

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

CITY COUNCIL MINUTES

TUESDAY, SEPTEMBER 8, 2015

1. **Call to Order:** The regular City Council Meeting was called to order by Mayor Steve Kane at 6:00 pm.

Kane stated before we move on, I would like to say that Tim Brown is not here tonight due to his father passing away.

2. **Roll Call:** Present were Mayor Steve Kane, Council members Richard Orpen, Rich Skordahl, and Chris McClish. Tim Brown excused. Also present were City Engineer Jared Voge (Bolton & Menk), City Attorney Scott Lepak (Barna, Guzy & Steffen), City Planner Nate Sparks (Northwest Associated Consultants) Police Chief Jeff Harapat, Public Works Director Paul Teicher, City Finance Director Darcy Mulvihill, City Administrator Joe Kohlmann, and City Clerk Barb Held.

3. **Adopt Agenda:** MOTION BY McCLISH SECOND ORPEN TO ADOPT THE SEPTEMBER 8, 2015 CITY COUNCIL AGENDA. Motion carried 4-0.

4. **Consent Agenda:** MOTION BY ORPEN SECOND SKORDAHL TO APPROVE THE SEPTEMBER 8, 2015, CITY COUNCIL CONSENT AGENDA A-J AS FOLLOWS:

- a. City Council Minutes – August 17, 2015
  - b. City Council Work Session Minutes – August 9, 2015
  - c. URRWMO Minutes: Acknowledge the Approved July 7, 2015 and Unapproved September 1, 2015.
  - d. Authorization Not to Waive the Statutory Tort Liability Limits to the extent of the coverage purchased with LMCIT
  - e. St. Francis Community Drug Awareness: 5 K Permit Application for September 19, 2015
  - f. Aztec Street Improvement: Pay Estimate-Final and Change Order No. 1 to North Pine Aggregate, Inc. for \$2,528.53 and Change Order No. 1 for a deduct of \$6,097.75.
  - g. Accept the Job Description of Administrative Assistant-City Hall
  - h. Reclassify Anna Anderson's job position from Office Support to Administrative Assistant-City Hall
  - i. Approve the Payment of Claims for \$193,166.09 (Checks 69516-69601)
- Motion carried 4-0.

5. **Meeting Open to the Public:** Steve Feldman, 22766 Poppy Street NW first question was the 30-year loan on the WWTF approved or how is it going to be before we know? Kohlmann stated we are still working with PFA but it looks like we should qualify for the 30-year loan.

Feldman said he would just like to remind the police department now that school has started the speed the cars travel along Poppy Street. The times of the speeding cars along Poppy Street are 7:00-7:30 am, 2:00-2:30 and 4:00-7:00 pm.. Your (police officers) presence does slow them down. I am sure Poppy Street is not the only street cars speed on.

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

a. **Midcontinent Communications: Public Hearing to consider Adopting**

**Midcontinent Communications Franchise Agreement:** Lepak reported the purpose of the public hearing is for potentially adopting a new cable franchise agreement with Midcontinent Communications. There is a statutory requirement that we hold a public hearing. Last amendment was fifteen years ago. Mayor Kane opened the public hearing at 6:05 pm. After asking three times and with no public comment, Mayor Kane closed the public hearing at 6:06 pm. No action at this time it will be addressed later on the agenda.

b. **Designation as Dangerous Dog-23821 Roanoke Street: Requested a Public Hearing:** The City received a request from the dog owner (Mark Isum) for Diesel, a dog that was involved in a recent incident leading to the Police Chief issuing a dangerous dog letter. This dog is a pit bull mix. This is a matter that is governed by City Code and State Law. City Attorney, Scott Lepak gave a background of the event(s) that lead to the issuance of the dangerous dog letter. The police reports are part of the packet. Lepak read the police reports that involved Diesel, a pit bull mix. Lepak stated you can now ask the owner to come and state his case. Kane asked the owner for his comments. No comments were heard from the owner. Now the council will need to determine the Findings of Fact, Conclusion and a Determination on this case. The council will then determine if the dog will be deemed dangerous. Dog was off property and not under control of the owner and not only on one occasion. MOTION BY ORPEN SECOND McCLISH TO AFFIRM THE CHIEF'S ORDER TO DECLARE THE DOG (DIESEL) DANGEROUS. Motion carried 4-0.

c. **Resident on Flintwood Street: Reduction in Speed Limit:** Jennifer Knafla, 22997 Flintwood Street submitted a letter to the city council asking the speed limit on Flintwood Street be lowered to 25 MPH. Ms. Knafla gave a list of six reasons why the speed limit should be lowered. The current speed limit on this street is 35 MPH. Voge stated this is a similar request that we have received in the past. Looking at maps this is a rural residential development the driveway spacing in this development deems this area to 35 MPH. Without a speed study, this area cannot be lowered. Orpen asked if the City could be more stringent than the State Statues. Voge said we can check into that but I am not aware the city council can lower the speed limits. Orpen would like to know if we could be more stringent.

Before we address the resolutions and ordinances, Mayor Kane asked that we take a moment to award Finance Director Darcy Mulvihill with the Distinguished Budget Presentation Award from the Government Finance Officers Association (GFOA). The award represents a significant achievement by the entity. This reflects the commitment of the governing body and staff to meeting the highest principles of governmental budgeting.

7. **Ordinances & Resolution:**

a. **Resolution 2015-40: Adjusting the Tax Levy for the G.O. Improvement and Utility Revenue Bonds, Series 2007A:** MOTION BY SKORDAHL SECOND McCLISH TO

ADOPT RESOLUTION 2015-40 A RESOLUTION ADJUSTING THE TAX LEVY FOR THE G.O. IMPROVEMENT AND UTILITY REVENUE BONDS, SERIES 2007A. Motion carried 4-0.

**b. Resolution 2015-41: Providing Preliminary Approval of a Proposed 2015 Tax Levy, Collectible in 2016 and Setting Budget Hearing Date:** Kane asked the council should we add a 1% levy increase for future project. Mulvihill said a 1% would be an estimate increase on a median household would be \$20.00. Orpen said so if we increased it to 2% later on in the year we can go lower but not increase it? Mulvihill said yes. MOTION BY ORPEN SECOND SKORDAHL TO ADOPT RESOLUTION 2015-41 A RESOLUTION PROVIDING PRELIMINARY APPROVAL OF A PROPOSED 2015 TAX LEVY COLLECTIBLE IN 2016 AS AMENDED AND SETTING THE BUDGET HEARING DATE FOR . Motion carried 4-0.

**c. Resolution 2015-42: Reimburse Certain Expenditure from Proceeds of Bond:** MOTION BY McCLISH SECOND SKORDAHL TO ADOPT RESOLUTION 2015-42 A RESOLUTION ESTABLISHING PROCEDURES RELATING TO COMPLIANCE WITH REIMBURSEMENT BOND REGULATIONS UNDER THE INTERNAL REVENUE CODE. Motion carried 4-0.

**d. Resolution 2015-43: Declaring Surplus Property “Recovered Property”:** MOTION BY McCLISH SECOND ORPEN TO ADOPT RESOLUTION 2015-43 A RESOLUTION DECLARING SURPLUS PROPERTY. Motion carried 4-0.

**e. Resolution 2015-44: Fire Fighter Declaration for PERA:** Orpen asked why would he get to join PERA and not the others. As a fire chief, he cannot join the relief association. Orpen asked about the cost to the city. Mulvihill said she is not sure right off hand what the percentage was. However, when our previous chief was here, he too belonged to PERA. MOTION BY SKORDAHL SECOND McCLISH TO ADOPT RESOLUTION 2015-44 A RESOLUTION DECLARING SURPLUS PROPERTY AND AUTHORIZING THE DISPOSAL OF SAID PROPERTY. Motion carried 4-0.

**f. Resolution 2015-45: Proclaiming October as “Domestic Violence Awareness Month”:** MOTION BY McCLISH SECOND SKORDAHL TO ADOPT RESOLUTION 2015-45 A RESOLUTION PROCLAIMING OCTOBER AS “DOMESTIC VIOLENCE AWARENESS MONTH”. Motion carried 4-0.

**g. Ordinance 204, Second Series: Adopting Midcontinent Communications Franchise Agreement-First Reading:** MOTION BY ORPEN SECOND McCLISH APPROVING THE FIRST READING OF ORDINANCE 204, SECOND SERIES ENTITLED “AN ORDINANCE GRANTING A FRANCHISE TO MIDCONTINENT COMMUNICATIONS TO MAINTAIN A CABLE COMMUNICATIONS SYSTEM IN THE CITY OF ST. FRANCIS, MINNESOTA; SETTING FORTH CONDITIONS ACCOMPANYING THE GRANT OF THE FRANCHISE; PROVIDING FOR REGULATION AND USE OF THE SYSTEMS; AND PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISION”. Roll Call: Ayes: Orpen, McClish, Skordahl, and Kane Nays: None. Motion carried 4-0.

**h. Ordinance 205, Second Series: Amending Section 1.02 Entitled “Definitions” and Further Adopting Section 2.37 of the City Code Entitled “Community/Economic Director” – First Reading:** MOTION BY McCLISH SECOND SKORDAHL APPROVING THE FIRST READING OF ORDINANCE 205, SECOND SERIES AMENDING SECTION

1.02 ENTITLED “DEFINITIONS” AND FURTHER ADOPTING SECTION 2.37 OF THE CITY CODE ENTITLED “COMMUNITY/ECONOMIC DIRECTOR”. Roll Call: Ayes: Skordahl, McClish, Orpen, and Kane. Nays: None. Motion carried 4-0.

i. **Ordinance 206, Second Series: Amending the I-1, I-2, B-2 & B-3 Zoning Districts Pertaining to the Expansion of permitted Uses within the B-3 , Business Park District & Clarifying Purpose Statements – First Reading:** Skordahl reported the planning commission has been reviewing this amendment. This ordinance as presented would not allow growler sales. I think this might be a mistake by not allowing brewers to sell growlers. Orpen agreed with Skordahl, I think it would not hurt our liquor store. Skordahl said it was not part of the zoning ordinance but in the liquor ordinance. MOTION BY ORPEN SECOND SKORDAHL TABLING THE FIRST READING OF ORDINANCE 206, SECOND SERIES AMENDING THE I-1, I-2, B-2 & B-3 ZONING DISTRICTS PERTAINING TO THE EXPANSION OF PERMITTED USES WITHIN THE B-3, BUSINESS PARK DISTRICT & CLARIFYING PURPOSE STATEMENTS. Motion carried 4-0.

j. **Ordinance 207, Second Series: Amending Chapter 5 of the City Code Regarding the Licensing of Accessory Taprooms & Cocktail Rooms – First Reading:** MOTION BY ORPEN SECOND SKORDAHL TABLING ORDINANCE 207, SECOND SERIES AMENDING CHAPTER 5 OF THE CITY CODE REGARDING THE LICENSING OF ACCESSORY TAPROOMS & COCKTAIL ROOMS. Motion carried 4-0.

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

a. **Engineer: 1. Bridge Street Utilities – Res. 2015-46 Receiving and Awarding Contract:** City Engineer Jared Voge reported that at the July 7, 2014 City Council meeting a Feasibility Report was presented regarding the Bridge Street Improvements. At that same meeting, the Council adopted a resolution authorizing the preparation of plans and specifications. During the July 6, 2015 City Council meeting the City Council approved the plans and specifications and authorized advertisement. On August 27, 2015, three bids were received for the project. They were from LaTour Construction of Maple Lake, MN \$1,203,611.30; R.L. Larson Excavating of St. Cloud, MN \$1,493,302.00 and the third bid from Northdale Construction Company of Albertville, MN \$1,639,828.17. Anoka County obtained federal funds for improvements to Bridge Street, prepared final plans and specifications for those improvements, and has received bids. City utilities including sanitary sewer and water main exist within the Bridge Street corridor. This also includes the elimination of the Bridge Street lift station and the rerouting of sanitary sewer along County Road 72, as well as the extension of sanitary sewer south of Bridge Street near Zion Parkway and County Road 9. Since federal funds have been allocated to the county project, the project limits are defined in the funding application and a portion of the City’s utility improvements are outside of the defined county project boundary. As a result, the utility improvements were required to be split into two sections, the area within the county project boundary and the area outside of the county project boundary. Anoka County is expected to award a contract for their portion on September 8, 2015 during the county board meeting. McClish asked what the estimate was. The bids came in higher than what was in the financial plan. MOTION BY McCLISH SECOND ORPEN TO ACCEPT THE THREE BIDS AND ADOPT RESOLUTION 2015-46 A RESOLUTION AWARDED CONTRACT FOR THE BRIDGE STREET UTILITY

IMPROVEMENTS TO LaTOUR CONSTRUCTION OF MAPLE LAKE, MN WITH A BID AMOUNT OF \$1,203,611.30. Motion carried 4-0.

**2. Trail Maintenance: Accepting and Awarding the Quotes:** Voge stated City staff monitors the condition of trails within the community. Since the trails have been constructed, most of them have not been crack filled nor have their surfaces been treated. Quotes were received for maintenance associated with approximately fifty percent of the city's trail system. Two quotes were received for crack filling and applying RePlay to the trail surfaces. Quotes were from Barga Inc of Mountain Lake, MN \$93,712.10 and M.R. Paving & Excavating, Inc. of New Ulm, MN \$103,765.50. MOTION BY KANE SECOND McCLISH TO ACCEPT THE TWO QUOTES AND AWARD THE LOW QUOTE FOR THE TRAIL MAINTENANCE TO BARGEN, INC. OF MOUNTAIN LAKE, MN IN THE AMOUNT OF \$93,712.10 AND AUTHORIZE THE USE OF PARK DEDICATION FUNDS IN THAT AMOUNT. Motion carried 4-0.

**3. 232nd/Kerry/Ivywood Street Improvements- Res. 2015-47 Calling for an Assessment Hearing:** Voge stated at the August 3, 2015 City Council meeting, the council awarded the Kerry Street NW, 232<sup>nd</sup> Lane NW and Ivywood Street NW Street Improvement project to North Valley, Inc. Construction is expected to begin this week and completed near the end of September. Since a portion of the project costs will be assessed to the adjacent property owners, an assessment hearing is required to be held prior to certifying the assessments to the County. A resolution is included with your material stating the public hearing date to be October 19, 2015. MOTION BY SKORDAHL SECOND McCLISH TO ADOPT RESOLUTION 2015-47 A RESOLUTION CALLING HEARING ON PROPOSED ASSESSMENT FOR THE KERRY STREET NW, 232<sup>nd</sup> LANE NW AND IVYWOOD STREET NW STREET IMPROVEMENT. Motion carried 4-0.

b. **Attorney:**

c. **Staff:**

**Bldg. Official:**

**Fire Dept.:**

**Public Works:**

**Liquor Store:**

**Police Dept:**

**City Administrator: Fire Department Report Update:** City Administrator Joe Kohlmann reported he met with some of the members of the fire department to introduce himself and listen to any all of their concerns and needs. All members were invited but only a few were there. The two items the fire fighters there were concerned with were; fire chief succession planning and their relief association and the benefit. They will meet as a group to discuss their relief association and then make a report to present to the city council.

9. **Reports from Council Members:** Skordahl said the park along Roanoke Street looks good and thank you to our public works department.

Thank the police and fire department for Night to Unite. Wish pet owners would be responsible/good pet owners.

Orpen said I too forgot to thank the police and fire departments for participating in Night to Unit. The fire department came out to our neighborhood and the kids enjoyed it. St. Francis

Community Drug Awareness is sponsoring a 5k. It is free but a goodwill offering will be accepted. I am running, and would invite everyone to run/walk it on Saturday, September 19.

McClish too thank police and fire for attending Night to Unite. Good opportunity for residents to see the equipment and meet staff.

10. **Report from Mayor:** Several weeks ago, myself, the city administrator and our planner met with Mary T. They own Camila Rose which is a senior citizen facility. They are still looking at St. Francis as a potential site.

Last week myself , council member McClish and our city administrator met with Anoka County and the YMCA. They may look at putting in some research center in the YMCA. This would have to be taken back to the full County board. We will keep you updated.

11. **Old Business:** None.

12. **New Business:** None.

13. **Adjournment:** Mayor Kane adjourned at 7:14 pm.

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Barbara I. Held, City Clerk