

# 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

May 12, 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, Engineer Wilson, Police Chief Meyer, Public Works Director Williams, GIS Specialist Sondrol and City Attorney Squires.

### PUBLIC COMMENT:

Peter Schaps of 5690 360<sup>th</sup> Street indicated that there are many citizens that do not know that Water & Light is operating on the edge of not being able to pay its bills. He wonders how this can be since he is paying, paying, paying. Mr. Schaps indicated that he is concerned about the Mayor and Blomquist trying to chart a different course than the Council as a whole agreed to. Mr. Schaps indicated that it is time to get the job done and stop the politics. Mr. Schaps indicated that Finance Director Hill introduced a proposal for general obligation bonds to bail out the Water & Light facility. The promoters are suggesting that the citizen taxpayers who are not connected to the North Branch Municipal system be drafted into paying for the now financially failing utility.

Carolyn Burnowski of 8<sup>th</sup> Avenue said that after Mr. Schaps comments she agrees there is a lot of politics going on and she feels that the residents are being held hostage by a gang of three of Furman, Canada and Borchardt preventing the City from moving forward. Ms. Burnowski said that they are not listening to the residents and they do not want to pay bills to the lawyer for something she does not believe in and neither do other residents that she talks to. This is a joke and others think North Branch is a joke also.

David Harden of Lent Township said he is here on the motion to censure, noting that the outcome is being watched throughout the surrounding area because that if the facts support a motion to censure then you must vote to censure keeping in mind that voters respect their elected officials decisiveness and strength and voters do not respect vacillating and retreat.

Laurie Warner of Golden Avenue said that while she disagrees with many comments there are some she could agree with including decisiveness and true leadership because it has been nearly six months and it was brought before the City with bold and creative leadership to bring policies to this Council that have not been here before to set some guidelines to give some leadership to all elected and appointed leaders in the City

of North Branch. She has seen nothing yet and it has been six months. Had the code of ethics been considered and approved we would not be wasting time on some of these issues. Ms. Warner asked Council to show true leadership and bring the code of ethics forward.

**CONSENT AGENDA:**

- Claims - \$854,598.57
- Minutes – April 14, 2015 Regular Session
- Minutes – April 22 and April 28, 2015 Board of Appeal and Equalization
- Resolution No. 038-05-12-15 - Fireworks Permit for Hollywood Pyrotechnics – Fire Department 4<sup>th</sup> of July and Contract Approval
- Resolution No. 037-05-12-15 – Dance Permit for 3R North/Oak Inn
- Resolution No. 036-05-12-15 - Special Event Permit – Red Bull Military Appreciation
- Remove from Probation – Liquor Clerk Young

Motion by Borchardt, seconded by Blomquist, 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 overview of the Planning Commission work session. Blomquist said she wanted to compliment Bellfield on moving forward and his discussion on the Comprehensive Plan.

**7B ECONOMIC DEVELOPMENT AUTHORITY**

**i. Minutes**

**ii. Meeting Update**

Blomquist provided an overview of the EDA meeting.

**7C PARK COMMISSION**

**i. Minutes**

**ii. Meeting Update**

Furman provided an overview of the Park Commission meeting.

**iii. Harder Park Concession Stand**

Sondrol noted the Lions offered to fund an expansion of the Harder Park Concession Stand. Sondrol indicated that there is storm damage to the old part of the structure and the steel is about 30 years old and now is the time to replace it. The Lions would be willing to do the labor if the City can provide the funding gap. The

Park Commission has recommended approval of up to \$1,500 toward this.

Motion by Furman, seconded by Hagen-Kennedy, to approve up to \$1,500 for siding for the Harder Park concession stand expansion project. All voted AYE. Motion carried.

**7D WATER AND LIGHT COMMISSION**

- i. Blomquist said that it was mentioned that there were two votes, one that people were going to be talking to the trailer parks but that was not a vote but there were two other votes. One of which Attorney Squires and she were present and another vote was done later on so she would like Furman to go over the votes. Furman said she does not know what Blomquist is talking about. Blomquist would like to know the votes from the Water & Light Commission. Squires said he was only there for part of the meeting and as he recalls the Commission adopted a metering policy and there was some discussion of putting a work group together with some of the park owners. He then suggested looking at the Minutes. Blomquist pointed out that the meeting update was incomplete about this item. Konrad said she will ask for Minutes.

STAFF REPORTS:

**8A ENGINEERING/PUBLIC WORKS**

**i. Authorize Ad for Bids – 2015 Street Project**

City Engineer Wilson requested approval for authorizing ad for bids for the 2015 street project. The overlay project will include Ash Street from CR 30 to Golden Avenue; Elm Street from 8<sup>th</sup> Avenue to 12<sup>th</sup> Avenue; and Falcon Avenue from 370<sup>th</sup> Street to the City limits.

Motion by Hagen-Kennedy, seconded by Canada, to approve Resolution No. 039-05-12-15, "A RESOLUTION APPROVING PLAN AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS FOR THE 2015 STREET IMPROVEMENT PROJECT." All voted AYE. Motion carried.

**8B ADMINISTRATION**

**i. Massage License Ordinance**

*1. Ordinance and Summary Ordinance*

Konrad outlined the proposed Massage License Ordinance noting the goal is to protect legitimate business owners, the long-standing investment in the City, and the residents of the City.

Blomquist said that there was an email from someone who said she had a therapist that could not qualify for a license. Konrad

noted that there are some other businesses that provide other services and this would only regulate massage therapists. Furman said she had asked about grandfathering current folks with their training. Attorney Squires suggested that on a case-by-case basis existing business owners/massage therapists could plead their case and prove their credentials.

The business owner from NB Studio appeared before Council and said she lost three of her therapists and she gets harassed being asked for the services that the illegal business was providing. She only has 300 credit hours but she has a state license so this would shut her down.

Blomquist said she does not see the need for a license from the City if she has a license from the State. Attorney Squires said that the state does not license massage enterprises only the salon portion of what they do.

Motion by Furman, seconded by Canada, to adopt Ordinance No. 225-15, "AN ORDINANCE AMENDMEING CITY CODE CHAPTER 18, BUSINESS, BY ADDITION OF ARTICLE IX. LICENSING AND REGULATION OF THERAPEUTIC MASSAGE." with the addition of the exception language to be drafted by Attorney Squires.

Blomquist said that she is concerned about this woman and her business so she would recommend looking into what can be done for her.

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

Motion by Furman, seconded by Canada, to adopt Ordinance No. 225-15S, "A SUMMARY ORDINANCE AMENDING CITY CODE CHPATER 18, BUSINESS, BY THE ADDITION OF ARTICLE IX. LICENSING AND REGULATION OF THERAPEUTIC MASSAGE" for publication. Member voted: Ayes – 4, Nays – 1(Hagen-Kennedy). Motion carried.

2. *Ordinance – Fee Schedule – Massage License*

Motion by Borchardt, seconded by Canada, to adopt Ordinance No. 226-15, "AN ORDIANACE AMENDING THE 2015 FEE SCHEDULE RELATING TO MASSAGE LICENSE FEES."

Borchardt said she would like to have the background check include the first year's license. Konrad indicated the background check covers the Police Department's time to

research the background but her department has time invested in approving the license and issuing it.

Motion was withdrawn.

Furman asked if this is someone that does this on their own and it is not a salon. Konrad indicated that there is a state salon license through the state but that does not regulate massage therapy.

Carolyn Burnwoski asked if the massage therapists in the chiropractors or physical therapists are unlicensed too. Konrad indicated that the ordinance would exempt someone working in chiropractic or other medical doctor facilities.

Motion by Borchardt, to adopt the fee schedule with the change that the first year investigation fee include the first year license and the renewals would be \$100 for the business and \$25 for the individual therapist license.

The motion died for lack of a second.

Motion by Furman, seconded by Canada, Ordinance No. 226-15, "AN ORDINANCE AMENDING THE 2015 FEE SCHEDULE RELATING TO MASSAGE LICENSE FEES" amending the fee to \$100 for businesses and \$25 for the individual therapist license. Members voted: Ayes – 4, Nays – 1(Hagen-Kennedy). Motion carried.

3. *2015 Reduced Fee*

Motion by Furman, seconded by Canada, to approve no background investigation for existing businesses and approve 50% fee reduction for 2015. Members voted: Ayes – 4, Nays – 1(Hagen-Kennedy). Motion carried.

ii. **Lead Waste Water Operator - MOU**

Konrad indicated that the candidate for wastewater operator has declined the position so staff is proposing the Memorandum of Understanding to approve a promotion of John Goshy to the Lead Waste Water Operator with Director Williams serving as the Class B operator until Mr. Goshy is able to obtain his Class B license. Konrad indicated she would recommend an internal posting for the wastewater position that the promotion would create.

Furman asked if the Council said they wanted to allow everyone to apply. Konrad said that she has no intent of changing general

policy but for this situation it makes sense for the City to offer the position internally first.

Motion by Hagen-Kennedy, seconded by Borchardt, to approve the Lead Waste Water Operator – MOU with IUOE Local 49 for the promotion of John Goshey to Lead Wastewater Operator. All voted AYE. Motion carried.

Motion by Hagen-Kennedy, seconded by Furman, to approve an internal posting for the vacant wastewater operator position. All voted AYE. Motion carried.

**8C BUILDING**  
i. **Activity Report** **INFO**

**8D FINANCE**  
i. **Activity Report** **INFO**

**8E LEGAL**  
i. **Fact Finding Report**  
Attorney Squires reported that one of his colleagues was able to meet with Senator Nienow on or about April 23 and with Council on April 28 and the other two members were contacted through their attorney to arrange a meeting and they asked to provide written information. As of May 7 they had not yet received the information requested to be able to provide a report for the packet. Staff proposed moving this item to the May 26 meeting. Attorney Maccabee, representing Mayor Hagen-Kennedy and Councilmember Blomquist, sent information indicating she would not be available for that meeting.

Furman asked when the attorney's office will have the report ready. Attorney Squires said he believes by the end of the week he should be able to have a report assuming the information requested is provided.

The Attorney for Hagen-Kennedy and Blomquist thanked Council for accommodating her schedule and said she will be able to get the information to the City Attorney as soon as they can and before the end of the day tomorrow.

Attorney Squires advised that the motion was tabled to this meeting so it would need to be taken off the table and postponed to another meeting.

Motion by Canada, seconded by Borchardt, to take the matter off the table. All voted AYE. Motion carried.

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Motion by Canada, seconded by Borchardt, to set a special meeting for June 1, 2015 meeting at 5:00 p.m. to address the matter. All voted AYE. Motion carried.

**8F PUBLIC SAFETY** **NONE**  
Canada thanked the Fire Department for the smelt fry.

**8G OTHER** **NONE**

NOTICES AND COMMUNICATIONS:

a. **Minnesota Senior Games** **INFO**

UNFINISHED BUSINESS: **NONE**

NEW BUSINESS: **NONE**

MAYOR AND COUNCIL:

**12A Upcoming Agendas** **INFO**

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

ADJOURNED: at 8:37 p.m.

Respectfully submitted,

Bridgitte Konrad, City Administrator  
jrl/TOSS