

# 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 26, 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 Kathy Blomquist, Theresa Furman, Kirsten Hagen-Kennedy, Joyce Borchardt, and Robert Canada. Staff members present were City Administrator Konrad, Police Chief Meyers, Public Works Director Williams and City Attorney Helmers.

### PUBLIC COMMENT:

Peter Schaps addressed Council about a comment made at a work session regarding pipes leaking and he would like to know where that comment came from. Mr. Schaps said he asked the Water & Light people about this and they said they know nothing about pipes leaking at the Oakwood Trailer Park.

### CONSENT AGENDA:

- Claims
- ~~Minutes — March 22, 2016 Regular Session~~
- Transient Merchant License & Waiver of Fee – Boy Scout Troop
- Earth Day Tree Purchase & Planning

Furman requested that Item 5B be removed for discussion.

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

Motion by Borchardt, seconded by Canada, to approve Minutes of March 22, 2016 Regular Session. Members voted: AYE- 4; NAY-0 and ABSTAIN-1 (Furman). Motion carried.

### PUBLIC HEARINGS:

**NONE**

### COMMITTEE/COMMISSIONS:

**7a PLANNING COMMISSION**

**i. Meeting Update**

Furman provided a meeting update.

**7b ECONOMIC DEVELOPMENT AUTHORITY**

**i. Casselberry Development – Fee Reduction Request**

Konrad provided an overview of the proposed fee reduction request. Konrad noted that legal and engineering fees were asked to be waived but there are none due so no action is necessary on that item. They have requested that SAC, WAC, park dedication and trunk fees be capped at the 2014 rates. They have also asked for a waiver of levy assessment fees.

Motion by Blomquist, seconded by Hagen-Kennedy, to reduce the SAC fee, trunk sewer fees, and the park dedication fees to the 2014 rates for the Casselberry development.

After discussion, Ayes – 2, Nays – 3 (Borchardt/Canada/Furman). Motion failed.

Motion by Furman, seconded by Blomquist, to reduce SAC, sewer, trunk, and park dedication fees to development of 6 homes and reduce to 2014 rates. Members voted: Ayes-3 (Blomquist, Furman and Hagen-Kennedy), Nays – 2 (Borchardt and Canada). Motion carried.

Motion by Blomquist, seconded by Hagen-Kennedy, to waive assessments for six homes.

Blomquist indicated that the Chair of the EDA sent an email and she asked to read it. The email was in support of fee reduction request.

Borchardt said this offer is substantially different than the RFP that went out. Borchardt said that there may be people interested in the property if an RFP goes out again.

Hagen-Kennedy indicated that the EDA has voted to move forward and made this recommendation. She then said that the land has been sitting empty for a long time with no offers on it and that empty land is sustained by all taxpayers in the city. Sometimes you have to make a deal to spur development in the area.

After discussion, Ayes – 2, Nays – 3 (Borchardt/Canada/Furman). Motion failed.

- 7c     PARK COMMISSION** **NONE**
- 7d     WATER AND LIGHT COMMISSION**
- i.     Minutes**
  - ii.    Meeting Update**  
Furman provided a meeting update.

STAFF REPORTS:

**8a     ENGINEERING/PUBLIC WORKS**

- i.     Gravel Bid Award**  
Williams outlined the proposed gravel bid.

Motion by Furman, seconded by Canada, to approve Resolution 041-04-26-16, "A RESOLUTION ACCEPTING THE BID SUBMITTED BY DRESEL CONTRACTING FOR THE 2016 ROAD GRAVEL CONTRACT AND AWARDSING CONTRACT THEREOF." All voted AYE. Motion carried.

**8B     ADMINISTRATION**

- i.     Police Officer Hire – Skar, Response Time Policy & Establishment of Eligibility List**

Chief Meyer provided an overview of the police officer hiring process and recommended approval of the hiring of Mr. Kyle Skar.

Chief Meyer indicated that in the past some officers have signed an agreement regarding residing within a response time within the first year of employment but some do not. Current officers have asked about moving outside the 20-minute response time. State Statute regarding response times indicates that the City may establish a reasonable response time outside of metro area if there is a need. Chief Meyer indicated that no staff is required to report when off duty so he does not feel the 20-minute response time meets state statute.

Canada asked if anyone takes a squad car. Chief Meyer indicated that there are just certain staff that take a squad home.

Furman said she discussed this with Chief Meyer and he is concerned that some officers do not have this in their file and she thinks that there should be a limit for a radius because the city pays for mileage and gas. She is willing to extend to 30 miles from the border which provides a much bigger range.

Chief Meyer indicates that the gasoline is covered by policy because staff pays for personal mileage when taking vehicle home.

Motion by Canada, seconded by Hagen-Kennedy, to waive the response time requirement as recommended. Members voted: Ayes – 4, Nays – 1 (Furman). Motion carried.

Motion by Canada, seconded by Borchardt, to approve Resolution No. 039-04-26-16, “A RESOLUTION AUTHORIZING THE HIRING OF KYLE SKAR AS POLICE OFFICER.” All voted AYE. Motion carried.

Motion by Borchardt, seconded by Canada, to establish eligibility list for one year. All voted AYE. Motion carried.

**ii. Swanson – Golden Avenue Access**

Konrad explained that the business owner at this location is looking to expand and has asked for an access onto Golden Avenue. That plat did not allow for access onto Golden Avenue. The business owner does not think that access will impact traffic in the area.

Motion by Furman, seconded by Canada, to approve Resolution No. 040-04-26-16 , “A RESOLUTION APPROVING DRIVEWAY ACCESS TO LOT 1, BLOCK 1 INDUSTRIAL ESTATES 3<sup>RD</sup> ADDITION. 6530 396<sup>TH</sup> COURT.” All voted AYE. Motion carried.

**8c BUILDING**

**i. Activity Report**

**8d FINANCE**

**NONE**

**8e LEGAL**

**NONE**

**8f PUBLIC SAFETY**

**NONE**

**8g OTHER**

NOTICES AND COMMUNICATIONS:

**NONE**

UNFINISHED BUSINESS:

**NONE**

NEW BUSINESS:

**NONE**

MAYOR AND COUNCIL:

**12a Upcoming Agendas**

**INFO**

**12b Blomquist – Comp Plan Memo**

Blomquist explained that she conducted research and the ordinances 66.1 and 66.2 says that the Comprehensive Plan guides and provides connection between land use and planning and zoning. Blomquist said she reviewed the information from the League. Hagen-Kennedy asked that this information be provided to Council to allow time to review it. Blomquist suggested having the Attorney Squires opinion reviewed. Borchardt asked how long the training is anticipated for the May work session. Konrad indicated that training is the only item on that meeting agenda. Konrad says there is contention that Attorney Squires needs to review and she would suggest doing that before the information is widely disseminated to the Council and Planning Commission. Furman said she would like this to go to a work session to discuss whether it should even go to the Attorney. Hagen-Kennedy said that attorney's hours coming up they can discuss what they want. The City Attorney indicated that this issue is on the list for the Attorney to report or provide a memo on.

**12c Hagen-Kennedy – EDA Appointment**

Hagen-Kennedy indicated that the Mayor makes this recommendation and the Council votes on this. Hagen-Kennedy indicated she would like to make her original recommendation of Lorraine Moeller who served on the EDA and Lorraine Moeller sent, on December 8 saying she is so sorry about not having the application in on December 1 because she had December 31 in her mind and said she thinks she would be an asset and she has worked hard on the EDA.

Motion by Hagen-Kennedy, seconded by Blomquist, to appoint Lorraine Moeller to the EDA. Ayes – 2, Nays – 3(Borchardt/Canada/Furman).  
Motion failed.

Motion by Hagen-Kennedy, seconded by Blomquist, to appoint Dan DeWan to the EDA.

Borchardt indicated that the reason she is voting nay on these appointments is because there was someone who met the guidelines and met the deadline for the process.

Hagen-Kennedy asked for a refresher from the Attorney on whether the process is correct.

Attorney indicated that this is the Mayor's appointment voted on by council with no requirement of submittal of application or application by a date certain.

Furman asked why we wasted money on advertising for applications to the EDA in the past if this is not followed. Konrad said that there was an advertisement process and this is the Mayor's appointment.

Furman said this was a waste of time for them if we say we do not bother to use the applications received. This is disrespectful to the applicant that did meet the deadline.

Blomquist said that from time to time unsolicited applications are received and she does not remember the Council saying that unsolicited applications would not be accepted.

After discussion, Ayes – 2, Nays – 3(Canada/Furman/Borchardt). Motion failed.

**12d Borchardt – Mandatory Training**

Borchardt said that the last meeting required mandatory training and the information was received the day of the meeting so she would like to change her vote because she thinks that singling out one advisory group is not in the best interest of the City.

Motion by Borchardt, seconded by Canada, to rescind or repeal.

Attorney indicated that any member makes that motion and then a vote is taken. If there has been substantial compliance like hiring or establishing a contract that may prevent from rescind or repeal but do not believe any contracts entered into as of yet.

Furman asked if this is rescinded can this be brought right back up and voted so anyone for it can vote for it. The Attorney indicated the motion could be brought back up.

After discussion, All voted AYE. Motion carried.

Motion by Furman, seconded by Hagen-Kennedy to require mandatory training for the planning commission now and the requirement in the future for all advisory commissions.

Blomquist said that she understands that the other Councilmembers think that the other advisory commissions need training but she thinks that the others are working within their scope and role where she feels there is a concern with the planning commission.

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Canada said there were a lot of differences of opinions and he is not for the mandatory training because it is grounds for removal from the Commission as the language is too strong.

Hagen-Kennedy said she agrees that it needs to be mandatory in person training and then apologized to all staff that attended the meeting for the way the staff was treated. She then said that it is important to allow other members to train as well.

Blomquist said she thinks the Council should be trained on what the advisory role is.

After discussion, Ayes – 3, Nays – (Canada/Borchardt). Motion carried.

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

ADJOURNED: at 8:08 p.m.

Respectfully submitted,

Bridgitte Konrad, City Administrator  
jrl/TOSS