

# 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, 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: Led by North Branch Varsity Girls Volleyball Team and Cross Country Team.

### PRESENTATION OF PROCLAMATIONS

Mayor Hagen-Kennedy presented proclamations in honor of the North Branch Girls Volleyball Team and Cross Country Team for going to the State Tournament.

ROLL CALL: Councilmembers present were Kathy Blomquist, Theresa Furman, Kirsten Hagen-Kennedy, Joyce Borchardt, and Robert Canada. Staff members present were City Administrator Konrad, Planner Roberts, Public Works Director Williams, Engineer Gustafson, Police Chief Meyers and City Attorney Helmers.

### PUBLIC COMMENT:

Carmen Burth of Hemingway Avenue commented on the Pierce purchase of the property across from them and expressed her concern regarding lot sizes. Ms. Berth indicated that she does not feel it is fair that the lot sizes were changed to one acre lots without notice to residents. She also expressed concern with the comprehensive plan and the sewer and water plan.

Mike Burth of Hemingway reiterated the previous comments and said that they were never notified of the change to one acre minimum lot size.

Jeremy Johnson said that he is disappointed in the Planning Commission and its failure to notify the people that are involved. There is a sign on the corner and other ways to get the word out to the general public other than the newspaper.

Jolene Langvi of Hemingway Avenue said that the property in question is long and narrow and she is worry about the owners building and flipping the homes to another owner because the driveway is being squeezed past the first house. She said she has spent a lot of money to insure her privacy and this is a threat to her privacy. This seems like the small neighborhood is being brought to them and they spent a lot of money and don't think this is fair.

Todd Langvin of Hemingway Avenue indicated that they do not want to live in a neighborhood and that is why they moved where they are. They don't borrow things, they don't have block parties and that kind of thing. They wanted privacy and they find it inappropriate that they were not notified of this blanket restructuring of this land.

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There are a lot of empty subdivisions in this City and others and he finds it inappropriate that they were not notified at all.

CONSENT AGENDA:

- Claims
- Ordinance No. 233-15 & Summary Ordinance No. 2335-15S – 2016 Fee Schedule
- Resolution No. 082-11-24-15 – Approving Reserve Officer Hires Peterson, Moore & Bohnen
- Resolution No. 079-11-24-15 – Business License Renewal
- Remove from Probation – Lead Wastewater Operator Goshey
- Resolution No. 81-11-24-25 – Certification of Delinquent Utilities
- Authorize Closed Session – Union Negotiation Discussion
- ~~Community Development Director Pay MOU & EDA Stipend~~
- Minutes – October 13, 2015 Regular Session
- Minutes – October 27, 2015 Regular Session

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

Borchardt said that she would like to limit the EDA stipend to two months.

Motion by Borchardt, seconded by Canada, to approve the Community Development Director MOU but to limit EDA stipend to Hill through February. All voted AYE. Motion carried.

PUBLIC HEARINGS:

**NONE**

COMMITTEE/COMMISSIONS:

**7A PLANNING COMMISSION**

**i. Meeting Update**

Furman provided a meeting update.

**ii. Pierce Minor Subdivision**

Planner Roberts provided an overview of the proposed minor subdivision. The plat creates two lots on Hemingway Avenue.

Canada asked about the previous slot split. He then asked about the easement to access. Roberts explained that each lot fronts on Hemingway. Konrad noted that public hearing notices for matters before the Planning Commission are on the website and in the newspaper. Canada said that he understands but he has a hard time digesting that more efforts were not made to make the public aware of these code changes.

Hagen-Kennedy said she heard comments and received emails so there is an issue here. There is a comprehensive plan done in

2009 that guided land use for future development. There is a 20 year growth plan and in that the lot size in some areas was 10 acre lots. Hagen-Kennedy said that the zoning code was changed. Roberts indicated that was done in 2014. Hagen-Kennedy asked if the Planning Commission was aware that the change would not match the Comprehensive Plan. Hagen-Kennedy asked why the Comprehensive Plan was not changed. Konrad indicated there were not enough votes to change the Comprehensive Plan changes to match what the Planning Commission and a majority of Council did with the lot size change. Konrad noted the land was not rezoned but the zoning code was revised to allow one acre lots.

Furman commented that the City Council made the change not the Planning Commission. Konrad indicated it was either 2013 or 2014.

Borchardt commented that the subdivision would have happened anyway because the minimum lot size was 2.5 acre. Roberts noted that it would meet the acreage but the lot width was reduced.

Blomquist indicated there is not a 4/5ths majority and that is why the Comprehensive Plan was not amended. Blomquist invited residents to attend Planning Commission meetings to let them know the concerns.

Blomquist said that she has to vote yes tonight because the request meets the codes. Roberts indicated that the one acre lot requirement was done in May 2013.

Hagen-Kennedy would like to have the voting from that meeting so the residents know who voted which way. She then said that she believes that a Comprehensive Plan involves the whole community not just a handful of elected or appointed officials. It is unfortunate that there is division among the Council. She then said it matters who is on the Council and it matters that citizens participate. She further said that she will not be voting for this.

Furman said that back in 2009 the Comprehensive Plan work had more than 20 residents working on the Plan.

Deb Pierce addressed Council and said that they seem to be caught up in this since the purchase is already made. They did their homework prior to the purchase and they came here not to ask for permission to do any restructuring or rezoning or ask for any variance but to seek approval for the lot split that is allowed by the zoning code. Ms. Pierce said that she feels it is unreasonable to speculate about the future and what they plan to do with their

parcel. Ms. Pierce said that she feels it is unfair for the neighbors to make them defend their plans and purchase.

Ms. Pierce said that she is offended that it was suggested that they purchase different lots as they have already purchased this property. With all due respect to the neighbors they would like to be afforded the respect and opportunity to place the homes on the lots as they would like. Ms. Pierce indicated that she and her husband need to downsize in retirement and her mother-in-law lives with them as well. The deal breaker was the acreage and the property in Hemingway was already on the market when they found it. The neighbors could have purchased it and she is sorry that the neighbors did not know about the zoning change but they are just innocently caught up in this. Ms. Pierce indicated that this was a huge choice for their family and they closed on the property 81 days ago. Ms. Pierce indicated that they are from North Branch and not the cities and know how to live in rural America and are there by choice and will not bother people.

Motion by Furman, seconded by Borchardt, to adopt Resolution No. 077-11-24-15, "A RESOLUTION APPROVING THE PIERCE ESTATES MINOR SUBDIVISION ON THE WEST SIDE OF HEMINGWAY AVENUE, SOUTH OF 372<sup>ND</sup> STREET." Members voted: Ayes – 3; Nays – 2 (Hagen-Kennedy/Canada). Motion carried.

**iii. Storm Variance & Lot Split**

Planner Roberts outlined the proposed variance and lot split. The variance is being requested to allow for subdivision of the 54-acre property into two lots one of which would be landlocked.

City Attorney Helmers explained the variance requirements and the change away from hardship requirements to uniqueness of the land.

Blomquist asked why the property was laid out like this creating the potential of a land locked parcel. Mr. Strom explained that he could drive between Lots A and B 25 years ago but now the DNR will not allow the driveway.

Furman asked if the property owner owned any land surrounding prior to the subdivision. The land owner indicated they have developed property in the area and the Carlson family allowed the easement making it restrictive.

Furman asked if there is a possibility to put a home on the existing lot. Roberts indicated that it was.

Motion by Borchardt, seconded by Canada, to adopt Resolution No. 078-11-24-15, "A RESOLUTION APPROVING A VARIANCE TO ALLOW THE CREATION OF A PARCEL WITH NO FRONTAGE ON A PUBLIC ROAD FOR THE PROPERTY ON THE SOUTH SIDE OF 412<sup>TH</sup> STREET, EAST OF EVERGREEN AVENUE" with the language that the variance for the parcel with no frontage be completed by December 1, 2016. Members voted: Ayes – 2, Nays – 3 (Furman/Blomquist/Hagen-Kennedy). Motion failed

Furman asked if there was a need to determine findings.

Mr. Zacherson of 400<sup>th</sup> Street addressed the Council said that the variance would concern him if approved. He then outlined his concerns.

**7B ECONOMIC DEVELOPMENT AUTHORITY**

**i. Meeting Update**

Furman provided a meeting update.

**7C PARK COMMISSION**

**i. Minutes**

**INFO**

**7D WATER AND LIGHT COMMISSION**

**i. Meeting Update**

**STAFF REPORTS:**

**8A ENGINEERING/PUBLIC WORKS**

**i. Engineering Projects Review & Close Outs**

City Engineer Gustafson outlined the 2014 road improvement projects (410<sup>th</sup> Street) He noted that when the project began a change order was directed by Council in August to extend paving on Hemingway Avenue. That Change Order was never brought forward to Council. He also provided the final pay voucher for the project.

He outlined some issues with the 2015 project. He noted that WSB gave approval to the contractor to start work on the project prior to final approval by MnDOT. Performing work on a project prior to MnDOT approval is a violation of State Aid rules so a variance needs to be requested. He also provided a pay voucher for the project

Motion by Furman, seconded by Canada, to approve Change Order 1 and the Final Pay Voucher for the 2014 road improvement projects. All voted AYE. Motion carried.

Motion by Furman, seconded by Canada, to adopt Resolution No. 080-11-24-15, A RESOLUTION REQUESTING A VARIANCE FROM MINNESOTA DEPARTMENT OF TRANSPORTATION STANDARDS FOR STATE AID OPERATIONS FOR THE ASH STREET, ELM STREET AND FALCON AVENUE RECONDITIONING (S.A.P. 225-109-002, S.A.P. 225-106-001, S.A.P. 225-119-001)” and the pay voucher for the 2015 road improvement projects. All voted AYE. Motion carried.

**ii. Ordinance Amendment – Sidewalk Repairs**

Williams outlined the proposed amendments.

Motion by Furman, seconded by Canada, to adopt Ordinance No. 234, 15, “AN ORDINANCE AMENDING THE NORTH BRANCH ZONING CODE, BY REVISING LANGUAGE ABOUT SIDEWALK REPAIR RESPONSIBILITY SECTION 50-21 OF THE CITY CODE.” To delete “non-residential” and “residential” as stated by the Public Works Director. All voted AYE. Motion carried.

<b>8B</b>	<b>ADMINISTRATION</b>	<b>NONE</b>
<b>8C</b>	<b>BUILDING</b>	<b>NONE</b>
<b>8D</b>	<b>FINANCE</b>	<b>NONE</b>
<b>8E</b>	<b>LEGAL</b>	<b>NONE</b>
<b>8F</b>	<b>PUBLIC SAFETY</b>	<b>NONE</b>
<b>8G</b>	<b>OTHER</b>	
<u>NOTICES AND COMMUNICATIONS:</u>		<b>NONE</b>
<u>UNFINISHED BUSINESS:</u>		<b>NONE</b>
<u>NEW BUSINESS:</u>		<b>NONE</b>
<u>MAYOR AND COUNCIL:</u>		
	<b>a. Upcoming Agendas</b>	<b>INFO</b>

**b. Furman – Rescind Strategic Planning Contract**

Furman would like to put rescind strategic planning contract rescission vote on the next meeting.

Motion by Furman, seconded by Canada, to rescind the contract for strategic planning with Mobius.

Blomquist asked why this is being considered for rescission. Furman said that after the last two Council meetings she thinks to do strategic planning is a waste of money. Blomquist asked what other options there are to work together on strategic planning. Furman said she has an idea but she is not bringing it up unless this passes.

Members voted: Ayes – 3, Nays – 2(Blomquist/Hagen-Kennedy). Motion carried.

Furman asked to make a motion. Hagen-Kennedy said that there was no notice of this so it should be added to the next meeting agenda.

**c. League of Minnesota Cities Governance Training**

Konrad indicated that the League requires an official action from the Council inviting them to do the governance training.

Motion by Borchardt, seconded by Blomquist, to request governance training from the League of Minnesota Cities. All voted AYE. Motion carried.

Council and staff suggested 6:00 p.m. on January 21, 2016 and January 28, 2016 as possible dates.

Council recessed to closed session to discuss union contract negotiation strategies.

Borchardt indicated there are upcoming free ride days through the Heartland Express. Staff will put the dates on the website.

Council recessed at 9:00 p.m. to go into closed session. The regular session was reconvened at 9:15 p.m.

ADJOURNED at 9:15 p.m.

Respectfully submitted,

Bridgitte Konrad, City Administrator  
jrl/TOSS