

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

November 24, 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, Finance Director Hill and City Attorney Squires.

CONSENT AGENDA:

- Claims
- Pay Request 1 – 410th Street Project – Knife River \$511,672.66
- Resolution No. 088-11-24-14 – Approving 2015 Business Licenses
- Ordinance No. 221-14 – Establishing Temporary Council Salary Reduction
- Resolution No. 089-11-24-14 – Authorizing Liquor License Sports Page LLC
- Resolution No. 086-11-24-14 – Certifying 2014 Delinquent City Bill
- Resolution No. 087-11-24-14 – Certifying 2014 Delinquent Utility Bills
- Pay Request 2 (Final) – Concrete Blvd Project – Knife Lake Concrete \$11,486.11
- Minutes – November 6, 2014 Work Session

Furman asked if the City can ask the County which utility to pay first. Konrad indicated that residents pay half in May and half in October with their taxes when the amounts are certified to the property tax. Each delinquent utility is reported separately.

Motion by Jensen, seconded by Borchardt, to approve the Consent Agenda as presented. All voted AYE. Motion carried.

PUBLIC HEARINGS:

NONE

COMMITTEE/COMMISSIONS:

6A PLANNING COMMISSION

A1 Michelson Driveway Variance - Refund

Roberts outlined the Planning Commission's recommendation refund the driveway variance application fee to Mr. Michelson. Staff and the City Attorney did not recommend refunding the application fee as this went through the entire process and was denied because it may set a precedent. Squires pointed out that it would be appropriate to refund the fee if staff, the Planning

Commission or Council made an error, but in this case there doesn't appear to be any error.

John VonLange addressed the Council and explained the process and circumstances surrounding the recommendation to refund the application fee.

Furman said that if the plan would have been kept the same she would say no to a refund but because the City did change the Ordinance after this variance and the process she thinks it is right to give the \$300 back to the applicant.

Blomquist said that based on the circumstances she does not feel that the fee should be refunded.

Furman said that this should be done on a case by case basis in the future.

Jensen asked if it would be an issue to refund this denied variance and then denying another refund for someone else.

Squires explained that each case rests on its own merit but in circumstances where the City makes a mistake and determines that an application wasn't necessary it would make sense for refunding but he has not seen a refund request in a situation like this.

Blomquist asked if the City Attorney thinks the money should be refunded in this case. Squires indicated it is not his place to make that determination and said the Council does have the authority to do so but he has not seen, in his experience, a refund in this type of situation.

Blomquist said that she thinks it would be a dangerous precedent to set.

Furman said she would like to refund the fee due to the circumstances because the ordinance was under review.

Blomquist said that she feels the Planning Commission is at fault for not keeping the applicant informed of the proposal to change the process.

Motion by Blomquist, seconded by Jensen, to deny the refund. Members voted: Ayes – 2, Nays – 3 (Borchardt, Furman and Lindquist). Motion failed.

Motion by Furman, seconded by Lindquist, to refund the variance fee to Andrew Michelson with the reason being that the City changed the ordinance and it was on a list to review and that information was not provided to the applicant.

Furman stated that any future refunds would be on a case by case basis.

Blomquist disagreed that it is possible to do a case by case basis. Furman indicated that the City Attorney just said that it was possible.

After discussion members voted: Ayes – 3, Nays – 2 (Blomquist/Jensen). Motion carried.

A2 Planning Staffing

Konrad noted that the Planning Commission has asked the Council to discuss going out for an RFP for planning services. Konrad said that she feels the Council should review all options and noted that she did discuss the current contract with the County and the contract has a date of December 31, 2014 with a one year notice to terminate the contract. Konrad recommended that the County be asked to extend the contract for a period of time while the Council discusses how to move forward with planning services.

Jensen asked if the contract will expire or if there is a need to give a one year notice. City Attorney indicated he would need to review the contract.

Motion by Furman, seconded by Borchardt, to table this matter to the December 8, 2014 meeting. All voted AYE. Motion carried.

6B ECONOMIC DEVELOPMENT AUTHORITY NONE

6C PARK COMMISSION NONE

6D WATER AND LIGHT COMMISSION NONE

STAFF REPORTS:

7A ENGINEERING/PUBLIC WORKS NONE

7B ADMINISTRATION NONE

**7C BUILDING
C1 Activity Report INFO**

7D FINANCE NONE

7E LEGAL

NONE

NOTICES AND COMMUNICATIONS:

NONE

Konrad noted there are vacancies on the Park, Planning, EDA and Water & Light Commissions and applications are due on December 2, 2014.

PUBLIC COMMENT:

NONE

UNFINISHED BUSINESS:

NONE

NEW BUSINESS:

MAYOR AND COUNCIL:

12A Upcoming Agendas

INFO

City Attorney explained that 13D.05, Subd. 3 allows Council to recess to closed session to discuss the SEC matters.

Motion by Jensen, seconded by Furman to recess to closed session. All voted AYE. Motion carried.

Motion by Furman, seconded by Jensen, to approve the Emma filing document subject to final review by the City Administrator and City Attorney, and Bond Council by December 1, 2014 as to final language to be submitted. All voted AYE. Motion carried.

Motion by Furman, seconded by Borchardt, to authorize the SEC Filing by December 1, 2014 with any final language changes approved by the City Attorney. All voted AYE. Motion carried.

Motion by Furman, seconded by Blomquist, to waive the conflict of interest with Briggs & Morgan with them representing Water & Light and the City and approve letter.

Motion by Borchardt, seconded by Furman, to authorize creation of a task force to create a plan for Water & Light and the City Council to ensure that filing requirements are completed in a timely manner consisting of City Administrator, Finance Director, Water & Light Manager, the Mayor, the Water & Light Chairman and Kathy Aho. All voted AYE. Motion carried.

Mayor Lindquist wished everyone a Happy Thanksgiving.

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

ADJOURNED at 7:39 p.m.

Respectfully submitted,

Bridgitte Konrad, City Administrator
jrl/TOSS