

CITY OF ST. FRANCIS
ST. FRANCIS, MN
ANOKA COUNTY

CITY COUNCIL MINUTES

JUNE 20, 2011

1. **Call to Order/Pledge of Allegiance:** The regular City Council Meeting was called to order by Mayor Jerry Tveit at 6:00 pm.
2. **Roll Call:** Present were Mayor Jerry Tveit, Council members, Jeff Sandoval, LeRoy Schaffer, Steve Kane and Chris McClish. Also present were City Attorney Scott Lepak (Barna, Guzy & Steffen), City Engineer Jared Voge (Bolton & Menk, Inc.) Police Chief Jeff Harapat, Public Works Director Paul Teicher, Interim Fire Chief Dean Kapler, Finance Director Darcy Mulvihill, City Administrator Matt Hysten, and City Clerk Barb Held.
3. **Adopt Agenda:** Add 6 c. St. Francis Jaycees Temporary Liquor License August 13 and 14, 2011 in Community Park for Cornfest. MOTION BY SANDOVAL SECOND KANE TO ADOPT THE JUNE 20, 2011 CITY COUNCIL AGENDA AS AMENDED. Motion carried 5-0.
4. **Consent Agenda:** MOTION BY SANDOVAL SECOND KANE TO APPROVE THE JUNE 20, 2011 CITY COUNCIL CONSENT AGENDA A and C-E AS FOLLOWS: McClish asked to have 4b moved to 6d.
 - a. Approve the City Council Minutes of June 6, 2011.
 - b. ~~Approve Authorization for Sgt. Jake Rehling to attend the FBI Training.~~
 - c. Approve the Twin Cities Multisports Club-Minneman Triathlon for July 2, 2011.
 - d. Approve the Payment of Claims for \$282,274.92.
 - e. Acknowledgment of MN Lawful Gambling Exemption Permit for MN Waterfowl Association Cedar Creek Chapter for September 15, 2011 at the St. Francis American Legion with no waiting period.Motion carried 5-0.
5. **Meeting Open to the Public: Tveit stated we will allow each person to speak for four minutes:**

William Gardner, 5304-235th Avenue: Mr. Gardner said no one ever responded to me regarding my question regarding why the Charter Amendments never went out for a vote. I did not find anywhere that the City Council has the authority to change the charter. I believe you need to allow the public to vote. Gardner also addressed the per diems for council members. Tveit asked that staff, legal and the Charter Commission Chair research this.

Kristin Cole, 4546-235th: Kristin Cole, 4546 235th Lane NW, St. Francis MN 55070. I was here a couple of weeks ago in reference to some mailings that I am receiving from Councilman Schaffer. Approximately, the beginning of April Councilman Schaffer, well it was probably more earlier than that, more like March. I had contacted him to try and

get some business resolved that I couldn't get what I needed through the city, I thought he could help me so I contacted him. He wasn't able to help me; I was able to resolve it on my own. He had my phone number and called me at my home and asked me out to dinner. Now this was not the first time Mr. Schaffer has behaved had acted in an inappropriate manner towards me. I didn't want to be mean because he seemed to be a nice old guy but that was too much. When you call someone at their house, not invited to call as a member of the community. I have made that clear to him in prior communications that dating or going anywhere with you was not something I was interested in. I tried to explain, I tried to be nice. I have sons that are getting pretty upset about this whole entire ordeal. So, fast forward maybe 4-6 weeks he came past my home and put a flyer in my door, which he does but I don't want him near my home me, after the tattoo thing. I don't want Mr. Schaffer near me. I don't want to take vacation with him. I opened my door and I told him you are not to come near my home anymore, don't contact me in anyway, shape or form. Two days later I received a letter from Mr. Schaffer addressed to "First Class Citizen 4546 235th Lane NW" and the return address was "Update" Ignorance costs everyone". I don't find you (Schaffer) amusing. I don't want to have to get a "no contact order", well first of all you didn't spell it right. I have asked you very specifically to have no contact with me in any way, shape or form. I'm not sure what's wrong, not sure if you are hard of hearing, I'm not sure if you're just stubborn but I am here to tell you I'm not kidding around. You harass people and I'm not going to get into that subject because I can only speak for myself. I received two of these letters, the first one I threw out because I thought, you know but then I'm getting another one. Mr. Schaffer I'm telling you straight out here. Do not send me anything in the mail, do not contact me, don't speak to me. I don't want to have to get a no contact order, that costs the city a lot of money for this ridiculousness. So, I'm here in front of the council because you as a council member you are sending me letters as a council person. You need to stop. Thank-you. Tveit asked that see contact the Police Chief with her concerns.

Roland Willis, 23073 Eidelweiss Street, I would like to finish what I what I started at the last council meeting. Willis also addressed the City Council on the public works facility. Why is the City reactive instead of proactive in regards to the cleaning service? Anoka County has set a zero percent levy increase and according to our Commissioner Look, they did not receive a call. I ask that you make your choses wisely.

Tveit called for a quick recess at 6:16 pm.
Back in Session at 6:18 pm.

6. Petitions, Requests, Applications:

a. **Metropolitan Council Member-** Edward Reynoso: Mr. Reynoso introduced himself to the City Council. He stated he lives in Ham Lake and was appointed by the Governor to the Metropolitan Council in March of 2011. Mr. Reynoso gave a brief background of his work experience and said he is looking forward to working with the community. My goal is to work

with your City and residents to create a positive image of the Metropolitan Council and be able to work together. My first goal is to put a face to the name. I am always available for calls. Mr. Reynoso asked if there were any questions for him. I look forward to working with you. Schaffer asked can you give me a little bit about your background. I think you are Latino. I got the feeling you are low-income or have experienced low income or whatever. You would be a good addition because of your point of view. Do you come from that kind of background? Is my suspicion right or just shooting in the wind here? Well Reynoso said, I need to figure out how to answer that one. First of all, I am Latino and proud to be Latino, born and raised in southern California. My background is in transportation. I am a political director for the Teamsters Union that is my day job. I am fully aware of political issues and how it works. As far as poverty, I can tell you I come from a family of seven kids we struggled but never experience poverty as maybe you were thinking. My parents were hard workers and gave all seven of us a great foundation. Proud to be the person I have become. With that being said I have experienced helping the needy and the impoverished and it is a great experience for anybody to have; to help people in need. Schaffer said I think you will be a real asset. Mr. Reynoso said Mayor, Council I look forward in working with you.

b. Economic Development Authority (EDA)-Public Hearing: City Attorney Scott Lepak provided a memorandum on the general outline of what an EDA is and how it operates. Lepak said tonight we will hold a public hearing to hear input from the residents. Then the council will decide later on whether or not the City would be interested in creating an EDA. There is a resolution that would need to be passed in order to enable an EDA. Mayor Tveit opened the Public Hearing at 6:25 pm.

William Gardner, 5304-235th Avenue, stated he would be short. Gardner handed the Mayor the full State Statute 469.101 and not just a portion of it, like what was provided to the City Council.

Ray Jones, 23725 Nacre Street, asked who is going to set up the EDA. How many are going to be on the commission? I have been out here 57 years and I grew up if you wanted it you worked at it. If it is run right fine, but you can also get businesses in here that fail. It is tax dollars. If you create an EDA be careful who you have on it. Schaffer asked Jones do you trust the bureaucracy. Jones said you are not going to be thriving up here. Highway 47 is a trail and Metropolitan Council is not going to put money in it up here.

Jeff Titus, 4324-230th Avenue: Thank you Mayor and Council for having this public hearing. I have no problem with the City setting up an EDA. I do not believe checks and balances are in this resolution. I would challenge this resolution and how many cities have used this resolution. I was really surprised to hear tonight that maybe it is not legal to even have the City Council sit on the EDA. I am not against businesses coming into the City but we have no roads and our water/sewer rates and taxes are high. I really challenge the resolution not necessary creating one. I ask you do not pass the resolution. Why do we have to have the resolution so complicated? Words really mean something.

Roland Willis, 23073 Eidelweiss Street: I am going to piggy back on what Mr. Jones and Mrs. Titus said. I think I am the one who brought this up and challenged the resolution some time

ago. Willis referenced different sections of the Statute on creating EDA's. I am not against an EDA. Our roads are a problem, large trucks can travel them. Retail always happens but for the industrial businesses they won't come. I contacted other cities...

William Gardner, I would just like to clarify something for Mr. Titus. What I read earlier tonight was regarding pay of the commission members. There needs to be two council members on the EDA. Lepak stated the Enabling Resolution Paragraph 9 states the limitation of power.

Ray Jones, look out for new businesses that start up and want to get breaks. You don't have to fund it all. You can form it but be careful.

Mayor Tveit closed the public hearing at 6:46 pm.

6c. MOTION BY SANDOVAL SECOND SCHAFFER TO APPROVE THE ST FRANCIS JAYCEES TEMPORARY ON-SALE LIQUOR LICENSE FOR CORNFEST, AUGUST 13 & 14, 2011 IN COMMUNITY PARK. Motion carried 5-0.

6d. **Out of State Travel for Sgt. Rehling to attend FBI Training:** Hylan stated this is an FBI Training that Sgt. Rehling was accepted into, the only cost to the City of St. Francis is his pay and his absence on the street. McClish asked how long is the training and travel cost. The training is 10 weeks long. McClish stated it is excellent training and it is for future chiefs and sheriffs. Chief Harapat reported that he is provided \$600.00 for travel through this training and he is well aware that anything over the \$600.00 he would be responsible for that. The training goes from October to December of 2011 for 10 weeks. We were looking actually for 2012 but the FBI contacted us and indicated that they had openings in 2011. McClish asked for this to be tabled. Kane said being McClish has some reservations on this I agree to wait too. MOTION BY McCLISH SECOND KANE TO TABLE THE AUTHORIZATION FOR OUT OF STATE TRAVEL FOR SGT. REHLING UNTIL THE JULY 5, 2011 MEETING. Motion 5-0.

7. **Ordinances & Resolution:**

a. Resolution 2011-15: Establishing an Economic Development Authority for the City of St. Francis: MOTION BY TVEIT SECOND KANE TO ADOPT RESOLUTION 2011-15 AN ENABLING RESOLUTION ESTABLISHING AN ECONOMIC DEVELOPMENT AUTHORITY FOR THE CITY OF ST. FRANCIS MINNESOTA. McClish asked what if we are unable to fill the positions. We currently we have openings on the planning and park commissions. Hylan said it is the ultimate responsibility of the City Council to get people to apply. Tveit said I believe this gives us another tool in our toolbox. I believe it is a good idea and have talked about this for a number of years. Sandoval said it is great to hear from our residents. I too think the resolution is somewhat confusing. I am not opposed to EDA's. I just want to make sure we can control the reins and the city council has the opportunity to approve. Hylan said the one thing that works well with other communities, they appoint the mayor and one other councilmember on the EDA board and they too should be bringing back information. Sandoval said nothing against you Mayor but I don't always think it is a good idea that the mayor is on the board. Schaffer said I think and EDA confuses people and I don't think they will have a good welfare for the rest of the people. Not time to increase taxes and and

another layer of bureaucracy. I can not agree with this. Tveit said I am kind of confused and how this is going to raise taxes by establishing an EDA. Most cities that have any size and want growth have an EDA and try to develop our City for the long term. Motion carried 3-2. Sandoval and Schaffer voting nay.

b. Ordinance 154, Second Series: Amending the City Charter (First Reading): Meeting Open to the Public: These amendments were recommended unanimously by the Charter Commission. MOTION BY SANDOVAL SECOND McCLISH APPROVING THE FIRST READING OF ORDINANCE 154, SECOND SERIES AMENDING AND RESTATING THE CITY OF ST. FRANCIS HOME RULE CHARGER. Roll Call: Sandoval, McClish, Kane, Tveit. Nay Schaffer. Motion 4-1.

c. Ordinance 155, Second Series: Amending Section 2-5-2 City Clerk/Treasurer, Various Sections of the City Code and Adding Section 2-5-9 Finance (First Reading): MOTION BY KANE SECOND McCLISH APPROVING THE FIRST READING OF ORDINANCE 155, SECOND SERIES AMENDING SECTION 2-5-2 CITY CLERK/TREASURER VARIOUS SECTIONS OF THE CITY CODE AND ADDING SECTION 2-5-9 FINANCE. Roll Call: Kane, Schaffer, McClish, Sandoval and Tveit. Motion carried 5-0

d. Ordinance 156, Second Series: Amending Section 10-23 of the Zoning Ordinance Regarding Signs (First Reading): MOTION BY KANE SECOND SANDOVAL APPROVING THE FIRST READING OF ORDINANCE 156, SECOND SERIES AMENDING SECTION 10-23 OF THE ZONING ORDINANCE REGARDING SIGNS. Sandoval asked how difficult will this be to enforce. I know I have received a number of calls on our signs now and time consuming for staff. We have taken a reactive approach on ordinance violations. I believe with this ordinance it will be easier to enforce. Roll Call: Schaffer, McClish, Sandoval, Kane and Tveit. Motion carried 5-0.

e. Resolution 2011-16: Resolution declaring Part-time Interim Fire Chief as eligible for coverage in Public Employee Police and Fire Retirement Plan: MOTION BY SANDOVAL SECOND KANE TO ADOPT RESOLUTION 2011-16 A RESOLUTION DECLARING PART-TIME INTERIM FIRE CHIEF POSITION ELIGIBLE FOR COVERAGE IN PUBLIC EMPLOYEE RETIREMENT POLICE AND FIRE PLAN. Motion carried 5-0.

8. Reports of Consultants & Staff Members:

a. Engineer:

b. Attorney:

c. Staff: Fire Department: No report.

Public Works:

Liquor Store: No report.

Police Dept: No report.

City Administrator Report: Professional Design Group requested qualifications for Agency Construction Manager of Proposed Public Works and Public Safety Facility: Based on four submitted proposals, along with reference checks and interviews with two firms, PDG and staff are recommending the City of St. Francis retain the services of Amcon Construction Company, LLC, as Construction Management Approach for your review. MOTION BY KANE SECOND McCLISH TO DIRECT STAFF TO ASSEMBLE A CONTRACT WITH AMCON CONSTRUCTION COMPANY AS CONSTRUCTION

MANAGER FOR THE PROPOSED PUBLIC WORKS AND PUBLIC SAFETY FACILITY.
Motion carried 4-1. Schaffer voted nay.

US Cable: We received notification that US Cable is being bought out by Midcontinent. More information will follow.

4058 St. Francis Blvd. Property Update: We did receive a notification today that there are some contaminates so we will figure out how much we need to hold back from the payment to the previous owners.

Capital Improvement Plan: Hysten reported this document was provided to you at the end of May. Per our City Charter, we will need to hold a public hearing at the first meeting in August. Do you want to have a meeting before to discuss the CIP? Kane said just a reminder that the CIP is just that a plan. Hysten said yes, purchases still come back to the council for approval.

League of MN Cities Update: Hysten reported he was appointed to the League of MN Cities Board of Directors for a one-year term.

9. **Reports from Council Members:** Kane said I did have a resident make a comment that we do have a great car show in town on Fridays during the summer but they have not seen any councilmembers there. Kane said so if you can, please go and look at the great cars.

Schaffer reported on the URRWMO and literature he received. Schaffer said I have shown up at the car show and did a style show and showed off my wardrobe. Schaffer said I commend you Kane for working on the judging stand during Pioneer Days.

Sandoval said I have a couple things; I have a few citizens that work in Minneapolis and come from different communities that are interested to see what our responses would be regarding a community garden. We have some parcels of parkland we can't do anything with. Potentially giving them a plot, 4x4 or 4x6 plot, a \$10 fee to have that plot that they can grow corn, flowers or whatever they want to grow there. It gives people opportunity to meet at the park to grow things they can't grow on their parcel. I think it's a good idea and something we can look into and see a potential for.

The other issue I have, I really don't care to say it but, I am appalled that we would ask an individual that comes before us his ethnic background is and that we inferred he knows what hard times are because of his ethnic background. That's not our responsibility, that's not our judgment. That to me makes us look narrow minded, close minded and I don't like it. I'm tired of this. I'm tired of the attacks. I am Latino in retrospect, I take it very personally. Mr. Gardner took it personally that day you made off hand comments that was not intended as one but I'm tired of this. I'm tired of the approaches that are being made by a specific council member. I'm tired of having to listen to citizens come up here and complain because of actions. What a reflection on all of us that this is. It's horrible, we have to hold our heads up high and come above this but how can we keep doing this day after day, the same thing is done over and over again.

You think it's a big joke, it's supposed to roll off his shoulders, because maybe people not a care. It's maybe not a care to you but it is a care to me. I think it's very disrespectful, and I personally will send a letter to this gentleman apologizing for the behavior he received here. That's it.

McClish said he would like to thank all City Staff including Barb Held for all their work for Pioneer Days and making it very successful.

10. **Report from Mayor:** Tveit presented City Clerk Barb Held the certificate she received at the Minnesota Women in City Government Leadership Award Annual Meeting. Ms. Held was one of the two finalists in the State in the appointed city official category however; she did come in second. Good job Barb. Just to have one of our employees nominated it was an honor.

I would also like to congratulate Mr. Hylen on his recent appointment to the League of MN Board of Directors.

Thanked Kane for attending the St. Francis Ambassador Pageant for me. I attend the Mayor's motorcycle ride Saturday, June 11, 2011 and as of today, \$1,086.00 was raised for the Pederson Path. I also got a call that we will be receiving another \$210 from Zylstra's of Elk River. Like to thank all the outgoing St. Francis Ambassadors for all their civic service they do for our community. I would like to congratulate the four new Ambassadors Little Misses Chloe Schaub, Miranda Johnson and Ambassadors Kala Schleif & Marissa Johnson. Also would like to thank the director Amber Eisenchenk for all her work.

Last week I attended the Annual League of MN Cities, it was a very good conference. The theme this year was "I love my City".

11. **Old Business:** Schaffer said we can say things and be misread. I don't think this guy was offended. Tveit said we have to be very cautious on the words we choose. This is the first time we have had a representative from our District come here from the Metropolitan Council and I appreciate for him taking time out of his schedule to meet us.

12. **New Business:**

a. **Efficiency Report Card-Fire Department:** Dean Kapler said it was a pleasure meeting all of you tonight. I have met with each fire department member one on one. The stabilization has begun. I will be finalizing the officers for the transformation team. In regards to our ISO rating changing, it is a positive change. I would also like to credit the public works department for their high marks and cooperation in the ISO survey. The fire department should also be credited for this positive change.

Tveit said I have one comment to make about a property that is currently for sale on the corner of County Road 24 and Rum River Blvd. After going to the League conference and they talked about looking to the future. Maybe that would be a good idea to check into being it is adjacent to Community Park. Sandoval said it is nice being it is close to the park but we will get the comments that we are land barons. What about the 40 acres? If we build a park, it should be bigger. I think we are at a time for a Park and Recreation department. Tveit said I was just

thinking what if. Schaffer said we should be putting money away for parks but we have to remember the budget. Tveit asked what do we have in our park dedication fund. Hysten stated we would put the amount in the off-week memo. McClish said I would like to have staff look into more. Kane said from a business standpoint the best way to go is like what Sandoval mentioned with bigger facility.

Schaffer asked aren't we going to have a public hearing on the bond issue. Motion by Schaffer to hold a town meeting on the bond issue at the July 4th (should be July 5th) meeting. Motion failed for the lack of a second. Tveit said what answers are we going to have. Schaffer said we have some numbers. Tveit said I am in favor of a public hearing or an informational meeting but we need to have some numbers to talk about. Until we have some hard facts and figures I think we would be confusing them.

Schaffer said we need to get the facts together. Hysten said we are at the beginning and the earliest I believe we would get the plans together is September. I don't think this should be a surprise to our public, it has been discussed for about three years now. Schaffer said I want options.

13. **Adjournment:** The City Council meeting adjourned at 8:10 pm.

Barbara I. Held, City Clerk