

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

CITY COUNCIL MINUTES

OCTOBER 1, 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, Councilmembers Jeff Sandoval, Tim Brown and Steve Kane. Excused was Councilmember 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, Finance Director Darcy Mulvihill, City Administrator Matt Hylen and City Clerk Barb Held.
3. **Adopt Agenda:** MOTION BY KANE SECOND BROWN TO ADOPT THE OCTOBER 1, 2012 CITY COUNCIL AGENDA. Motion carried 4-0.
4. **Consent Agenda:** MOTION BY SANDOVAL SECOND KANE BROWN TO ADOPT THE OCTOBER 1, 2012, CITY COUNCIL CONSENT AGENDA A-D AS FOLLOWS:
 - a. Approve the City Council Minutes of September 17, 2012.
 - b. Approve Patriot Lanes & Lounge Public Dance Permit for 2013 Pioneer Days.
 - c. Approve the Contract for Services with ISD#15 for Ordinary and Routine Vehicle Repairs and Maintenance.
 - d. Approve Payment of Claims for \$283,412.63. (Check numbers 64349-64417 \$176,242.80 and 42E, 43E \$107,169.83) Motion carried 4-0.
5. **Meeting Open to the Public:** At 6:11 p.m. Tim Holen addressed the City Council as a tax payer in this city. At the Pioneer Day, meeting that was held September 24 there was a group of people there that are still interested in Pioneer Days. A vendor was there saying he was sick of people complaining there was not going to be another Pioneer Days because the City was building a new building. If there is no Pioneer Days all they will think about is the city building a new building. Think about that hard. Last-ditch chance to keep Pioneer Days, the new ordinance should help pay if we do not get enough funds. With the remainder being spent on park development not maintenance. We need the City's involvement.
6. **Petitions, Requests, Applications:**
 - a. **Beef O'Bradys Liquor License and Amusement Machine Applications:** MOTION BY KANE SECOND SANDOVAL APPROVING THE LIQUOR LICENSE AND AMUSEMENT MACHINE APPLICATIONS FOR BEEF O'BRADYS AT 23212 ST. FRANCIS BLVD, SUITE 700. Lepak asked the motion be contingent upon the receipt of a workers compensation insurance certificate. Kane and Sandoval agreed with the amendment to

the motion. Motion carried 4-0. Tveit stated the applicant had asked the license fee be pro-rated but according to our ordinance if a license application is applied for after the start of the license period the fees will be pro-rated.

b. Re-Roof of Fire Station and Small Public Works Building - Awarding Contract: Amcon reported there were seven contractors whom submitted bids to complete the re-roof of the Fire Station and the Public Works Storage Building. The bid opening was held on September 19, 2012. One of the seven bids, Central Roofing Company was thrown out due to the fact they did not include a bid bond, as required. The seven bids received were; Lakes Area Roofing \$113,227, Central Roofing Company \$115,106, All Elements Inc. \$119,360, Rosenquist Construction Inc. \$138,879, Palmer West Construction \$141,100, McDowall Company \$147,940, and Berwald Roofing and Sheet Metal \$173,000. MOTION BY BROWN SECOND KANE TO ACCEPT THE SIX QUALIFIED BIDS FOR THE RE-ROOF OF THE FIRE STATION AND THE PUBLIC WORKS STORAGE BUILDING. Motion carried 4-0.

MOTION BY KANE SECOND BROWN AWARDING THE CONTRACT TO LAKES AREA ROOFING FROM BLAINE FOR THE AMOUNT OF \$113,227. Motion carried 4-0.

c. Discussion on Potential Amendment of Lawful Gambling Ordinance: At the last City Council meeting a number of topics were discuss in regards to the gambling ordinance. In a memorandum from City Attorney Scott Lepak it states the only way the ordinance could be changed is by amending it in the same manner it was passed. That would be a first and seconding along with publication. The City Council can continue to utilize the recently amended ordinance, amend the ordinance or adopt a model ordinance provided by the League of MN Cities. If you are looking at amending, the ordinance there seemed to be four concerns that were discussed previously. The four discussion points were removing the ten percent fund, remove the requirement of expenditures in the City and trade area, revised the definition of “organization” to simply refer to an entity licensed by the gambling board and delete the premise definition of Section 6-5-3. Lepak stated he is looking for feedback. Sandoval is more concerned with the bingo not the linked bingo. The American Legion is the only gambling organization that owns their building. Lepak said if you go with the League of MN model ordinance that should take care of the bingo concern. Sandoval said if we take 10% out of their profit, I do not think we should require them to spend it in the trade area. Tveit said I agree with Sandoval of not keeping in the trade area. Tveit asked, so do we keep the 10%. Consensus of the council agreed with keeping the 10%. Tveit asked do we want to limit the expenditures to the local trade area. The council agreed not to keep it to the local trade area. Lepak stated so at the next meeting I will prepare an amended ordinance that removes the expenditures provision that keeps the profits in the trade area, keep the 10% and revisit the bingo regulations.

7. **Ordinances & Resolution:**

a. Ordinance 178, Second Series: Adding Section 4-1-6 Regarding Temporary Habitation (First Reading): Planner, Nate Sparks prepared a memorandum regarding this proposed ordinance. The Planning Commission reviewed the City Code sections regarding habitation in temporary structures during construction activities. In the past, the City has had some issues with getting the temporary structures removed from the site after the building permit has been closed. Some potential applicants have expressed the procedure is unclear and confusing. This amendment is seeking to create clearer expectations procedurally and for financial securities more in line with the Council’s current expectations. The Planning

Commission also recommended this ordinance be moved from the Zoning Ordinance to Chapter 4 of the City Code which is for “Building Regulations and Permits” since this is a habitation issue not a zoning issued. A permit fee of \$250 and an escrow of \$5,000 is proposed to be added to the fee schedule as part of this ordinance amendment. **Brown MOTION BY BROWN SECOND KANE TO APPROVE THE FIRST READING OF ORDINANCE 178, SECOND SERIES ADDING SECTION 4-1-6 REGARDING TPEMORARY HABITATION.** Sandoval asked about the application fee, do they get that back. Hylen stated this would be treated similar to a zoning request. Tveit stated he would only like the fee be charged only if they are approved. Tveit asked if that would be accepted to the council. Kane asked if the fee would be paid up front. That is how I would like it to be handled. Brown said there are some cost associated with researching whether or not a temporary structure is even feasible on the site. Tveit said the only way they are even allowed for this type of permit is that they are having a structure being built. Brown said if I have a structure fire I do not want to wait two weeks for someone to come out and look at my site. Hylen said there is a discrepancy in the dollar amount from the memo to the ordinance. The council agreed to go with the \$200.00 application fee. Tveit asked how do we adjust the fee if staff has to go out on the project. Hylen said I would like to research this more. Tveit asked to have staff to come back with a second reading with an approximate cost for inspection. Brown asked if the \$5,000 is enough to remove the temporary structure. Lepak said it could cost more but is in the ballpark. Roll Call: Ayes: Brown, Kane and Tveit Nays: Sandoval. An ordinance needs a 4/5’s vote therefore the motion did not pass.

8. Reports of Consultants & Staff Members:

a. Engineer: 245th Avenue Culvert Improvement-Resolution 2012-33: City Engineer Jared Voge reported on the failing condition of the Seelye Brook culverts at 245th Avenue. Staff has been monitoring the condition of the culverts and has determined they are in need of replacement. In a memo, dated August 7, 2012 to the Public Works Director we explained the rehabilitation/replacement options considered. Three options were considered however, the box culvert is the recommended solution with a cost of \$147,580. That also was the lowest repair cost. The proposed improvement has not been identified in any budget. Tveit asked how old is this culvert. Voge said he did not know when this culvert was put in. Tveit asked if there is any way to assess the one property owner. Voge said I do not know if we have ever assessed for culverts. Tveit asked Hylen for a funding source. This would change the funding source for 2013. **MOTION BY TVEIT SECOND KANE TO ADOPT RESOLUTION 2012-33 A RESOLUTION ORDERING IMPROVEMENT AND DIRECTING PREPARATION OF FINAL PLANS AND SPECIFICATIONS FOR THE 245TH CULVERT IMPROVEMENT PROJECT.** Tveit said at least this starts the wetland delineation process. Kane said I believe this is a public safety issue and staff needs to see how to pay for it. Sandoval and Brown agreed to have it taken care of it. Brown said I would feel more comfortable if we have a funding source. Voge said if we do not start the delineation now we would wait for a next growing season. Hylen said let’s start with the wetland delineation to meet this growing season. The council all agreed this project needs to be done. We can come back with a funding source and formal approval at a future meeting. Motion failed 0-4. **MOTION BY TVEIT SECOND BROWN TO AUTHORIZE THE CITY ENGINEER TO PROCEED WITH THE WETLAND DELINEATION STUDY AND COME BACK WITH STAFF RECOMMENDATION AT THE NEXT CITY COUNCIL MEETING.** Motion carried 4-0.

b. Attorney:

c. Staff:

Fire Department: Update on the Fire Fighter Applicants: Fire Chief Dean Kapler reported on the process in the recruitment effort to increase the number of firefighters for the St. Francis Fire Department. This process was different than in the past. It started with an orientation session, application for employment, rating applications, panel interview, background and reference checks, physicals and a workplace assessment. Chief Kapler is recommending hiring Harry Everth, Richard Phelps Jr., Jesse Sawyer, Evan Sturzl and Chris Vnuk to the position of probationary paid on call firefighters with a wage of \$12.00 per hour. Sandoval thanked him for his time and effort. MOTION BY TVEIT SECOND SANDOVAL ON THE RECOMMENDATION OF THE FIRE CHIEF TO HIRE HARRY EVERTH, RICHARD PHELPS JR.S, JESSE SAWYER, EVAN STURZL, AND CHRIS VNUK TO THE POSITION OF PROBATIONARY PAID ON CALL FIREFIGHTERS WITH A WAGE OF \$12.00 PER HOUR. Brown asked if there were some day shift applicants. Chief Kapler stated yes, there were. Motion carried 4-0.

Public Works:

Liquor Store:

Police Dept.:

City Administrator Report: Administrative Hearing Officer: The City received a verbal commitment from attorney Soren Mattick already to be the City's Administrative hearing officer. Pending our city attorney's review of the contract, it looks like we have an administrative hearing officer. Mr. Mattick's fees are \$160.00 per hour. MOTION BY KANE SECOND BROWN TO APPOINT SOREN MATTICK AS THE CITY'S ADMINISTRATIVE HEARING OFFICER PENDING OUR CITY ATTORNEY REVIEWING THE AGREEMENT. Sandoval asked how will this person be paid. Hylen stated through the fees that the violators pay. Motion carried 3-1. Sandoval voting nay.

230th & Ivywood Street Vacant Parcel: We are still proceeding to see what we can do with the lot that the City owns.

Police and Public Works Facility: The contractors are working on the punch list items the previous building inspection company, Metro West, provided during the final inspection walk through. We are hoping within the next ten days, we should have the phones and computers transferred over.

4020-230th Avenue: Our intern keeps working on the "old" Food-N-Fuel building project.

9. **Reports from Council Members:** Kane said he had a chance along with Sandoval to tour the new facility last week. I was impressed how staff kept cost down with no frills. Sandoval said he agrees with Kane. Sandoval stated after looking at this facility and if that is how I have to go out, I can hold my head high. It was something we needed and proud to say I am part of it. Brown agreed and it is something we should have done some time ago and will last us a long time.

10. **Report from Mayor:** Last Monday I attended the Pioneer Day meeting with Mr. Holen and Barb Held. There were residents there that are truly people interested in seeing Pioneer Days continue. We need citizens get involved whether it is a resident, property owner or business.

11. **Old Business:**

a. **Pioneer Days:** After discussion about future Pioneer Days, the council agreed to have this placed back on the agenda for the next city council meeting. Time to come prepared to see what we can and cannot do.

Kane said the last time Seelye Brook Park was vandalized we talked about having a neighborhood meeting. Kane said he could be there October 16 and the rest of the council agreed. This meeting will be posted because there could possibly be a quorum. Sandoval said I don't like to do this but maybe a reward could be offered.

12. **New Business:** None.

13. **Adjournment:** Mayor Tveit adjourned the regular City Council meeting at 7:21 pm.

Barbara I. Held, City Clerk