

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

CITY COUNCIL MINUTES

May 6, 2013

1. **Call to Order:** 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 Mike Haggard, Amy Lazere, Tim Brown and Chris McClish. Also present were City Attorney Scott Lepak (Barna, Guzy & Steffen), Police Chief Jeff Harapat, Fire Chief Dean Kapler, Public Works Director Paul Teicher, Finance Director Darcy Mulvihill, City Administrator Matt Hysten and City Clerk Barb Held.
3. **Adopt Agenda:** MOTION BY LAZERE SECOND HAGGARD TO ADOPT THE MAY 6, 2013 CITY COUNCIL AGENDA. Motion carried 5-0.
4. **Consent Agenda:** MOTION BY BROWN SECOND BROWN TO APPROVE THE MAY 6, 2013, CITY COUNCIL CONSENT AGENDA AS A-I AS FOLLOWS:
  - a. Approve the City Council Minutes of April 15, 2013.
  - b. Receive and File Charter Commission Minutes-January 24, 2013
  - c. Approve the V3 Triathlon- June 29, 2013 (Biking portion comes through St. Francis)
  - d. Approve the St. Francis Lions 3.2 Permit for Pioneer Days at Community Park and Fire Station-June 8 & 9.
  - e. Approve the Contract Extension for Interim Fire Chief Dean Kapler.
  - f. Approve the Contract with the City of Elk River for back up Building Inspection Service.
  - g. Approve Pay Request # 16 from Amcon Construction Management for \$12,500 to Overhead Door of the Northland \$1,000; St. Cloud Refrigeration \$5,500; Electrical Solutions Inc. \$2,000; and Brothers Fire Protection \$4,000.
  - h. Approve the Bobcat Guaranteed Buyback Program
  - i. Approve the Payment of Claims for \$189,811.69 (Check #'s 65503-65582)Motion carried 5-0.
5. **Meeting Open to the Public:** None.
6. **Petitions, Requests, Applications:**
  - a. **DNR Land Acquisition: 40 Acres east of the Carl Bonnell WMA:** Mr. Tim Marion, Area Wildlife Supervisor of Anoka County with the MN Department of Natural Resources addressed the City Council on the purchase option the State DNR has on a 40 acre parcel within the City limits. This 40-acre parcel is adjacent to the Carl Bonnell WMA in St. Francis right off Ambassador Blvd, Section 27, Township 34N, Range 25W. The DNR is asking for approval of the proposed land acquisition from the City tonight, if I get approval tonight, we still need to get two more approvals. MOTION BY BROWN SECOND LAZERE TO APPROVE THE PROPOSED LAND ACQUISITION AS PRESENTED BY THE DNR. Motion carried 5-0.

b. **Abdo, Eick & Meyers: 2012 Annual Audit Review:** Andy Berg of Abdo, Eick & Meyers gave an overview of the 2012 Annual Audit/Financial Statement management letter. MOTION BY LAZERE SECOND HAGGARD ACCEPTING THE 2012 AUDIT/FINANCIAL REPORT. Motion carried 5-0.

c. **Meridian Behavioral Health Applications: Ordinance 184, Second Series (First Reading) ; Resolutions 2013-10, 2013-11& 2013-12:** Meridian Behavioral Health is seeking consideration to place a treatment center on Outlot A of the Meadows of St. Francis. This outlot was originally approved as the second phase of the Meadows of St. Francis development. In order to accommodate this proposal, the site needs to be replatted from the townhome configuration. The site is currently zoned R-3, Medium Density Residential and guided for a High Density Residential Land Use. Treatment centers are allowed as a Conditional Use in the R-4, High Density Residential District. Therefore, the application requires a rezoning and a CUP in addition to the plat. Meridian Behavioral Health is seeking to establish a 48-bed substance abuse treatment center on an 8-acre site located west of 229<sup>th</sup> Avenue and Cree Street. MOTION BY BROWN SECOND McCLISH TO APPROVE THE FIRST READING OF ORDINANCE 184, SECOND SERIES AN ORDINANCE AMENDING THE OFFICIAL CITY OF ST. FRANCIS ZONING MAP TO REZONE OUTLOT A, MEADOWS OF ST. FRANCIS. Roll Call: Ayes: LAZERE, BROWN, HAGGARD, McCLISH AND TVEIT. Nays: NONE Motion carried 5-0.

MOTION BY LAZERE SECOND McCLISH TO ADOPT RESOLUTION 2013-10 A RESOLUTION ADOPTING FINDINGS OF FACT FOR A REZONING OF OUTLOT A, MEADOWS OF ST FRANCIS. Motion carried 5-0.

MOTION BY BROWN SECOND LAZERE TO ADOPT RESOLUTION 2013-11 A RESOLUTION APPROVING A PRELIMINARY PLAT FOR MERIDIAN BEHAVIORAL HEALTH ON OUTLOT A, MEADOWS OF ST. FRANCIS. Motion carried 5-0.

MOTION BY McCLISH SECOND LAZERE TO ADOPT RESOLUTION 2013-12 APPROVING A CONDITIONAL USE PERMIT & SITE PLAN FOR MERIDIAN BEHAVIORAL HEALTH ON OUTLOTS A, MEADOWS OF ST FRANCIS. Motion carried 5-0.

d. **Jones Lot Line Adjustment with Variance: 23725 Nacre Street NW: Resolution 2013-13:** MOTION BY BROWN SECOND McCLISH TO ADOPT RESOLUTION 2013-13 A RESOLUTION APPROVING A LOT LINE ADJUSTMENT WITH A VARIANCE FOR A PROPERTY DIVISION AT 23725 NACRE STREET NW. Motion carried 5-0.

7. **Ordinances & Resolution:**

a. **Ordinance 182, Second Series: Amending Section 8-2-2 and adding Section 8-2-6 of the St. Francis City Code Regarding Nuisance & Abatement (Second Reading):** MOTION BY McCLISH SECOND BROWN APPROVING THE SECOND READING OF ORDINANCE 182, SECOND SERIES AMENDING SECTION 8-2-2 AND ADDING SECTION 8-2-6 OF THE ST. FRANCIS CITY CODE REGARDING NUISANCE AND ABATEMENT. Haggard asked do we regulate under Roberts Rule of Order. Tveit said yes. Haggard referenced a section of the Roberts Rule of Order and stated this ordinance should not have been brought back before the council. Lepak said it does not invalidate the order. Lepak said I recollected Mr. Mayor, you were not at the meeting and you are the one that asked for it to

be put back to the agenda. Tveit said that is correct. Roll Call: Ayes: LAZERE, BROWN, McCLISH, AND TVEIT Nays: HAGGARD Motion carried 4-1.

**b. Resolution 2013-14: Authorizing the Summary Publication of Ordinance 182, Second Series:** MOTION BY BROWN SECOND McCLISH ADOPTING RESOLUTION 2013-14 A RESOLUTION AUTHORIZING SUMMARY PUBLICATION OF ORDINANCE 182, SECOND SERIES AMENDING THE CITY CODE REGARDING NUISANCES AND ABATEMENT. Motion carried 4-1. Haggard voting nay.

**c. Ordinance 185, Second Series: Amending the St. Francis Zoning Ordinance Section 10-8 Regarding Variance Review Criteria (First Reading):** Planner Nate Sparks stated in 2011, the legislature amended the variance language in Minn. Stat. 462.357 to restore local authority to issue variances. This statutory change was a response to a 2010 court opinion that had significantly limited a City's ability to issue variances. The City is amending our current code to be consistent with MN State Statues. MOTION BY LAZERE SECOND McCLISH TO APPROVE THE FIRST READING OF ORDINANCE 185, SECOND SERIES AMENDING THE ST FRANCIS ZONING ORDINANCE SECTION 10-8 REGARDING VARIANCE REVIEW CRITERIA. Roll Call: Ayes: McCLISH, BROWN, HAGGARD, LAZERE, AND TVEIT. Nays: None. Motion carried 5-0.

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

**a. Engineer: Wastewater Treatment Facility Plan:** Public Works Director Paul Teicher will answer any questions in the engineers absence. MOTION BY TVEIT SECOND McCLISH AUTHORIZING PREPARATION OF A FACILITY PLAN. Haggard asked what is the growth that is coming that we need this now to spend twenty million dollars. Tveit said it also has to do with load level the Rapids Infiltration Basins can handle. We are near the limits. It was brought up at the workshop earlier this year. Businesses do not always have the same type of use as a regular home. Just like the Meridian Behavioral Health Center that we approved tonight is a 46-bed facility. We wanted growth and you need to be prepared. Haggard asked has anybody looked into hooking into Oak Grove. Tveit said by the time this plan is done and the plant is upgraded it could take five to seven years. Haggard stated we need to find the cheapest way to do this. Tveit said years ago we told Met Council no to hooking up to their system. Brown said we do have to plan ahead. Teicher read from the engineer's memorandum. It stated, "There are a number of treatment scenarios which must be evaluated as part of the facility planning process and it is imperative that every reasonable solution be evaluated. As a result of the uncertainty associated with the number of treatment options and the level of effort require for a thorough analysis of each option, the cost associated with completing the Facility Plan has been estimated between \$75,000 and \$100,000." Teicher stated every option will be looked at. Brown said when Met Council came up here a number of years ago they wanted to dictate how we were to grow. I think that is why we did not go with them. Motion carried 5-0.

**Eminent Domain:** No report.

**Kerry Street & 232<sup>nd</sup>: Street Condition:** The engineer's memorandum did not make it into the council packet. Tveit asked if we could wait for the next City Council meeting to discuss this. Consensus was to wait for the next meeting.

- b. Attorney:**
- c. Staff:**

**Fire Dept.:**

**Public Works:**

**Liquor Store:**

**Police Dept.:**

**City Administrator: Discussion on the Lot South of the Post Office off Woodbine Street:** Staff did find out that lot was previously declared surplus by the city council. I have learned that the owners of the post office parcel are interested in the lot. I did not have a chance to talk to legal about the process of selling this lot.

**COPS Fast Grant:** The City has submitted this grant without success the last three years but would like to apply again. With this grant, we could potentially increase the number of officers by one. Staff is asking for council authorization allow the police department to apply for an officer grant. The City would pay 25% of a police officer's salary for three years. After the three years, we would keep this officer on. Haggard said he can't make a decision on it tonight. How much overtime do we pay out, I would like to see some numbers. I am not here just to spend money. Brown asked didn't we have a report some years ago that showed us we were short staff back then. Majority of the council would like to see this on the next agenda.

**Recycling Days:** McClish asked how the Recycling Days went. Moving it to the new facility was well received. The weather was bad but still took in a lot of material.

9. **Reports from Council Members:** Brown stated the one thing in our audit review that we need to keep in mind during budget time is that we were short in our water fund.

10. **Report from Mayor:** Last week as I was driving down Hwy 47 I stopped for a pedestrian in the crosswalk. A car next to me sped up to try to beat it through the intersection before the pedestrian crossed. Tveit asked if we could have more patrol in the area.

I attended the Charter Commission and there were a lot of good ideas discussed. The changes will be presented at a future meeting.

11. **Old Business:** None.

12. **New Business:** Haggard asked under the nuisance laws and ordinances our building inspector is not supposed to be snooping around on other people's property. Tveit said I don't know the specific details. Tveit said we will check into that.

13. **Adjournment:** The Regular City Council meeting adjourned at 7:06 pm.