

# 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

December 8, 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 and City Attorney Squires.

### PUBLIC COMMENT:

The Fire Relief Association presented the City with a check for \$28,000 to be put towards the Fire Department equipment fund.

Dennis Johnson of Bridge Road addressed the Council and said he read the items on the Agenda and his opinion is that certain members of this Council have chosen to update the Code on Committees and Commissions in the City. Mr. Johnson asked why this is just being determined now or is this about the majority group. Mr. Johnson said that he has not seen such a lust for control since the City Hall was built in Branch during merger discussions with North Branch.

Canada commented that the item just commented on is on the Agenda. Hagen-Kennedy said that public comment may not be what she would agree with but the public has a right to speak. Hagen-Kennedy noted that Councilmembers do not make comments on public comment but can ask staff to get information later.

Borchardt read the rules of public comment. Hagen-Kennedy said that if you look back at the meetings online you will hear many instances where personal opinions were stated.

City Attorney Squires said that the bylaws currently do contain provisions that deal with public participation. It is commonly and mistakenly believed that the City has to have a public comment period but the City does not have to have public comment.

Borchardt asked what the bylaws state on public comment. City Attorney Squires read it for Council.

### CONSENT AGENDA:

- Claims
- Remove from Probation – Firefighters Frilseth, Lind and Wanless
- Authorize Advertisement – Firefighters

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- Ordinance No. 235-15 – Temporary Council Salary Reduction
- ~~Ordinance Amendment & Summary Ordinance Commission Regulations~~

Item E was removed from the Consent Agenda.

Motion by Blomquist, seconded by Hagen-Kennedy to approve the Consent Agenda as amended. Members voted: Ayes – 4, Nays – 1(Canada). Motion carried.

Blomquist explained the reasoning behind the amendments to the Commissions language in the Code.

Borchardt said that a question came up as to why just now and she would like to explain. She then said that she discovered inconsistencies in the ordinance when she was looking at things to bring everything in line with state statutes.

Motion by Blomquist, seconded by Borchardt, to adopt Ordinance No. 235-15, "AN ORDINANCE AMENDING THE NORTH BRANCH CITY CODE, CHAPTER 2, ADMINISTRATION; ARTICLE V, BOARDS, COMMITTEES AND COMMISSIONS." And to authorize Summary Ordinance No. 235-15S for publication. All voted aye. Motion carried.

PUBLIC HEARINGS: **NONE**

COMMITTEE/COMMISSIONS:

- |           |                                       |             |
|-----------|---------------------------------------|-------------|
| <b>7A</b> | <b>PLANNING COMMISSION</b>            | <b>NONE</b> |
| <b>7B</b> | <b>ECONOMIC DEVELOPMENT AUTHORITY</b> | <b>NONE</b> |
| <b>7C</b> | <b>PARK COMMISSION</b>                |             |
|           | i. <b>Meeting Update</b>              |             |
| <b>7D</b> | <b>WATER AND LIGHT COMMISSION</b>     | <b>NONE</b> |

STAFF REPORTS:

- |           |   |             |
|-----------|---|-------------|
| <b>8A</b> | <b>ENGINEERING/PUBLIC WORKS</b>   | <b>NONE</b> |
| <b>8B</b> | <b>ADMINISTRATION</b>   | <b>NONE</b> |
| <b>8C</b> | <b>BUILDING</b>   |             |
|           | i. <b>Activity Report</b>   |             |
| <b>8D</b> | <b>FINANCE</b>  |             |
|           | i. <b>2016 Budget and Levy</b>  |             |
|           | Motion by Furman seconded by Canada, to adopt Resolution No. 083-12-08-15, "A RESOLUTION APPROVING THE 2016 BUDGET AND TAX LEVY, COLLECTIBLE IN 2016, FOR THE CITY OF NORTH BRANCH, CHISAGO COUNTY, MINNESOTA." |             |

Blomquist expressed concerned about the percentages. She felt there was a mistake in the figures to come to the 4%. She felt it could have been a 9.5% increases. She felt in the future there should be further discussion about how percentages are reached because the percentage for growth was incorrect. She had suggested a higher increase for a road maintenance program.

Borchardt clarified that there was a 5% overall growth but after confirming with the Finance Director of that only 1% was for new tax base that was added.

Members voted: Ayes—3 and Nays-2 (Blomquist/Borchardt).  
Motion carried.

<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>	

NOTICES AND COMMUNICATIONS:

**a. Moody's Bond Rating Review**

A copy of the Moody's bond review was presented to Council. They affirmed the City's Baa1 rating and increased the outlook to stable.

**b. Other**

Konrad noted that we received word that a portion of the Legacy Grant that the City applied for has been awarded to the City. Final approval on the funding is needed from the Legislature.

She also noted that Minneapolis/St. Paul Business Journal called and is going to be doing an article on Interstate Business Park.

UNFINISHED BUSINESS: **NONE**

NEW BUSINESS: **NONE**

MAYOR AND COUNCIL:

**a. Upcoming Agendas** **INFO**

**b. Commission Appointments**

Konrad noted that applications were received for the various open commission seats. She noted that PTOS Commissioner Bernier and EDA Commissioner Moeller missed the application deadline but contacted staff and indicated they are still interested in being reappointed. She also noted that due to health concerns PTOS Commissioner Heinzl needs to resign.

Motion by Hagen-Kennedy, seconded by Blomquist, to thank him and to accept PTOS Commissioner Heinzl's resignation. All voted AYE. Motion carried.

Motion Furman, seconded by Canada, to reappoint PTOS Commissioner Dahlberg, Planning Commissioner Blefield and Planning Commissioner vonLange.

Blomquist expressed concern about reappointing Planning Commissioner vonLange because of legal liability.

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

Motion by Hagen-Kennedy, seconded by Blomquist, to reappoint PTOS Bernier. Members voted: Ayes-2 and Nays-3 (Borchardt/Canada/Furman). Motion failed.

Motion by Hagen-Kennedy, seconded by Blomquist, to appoint Lorraine Moeller to EDA. Members voted: Ayes-2 and Nays-3 (Borchardt/Canada/Furman). Motion carried.

Borchardt felt there was a liability with appointment of Moeller.

Motion by Furman, seconded by Borchardt, to compel the Mayor to appoint Schapps to the EDA.

City Attorney Squires informed the Council that State Statute specifies that the Mayor makes appointments to the EDA with approval by the Council. The Council can't compel the Mayor to make a certain appointment. If the Council didn't agree on the appointment the seat would be vacant.

**c. Borchardt – Heartland TAC Update**

**d. Borchardt – Committee Appointments**

Borchardt stated that in reviewing the committee appointments at the November 17 work session there were some practices she felt didn't align with the State Statutes. She felt the procedures should be updated.

Attorney Squires noted that State Statutes is silent on how Council makes appointment of acting mayor and committee appointments. Ultimately the City Council has to approve the appointments. Some cities the Mayor suggest and the Council as a whole approves, the Council suggest and approve or staff suggest and the Council approves. He didn't feel that the City's unwritten practice of the Mayor suggesting appointments with approval by the Council meets the Statute. Whatever practice the Council chooses

should be reduced to writing. He felt the bylaws already do address the process largely in the manner Councilmember Borchardt suggested. He suggested changing the bylaws to include her suggestion on having preliminary discussion at the December work session.

Motion by Borchardt, seconded by Canada, to direct staff to draft changes to the Code of Conduct and Bylaws to include language to include the procedure to have preliminary discussion by the Council about committee and acting mayor appointments at the last work session in December. Members voted: Ayes—3 and Nays—2 (Blomquist, Hagen-Kennedy). Motion carried.

Motion by Borchardt, seconded by Canada, to add discussion to the December 17 work session on committee and acting mayor appointments for 2016. Members voted: Ayes—3 and Nays—2 (Blomquist, Hagen-Kennedy). Motion carried.

**e. Furman – Strategic Planning**

Furman noted that at the last meeting she brought the motion forward to not proceed with the strategic planning with Mobius and wanted to discuss options but was told to add it to this agenda. She suggested using the Mayor's plan that she has mentioned several times and use that as a template and modify it. The Mayor felt that comprehensive strategic planning would encompass the entire City and felt that goals were different than a strategic plan. Konrad noted that goals have been set in the past but there has not been a strategic plan. There is a difference between the comprehensive land use plan and a strategic plan. Furman noted that the Mayor usually brings goal setting forward at the beginning of the year and that wasn't done.

Motion by Hagen-Kennedy, seconded by Canada, to recess to Closed Session to conduct the Administrator Review. All voted Aye. Motion carried.

The meeting was reconvened at 8:53 p.m.

Motion by Furman, seconded by Canada, to adjourn the meeting.

ADJOURNED: at 8:53 p.m.

Respectfully submitted,

Bridgitte Konrad, City Administrator  
jrl/TOSS