

# 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

February 9, 2016

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 GIS Specialist Sondrol and City Attorney Helmers.

### PUBLIC COMMENT:

Cindy Erickson spoke about an issue on the Agenda, which is the item regarding her comments on January 26, 2016 and thanked Canada for keeping the issue front and center and said she looks forward to the discussion. Ms. Erickson said she has been coming to the Council meetings for a lot of years, made countless statements during the public comment, listened to a large number, and she's only recalled twice that those statements have been made part of the record and both were regarding Borchardt and both were in front of this very Council. She has heard people saying very disrespectful things and she has never done this and she will continue to conduct herself appropriately. Ms. Erickson said that she believes this action is being brought to intimidate her and others that would speak out against the majority members of this Council. She is here to say that she will not sit down and shut up and will speak her mind when she feels it is necessary.

Peter Schaps said he is here to let everyone know that in regard to the EDA, there was a series of events that occurred and he then reviewed them. Mr. Schaps said the October 1 minutes and November 19 minutes talked at length about the appointment process. Mr. Schaps said that last Thursday the City put on a legal considerations meeting where all elected and appointed folks came to attend training and one thing he heard was cautioning all not to prejudge matters before hearing the facts.

Furman said this is the third time that Mr. Schaps came here on this. Furman said that she went back to 2005 and the City Administrator always puts received by deadline and there have been times where there are no statements.

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Hagen-Kennedy indicated that the Council does not respond to public comments but Council is welcome to write a memo about it.

**CONSENT AGENDA:**

- Claims
- Code of Conduct Amendment
- Resolution No. 017-02-09-16 – Massage Therapist License – Wessel
- Resolution No. 014-02-09-16 – Off-Site Gambling Authorization – Stacy Lions
- Resolution No. 015-02-09-16 – Knights of Columbus – Bingo License
- ~~Resolution No. 016-02-09-16 – Off-Site Gambling Authorization Rush City Sno-Bugs~~

Hagen-Kennedy noted that the applicant has asked that Item 5F be removed.

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

**PUBLIC HEARINGS:**

**NONE**

**COMMITTEE/COMMISSIONS:**

**7A PLANNING COMMISSION**

**i. Meeting Update**

Furman provided a meeting update for Council.

**7B ECONOMIC DEVELOPMENT AUTHORITY**

**i. Meeting Update**

Hagen-Kennedy provided a meeting update for Council.

**7C PARK COMMISSION**

**i. Meeting Update**

Sondrol provided a meeting update.

**ii. Authorize US Bank Park Grant Submittal**

Sondrol provided an overview of the US Bank Park Grant proposal.

Motion by Hagen-Kennedy, seconded by Furman, to adopt Resolution No. 012-02-09, "A RESOLUTION SUPPORTING THE APPLICATION TO US BANK PLACES TO PLAY GRANT PROGRAM."

Furman asked if there would be a request of more than \$25,000. Hagen-Kennedy said it would be done the most cost-effective way.

Council amended the motion to include funding through park dedication fund.

After discussion, All voted AYE. Motion carried.

**7D WATER AND LIGHT COMMISSION NONE**

STAFF REPORTS:

**8A ENGINEERING/PUBLIC WORKS NONE**

**8B ADMINISTRATION**

**i. Resolution – Tax Forfeit Parcels**

Konrad outlined the tax forfeit parcel information provided by the County. The options are to acquire the lots for a public purpose and staff does not feel that any of the lots meets the public purpose requirement. It is also possible for the City to purchase the properties for resale but staff does not recommend that. There is a Resolution included to authorize the County to put the parcels up for public auction.

Motion by Borchardt, seconded by Canada, to approve Resolution No. 013-02-08-16, "A RESOLUTION APPROVING TAX FORFEIT PARCELS FOR PUBLIC AUCTION." All voted AYE. Motion carried.

**ii. August and November Meeting Dates**

Konrad noted that these two meetings conflict with the Primary in August and the General Election in November. Konrad noted that between the third and tenth day after the election the City Council has to meet to canvass the election results.

Council set November 15, 2016 for the first November Council meeting. Council set August 11, 2016 for the first August Council meeting.

**8C BUILDING NONE**

**8D FINANCE**

**i. 2015 Tax Collection Report INFO**

**8E LEGAL NONE**

**8F PUBLIC SAFETY NONE**

**8G OTHER NONE**

NOTICES AND COMMUNICATIONS: **INFO**  
a. Winter Fest February 10-14  
b. PTOS Vacancy

UNFINISHED BUSINESS: **NONE**

NEW BUSINESS: **NONE**

MAYOR AND COUNCIL: **INFO**  
a. **Upcoming Agendas**  
b.  
c. **Canada – Statements During January 26 Public Comment**

Canada said that he thinks that the public comment speakers should be sure that what they state is accurate. Canada then asked if there was a data breach or how Ms. Erickson would know that someone is not paying their water bill.

Borchardt indicated that she would like to ask the Mayor to enforce the Council bylaws that govern the public comment portion of the meeting. She would also like to have a printout provided that states the rules for public comment.

Furman said that she would like folks to be factual and she would like to determine how Ms. Erickson received the information on someone now paying a water bill.

Hagen-Kennedy said she has been Mayor since January 12 of last year and she has heard numerous public comments over and over that have said pretty terrible things. She has watched people make inflammatory comments and she has never asked for a fact check. Her concern is that every Councilmember is an elected official and someone can stand at the podium and say whatever they want to say and she has never heard any Councilmember ask for a fact check. If you intend to identify one person to fact check it is going to be a huge cost to this City to look at all of them. What is it that has never made Council ask for fact checking before?

Furman said that this is on the Agenda for possible action.

Hagen-Kennedy said that she would like to ask the Attorney about fact checking only one person's comments.

Furman would like to appeal the ruling of the chair that Canada cannot make a motion and this needs to move to work session.

The City Attorney read the procedure.

Furman indicated that she is appealing the ruling of the Chair that Councilmember Canada cannot make a motion on this item at this meeting.

Hagen-Kennedy indicated that she thinks the City needs to be very cautious about going after private citizens for their public comments and if that is something Council wants to do then all comments should be fact checked. Hagen-Kennedy said that she would like to discuss this at a work session.

There was a vote on Furman's appeal of the Chair's ruling. Ayes - 3 and Nays -1 (Hagen-Kennedy).

Motion by Canada to determine where Ms. Erickson received the information that Council member Borchardt was not paying the water bill on her commercial property.

Hagen-Kennedy asked the City Attorney if the Council can compel a private citizen to answer these questions. The City Attorney indicated that there is no way to force a private citizen to answer those types of questions.

Canada would like to look into how this information was obtained. City Attorney indicated that the Council could ask the private citizen but he is not aware of any way to require a private citizen to answer questions.

Canada asked Ms. Erickson how she knew the Borchardts did not pay their water bill.

Ms. Erickson said that she never said that the Borchardts did not pay their water bill. She then referred to her script from the last meeting.

Ms. Erickson said that Canada is making inferences based on what she said.

The motion died for lack of a second.

**d. Blomquist – Rush Line Update**

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

ADJOURNED: at 7:53 p.m.

Respectfully submitted,

Bridgitte Konrad, City Administrator  
jrl/TOSS