

# 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

April 28, 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 Theresa Furman, Kirsten Hagen-Kennedy, Joyce Borchardt, and Robert Canada. Councilmember Kathy Blomquist was absent. Staff members present were City Administrator Konrad, Planner Roberts, Engineer Wilson, Finance Director Hill and City Attorney Squires.

### PUBLIC COMMENT:

Chase Whitney from Community Energy provided an overview of the solar project for the Council and those in attendance.

Tom Wolf, pointed out a House Bill regarding setbacks for these types of solar projects.

Kristine Anderson of 37206 Keystone Avenue said that they are asking the elected officials to look at what is going on in the City and County that they represent. Ms. Anderson said that no one is trying to be accountable for this and it is frustrating to see that the City officials do not care and are not willing to fight for them. Ms. Anderson asked Council to familiarize themselves with the project and help them.

Hagen-Kennedy asked if it is possible to have Councilmembers come out and check out the location.

Ms. Anderson said that there needs to be money set aside to make sure that this is cleaned up if it fails. This government mandated project should not be built around residents and these types of programs are not efficient. Ms. Anderson said that this is going to come and when it fails, everyone will look around and wonder why this was approved.

Hagen-Kennedy asked if the St. Cloud Solar Farm is the same folks. Ms. Anderson said it is not. She then said that other communities are getting smart and putting laws into place to protect residents.

Borchardt asked about the Planning Commission and solar discussions. Furman indicated that the Commission would like to discuss the matter with the County and Lent to be consistent.

Ms. Anderson said that she really hopes something can be put in place before this comes in because their home values are going to drop.

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Canada asked about the environmental study. Mr. Whitney explained that the public meeting is built into the process and the environmental assessment will be part of the process.

City Attorney Squires indicated that a project of this significance requires and environmental study which will need to still be conducted. Residents should go to the public meeting held as part of the environmental review to be sure their concerns are heard.

Dennis Johnson said his property is about a mile from this site so he has some concerns. He is a very strong proponent of solar power but there are things that can be done to protect residents. Mr. Johnson said there should be restrictions that include and address concerns of neighbors and residents in the area. Mr. Johnson would like to have 400 foot setback requirements.

Furman said she would like to know if Mr. Whitney's company asked to add the project into the other project and whether they asked to take it out of local control and give it to the PUC. Mr. Whitney said that their project is a 100 megawatt project and then explained the difference between the two projects.

### CONSENT AGENDA:

- Claims - \$129,710.09
- Resolution No. 033-04-28-14 – Award 2015 Garbage Hauler Bid
- Minutes – March 19, 2015 Work Session
- Minutes – March 24, 2015 Regular Session
- Minutes – April 2, 2015 Work Session
- Transient Merchant License and Fee Waiver – Boy Scout Troop 411
- Resolution No. 034-04-28-15– Liquor Store Clerk/Office Assistant Hire - Parsons

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

### PUBLIC HEARINGS:

**NONE**

### COMMITTEE/COMMISSIONS:

#### **7A PLANNING COMMISSION**

##### **i. Meeting Update**

Furman provided an update on the meeting.

**INFO**

##### **ii. Minutes**

**INFO**

##### **iii. Conditional Use Permit – Dave Swanson**

Roberts provided an overview of the requested Conditional Use Permit. The request is for outdoor storage for trailers. Mr. Swanson explained what he was proposing to do.

Motion by Borchardt, seconded by Canada, to approve Resolution No. 030-04-28-15, "A RESOLUTION APPROVING CONDITIONAL USE PERMIT FOR OUTDOOR STORAGE FOR THE PROPERTY LOCATED AT 6530 396<sup>TH</sup> COURT." All voted AYE. Motion carried.

**iv. Ordinance Amendment – Conditional Uses for Churches**

Roberts outlined the proposed Ordinance Amendment. The amendment would allow buildings owned and used by religious organizations as a conditional use in the residential districts.

Motion by Borchardt, seconded by Canada, to adopt Ordinance No. 224-15, "AN ORDINANCE AMENDING THE NORTH BRANCH ZONING CODE BY ADDING LANGUAGE ABOUT CONDITIONAL USE PERMITS FOR RELIGIOUS INSTITUTES O SECTIONS 66-450, 66-209, 66-241, 66-274, 66-314, 66-387 AND 66-418 OF THE CITY CODE." All voted AYE. Motion carried.

**v. Ordinance Amendment – Off Street Parking**

Roberts reviewed the proposed Amendment for Off Street Parking. The amendment changes parking requirements for retail sales and services, manufacturing, post office and furniture store uses

Motion by Furman, seconded by Borchardt, to adopt Ordinance No. 223-15 "AN AMENDING ARTICLE VII, OFF-STREET PARKING AND LOADING, SECTION 66-863, NUMBER OF REQUIRED PARKING AND LOADING SPACES." All voted AYE. Motion carried.

**vi. North Star Solar Project Comment Period**

Konrad noted that there will be a comment period on the environmental review for the solar project. She asked if the Council wants to officially comment on the project. Roberts asked the Council whether the City should comment. Hagen-Kennedy said she believes it is prudent to send a comment now.

Motion by Hagen-Kennedy, seconded by Canada, to submit comment to the Public Utility Commission requesting they require the developer of the project to meet the requirements of City's ordinances on this project. All voted AYE. Motion carried.

Furman asked about the setbacks in the Ordinance. Roberts said he remembers it to be 50 feet. Furman would like to include further distance from the property line than the 50 feet.

Motion by Furman, seconded by Canada, to amend the motion to include comment to the Public Utility Commission that the City is

considering amending the setbacks in our ordinance to 400 feet from residential. All voted AYE. Motion carried.

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| <b>7B</b> | <b>ECONOMIC DEVELOPMENT AUTHORITY</b> | <b>NONE</b> |
| <b>7C</b> | <b>PARK COMMISSION</b>                | <b>NONE</b> |
| <b>7D</b> | <b>WATER AND LIGHT COMMISSION</b>     | <b>NONE</b> |

STAFF REPORTS:

**8A ENGINEERING/PUBLIC WORKS**

**i. Award Gravel Bids**

City Engineer Wilson reviewed the gravel bids that were received with Council.

Motion by Hagen-Kennedy, seconded by Canada, to approve Resolution No. 035-04-28-15, "A RESOLUTION ACCEPTING THE BID SUBMITTED BY RYDBERG & SONS, INC. FOR THE 2015 ROAD GRAVEL CONTRACT AND AWARDED CONTRACT THEREOF." All voted AYE. Motion carried.

**ii. Railroad Request to Close 420<sup>th</sup> Street**

City Engineer Wilson included a staff report on the 420<sup>th</sup> Street closure request. Staff met with the representative from BNSF to discuss the project. The railroad is requesting closure of 420<sup>th</sup> Street west of County Road 30. The project has been delayed until 2016.

**8B ADMINISTRATION**

**i. Tax Forfeit Property**

Konrad noted that there is a tax forfeit parcel located west of Hornsby Avenue. There are some options to take the parcel for public purpose, which would need to be declared, or it could be auctioned or put up for sale to the adjoining property owner. Staff does not see a public purpose to accept that parcel so the staff is recommending the parcel be put up for public auction.

Motion by Furman, seconded by Canada, to approve Resolution No. 033-04-28-15, "A RESOLUTION APPROVING TAX FORFEIT PARCELS FOR PUBLIC AUCTION." All voted AYE. Motion carried.

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| <b>8C</b> | <b>BUILDING</b> | <b>NONE</b> |
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**8D FINANCE**

**i. Sewer Fee Reimbursement Request – Countryside Village**

Patrick Lawton, the property manager for Countryside Village appeared before Council and asked for a sewer fee reimbursement. The property owner asked for a refund on the water that was not processed through the sewer system. He noted that they began noticing increased water and sewer bills in 2013 and they worked to determine the cause. They repair leaks that they found, hired a maintenance person to go through each trailer to look for leaking toilets and faucets. They continued to have issues so in the summer of 2014 they replaced all of the water lines. He noted that they were never able to find the cause of the leaks. Owner Bill Halverstad addressed the Council and stated he doesn't want to raise rents but he is personally responsible for the \$750,000 to make the repairs.

Konrad said that there is no factual basis for the amount of sewage that was actually processed and that would be a concern with granting any reduction or refund of the sewer fees. Staff does not recommend it and the City has never granted a reduction in the past. Konrad said that she is sympathetic to the situation but feels this could open up a situation that she would not recommend.

Furman said there is almost 3,000,000 gallons different in the three months' time. Furman said that some of that water is going into the ground not the sewer. Furman said that she does not see this as setting precedent.

Konrad said that staff recommends being consistent with decisions made in the past but said, ultimately, the decision is up to Council.

Hagen-Kennedy noted that, historically, the Council has never approved a reduction or refund of sewer fees but she does understand the financial impact and sympathizes.

Borchardt said she is conflicted because this situation is different than previous requests.

Lawton indicated that there is no way their residents used this much water and that is why they have asked for a refund.

Furman asked if it is possible for a mobile home park to put a meter in to show sewage usage. Konrad indicated that she is not aware of any way to do so. City Engineer Wilson indicated the only way she knows of is if there is a lift station.

Furman pointed out that there is almost 3,000,000 gallons difference from October to January.

Motion by Furman to approve for 1,000,000 gallons payback or credit divided over three years. Motion died for lack of a second.

City Attorney Squires said that the sewer rate charge is driven by use of water so to say it should be completely rebated he does not have an answer tonight but he thinks that staff should analyze it. There are fixed costs for operation of the system regardless of use. The City did not save all that cost because there are other costs.

Hagen-Kennedy would like to have Williams come in and provide information.

Motion by Hagen-Kennedy, seconded by Canada to table to a work session for further discussion. All voted AYE. Motion carried.

**ii. 2015 Budget Amendment Update**

Hill provided an update on the 2015 budget amendments to make changes to the budget based on union negotiations that were completed after the budget was finalized..

Motion by Furman, seconded by Canada, to approve Resolution No. 031-04-28-15, "A RESOLUTION APPROVING THE BUDGET AMENDMENTS TO THE 2015 EXPENSE AND REVENUE BUDGET PLAN." All voted AYE. Motion carried.

**8E LEGAL NONE**

**8F PUBLIC SAFETY NONE**

**8G OTHER NONE**

NOTICES AND COMMUNICATIONS: **NONE**

UNFINISHED BUSINESS: **NONE**

NEW BUSINESS: **NONE**

MAYOR AND COUNCIL:  
**12A Upcoming Agendas INFO**

**12B Heartland Express Meeting Update**

Borchardt provided an update on the Heartland Express meeting.

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

ADJOURNED: at 8:52 p.m.

Respectfully submitted,

Bridgitte Konrad, City Administrator  
jrl/TOSS