

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

CITY COUNCIL MINUTES

SEPTEMBER 4, 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, Finance Director Darcy Mulvihill, City Administrator Matt Hysten and City Clerk Barb Held.
3. **Adopt Agenda:** MOTION BY SANDOVAL SECOND BROWN TO ADOPT THE SEPTEMBER 4, 2012 CITY COUNCIL AGENDA. Motion carried 5-0.
4. **Consent Agenda:** MOTION BY KANE SECOND McCLISH TO ADOPT THE SEPTEMBER 4, 2012, CITY COUNCIL CONSENT AGENDA A-H AS FOLLOWS:
 - a. Approve the City Council Minutes of August 20, 2012.
 - b. Authorization Not to Waive the Statutory Tort Liability Limits to the extent of the coverage purchased with LMCIT.
 - c. Authorization to Advertise for Bids for Re-Roof of Fire Station & Small Storage building at Public Works Facility.
 - d. ISD #15 School Liaison Contract 2012-2013 with the City of St. Francis
 - e. Adopt Resolution 2012-29 Approving the Gambling Premise/Lease Permit for the Anoka Area Ice Arena at Beef O'Bradys.
 - f. Adopt Resolution 2012-30: Proclaiming October 2012 as "Domestic Violence Awareness Month."
 - g. Approve Pay Estimate No. 10 from Amcon Construction Management for \$741,329 to St Cloud Refrigeration \$82,236, Electrical Solutions, Inc. \$94,395, North Metro Asphalt and Contracting \$27,374, Classic Construction \$23,318, Northland Paving. LLC \$169,290, Multiple Concepts Interiors \$1,245, Construction Supply Inc. \$4,412, Grazzini Brothers and Co.\$4,275, Gopher State Contractors \$32,452, Inc., Southern MN Woodcraft Inc. \$44,838, McDowall Company \$6,488, Straughan Hardware Inc. \$90,074, Stronghold Industries Inc. \$11,780, Heartland Glass \$15,200, M. Reinert Drywall \$4,076, Steinbrecher Painting \$29,830, Bartles Sales Company Inc. \$5,888, Mid America Business Systems \$21,948, and Brothers Fire Protection \$72,210.
 - h. Approve Payment of Claims in the amount of \$1,462,316.23. (ACH 40E & 41E \$538,590.54 and Check Number 64206-64280 \$923,725.69)
Motion carried 5-0.

5. **Meeting Open to the Public:**

Tim Holen, PO Box 173, St. Francis MN, addressed the City Council on some concerns with the Gambling Ordinance proposed language. There are some minor changes that need to be made, Holen stated. The main concern is Section B. I have handed out to you tonight the language I feel in how it should read. Holen read out loud his hand out.

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

7. **Ordinances & Resolution:**

a. **Ordinance 170, Second Series: Amending Chapter 3 of the City Code Regarding Municipal Utilities (Second Reading):** 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 1st and continuing until September 30th 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 .” The change has been made for the second reading. MOTION BY BROWN SECOND KANE ADOPTING THE SECOND READING OF ORDINANCE 170, SERIES WITH THE CHANGED LANGUAGE. Roll Call: Ayes: Sandoval, McClish, Brown, Kane, and Tveit. Nays: None Motion carried 5-0.

b. **Resolution 2012-23: Authorizing summary Publication of Ordinance 170, Second Series Amending Chapter 3 of the City Code Regarding Municipal Utilities:** MOTION BY McCLISH SECOND KANE ADOPTING RESOLUTION 2012-23 A RESOLUTION AUTHORIZING SUMMARY PUBLICATION OF ORDINANCE 170, SECOND SERIES AMENDING CHAPTER 3 OF THE CITY CODE REGARDING MUNICIPAL UTILITIES. Motion carried 5-0.

c. **Ordinance 173, Second Series: Adding Section 8-3-5 Keeping of Bees (Second Reading):** MOTION BY KANE SECOND McCLISH APPROVING THE SECOND READING OF ORDINANCE 173, SECOND SERIES ADDING SECTIN 8-3-5 KEEPING OF BEES. Roll Call: Ayes: Kane, Brown, Sandoval, McClish and Tveit. Nays: None.

d. **Ordinance 175, Second Series: Amending Section 6-5-3 Gambling Proceeds (Second Reading):** City Attorney Scott Lepak provided a memorandum on Lawful gambling use of proceeds. Lepak stated following the last council meeting we did receive a letter from Mr. Holen and the Gambling Control letter. Changed in A. and E. Pioneer Days would need to be a 501C4 entity. I would recommend change A and the new E. Tveit asked about our current revision. Part B would be required under as per Minn. Stat. Sec. 349.213 Subd. 1(e) A revised ordinance was provided to the City Council.... Holen said the committee would like to see the city to hold the funds but the committee would organize the event. MOTION BY SANDOVAL TO TABLE THIS ORDINANCE FOR CLEARIFICATION. Motion failed for the lack of a second. MOTION BY KANE SECOND McCLISH APPROVING THE REVISED SECOND OF ORDINANCE 175, SECOND SERIES AMENDING SECTION 6-5-3 GAMBLING PROCEEDS. Roll Call: Ayes: Brown, Kane, McClish and Tveit. Nays: Sandoval.

e. **Resolution 2012-31: Adjusting the Tax Levy for the G.O. Improvement and Utility Revenue Bonds, Series 2007A:** MOTION BY TVEIT SECOND McCLISH

ADOPTING RESOLUTION 2012-31 A RESOLUTION ADJUSTING THE TAX LEVY FOR THE G.O. IMPROVEMENT AND UTILITY REVENUE BONDS, SERIES 2007A. Motion carried 5-0.

f. **Resolution 2012-32: Providing Preliminary Approval of a Proposed 2012 Tax Levy, Collectible in 2013:** Tveit stated tonight we are looking for the maximum levy amount, we can always lower but cannot raise it after tonight. Sandoval would like to see 8% increase. McClish asked if a 5 ,6 or 7% increase would be sufficient? Hysten said a 5% Levy increase was used in the memorandum that was handed out at the last council meeting with the additional cuts along with money taken from the reserve fund. As Tveit stated tonight we establish the maximum tonight, the final levy is set in December. Tveit said I would like to see a zero percent if all possible. I know it might not be realistic. Brown said I too would like to see a zero percent but it is unrealistic. I would go with 5%. Kane said zero is unrealistic. We do not know what kind of year the next will be and there are many variables. I would agree with Sandoval and go with 8%. Sandoval said we should be careful with taking from the reserve fund. We have done a zero percent the last number of years. I know it is a burden to the businesses and residents. Kane stated we also need to take into account the unfunded mandates. We need a strong cash reserve. Brown said I would be willing with a 6.5%, McClish agreed. Kane asked what about 7% increase. Brown said we should not have done a zero the last couple of years. MOTION BY KANE SECOND SANDOVAL ADOPTING RESOLUTION 2012-32 A RESOLUTION PROVIDING PRELIMINARY APPROVAL OF A PROPOSED 2012 TAX LEVY, COLLECTIBLE IN 2013.WITH A SEVEN PERCENT INCREASE FOR A TOTAL LEVY AT \$3,074,281. Motion carried 4-1. Tveit voting nay. Brown would like to mention that on a \$210,000 house the taxes could increase \$94.88 per year.

g. **Ordinance 176, Second Series: Amending Section 10-3-9 Regarding the Enforcement of the Zoning Ordinance:** Planner, Nate Sparks prepared a memorandum regarding this proposed ordinance. The City Council recently adopted a new City Code enforcement measures. The Zoning Ordinance has its own enforcement section that required updating due to the adoption of these new procedures. This ordinance amendment will make the two sections consistent in order to avoid any potential confusion. The Planning Commission held a public hearing in August and recommended approval of this ordinance amendment. MOTION BY BROWN SECOND SANDOVAL TO APPROVE THE FIRST READING OF ORDINANCE 176, SECOND SERIES AMENDING SECTION 10-3-9 REGARDING THE ENFORCEMENT OF THE ZONING ORDINANCE. Roll Call: Ayes: Kane, McClish, Brown, Sandoval, and Tveit. Nays: None.

h. **Ordinance 177, Second Series: Amending Section 11-3-4 Regarding Frontage Necessary for a Metes and Bounds Division:** Planner, Nate Sparks prepared a memorandum in regards to the discrepancy in lot width requirements between the Subdivision Ordinance and Zoning Ordinance. MOTION BY KANE SECOND SANDOVAL TO APPROVE THE FIRST READING OF ORDINANCE 177, SECOND SERIES AMENDING SECTION 11-3-4 REGARDING FRONTAGE NECESSARY FOR A METES AND BOUNDS DIVISION. Motion carried 5-0. Roll Call: Ayes: Sandoval, McClish, Kane, Brown and Tveit. Nays: None

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

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

c. Staff:

Fire Department:

Public Works:

Liquor Store:

Police Dept.:

City Administrator Report: The only thing I have to report is the Public Works/Police Facility is really progressing very fast. Some furniture possibly could be delivered as early as next week. As soon as we have an affirmative date when it will be ready, we will let you know. We are also looking an open house of the facility sometime in October.

9. **Reports from Council Members:** Kane stated he probably will not be at the next council meeting due to a conflict with work.

McClish reminder to the public the seven percent was the maximum levy, it still could decreased. Staff has done a great job of finding areas to cut. Last council meeting we had a layoff of a public works employee due to budget cuts. I hope that we can all work together.

10. **Report from Mayor:** Today was the first day of school and remember to drive safely and watch for pedestrians.

11. **Old Business:** None.

12. **New Business:** Tim Holen said one more concern regarding the ordinance. Holen told a little story about a job site. I know you hired an attorney but he may not know what is going on at the job site.

13. **Adjournment:** The City Council adjourned the meeting at 6:40 pm.