked the City for working with them.

Motion by Jensen, seconded by Borchardt, to approve Ordinance 216-14, “AN ORDINANCE AMENDING ARTICLE V, DISTRICTS AND DISTRICT REGULATIONS, DIVISION 2, SECTION 66-209 ABOUT CONDITIONAL USES IN THE R1 (SINGLE –FAMILY RESIDENTIAL) ZONING DISTRICT. Members voted: Ayes – 4, Nays – 1 (Blomquist). Motion carried.

Furman asked if Fairview told Family Pathways that the conditional use permit was void because it was vacant for more than 6 months because the staff said they informed Fairview.

A5 Ordinance Amendment – Commercial Driveway Width

Roberts outlined the proposed changes to the commercial driveway width standards. Furman asked why this was brought forward. Roberts noted that it was an discussion brought forward by the Planning Commission. Jensen asked if the heavy truck users in the City are having issues with driveway widths. Tiller Corporation got a variance to allow for a wider driveway.

Motion by Jensen, seconded by Borchardt, to approve Ordinance 217-14, “AN ORDINANCE AMENDING ARTICLE VII, OFF-STREET PARKING AND LOADING, SECTION 66-862, Amendment for Commercial Driveway Width. All voted AYE. Motion carried.

A6 Ordinance Amendment – Building Height in Industrial Districts

Roberts explained the requested code amendment for building height in the Industrial Districts to allow buildings to be a maximum of 100 feet. Furman asked if the Fire Department has weighed in on this. Roberts indicated that the Fire Chief was not as concerned

with this because it is not residential. They discussed the pros and cons of amending the ordinance and determined that it would be best not to amend the ordinance and deal with variations on a case by case basis through a variance process.

Motion by Furman, seconded by Jensen, to deny the Ordinance Amendment for Building Height in Industrial District. Members voted: Ayes – 3, Nays – 2(Lindquist/Borchardt). Motion carried.

6B ECONOMIC DEVELOPMENT AUTHORITY NONE

6C PARK COMMISSION NONE

6D WATER AND LIGHT COMMISSION

D1 Tower Lease Agreement – Verizon

Verizon appeared before the Council and explained their request for a lease to put an antenna on the water tower on 386th Street. Jensen's only concern is that there is no out for the first 20 years. Borchardt said that there will be some taxes paid.

Motion by Furman, seconded by Jensen, to approve Tower Lease Agreement between Verizon, the City and Water and Light. All voted AYE. Motion carried.

STAFF REPORTS:

7A ENGINEERING/PUBLIC WORKS NONE

7B ADMINISTRATION NONE

7C BUILDING
C1 Activity Report INFO

7D FINANCE

D1 2015 Preliminary Budget and Levy

Hill provided an overview of the preliminary budget and levy.

Motion by Jensen, seconded by Furman, to adopt Resolution 064-09-22-14, "A RESOLUTION ADOPTING A PROPOSED PRELIMINARY 2-015 BUDGET AND PRELIMINARY PROPERTY TAX LEVY." All voted AYE. Motion carried.

D2 Financial Report

Hill provided a summary of finances to date.

7E LEGAL NONE

NOTICES AND COMMUNICATIONS: **NONE**

PUBLIC COMMENT:

Gary Shafer thanked the Council for the time to provide his input on the customers on the wastewater system.

UNFINISHED BUSINESS:

NONE

NEW BUSINESS:

NONE

MAYOR AND COUNCIL:

12A Upcoming Agendas

INFO

12B Senior Center Funding Request

Borchardt would like to take any extra money and put it toward the fire department and police departments. Jensen agreed.

Motion by Jensen, seconded by Furman, to deny the request of the Senior Center for additional funding in 2014 and 2015. Members voted: Ayes – 4, Nays – 1 (Blomquist). Motion carried.

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

ADJOURNED: at 8:25 p.m.

Respectfully submitted,

Bridgitte Konrad, City Administrator
jrl/TOSS