

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

CITY COUNCIL MINUTES

AUGUST 1, 2011

1. **Call to Order/Pledge of Allegiance:** The regular City Council Meeting was called to order by Mayor Jerry Tveit at 6:09 pm.
2. **Roll Call:** Present were Mayor Jerry Tveit, Council members, Jeff Sandoval and 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, Finance Director Darcy Mulvihill, City Administrator Matt Hysten, and City Clerk Barb Held.
3. **Adopt Agenda:** MOTION BY SANDOVAL SECOND MCCLISH TO ADOPT THE AUGUST 1, 2011 CITY COUNCIL AGENDA. Motion carried 3-0.
4. **Consent Agenda:** MOTION BY MCCLISH SECOND SANDOVAL TO APPROVE THE AUGUST 1, 2011, CITY COUNCIL CONSENT AGENDA-F AS FOLLOWS:
  - a. Approve the City Council Minutes of July 18, 2011.
  - b. Receive and File the Planning Commission Minutes of June 15, 2011.
  - c. Approve the St. Francis Lions Club 3.2 Permit for Oktoberfest, September 17, 2011 at Community Park.
  - d. Authorize Pay Estimate No. 5 to Kuechle Underground of Kimball MN in the amount of \$36,323.56 for the 230<sup>th</sup> Lane and Ivywood Street Improvement.
  - e. Approve the adoption of the AWAIR Program Document.
  - f. Approve the Payment of Claims for \$231,998.43.

Motion carried 3-0.

5. **Meeting Open to the Public:** William Gardner, 5304-238<sup>th</sup> Avenue said at the last meeting, Mayor you said to a resident that the police department could not do anything to the person shooting off fireworks unless they see them. That is not true; there are nuisance laws that the homeowners can be ticketed. If you spent anytime watch those cops' shows, you would know. I suggest you get a hold of Mr. Grant and tell him there are nuisance laws where the homeowners can be charged.

Ray Jones, 23725 Nacre Street NW, I would like to know about the building on the land the City purchased that was just recently destroyed. When was the authorization granted to tear it down? Why was it torn down and who gave Classic Construction the authorization to take it down? Why wasn't it gone out for bids? I am not happy about it. There are people who said they were interested in the building. Again, to whom and when did you give authority to go ahead and do it?

6. **Petitions, Requests, Applications:**

**a. Capital Improvement Plan 2012-2016 – Public Hearing:** Mayor Tveit opened the public hearing at 6:14 pm. Hylan reported as per our Home Rule Charter we are required to hold a public hearing by August 15, 2011. As staff, a draft CIP was prepared and given to the City Council by June 1, 2011. If the CIP is adopted tonight, the council still has the opportunity either to purchase or not purchase when the items come before the City Council.

Ray Jones asked the Council in regarding the Parks, why would we build something if we have no park dedication coming in. Hylan said this document is a planning guideline for the City Council and staff. If funds were not there, staff would not even bring it forward to the Council. Jones said the new WWTP in 2015/2016 you need more people and business before that upgrade should occur otherwise the current residents have to pay for it again. Jones said he agrees it is nice to plan but remember this when it is time to put it in. Jones said in regarding the police department I would like to see a North Anoka Police Department (with surrounding communities) if you cannot get that, let the County take over the police department. Jones said I would like to know the cost for the maintenance of this proposed building. Tveit said we are not at the phase were we know what the maintenance cost will be. Jones said I haven't even seen the plan yet. We are sitting here in the dark on what you are going to build, we know where but that is it. No one has even seen a plan.

Roland Willis, 23073 Eidelweiss Street NW, and the question I have for the WWTP upgrade who dictates this, Met Council or MPCA? You know where I stand in the Public Works/Public Safety Building; let us put it out for municipal bonds. Remember you have voted on the 9.5 million and I personally feel that is what the public hearing should be on. St. Francis is not growing. Between Anoka County and the State of Minnesota, they have not raised taxes. Anoka County is probably going to lower their taxes.

William Gardner, 5304-238<sup>th</sup> Avenue NW, you have projected 49 million over the next five years. I know you are going to say that we are just proposing this; it doesn't mean it is going to happen. Gardner went over different projects in the CIP. Why do guys have to have new vehicles all the time. I have had people trying to come up here to get through to you guys.

Mayor Tveit asked if there was any more public input with none being heard closed the Public Hearing at 6:37 pm. Tveit said I support this plan, obviously if we don't need something we won't buy it. We will continue to work with other communities to borrow equipment. I do not see spending money needlessly. Sandoval said my concern is that our five largest projects. We have one park in this community and have property that is not built on. If we are going to build a new park shelter, maybe build a bigger park and develop a park and recreation department instead of spending the money on streets. The next group may come in and say this list looks good. Tveit said we did try to work with a soccer group and the people in the area did not want it developed. Sandoval said we need to try to keep our kids here. McClish said this CIP is a plan for the future. If in 2015-16 there is not need for a WWTP I will say no. **MOTION BY MCCLISH SECOND TVEIT TO ADOPT HE 2012-2016 CAPITAL IMPROVEMENT PLAN.** Motion carried 2-1. Sandoval voted nay.

**7. Ordinances & Resolution:**

**a. Resolution 2011-20: A Resolution Declaring Surplus Property and Authorizing the Disposal of the 1999 Chevy Tahoe:** MOTION BY SANDOVAL SECOND McCLISH TO ADOPT RESOLUTION 2011-20 A RESOLUTION DECLARING SURPLUS PROPERTY AND AUTHORIZING THE DISPOSAL OF THE 1999 CHEVY TAHOE. Motion carried 3-0.

**b. Resolution 2011-21: A Resolution Consenting to and Approving the Assignment of the Cable Franchise and System to Midcontinent Communications:** MOTION BY McCLISH SECOND SANDOVAL TO ADOPT RESOLUTION 2011-21, A RESOLUTION CONSENTING TO AND APPROVING THE ASSIGNMENT OF THE CABLE FRANCHISE AND SYSTEM TO MIDCONTINENT COMMUNICATIONS. Lepak said we cannot unreasonably withhold the transfer of the name. A Motion carried 3-0.

**8. Reports of Consultants & Staff Members:**

**a. Engineer:**

**b. Attorney:**

**c. Staff: Fire Department:** No report.

**Public Works:**

**Liquor Store:** No report.

**Police Dept:**

**City Administrator Report: Linwood Township Ordinance dealing with All Terrain Vehicles:** Hysten handed out Linwood Townships Ordinance that pertains to All Terrain Vehicles and read a couple different sections of the ordinance. Tveit said he would like a chance to take a look at their ordinance further. McClish said with his current job as a law enforcement officer I do not support this. I believe this is a public safety issue.

**4058 St. Francis Blvd:** Hysten said I am going to try to answer some of the questions regarding this parcel. This parcel was purchased on a Contract for Deed in December 2010. First payment was due at the end of 2010 and the next payment was July 1, 2011. Contaminants were found in some of the catch basins and without removing the concrete slab under the building we didn't know the extent of the contamination to the soil. Some of the cost are being challenged by the previous owner for the cleanup of the site. Last Monday all the permits were granted which included a 10-day waiting period from the MPCA. Therefore, during consultation with Mr. Lepak's associate last Monday, and with all permits acquired and a quote from Classic Construction for the removal, we went ahead and removed the concrete under the building. With the removal of the contaminants and the building, the property would be prepared and ready to build on in the future. I wish Mr. Jones were here to hear the answers to some of his questions. Hysten said in addition the tenants who previously either owned or rented the property were a salvage yard, automotive repair and a cabinet shop. Sandoval said so we are not bearing the cost of tearing it down. Will that be a pass back to the seller? Hysten said the City of St. Francis was always going to pay for the tear down of the building. Without the building down and the slab taken away, we would not know if there are contaminants under the building. If contaminants are found under the building, the previous owner would be responsible for the clean-up cost.

**General Discussion on Tax Levy:** Hysten asked Finance Director to explain the LGA and the Homestead Market Value Credit for 2012. With the change or shift of the Homestead Market Value Credit, the commercial and industrial could face more of the tax burden. For budgetary purposes and with our public works and police officer union's negotiations coming up. The preliminary budget that was submitted by staff includes a modest 1% Cost of Living increase.

This preliminary budget would increase the levy about 5%. Tveit said I would like to have a zero percent levy increase. Sandoval said with the times the way they are, I agree and do not want to see an increase in the levy. I know we still have time to discuss this. Hylen said I just needed to know where the council was at with the tax levy.

9. **Reports from Council Members:** No reports.

10. **Report from Mayor:** Unfortunately Mr. Jones already left but the City Administrator answered the questions regarding 4058 St. Francis Blvd. tonight. In regards to the person that spoke earlier about the fireworks, he too left but what he did not know was there was a group and the callers did not no exactly who shot them off.

11. **Old Business:** Tveit said he has been in contact with our City Attorney regarding the power of the EDA. We adopted a resolution where the EDA would report to the City Council. I just want to ease the citizen's fears.

12. **New Business:**

a. **Efficiency Report Card-Administration:** Hylen said as a newly appointed board member to the League of MN Cities, it was a great privilege to be part of the retreat. We had a visioning session, goal session, and survey result session with a group of public employees from throughout Minnesota. I found myself quite energized coming out of the meeting.

**Government and Finance Officer Association (GFOA) Distinguished Budget Presentation Award:** Very pleased to report that we were notified today that the City received the GFOA Distinguished Budget Presentation Award for the second year in a row. This award is one of the highest honors in governmental budgeting and reporting. Congratulations to the Finance Director, Darcy Mulvihill, this was her first time receiving the award.

Tveit asked if the City has a policy on fire trucks filling up swimming pools in the summer time and skating rinks in the wintertime. Hylen said it is not currently permitted. Possibly, we can have our fire chief address this issue at a future meeting.

13. **Adjournment:** The City Council meeting adjourned at 7:18 pm.