

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

March 24, 2015

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

PLEDGE OF ALLEGIANCE:

ROLL CALL: Councilmembers present were Kathy Blomquist, Theresa Furman, Kirsten Hagen-Kennedy, Joyce Borchardt, and Robert Canada. Staff members present were City Administrator Konrad, Finance Director Hill, Liquor Store Manager Dahlberg, Public Works Director Williams, City Engineer Wilson and City Attorney Squires.

PUBLIC COMMENT:

Peter Schaaps of 5690 360th Street addressed Council and noted that in December 2014 the Council voted to support legislation for increased numbers of Water & Light Commissioners. Mr. Schaaps said he is appalled at the level of political discourse within the elected officials in North Branch. Mr. Schaaps said that he finds it difficult to believe that adding a couple of folks to the Commission would be a positive thing.

John vonLange of Elm Street said that he is here as a citizen not as an official. He then said that he would like to comment on an event that occurred last March 16. At a hearing, by the actions of Mayor and Councilmember Blomquist made an appearance and spoke before local and state government committee and spoke out against legislation prepared by a state senator at the direction of the majority vote of City Council. VonLange said that this was an utter disrespect for process. VonLange said that according to the League of Minnesota Cities, members must abide by policies and rules created by the Council as a whole. VonLange asked the Mayor and Councilmember Blomquist to resign and said that the rest of the Council should censure them if they do not resign.

Dennis Johnson from 380th Street said that his late wife was in the Senate for nine years and was a member and chair of many committees. Mr. Johnson said that those mentioned tonight have a constitutional right to free speech. Mr. Johnson said that he wanted to read the words from senator Nienow "clarified for the sake of the members that the Honorable Mayor and Councilmembers here have the right to be here as individuals but they are not here speaking on behalf of the City." Mr. Johnson said he is appalled at the level of disrespect for the Constitution of the United States and for the elected officials.

Paul Gemmell said that he does not live in North Branch but he was present at the hearing mentioned and it has been one of citizens' rights from the beginning to have the right to free speech. Adding more people to the water and light commission will only

City Council Minutes

March 24, 2015

Page 2

increase bureaucracy. Mr. Gemmell said that smaller government is something that is needed not more government and more bureaucracy.

Cindy Erickson of 6500 Maple Street said that Konrad asked her if there were questions she could research and was told that she did not have any questions after making public comment in January. Ms. Erickson said that she received another email about the matter and she did not request any help or assistance. Ms. Erickson said that her emails included a confidentiality clause and should not have been shared. Ms. Erickson said that the use, distribution or re-transmittal is prohibited because that is what she put on the email response. Ms. Erickson asked why the Councilmembers comments were kept from her when her comments were shared. Ms. Erickson said that one month ago, long before these emails were made public these very private emails with confidentiality clauses were submitted to a court of law by a Mr. Duncan who is a man she has never met. Mr. Duncan is Joyce and Tom Borchardt's son in law. Ms. Erickson said she was baited to make comments that made her a pawn in someone else's political game. Ms. Erickson said that her rights to privacy and free speech are being violated. Someone in this City made a huge mistake by transferring her private emails to an outside person for political gain and she wants restitution and she wants to know who is responsible.

Christine Anderson said that she and her neighbors would like information from the City and County on why they have not been contacted prior to the North Star Solar project. Ms. Anderson then read a letter outlining her concerns regarding the proposed Solar Plant.

Tim Ryan said that his roads are plowed nicely but he wonders why the City cannot pay its staff a few more dollars to make sure they stay because they are paid less than other cities.

Deb Hagerson owns a commercial building in town and said that she is a licensed real estate broker and that means she has to disclose certain facts. Ms. Hagerson said that with water bills costing \$300 a month folks cannot water their lawns. She continued to explain that the resident that contacted her is moving out of the City because she cannot afford to live here.

CONSENT AGENDA:

- Claims - \$160,281.39
- Minutes – January 26, 2015 Regular Session
- Minutes – February 5, 2015 Work Session
- Minutes – February 19, 2015 Regular Session
- Resolution No. 021-03-24-15 – Temporary Liquor License – Chisago County Senior Center
- Resolution No. 020-03-24-15 – Temporary Liquor License – North Branch Municipal Liquor
- Final Pay Request – 410th Street Project – Knife River - \$68,752.14
- Minutes – February 24, 2015 Regular Session
- Authorize Closed Session for Union Negotiations

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

PUBLIC HEARINGS: **NONE**

COMMITTEE/COMMISSIONS:

- | | | |
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| 7A | PLANNING COMMISSION | |
| | i. Meeting Update | INFO |
| | Furman provided an overview of the meeting. | |
| 7B | ECONOMIC DEVELOPMENT AUTHORITY | |
| | i. Meeting Update | INFO |
| | Blomquist provided an overview of the meeting. | |
| | ii. Joint Meeting Regarding Transportation Study | INFO |
| | It was noted that a joint meeting will be held with the EDA to discuss the transportation study will be held on April 2. | |
| 7C | PARK COMMISSION | |
| | i. Minutes | INFO |
| 7D | WATER AND LIGHT COMMISSION | |
| | i. Meeting Update | INFO |
| | Furman provided an update on the meeting. | |

STAFF REPORTS:

- | | | |
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| 8A | ENGINEERING/PUBLIC WORKS | |
| | i. 2015 Dust Control Quotes | |
| | Williams reviewed the dust control quotes for Council. | |
| | <p>Motion by Canada, seconded by Blomquist, to adopt Resolution No. 023-03-24-15, "A RESOLUTION ACCEPTING THE QUOTES SUBMITTED FOR CHLORIDE/DUST CONTROL AND AWARDDING CONTRACT THEREOF." All voted AYE. Motion carried.</p> | |
| | ii. 2015 Seal Coat Quotes | |
| | Williams reviewed the seal coat quotes. He changed his recommendation and would like the Council to award the bid to SealTech. Their bid was \$0.03 per pound higher, but they have experience with applying poly fiber flex patch. | |
| | <p>Motion by Canada, seconded by Furman, to approve Resolution No. 024-03-24-15, to adopt Resolution No. 024.03-24-15, "A RESOLUTION ACCEPTING THE QUOTES SUBMITTED FOR CRSACK SEALING AND AWARDDING CONTRACT THEREOF" awarding the bid to SealTech. All voted AYE. Motion carried.</p> | |

- iii. **2015 Gravel Project – Authorize Advertisement for Bid**
Wilson provided an overview of the 2015 gravel project and requested authorization to advertise for the project.

Motion by Canada, seconded by Blomquist, to authorize advertisement for the 2015 Gravel Project. All voted AYE. Motion carried.

iv. **Public Works Staff Turnover**

Williams reviewed the turnover that is occurring due to the wage freezes, furloughs and low wages making the turnover rate in the department 71.4% since 2008. This is inefficient, and hard on moral of remaining staff. Williams outlined the work that Public Works Staff has taken on in addition to previous duties to save the City money and how much money has been saved by doing so. Williams outlined the recommended raises for public works staff. Konrad indicated that these are union positions. Hagen-Kennedy said that the figures look like the City is wasting money on turnover and training new employees.

Motion by Borchardt, seconded by Hagen-Kennedy, to approve wage increases subject to an approved Memorandum of Understanding with the Public Works Union. All voted AYE. Motion carried.

8B ADMINISTRATION

i. **Team Building/Strategic Planning Training**

Konrad indicated that there is some funding for strategic planning so staff solicited proposals from three different trainers. They provided proposal for team building training and strategic planning. Furman said she is not interested in spending the money at this time because she has done this before and it did not help very much. Blomquist said that she too believes it is necessary to work on governance first before strategic planning.

Motion by Blomquist, to enter into a contract with Out of the Woods Consulting. Motion failed because of lack of a second.

ii. **GIS/Planning Specialist**

Konrad indicated that Sondrol has asked to be reinstated to his previous position. The position has been advertised so that posting would be removed.

Motion by Canada, seconded by Blomquist, to reinstate Nathan Sondrol as the GIS Specialist. All voted AYE. Motion carried.

Konrad noted that there may be a need for a Memorandum of Understanding with the Union. Council added it to the motion.

8C BUILDING NONE

8D FINANCE
i. Financial Report INFO

8E LEGAL NONE

8F PUBLIC SAFETY NONE

8G OTHER
i. Liquor Store Year End Report
Liquor Store Manager Dahlberg provided a 2014 Year End report for the Municipal Liquor Store. She reported having a successful year. The store continues to be profitable and self-supporting. Gross sales were \$2.262 million. The store transferred \$140,000 to the general fund in 2014 in addition to paying for a portion of the accounting staff salaries. She reviewed short and long-term goals for the store.

ii. Liquor Store Staffing
Dahlberg noted that the store is experiencing turnover in the part-time employees. She requested Council authorization for an office assistant that would work 20-25 hours per week.

Motion by Canada, seconded by Blomquist, to approve the advertisement for a part time clerk that will work 20-25 hours per week. All voted AYE. Motion carried.

NOTICES AND COMMUNICATIONS: **NONE**

UNFINISHED BUSINESS: **NONE**

NEW BUSINESS: **NONE**

MAYOR AND COUNCIL:
12A Upcoming Agendas INFO

12B Furman – Truck Legislation
Furman indicated Council reviewed this in 2007 and, at that time, Council did not agree. The information provided requested Council oppose larger truck legislation. She has been approached by former Mayor Oehlers and asked to have Council re-consider. Canada said he thinks it is good that this was brought to the Council’s attention but he does not want to take action on it at this time.

Motion by Furman, to adopt the Resolution No. 022-03-24-15, "A RESOLUTION OPPOSING TRUCK SIZE AND WEIGHT INCREASES." Motion failed for lack of a second.

Motion by Borchardt, seconded by Canada, to table the resolution until such time that there is a bill at the State. All voted AYE. Motion carried.

12C Furman – Erickson Response – Public Comment

Furman indicated that the Council asked the City Administrator to gather information and it was public information and the answers are public.

12D Blomquist – Bills at Legislature

Blomquist outlined bills that could affect the City of North Branch that she would like Council to review and then discuss whether to provide letters of support or opposition.

Blomquist noted that the Governor has suggested a 50-foot buffer from rivers. She then noted that the Sunrise River is an impaired water due to fecal matter contamination. She is in favor of this buffer.

12E Law Enforcement Thank You

Hagen-Kennedy would like to make sure the City acknowledges the other organizations that worked hard to investigate the illegal activity at the Asian Massage Spa.

Motion by Canada, seconded by Borchardt to approve sending thank you letter. All voted AYE. Motion carried.

12F Proclamation for AmeriCorp

Hagen-Kennedy read the proclamation acknowledging the math and reading core volunteers.

12G Water & Light Legislation

Borchardt indicated that she recently learned that the Water and Light legislation failed at a Senate Hearing. She was concerned that at the January 26 meeting the City Attorney gave an opinion that members need to qualify their comments that it is their personal positions. The two members that testified at the State identified themselves as a Mayor and Councilmember and the bill didn't pass.

Motion by Borchardt, seconded by Canada, to write a letter to the Senate Committee asking for reconsideration of the Senate bill 1095.

Blomquist noted the deadline for bills to get through Committee was last Friday.

Blomquist said that it is clear at the hearing that whenever there is controversy over an issue the Committee will not pass it and expect the local governing unit to solve it.

Hagen-Kennedy wanted it made clear that sending a letter of majority vote doesn't mean that it is the entire Council.

Attorney Squires stated that would be apparent. He indicated that he listened to the tape and with Senator Nienow's comments it seemed clear that it was a majority of the Council that supported the legislation and a minority didn't. If a letter is sent make it clear that it was a majority vote not unanimous.

Blomquist said that Senator Nienow pointed out that that they were there not representing City. Borchardt stated that was at the end of the meeting and she felt that it should have been announced at the beginning of the meeting.

Hagen-Kennedy pointed out that while a vote will be taken it doesn't preclude it from not being a majority, and it would be understood that we can't bind people from exercising their first amendment rights.

After discussion, members voted Ayes – 3, Nays – 2 (Blomquist/Hagen-Kennedy). Motion carried.

Motion by Borchardt, seconded by Canada, to contact the legislators to see if there is another way to keep HF 1080 and SF 1095 moving through the process.

Blomquist asked how the City can trust someone to bring a motion on the floor without the Council knowing what will be said. She then said she would like to know what those processes are.

After discussion, members voted Ayes – 3, Nays – 2 (Blomquist/Hagen-Kennedy). Motion carried.

Motion by Borchardt, seconded by Canada, to form a committee of Councilmember Canada and Councilmember Furman to represent the City at any hearings and Councilmember Borchardt as the alternate.

Hagen-Kennedy asked if any other Councilmembers testified the hearing. Borchardt and Canada indicated that there was no notification of the hearing.

David Karcher said that he listed to the transcript was shocked that the Mayor and Councilmember said they represented the him. He felt a little oversight at the Water and Light would be good because of the high bills.

Was disheartened to hear the Mayor say that she spoke to constituents about this because he didn't recall being talked to about this. He felt transparency was a plus and supported efforts to have this revisited in a more transparent and cooperative way.

After discussion, members voted Ayes – 3, Nays – 2 (Blomquist/Hagen-Kennedy). Motion carried.

Furman asked if the City is changing the policy that if there was a topic and citizens wished to talk, are they not allowed to do that anymore. Hagen-Kennedy said that public comment is at the beginning of the meeting.

13. RECESS TO CLOSED SESSION – TEAMSTER'S UNION CONTRACT
14. RECONVENE – 2015-2016 TEAMSTERS CITY EMPLOYEES CONTRACT

Motion by Furman, seconded by Canada, to reconvene the City Council meeting. All voted AYE. Motion carried.

Motion by Furman, seconded by Canada, to approve the 2014-2016 Contract between the City and the Teamsters City Employees. All voted AYE. Motion carried.

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

ADJOURNED: at 9:08 p.m.

Respectfully submitted,

Bridgitte Konrad, City Administrator
jrl/TOSS