

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

CITY COUNCIL MINUTES

AUGUST 6, 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, City Administrator Matt Hysten and City Clerk Barb Held.
3. **Adopt Agenda:** MOTION BY SANDOVAL SECOND KANE TO ADOPT THE AUGUST 6, 2012 CITY COUNCIL AGENDA. Motion carried 5-0.
4. **Consent Agenda:** MOTION BY BROWN SECOND McCLISH TO APPROVE THE AUGUST 6, 2012, CITY COUNCIL CONSENT AGENDA A-F AS FOLLOWS:
  - a. Approve the City Council Minutes of July 6, 2012.
  - b. Approve the Labor Agreement between the City of St. Francis and Law Enforcement Labor Services, Inc. Representing Police Officers January 1, 2012 – December 31, 2014.
  - c. Approve Pay Estimate No. 8 from Amcon Construction Management for \$664,150 to Gopher State Contractors Inc. \$3,505; SCR, Inc.-St. Cloud, \$173,048; St Cloud, Electrical Solutions, Inc.,\$78,369; Classic Construction, \$48,906; Central Minnesota Fabricating \$14,498; Maxx Steel Erectors, \$4,750; Northland Paving. LLC, \$50,350; M. Reinert Drywall, Inc., \$41,397; Multiple Concepts Interiors, \$1,315; Brothers Fire Protection, \$ 46,446; Alltech Engineering Corp, \$34, 452; Greystone Construction Co., \$103,210; Steinbrecher Painting, \$2,280; Overhead Door of the Northland, \$49,048; Bartley Sales Co, Inc. \$463 and Grazzini Brothers and Company, \$12,113.
  - d. Approve Pay Estimate No. 9 from Amcon Construction Management for \$665,165 to St Cloud, Electrical Solutions, Inc., \$257,450; North Metro Asphalt and Contracting, \$22,625; Classic Construction, \$69,844; Central Minnesota Fabricating, \$11,940; Maxx Steel Erectors, \$4,959; Multiple Concepts Interiors, \$4,620; Overhead Door of the Northland , \$19,009; Greystone Construction Co., \$11,742; Construction Supply Inc., \$9,648; Tiffin Metal Products, \$12,883; St. Cloud Refrigeration, \$\$230,945 and Grazzini Brothers and Co. \$9,500.
  - e. Approve the St. Francis Lions Club 3.2 Permit Application for Oktoberfest, September 15, 2012 in Community Park.
  - f. Approve the Payment of Claims for \$ 1,737,043.26. (ACH 38E and 39E \$82,127.48 and Check Number 64012-64115 )Motion carried 5-0.

5. **Meeting Open to the Public:** Mike Starr, 3215-217<sup>th</sup> Oak Grove introduces himself to the City Council. Mr. Starr is running for State Senate in the New District 31 and looking forward to working with the cities.

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

a. **North American Red Fern Foundation (DBA- Healing Through Horses): 5k Run/Walk Permit Application 9/22/12:** Jane Karpe of Healing Through Horses is asking for a 5k Run/Walk permit for September 22, 2012. The route would be run through City streets. MOTION BY KANE SECOND SANDOVAL APPROVING THE 5K RUN/WALK PERMIT FOR HEALING THROUGH HORSES ON SEPTEMBER 22, 2012. Motion carried 5-0. I will have a Certificate of Insurance with the City of St. Francis being named as a Certificate Holder. Karpe asked about signage and would she be able to put out signs, such as political signs about two weeks before the event and along with signs in individual residents property. Hylen stated please call City Hall and we will get answers to your questions. I still need to talk with the police about what they would like for enforcement at the intersections. Lepak asked for a friendly amendment that the motion include contingent upon the receipt of the Certificate of Liability Insurance with the City of St. Francis named as a Certificate Holder. Kane and Sandoval agreed with the amendment to the motion.

b. **St. Francis Lions Club 5K Run/Walk Permit Application 9/15/12:** MOTION BY SANDOVAL SECOND BROWN APPROVING THE ST FRANCIS LIONS CLUB 5K RUN/WALK FOR SEPTEMBER 15, 2012. Motion carried 5-0. This is the third year of the event.

c. **Anoka County - Karen Skepper: Economic Gardening and Anoka County HRA/EDA Update:** Ms. Skepper, Anoka County's Director of Community and Government Relations introduced a new program being offered that is called Economic Gardening. Economic Gardening represents a new way of thinking about supporting growth companies and letting business owners know how important they are to their local economics. By dedicating \$150,000 or approximately \$10,000 for each of 15 businesses that qualify the county has launched a program in which it is "reaching out to the businesses we never hear from. There are no fees for businesses entering the county-sponsored program. The idea is that the businesses, the county and potential customers all will benefit. The businesses must meet certain criteria to qualify, including having 99 or fewer employees.

**Community Development Programs/HRA/EDA:** Ms. Skepper gave a quick overview of all the different programs Anoka County offers.

d. **Capital Improvement Plan 2013-2017: Public Hearing:** Mayor Tveit opened the Public Hearing at 6:19 pm. Tveit asked if there is anyone in the audience that would like to discuss the 2013-2017 Capital Improvement Plan. There was no public input. Mayor Tveit closed the public hearing at 6:20 pm. MOTION BY KANE SECOND BROWN ADOPTING THE 2013-2017 CAPITAL IMPROVEMENT PLAN. McClish stated I am not sure if the Trunk Hwy 47 Water and Sewer Extension project is feasible for 2013. Kane want to remind everyone that even if there are projects and equipment in the plan, each items still needs to come before the City Council for approval. Motion carried 5-0.

e. **Rum River Regional Trail Master Plan:** Anoka County has updated the proposed Rum River Regional Trail Master Plan corridor through the cities of Anoka, Andover, Ramsey Oak Grove and St. Francis. The trail is approximately 20 miles long and will provide a valuable north/south connection and link many amenities throughout the County. Hylen stated Anoka County is looking for any input. Staff would like the trail along Poppy Street to be interconnected. We would like our trails also match up with the City of Oak Grove. Tveit said the only concern is once the trail is implemented we would need to maintain it. This is a long-term plan because some of these trails would not be put in until construction or reconstruction of a street. Sandoval would like to see the horse trails be also included in some of the northern parks. General consensus of the City Council was they like proposed Rum River regional Trail Master Park Plan.

7. **Ordinances & Resolution:**

a. **Ord. 171, Second Series: Amending Section 10-20-4 Regarding Required Landscaping (Second Reading):** MOTION BY SANDOVAL SECOND McCLISH APPROVING THE SECOND READING OF ORDINANCE 171, SECOND SERIES MENDING SECTION 10-20-4 REGARDING REQUIRED LANDSCAPING. Tveit stated I still believe this is a little restrictive on what type of trees can be planted. I would like to see more personal property rights. Roll Call: Ayes: Sandoval, Brown Kane and McClish. Nays: Tveit.

b. **Ord. 172, Second Series: Amending Sign Ordinance Regarding Sandwich Board Signs (Second Reading):** MOTION BY BROWN SECOND KANE APPROVING THE SECOND READING OF ORDINANCE 172, SECOND SERIES AMENDING SIGN ORDINANCE REGARDING SANDWICH BOARD SIGNS. Roll Call: Ayes: McClish, Kane, Brown, Sandoval, and Tveit. Nays: None.

c. **Ord. 173, Second Series: Adding Section 8-3-5 Keeping of Bees (First Reading):** Sandoval asked do you have to have five acres to have a beehive. Hylen stated as this ordinance is written you would have to have a parcel greater than five acres in size and the enclosures greater than 100 feet from any property line. Tveit said I agree with Sandoval and think five acres might be too much. Tveit asked if five is the norm. Hylen stated I know we did take the wording from another city that had a problem with bees on urban lots. Brown asked what about four acres. Hylen said you might also have issue with PUD's. Hylen stated you can table it tonight, change the language or vote on it as presented. MOTION BY SANDOVAL SECOND McCLISH TABLING THE FIRST READING OF ORDINANCE 173, SECOND SERIES ADDING SECTIN 8-3-5 KEEPING OF BEES. Motion carried 5-0. The Council would like to have staff research the lot size and also look at the requirements with in the Planned Unit Development areas.

d. **Ord. 174, Second Series: Adding Section 2-11 in the City Code “Administrative Enforcement of Code Regulations” (First Reading):** MOTION BY TVEIT SECOND SANDOVAL APPROVING THE FIRST READING OF ORDINANCE 174, SECOND SERIES ADDING SECTION 2-11 ADMINISTRATIVE ENFORCEMENT OF CODE REGULATIONS. McClish asked if 20 days was enough time to clean-up. Hylen explained we do give some leeway if they are showing progress. McClish said well then let's give them 14 days to pay it instead of 10 days. The rest of the Council agreed. Roll Call: Brown, Kane, McClish, Sandoval, and Tveit. Nays: None.

e. **Resolution 2012-25: Approving the Extension to the Filing Deadline for a Minor Subdivision for a Property Division at 23725 Nacre Street NW:** MOTION BY SANDOVAL SECOND KANE ADOPTING RESOLUTION 2012-25 A RESOLUTION APPROVING THE EXTENSION TO THE FILING DEADLINE FOR A MINOR SUBDIVISION FOR A PROPERTY DIVISION AT 23725 NACRE STREET NW. Motion carried 5-0.

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

a. **Engineer: Authorization to advertise the TH 47 Pedestrian Improvements**  
**Project-Resolution 2012-26:** Final plans and specifications have been prepared for the Trunk Highway 47 Pedestrian Improvements project. The project consists of the installation of Rectangular Rapid Flashing Beacons (RRFB's) at the intersection of Pederson Drive and TH 47. In addition, concrete pedestrian ramp improvements will also be completed. The proposed improvement will be funded 50 percent by the City of St Francis' General fund and 50 percent by Independent School District 15 per previous City and School District discussions. Tveit asked how long does it take MnDOT to approve the plans. Voge said his experience with MnDOT it can take anywhere from 15 to 45 days. MOTION BY TVEIT SECOND McCLISH ADOPT RESOLUTION 2012-26 A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS. Motion carried 5-0.

b. **Attorney: 1) Discussion of potential amendment of lawful gambling ordinance:** Lepak reported that at the last City Council meeting the council raised the issue of whether the City should amend its existing lawful gambling ordinance to address the use of proceeds up to ten percent. Lepak provide a memorandum on the options. Lepak stated the direction from the council is requested on whether the City regulation of payouts should be focused on any of the three options; 1) The City administered fund; 2) the expenditure requirement within the City and City trade area; and/or 3) up to ten percent expenditure of net profits. In addition, Council direction is requested on the potential tax up to three percent. Lepak said I would need direction from Council in order to bring to you a draft ordinance. The Council preferred the City administrated fund to be included in the ordinance. Kane said he would like it paid monthly.  
**2) 4020-233rd Avenue Property: Order Requiring Removal of Gas Tanks as a Hazardous Property:** Lepak reported this is a continuation from previous meetings. The City has not received any response to the July 17, 2012 letter seeking to have the owners of the "old" Food-n-Fuel remove the gas tanks. Accordingly, the City's next step is to Order the removal of these tanks as part of the Hazardous and Substandard Building law. A proposed order was prepared and will be submitted to the owners of the property along with a letter providing the owner the option to consent to this project without the necessity of a formal court action. MOTION BY SANDOVAL SECOND BROWN ORDERING THE OWNER OF THE PROPERTY LOCATED AT 4020-233<sup>rd</sup> AVENUE NORTHWEST, ST. FRANCIS, MINNESOTA TO CORRECT OR REMOVE THE HAZARDOUS CONDITION BY REMOVAL OF THE GAS TANKS LOCATED ON THE PROPERTY. Motion carried 5-0.

c. **Staff:**

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**Fire Department:**

**Public Works:**

**Liquor Store:**

**Police Dept.:**

**City Administrator Report: Policy on Tuition Reimbursement-Resolution 2012-27:**

Due to fiscal concerns the City will no longer be able to reimburse collegiate tuition reimbursement. Sandoval asked this does not mean training, correct? Hylen stated yes funding for training is still in the budget. MOTION BY SANDOVAL SECOND KANE ADOPTING RESOLUTION 2012-27 A RESOLUTION AMENDING THE CITY'S PERSONNEL POLICY REGARDING COLLEGIATE TUITION REIMBURSEMENT. Motion carried 5-0.

9. **Reports from Council Members:** Kane stated I would be standing in for Councilmember Brown the next Planning Commission meeting. McClish stated the new facility is looking very well, good job on the paint colors. Glad to see the Hwy 47 and Pederson Drive intersection is finally getting some signage.

10. **Report from Mayor:** Tveit said he would like to take a minute to thank my colleagues and staff for taking time to come to the budget meeting yesterday (Sunday). I believe we gave staff direction on ideas of where potentially we can cut. I am confident it will happen.

Just a reminder that tomorrow is Night to Unite at Community Park from 6-8pm. Do not forget about your neighbors.

I was invited to talk to the Boy Scouts last week. It is always great talking to kids.

Yesterday I also attended the General meeting for the Fire departments. I encourage you (council members) to attend one of their meetings. They are held on Sunday nights. Tveit asked staff to make up a schedule and put it at city hall so the city council members can sign up to attend. It would be nice to take turns. I also attended the fire department picnic on Saturday.

11. **Old Business:**

**a. Ord. 170, Second Series: Amending Chapter 3 of the City Code Regarding Municipal Utilities:** Tveit stated this is the ordinance that failed for a lack of a motion previously. There are a lot of good portions in the ordinance. I still do not like the portion regarding sand points. Sandoval said I too agree this is an overall good ordinance. Is there a way to see if the sand points that are out there registered with the State of MN. Tveit said if you regulate the homeowners in the water and sewer area that want a sand point then you should regulate all well owners. Tveit said I don't think the residents should be regulated with when they can water their lawn, if they use a sand point. But I do think the City should regulate who does have wells. Kane asked what about pulling a permit each year for each resident with a sand point. Police have better things to do than decide who has sand points and who do not. Brown stated before long we are going to have all a whole development with sand points. Isn't it just easier to just comply with the odd/even watering ban. Tveit said I am just looking at personnel property rights. I do not think it is the City's business to manage that. The rest of the ordinance seems to be fine. Tveit asked that Staff look at the ordinance language without the private wells portion in it. Kane would like to keep it in. Kane said I believe you have a conflict with this ordinance. MOTION BY McCLISH SECOND KANE APPROVING THE FIRST READING AMENDING THE CHAPTER 3 OF THE CITY CODE REGARDING MUNICIPAL UTILITIES Roll Call: McClish, Kane, Brown Nays: Sandoval and Tveit. Motion did not pass due to the fact an ordinance needs a 4/5 approval in order to pass. Hylen said just a point of

clarification, are there portions of this ordinance that would not offend the council if staff brings it back. Sandoval said I would like it tied up a little tighter with the new sand points. Tveit I would not be opposed to a database that public works come out and document it. Hysten said we will make adjustments and bring this back to the council.

Sandoval asked how are the fire inspections going. Hysten said I will find out and have a report to the Council.

12. **New Business:** None.
13. **Adjournment:** The City Council adjourned the meeting at 7: 23 pm.

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Barbara I. Held, City Clerk