

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

CITY COUNCIL MINUTES

December 2, 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), City Planner Nate Sparks (Northwest Associated Consultants), Police Chief Jeff Harapat, Police Sergeant Jake Rehling, 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 DECEMBER 2, 2013 CITY COUNCIL AGENDA. Motion carried 5-0.
4. **Consent Agenda:** MOTION BY BROWN SECOND McCLISH TO APPROVE THE DECEMBER 2, 2013, CITY COUNCIL CONSENT AGENDA AS A –H AS FOLLOWS:
 - a. Approve the City Council Minutes of November 18, 2013.
 - b. Receive and file the URRWMO Minutes: September 10, 2013 and Unapproved November 12, 2013.
 - c. Approve the Streets, Parks & Recycling Maintenance Worker Job Description
 - d. Appoint Tom Koep to the full time Streets, Parks & Recycling Maintenance Worker position at Grade 7 Step 1
 - e. Approve Pay Estimate No. 3 to Concrete Idea Inc. of St. Michael for the T.H. 47 Pedestrian Improvements for \$4,087.44.
 - f. Adopt the St. Francis Water Supply Plan submitted to the MN DNR in June 2013 and authorize the Public Works Director to execute the certification of adoption and forward on to the MN Department of Natural Resources.
 - g. Authorize the Police Department to order a 2014 Police Squad out of the 2014 Budget with delivery in 2014.
 - h. Payment of Claims \$ 118,729.22 (Check #66526 -66574)Motion carried 5-0.
5. **Meeting Open to the Public:** None.
6. **Petitions, Requests, Applications:**
 - a. **Charter Commission Public Hearing on recommended Amendments:** Malcolm Beck, Chair of the Charter Commission briefly explained the three different amendments. The Charter Commission met and approved the following items to be recommended to the City Council:
 1. To amend the charter to adopt the write-in language as proposed and to present the proposed changes to the City Council for approval.

2. To amend the charter to increase the term of the Mayor to four (4) years as proposed, to present the proposed changes to the City Council for approval and, if council does not approve, to submit as a question at the next general election.
3. To amend the charter to adopt the primary language as proposed, to present the proposed changes to the City Council for approval and, if council does not approve, to submit as a question at the next general election.

The second two amendments recommendations have been discussed for a number of years. The Charter Commission requests that each item be considered separately by the Council. In order for the amendments to be approved they will need an unanimous vote.

Mayor Tveit opened the public hearing on the Charter Amendments at 6:07 pm. Tveit asked for public input, with no comments from the public, Tveit closed the public hearing at 6:07 pm.

Motion by McClish second Haggard to amend **Chapter 5: Subdivision 2. Filing and Nomination.** Not more than eighty-four (84) nor less than seventy (70) days weeks before the date of the election, an individual who is eligible and desires to have his name placed on the official ballot as a candidate for an office to be voted for at the election shall file his affidavit of candidacy with the City Clerk. The City Clerk shall also accept an application signed by not less than five (5) voters and filed on behalf of an eligible person whom they desire to be a candidate, if service of a copy of the application has been made on the candidate and proof of service is endorsed on the application being filed. A write-in candidate who wants their write-in votes to be counted in the general election must file a written request with the city clerk no later than seven (7) days before the general election. All write-in votes for candidates who have not filed a written request to have these votes counted shall be treated collectively as votes for a single nonqualified candidate referenced as “other”. Upon receipt of a filing fee in the amount of five dollars (\$5.00) the City Clerk shall place the name of the candidate on the official ballot without partisan designation. Motion carried 5-0.

2. Motion by Lazere second Brown to amend **Chapter 2: Section 2.02 The Council - Composition, Qualification and Terms.** The elective officers of the City shall be a Mayor and four (4) Council persons who, together, shall compose the council. All members of the Council shall be elected at - large by and from the electors of the City. All elective officers shall take office and qualify at the time of the first regular Council meeting in the Month of January next following their election, and shall hold office until their successors have been elected and have qualified. The term of office of Mayor shall be two (2) years until the term beginning on January 5, 2015 and in subsequent terms when the term of office of Mayor shall be four (4) years. ~~and~~ the term of office of each Council person shall be four (4) years. The Council shall be the judge, as to qualification only, of the election of the Mayor and Council persons. (Reference Section 5.01).

Haggard felt it should be left up to the people to decide how long the term should be. Tveit said it would not affect my current term. Motion failed 4-1. Haggard voting nay. Motion failed.

3. Motion by McClish second Lazere to amend **Chapter 5: Subdivision 2.** Filing and Nomination. Not more than eighty-four (84) nor less than seventy (70) days weeks before the date of the primary election, an individual who is eligible and desires to have his name placed on the official ballot as a candidate for an office to be voted for at the primary election or general election, depending upon the number of candidates that actually file for each office, shall file his affidavit of candidacy with the City Clerk. The City Clerk shall also accept an application signed by not less than five (5) voters and filed on behalf of an eligible person whom they desire to be a candidate, if service of a copy of the application has been made on the candidate and proof of service is endorsed on the application being filed. Upon receipt of a filing fee in the amount of five dollars (\$5.00) the City Clerk shall place the name of the candidate on the official ballot without partisan designation.

Subdivision 3. Notice. At least two (2) weeks before the first day to file affidavits or applications of candidacy, and at least two (2) weeks prior to each primary election, general election, and special election, the City Clerk shall publish and post in the Clerk's office a notice thereof.

Subdivision 7. Primary Election. There will be no primary election. Effective for the 2014 elections and thereafter, primary elections shall be held on the same date as prescribed by the Minnesota Statutes, which establishes the statewide primary election date. The primary election shall be for the selection of two nominees for each elective office at the regular municipal election, unless two nominees or fewer file for each elective office. In the event two nominees or fewer file for an elective office, the names of such nominees shall be placed on the municipal general election ballot as the nominee for that office and no primary election shall be held for such elective office.

Motion carried 5-0.

In the Charter Commission discussion they agree if any of the amendments did not pass they would be automatically put on the next ballot.

b. Norma Jones, 23008 spring Hill Road: Preliminary & Final Plat – Resolution 2013-40: The applicant, Norma Jones is proposing to divide one parcel off of the existing parcel that is about 60 acres in size. The parcel consists of roughly a southern 40-acre piece and a northern 20-acre piece. The applicant is seeking to split 20 acres off from the property to convey to another party. The applicant provided a wetland delineation, soils information, and a proposed house location that all meet City Code and Engineering requirements. Both proposed parcels exceed the 10-acre minimum in the A2 Zoning District. The Planning Commission held a public hearing and recommended approval with four conditions that are noted in Resolution 2013-40. MOTION BY LAZERE SECOND BROWN TO ADOPT RESOLUTION 2013-40 A RESOLUTION

APPROVING THE PRELIMINARY AND FINAL PLAT OF THE JONES ADDITION.
Motion carried 5-0.

c. **2014 Budget Discussion:** City Finance Director, Darcy Mulvihill stated each year the city has to hold a public meeting allowing for public input. On September 3, 2013 the City Council set a maximum levy of \$2,988,086 which represents a 0% increase in the levy. The General Fund budget is balanced at \$4,125,329 on the revenue and expenditure sides. Mulvihill gave a power presentation on the proposed 2014 Budget. Mayor Tveit opened up for public input at 6:27 pm. Ken Koch, 24011 Fillmore Street Ne, Bethel. Koch stated he owns vacant property along Ambassador Blvd. There is a 111 and 40-acre parcel. I would like to have the assessed value be re-addressed. Tveit stated staff will give you the contact name and number for the Anoka County Assessor's office. This is where your matter should be addressed this discussion strictly deals with the budget. Mayor Tveit closed the public input at 6:32 pm. No further action at this time.

7. **Ordinances & Resolution:**

a. **Ordinance 186, Second Series –Amending Section 8-7-3 Entitled “Disposal of Excess Property” (1st Reading):** MOTION BY BROWN SECOND McCLISH TO APPROVE THE FIRST READING OF ORDINANCE 186, SECOND SERIES AMENDING SECTION 8-7-3 ENTITLED “DISPOSAL OF EXCESS PROPERTY”. Roll Call: Ayes: Lazere, Haggard, Brown, McClish, and Tveit. Nays: None. Motion carried 5-0.

b. **Ordinance 187, Second Series - Amending Section 2-9-1 Regarding the Fee Schedule 2014 (1st Reading):** MOTION BY LAZERE SECOND BROWN TO APPROVE THE FIRST READING OF ORDINANCE 187, SECOND SERIES AMENDING SECTION 2-9-1 REGARDING THE 2014 FEE SCHEDULE, Roll Call: Ayes: McClish, Brown, Haggard, Lazere, and Tveit. Nays: None. Motion carried 5-0.

c. **Ordinance 188, Second Series – Amending Section 4-2 Entitled “Rental Housing Licensing” (1st Reading):** MOTION BY McCLISH SECOND LAZERE TO APPROVE THE FIRST READING OF ORDINANCE 188, SECOND SERIES AMENDING SECTION 4-2 ENTITLED “RENTAL HOUSING LICENSING”. Roll Call: Ayes: Brown, McClish, Lazere, and Tveit. Nays: Haggard Motion carried 4-1.

d. **Ordinance 189, Second Series – Amending Section 10-20-2-D Regarding District Standards for Fences (1st Reading):** MOTION BY BROWN SECOND LAZERE TO APPROVE THE FIRST READING OF ORDINANCE 189, SECOND SERIES AMENDING SECTION 10-20-2-d REGARDING DISTRICT STANDARDS FOR FENCES. Roll Call: Ayes: Lazere, Brown, Haggard, McClish, and Tveit. Nays: None. Motion carried 5-0.

e. **Ordinance 190, Second Series – Amending Sections 10-16-15 and 8-2-6 Regarding Property Access and Parking in Residential Areas (1st Reading):** MOTION BY McCLISH SECOND LAZERE TO APPROVE THE FIRST READING OF ORDINANCE 190, SECOND SERIES AMENDING SECTION 10-16-15 AND 8-2-6 REGARDING PROPERTY ACCESS AND PARKING IN RESIDENTIAL AREAS. Roll Call: Ayes: McClish, Brown, Lazere, and Tveit. Nays: Haggard. Motion carried 4-1.

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

a. **Engineer:**

b. **Attorney:**

c. **Staff:**

Building Official:

Fire Dept.:

Public Works: Sanitary Sewer Televising/Asset Evaluation: Public Works is requesting to retain RedZone Robotics to perform professional services involving a comprehensive survey and condition analysis of the City of St Francis's approximately 22 miles of sanitary sewer and 522 manholes. The consultant's robotic pipe surveying equipment utilizes closed circuit TV (CCTV), laser-scanning, and sonar to obtain pipe condition data both above and below the water line. RedZone is the only company (to Staff's knowledge) that can provide this combination of inspection equipment to give a complete condition assessment, regardless of sewer flow and bottom siltation. Along with the inspection to be performed by three different types of robots, the consultant will review the data for every pipe segment and manhole and categorize its condition using a standardized rating system. All of this information and data will integrate into RedZone's ICOM3 software. This is a GIS-based software that will combine with our GIS to provide an asset management tool for all of the public sanitary sewer in the City of St Francis. This will be a powerful tool for capital improvement planning and record keeping. MOTION BY TVEIT SECOND McCLISH TO ENTER INTO A CONTRACT WITH REDZONE ROBOTICS FOR \$43,000 FOR FIVE YEARS PENDING REVIEW OF THE CONTRACT BY THE CITY ATTORNEY. Motion carried 5-0.

Liquor Store:

Police Dept.:

City Administrator: Hysten reported he attended an Economic Development meeting with Anoka County. The buzzword at the meeting was to have sites certified shovel ready. We have some sites but they are not certified shovel ready. There are some cost to getting the sites ready but will keep council informed.

Just today, we received a resignation from part time Public Works worker Aaron Schroeder. Aaron will be furthering his education. The City Council can act on this resignation tonight or we will add it to the consent agenda in two weeks. Tveit asked to add it to the consent agenda at their next city council meeting.

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

10. **Report from Mayor:** The information requested from the council retreat facilitator was hand delivered to him today.

Mayor's Snowmobile Trial Ride will be held on February 1, 2014. This includes the mayors of St. Francis, Oak Grove, Ramsey, Nowthen and Andover. The mayors are donating their share of the proceeds to a charity in their city. I would like to donate again this year's money to the St. Francis Ambassador's Program.

11. **Old Business:** None.

12. **New Business:** The City Attorney raised the issue of whether Council Member Haggard met the statutory and charter requirement that he be an inhabitant of the City of St. Francis. The City Attorney asked the Police Chief to provide the Council with information related to where Council Member Haggard resides that the Police Chief received in the course of looking into a report to the department. The Police Chief reported that he determined that Council Member Haggard lived in Zimmerman and that the St. Francis address provided by Council Member Haggard was a location where the owner indicated that Council Member Haggard had spent only about three nights in three months. The Mayor indicated his experience in not being able to locate Council Member Haggard's residence in order to deliver City documents to him personally. Council Member Haggard disputed the assertions and determination of the Police Chief and stated that it was his intent to resign from the Council at some point because he was moving from the City. Following further dialog, Council Member Haggard provided the Council with a written resignation. MOTION TVEIT BY SECOND LAZERE TO ADOPT RESOLUTION 2013-41 DECLARING A VACANCY DUE TO COUNCIL MEMBER HAGGARDS RESIGNATION. Motion carried 4-0.
The Mayor asked the City Clerk to send Council Member Haggard the customary thank you notification.

13. **Adjournment:** The Regular City Council meeting adjourned at 7:11 pm.

Barbara I. Held, City Clerk