

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

CITY COUNCIL MINUTES

AUGUST 20, 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 City Attorney Scott Lepak (Barna, Guzy and Steffen, Ltd) ,City Engineer Jared Voge (Bolton & Menk, Inc.), Police Chief Jeff Harapat, Fire Chief Dean Kapler, Finance Director Darcy Mulvihill, City Administrator Matt Hylen and City Clerk Barb Held.
3. **Adopt Agenda:** MOTION BY SANDOVAL SECOND BROWN TO ADOPT THE AUGUST 20, 2012 CITY COUNCIL AGENDA. Add Letter from Gary Smith and Jennifer O'Reskie to the agenda under new business. Motion carried 5-0.
4. **Consent Agenda:** MOTION BY KANE SECOND McCLISH TO ADOPT THE AUGUST 20 2012, CITY COUNCIL CONSENT AGENDA A-C AS FOLLOWS:
  - a. Approve the City Council Minutes of August 6, 2012.
  - b. Acknowledge the Receipt of the Fire Inspection Summary 2012
  - c. Approve the Payment of Claims for \$163,091.98. (Check Numbers 64116-64205)Motion carried 5-0.
5. **Meeting Open to the Public:** None.
6. **Petitions, Requests, Applications:**
  - a. **Brian & Angela Lawrence: Ordinance Amendment and Variance Request regarding Accessory Structures:** Brian and Angela Lawrence, 23124 Drake Street NW are before the City Council asking to amend the ordinance on the size of accessory structures. We filled out the application for a variance request on the accessory structure size. However, we did not pay the fee for the application request. First, we wanted to see if it is beneficial for us to apply for a variance request or an ordinance amendment. The Lawrence's would like to put up a larger structure than is allowed by the current City Code. The Lawrence asked if they could be grandfathered in under the old ordinance. When we first moved in and built our house, we would have been able to build it the size of pole building we wanted. It was determined the ordinance changed on the accessory size around 2003. The Lawrence asked what the process would be. City Planner Nate Sparks explained the procedure. Our neighbors have the larger size pole building. The current ordinance allows them a 1,500 square foot building but they would like a 2,400 square foot building. Tveit recommend the Lawrence's work with the planning department.

7. **Ordinances & Resolution:**

a. **Ordinance 170, Second Series: Amending Chapter 3 of the City Code Regarding Municipal Utilities (First Reading):** This ordinance has been before the City Council a number of times. The Mayor asked to have this back on the agenda. The previous concerns with this ordinance amendment dealt with private sand points and whether or not they should follow the odd/even water restrictions. The proposed Section 3-2-6: Water Use Restrictions; A. A person may water, sprinkle, irrigate, or otherwise use water in the Urban Service Area for lawn areas, grass, or turf (hereinafter referred to as “irrigation” or irrigate”) only on alternating days between May 1<sup>st</sup> and continuing until September 30<sup>th</sup> of each year. This prohibition is in effect from 10 am until 7 pm each day during this period. After staff discussion, the proposed language could be amended to read; “...use water from the City Water System” instead of “...use water in the Urban Service Area”, however the enforcement is slightly more difficult. MOTION BY MCCLISH SECOND TVEIT APPROVING THE FIRST READING OF ORDINANCE 170, SERIES AMENDING CHAPTER 3 OF THE CITY CODE REGARDING MUNICIPAL UTILITIES WITH THE CHANGED LANGUAGE. Roll Call: Ayes: Kane, Brown, McClish and Tveit. Nays: None

b. **Ordinance 173, Second Series: Adding Section 8-3-5 Keeping of Bees (First Reading):** This item was brought back as a first reading due to the questions the Council had regarding the acreage requirement. MOTION BY BROWN SECOND KANE APPROVING THE FIRST READING OF ORDINANCE 173, SECOND SERIES ADDING SECTION 8-3-5 KEEPING OF BEES. Roll Call: Brown, Kane, McClish and Tveit. Nays: Sandoval. Motion carried 4-1.

c. **Ordinance 174, Second Series: Adding Section 2-11 in the City Code “Administrative Enforcement of Code Regulations” (Second Reading):** Changes were made since the first reading. They were extending the date of payment from ten (10) days to fourteen (14) days. MOTION BY SANDOVAL SECOND MCCLISH APPROVING THE SECOND READING OF ORDINANCE 174, SECOND SERIES ADDING SECTION 2-11 ADMINISTRATIVE ENFORCEMENT OF CODE REGULATIONS. Roll Call: Ayes: Kane, McClish, Sandoval, Brown and Tveit. Motion carried 5-0.

d. **Resolution 2012-28: Authorizing summary Publication of Ordinance 174, Second Series Adding Section 2-11 to the City Code Regarding the Administrative Enforcement of Code Regulations:** MOTION BY SANDOVAL SECOND KANE ADOPTING RESOLUTION 2012-28 A RESOLUTION AUTHORIZING SUMMARY PUBLICATION OF ORDINANCE 174, SECOND SERIES ADDING SECTION 2-11 TO THE CITY CODE REGARDING THE ADMINISTRATIVE ENFORCEMENT OF CODE REGULATIONS. Motion carried 5-0.

e. **Ordinance 175, Second Series: Amending Section 6-5-3 Gambling Proceeds (First Reading):** City Attorney Scott Lepak provided a memorandum on Lawful gambling use of proceeds. Changes are proposed to the existing lawful gambling ordinance to incorporate the City fund requirement. This proposed amendment could require the charitable gambling groups to pay 10 percent of their net gambling profits to the city. The money would be put into a fund operated by the City and be spend on allowed uses as noted in the memorandum. Also added was language that is statutorily required in order to require expenditures by the gambling organization. MOTION BY SANDOVAL SECOND MCCLISH APPROVING THE FIRST READING Roll Call: Sandoval, Kane, McClish, Brown and Tveit. Nays: None. Motion carried 5-0.

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

a. **Engineer:**

b. **Attorney:**

c. **Staff:**

**c. Staff:**

**Fire Department: Department Update:** Chief Kapler gave just a couple of updates. The hiring procedure is going well; we are at the point of scheduling the physical agility test. Bethel, Oak Grove and St. Francis's Fire Departments will be meeting this week to discuss the feasibility of standardizing some purchases and group buying. The Fire and Police Department attended two different parties on the Night to Unite and they went well. The Fire Department is looking at the expansion possibilities into the police department area. Tomorrow night starts the Anoka County training that is a countywide program. The training reimbursement we received from the State was more than we expected, which is good news.

**Public Works:**

**Liquor Store:**

**Police Dept:**

**City Administrator Report: Bridge Street Improvement:** Last Monday we received notice that Anoka County received a Federal Grant for the Bridge Street Improvement. This improvement design includes two roundabouts along Bridge Street. The next two years will be the planning stage with opportunities to attend public hearings. The earliest timeline for construction would be in the fall of 2014 or spring of 2015.

**Budget Cut Proposals:** As Hylen noted in his memorandum; due to the decreasing state aid, a slow economy, zero percent levy adjustments for two years, increased costs to complete essential services and constant increases in unfunded mandates from the State of Minnesota, our city is forced to consider substantial cutback to maintain financial solvency. Based on the Budget Workshop discussions on August 5, 2012; the ideas were to reduce or eliminate services, delay or eliminate purchases, increase taxes, and/or reduction of city employees. Direction to the management team was to come back with the best recommendations and have the least amount of negative impact to city services. The list included seven budget cuts along with a 5% Levy increase. This does not fund Pioneer Days. We will need to get some final decision in September on Pioneer Days. This does include a staff reduction of the Assistant Public Works Director. Tveit asked if there are any questions on the staffing reduction. Tveit stated I regret to make this motion. **MOTION BY TVEIT SECOND KANE TO ELIMINATE THE ASSISTANT PUBLIC WORKS POSITION.** Motion carried 4-1. Sandoval voting nay.

The next time we meet, we will need to set a levy. Hylen asked do you want to keep the proposed 5% levy increase or higher, you can always lower it. Kane asked is 5% going help us out this year and get us into next year without making the drastic cuts we have to make this year. Hylen said that is a tough question, I just do not know. The 5% will get us through 2013. Kane stated I want to make sure we are doing the right thing now to build ourselves and not get any deeper. Tveit asked the Council if there were any suggestions on the levy percentage. Sandoval said could we look at what 8% would be. We can always go down to 5%. Tveit said I would like to keep it as low as possible, closer to the 3%. A 3% increase is roughly \$36.00 per year. McClish would be in support of looking at the 5%-8% increase. Finance Director will have

numbers available to you in the off week memo or before. The last two years we have done a zero percent tax levy.

9. **Reports from Council Members:** Sandoval asked how would a 501 c3 work. Tveit said a think a separate board would need to be set up.

Brown stated in regards to dedicating funds to Pioneer Days and if the money is not there from the gambling precedes then what?

McClish thanked the police and fire for attending the Night to Unite.

10. **Report from Mayor:** I had a great time at the Night to Unite. A special thank you to all the civic organizations that attended and put the event it together. In addition, Tveit thanked the fire and police departments for attending the event.

11. **Old Business:** Tveit asked if there was any progress with MnDOT on the school zone. Voge said we have separated the pedestrian sign improvement with the school zone improvement with MnDOT. Voge stated we are still in communication with them.

12. **New Business: Gary Smith: Temporary Recreational Vehicle Request:** Tveit stated we have a written request from Gary Smith and Jennifer O'Reskie to be able to live in a RV as a temporary lodging due to the fire they experienced on February 25, 2012. Sandoval said we have had requests before and have had problems. Brown suggested we at least have a deposit in a escrow account. Kane recommended we have an ending date. McClish would like to see not more than 90 days. Tveit would not have a problem if they follow what they say they are going to do. Hylen said who will be inspecting it and agreed with having an escrow in case we have problems. Hylen said maybe an amount of \$5,000. Lepak said if you have to do regular inspections on the water/sewer system, if we run into issues or we need to involve the planner and city attorney to address issues you will need to have enough in escrow. The council continued to have discussion on whether or not to allow the temporary housing request. MOTION BY KANE SECOND SANDOVAL TO DENY THE REQUEST FOR THE USE OF A TEMPORARY RECREATIONAL VEHICLE REQUEST. Motion carried 4-1. Tveit voted nay.

Sandoval stated Billy's closed over the weekend. He asked if the new owners have been in contact with city hall. Held stated yes they did get the paperwork for a liquor license.

13. **Adjournment:** The City Council adjourned the meeting at 7:04 pm.