

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

CITY COUNCIL MINUTES

JULY 16, 2012

1. **Call to Order/Pledge of Allegiance:** The regular City Council Meeting was called to order by Mayor Jerry Tveit at 6:00 p m.
2. **Roll Call:** Present were Mayor Jerry Tveit, Council members Jeff Sandoval, Tim Brown Steve Kane and Chris McClish. Also present were Also present were City Attorney Scott Lepak (Barna, Guzy and Steffen, Ltd) ,City Engineer Jared Voge (Bolton & Menk, Inc.), Police Chief Jeff Harapat, Public Works Director Paul Teicher, Finance Director Darcy Mulvihill, Building Official Andy Schreder, City Administrator Matt Hysten and City Clerk Barb.
3. **Adopt Agenda:** MOTION BY SANDOVAL SECOND McCLISH TO ADOPT THE JULY 16, 2012 CITY COUNCIL AGENDA AS AMENDED. Add 8c. Building Official Report and Public Works Director would like to talk about boulevard trees. Motion carried 5-0.
4. **Consent Agenda:** MOTION BY BROWN SECOND KANE TO APPROVE THE JULY 16, 2012, CITY COUNCIL CONSENT AGENDA A-E AS FOLLOWS:
 - a. Approve the City Council Minutes of July 2, 2012.
 - b. Hire Jeremy Shook as a Full Time Public Works Employee.
 - c. Acknowledge the Application for Exempt Permit with no waiting period for MN Waterfowl Cedar Creek Chapter at St. Francis American Legion on September 13, 2012.
 - d. Hire Nicole Peterson as a Part Time Liquor Store Clerk.
 - e. Approve the Payment of Claims for \$430,880.18 (Check Numbers 63941-64011).Motion carried 5-0.
5. **Meeting Open to the Public:** Walter Loeffler, 23245 Navajo Street NW like to address the Council on Ordinance 170. I do not think the City should have any say if we have our own well when we water our grass.

Scott Packer, 23266 Navajo St. also feels Ordinance 170 is unfair. I don't think that I should to follow the City watering ban when I have my own well and own resources.

6. **Petitions, Requests, Applications:**
 - a. **4020-233rd Avenue: Hearing on Determination of Public Health and Safety Hazard:** This property of subject also known as the "Old" Food-N-Fuel property has been a blighted property in St. Francis for nine years. Due to the neglected state of the four underground fuel storage tanks located on the property, a present health and safety hazard exists in the form of potential groundwater contamination, contaminated soil and soil vapor. Administrative Intern, Chris Mickelson provided an agenda report outlining the background of this property site. Tonight is the hearing for the owners to be able to address the City Council

regarding this topic. The action tonight is only with the tanks. Staff has been in contact with Minnesota Pollution Control regarding them. The budget impact is a concern unless MDW Equity, LLC pays for the removal and clean-up of the underground storage tanks. However, if MDW Equity, LLC fails to act, the City would pay for the costs incurred and bill MDW Equity, LLC. Two estimates were obtained for the clean-up. If MDW Equity, LLC fails to reimburse the City within 90 days for all costs incurred, charges may be certified to the County and collected as a special assessment. The order gives them ten days to make a change with the tanks. They did contact staff; however, they were not present. The City does have to follow the proper procedures and guidelines. Brown asked could there be a property lien put on the property instead of a special assessment. Kane asked if the canopy would also be taken down. Hylen said I believe it will need to come down when the tanks are moved. Mayor Tveit opened the hearing 6:17 pm for public comment. No additional input was given by the public and/or property owner. Mayor Tveit closed the hearing at 6:18 pm. MOTION BY SANDOVAL SECOND BROWN TO DECLARE 4020-233rd AVENUE A HAZARDOUS PROPERTY AND ORDER MDW EQUITY, LLC TO REMOVE THE FOUR UNDERGROUND FUEL STORAGE TANKS LOCATED ON THE PROPERTY. Motion carried 5-0. Staff will notify the property owner.

b. **Comp Plan Amendment for 230th & Ivywood – Resolution 2012-22:** MOTION BY KANE SECOND SANDOVAL APPROVING A COMPREHENSIVE PLAN AMENDMENT FOR 23031 IVYWOOD STREET TO CHANGE THE LAND USE DESIGNATION FROM PARK TO SINGLE FAMILY RESIDENTIAL. Sandoval wants it noted this parcel was zoned residential before the City received it. Motion carried 5-0.

7. **Ordinances & Resolution:**

a. **Ord. 170, Second Series: Amending Chapter 3 of the City Code Regarding Municipal Utilities (2nd Reading):** Failed for the lack of a motion.

b. **Resolution 2012-23: Approving the Summary Publication of Ordinance 170, Second Series Amending Chapter 3 of the City Code Regarding Municipal Utilities:** Due to the fact Ordinance 170, Second Series did not pass for the lack of a motion, there is no need to publish the summary.

c. **Ord. 171, Second Series: Amending Section 10-20-4 Regarding Required Landscaping (First Reading):** MOTION BY KANE SECOND SANDOVAL APPROVING THE FIRST READING OF ORDINANCE 171, SECOND SERIES MENDING SECTION 10-20-4 REGARDING REQUIRED LANDSCAPING. Sandoval said I think this follows what other cities have. Tveit do not totally agree with the requirement of planting certain trees and the requirement of a one-year warranty. I do not totally disagree with the ordinance but think it is a little intrusive. Sandoval stated most businesses guarantees trees for a year. Tveit stated I just don't think the City should dictate the types of trees that needs to be planted. I do think the landscape should be required. Brown said if you leave it up to the developer or landowner, they probably will put in the cheapest trees and you will see the results in twenty years. Roll Call: Ayes: McClish, Kane, Sandoval and Brown. Nays: Tveit. Motion carried 4-1.

d. **Ord. 172, Second Series: Amending Sign Ordinance Regarding Sandwich Board Signs (First Reading):** MOTION BY SANDOVAL SECOND McCLISH APPROVING THE FIRST READING OF ORDINANCE 172, SECOND SERIES AMENDING SIGN ORDINANCE REQGARDING SANDWICH BOARD SIGNS. Sandoval said I think some businesses are confusing sandwich boards with their regular signage. There seemed to be some confusion with our current ordinance on sandwich board so that is why this amendment is before

us for clarification. Roll Call: Ayes: Sandoval, Brown, Kane, McClish and Tveit. Nays: none. Motion carried 5-0.

e. **Resolution 2012-24: Approving the Transfer from General Fund to EDA Lease Purchase Revenue Bonds Debt Service:** MOTION BY KANE SECOND McCLISH ADOPTING RESOLUTION 2012-24 A RESOLUTION APPROVING THE TRANSFER FROM GENERAL FUND TO EDA LEASE PURCHASE REVENUE BONDS DEBT SERVICE. Motion carried 5-0.

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

a. **Engineer: Hwy 47 & Pederson Drive Pedestrian Flashing Signage Update:** City Engineer Jared Voge showed a brief power point presentation on the flashing pedestrian signage for Hwy47 and Pederson Drive intersection. We have been pursuing a new type of flashing system along with MnDOT. There will not be a signal light at this intersection at this time. At the August 6, 2012 City Council meeting plans should be available for the City Council to act on. This is a new type of signage and will be the first in the State. Brown asked the timeframe. Voge stated it is unlikely it will be completed before school starts. Kane asked where is the funding coming from. Hylan said we did find out that MnDOT does not have any funding available. The City and School district will split the cost.

Building Official Report: Building Official Andy Schreder gave a report and an update on building construction and permits. To date we have issued 231 permits with four being new single-family homes. Over 200 inspections have been completed since the beginning of the year. Currently we are working with the City of Nowthen in regards to building inspections. I work there Tuesdays and Thursday.

b. **Attorney: Closed Meeting to Discuss Labor Negotiations Pursuant to MN Statute 13D.03:** MOTION BY SANDOVAL SECOND KANE TO GO INTO A CLOSED SESSION AT 6:43 PM TO DISCUSS LABOR NEGOTIATIONS STRATEGY PURSUANT TO MN STATUTED 13D.03. The City Council was back in session at 6:46 pm. Lepak stated no action is required.

c. **Staff:**

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Fire Department:

Public Works: Boulevard Trees: One item that we are looking at this and next year is boulevard trees regulations. Staff is working on a policy and procedures for current and future boulevard trees. Two extremes are the homeowners are responsible for the trees and the other is trees are not even allowed in the boulevard.

Liquor Store:

Police Dept: Regional Crime Analysis Diagram: Police Chief Jeff Harapat provided the City Council with diagrams the Lino Lakes Police Department gathered on Crime Density in Anoka County. Interesting diagram because you can see the trend moving north. Things are going good. I am not just speaking for myself but we have not been budgeting for needs. A couple years ago, when we went out for a COPS Grant, the council said go for two. We did not receive the grant but the need is still there for an officer. Our office staff also cannot keep up with the current workload. Currently we have two liaison officers. The quickest way we can get another officer on the street is to eliminate one of the liaison positions at the school. Sandoval,

Kane and Brown all agreed they would support keeping the officer if the school agreed to go with one liaison. McClish totally agreed that we need more officers on the street.

City Administrator Report: Budget Discussion: Hylen said I will use a quote from Chief Harapat “we have not budgeted for our needs”. Hylen stated I believe we have been very careful with our budgets. Each department could use and need additional man power. We are currently looking at a budget shortfall of about \$300,000 for 2013 at the preliminary stage of our budget process. We together need to balance our budget. As a management team, we are currently working on possibilities. What are our true needs? At the August 6, 2012 City Council meeting we will have a public hearing on the Capital Improvement Plan. We will not present a budget that is \$300,000 over. This is going to be even tougher than last year. Currently we have an education reimbursement plan in our City’s Policy. Unfortunately, this has become a financial burden to us. I love the program but I cannot tell you how we are going to pay current and future tuition reimbursements. If you would like to have a financial budget workshop please let me know. We need to know direction on a levy and whether or not you are looking at an increase.

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

10. **Report from Mayor:** We have been talking a lot about different cuts over the last number of years. It is up to us to be good stewards of our taxpayers money.

a. **Council Attendance Discussion:** A couple weeks ago, we did not have a quorum and it was quite embarrassing. Some options were to censure or even hold back pay but I don’t really want to go that way. I really want to encourage our council to make it to the meeting and understand things do come up. We wanted this job so we need to make it a priority.

11. **Old Business:** Brown said in regards Ordinance 170, which failed for a lack of a motion. Mayor you seemed to be pretty quick stating it failed for the lack of a motion. Brown said let’s set a budget meeting. After general discussion, August 5, 2012 was set as a budget workshop at 1:00 pm at City Hall.

Brown stated in regards to attendance, we do have to watch it closer and give as much notice as possible.

12. **New Business:** Kane stated he has been approached by some people to look at changing our gambling ordinance and requiring the organizations to donate 10% back to the City. The revenue could help parks and possibly Pioneer Days. Tveit said I have been approached too. Is this is something the City should look at. Not opposed to it but not really in favor of requirement of a set percentage. In regards to our ordinance, Kane asked is anyone opposed to requiring the outside gambling organization a portion of their profits. The council agreed to look at the current gambling ordinance. Kane said maybe let’s see what other communities are do.

13. **Adjournment:** The City Council adjourned the meeting at 7: 40 pm.