

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

CITY COUNCIL MINUTES

MARCH 7, 2016

1. **Call to Order:** The regular City Council Meeting was called to order by Mayor Steve Kane at 6:00 pm.
2. **Roll Call:** Present were Mayor Steve Kane, Council members Richard Orpen, Rich Skordahl, Chris McClish and Tim Brown. Also present were City Engineer Jared Voge (Bolton & Menk, Inc.), City Attorney Scott Lepak (Barna, Guzy & Steffen), Public Works Director Paul Teicher, Police Chief Jeff Harapat, Fire Chief Matt Kohout, City Finance Director Darcy Mulvihill, Community Development Director Kate Thunstrom, City Administrator Joe Kohlmann, and Administrative Assistant Anna Anderson.
3. **Adopt Agenda:** MOTION BY BROWN SECOND McCLISH TO ADOPT THE MARCH 7, 2016 CITY COUNCIL AGENDA. Motion carried 5-0.
4. **Consent Agenda:** MOTION BY McCLISH SECOND ORPEN TO APPROVE THE MARCH 7, 2016 CITY COUNCIL CONSENT AGENDA A-F AS FOLLOWS:
 - a. City Council Minutes – February 16, 2016
 - b. Acknowledge the URRWMO 2/15/16 4th Generation Plan Meeting Minutes – Unapproved
 - c. Acknowledge the URRWMO January 26, 2016 Meeting Minutes – Unapproved
 - d. Genesis Site Lease Agreement
 - e. Accept the Resignation of Police Chief Jeff Harapat
 - f. Payment of Claims \$240,277.79 (Checks 70345-70423) Motion carried 5-0.
5. **Meeting Open to the Public:** None.
6. **Petitions, Requests, Applications:**
 - a. **Charter Amendment: Public Hearing:** City Administrator Joe Kohlmann reports that the proposed charter amendment would enable the council to change the meeting dates by resolution as opposed to ordinance. This would allow council to make meeting changes to the dates and times. This change would most importantly address the second meeting in December. The council could effectively remove this meeting all together and meet again at the beginning of January. If this change were made by ordinance, it would take 60 days or so to go into effect. Mayor Kane opened the public hearing at 6:02 pm for any public comment on the charter amendment. After no public comment, Mayor Kane closed the public hearing at 6:03 pm.
 - b. **Rod Royce – Veteran Memorial Request:** Rod Royce, 24339 Hummingbird St NW asks where the veterans memorial is. Mayor Kane states there isn't one. Council direction is to City Administrator to look into a veteran memorial.

7. **Ordinances & Resolution:**

a. **Ordinance 214, Second Series: Amending City Code Chapter 6 Section 3**

entitled “Dances” (First Reading): City Attorney Scott Lepak states previously discussed was whether the police chief should have prior review of what the security arrangements are and take action on it. Since then, we’ve had a chance to look at some language in other cities, reviewed it with the chief, and you can see the language changes primarily in Section 6-3-4 F. This includes the licensees applying at their own expense and makes security personnel necessary. It takes the chief out of the mandatory review part of the dance regulation. There is also a change in the dance regulations prohibiting any person age 18 years or under without a guardian, rather than 16. The dance hours would be changed from 1 am to midnight.
MOTION BY BROWN SECOND McCLISH APPROVING THE FIRST READING OF ORDINANCE 214, SECOND SERIES AMENDING CITY CODE CHAPTER 6, SECTION 3 ENTITLED “DANCES”. Roll Call: Ayes: Orpen, Skordahl, McClish, Brown and Kane. Nays: None. Motion carried 5-0.

b. **Ordinance 215, Second Series: Amending the City Charter Relating to “Council Meetings” (First Reading):** MOTION BY McCLISH SECOND BROWN APPROVING THE FIRST READING OF ORDINANCE 215, SECOND SERIES AMENDING THE CITY CHARTER RELATING TO “COUNCIL MEETINGS”. Roll Call: Ayes: Brown, McClish, Skordahl, Orpen and Kane. Nays: None. Motion carried 5-0.

c. **Ordinance 216, Second Series: Tobacco Ordinance (First Reading):** Lepak states this is an ordinance change that has the rational and detail outlined in a January 26, 2016 memorandum. Briefly stating, it adds E-cigs, nicotine and lobelia devices to an area that the city will regulate. MOTION BY SKORDAHL SECOND ORPEN APPROVING THE FIRST READING OF ORDINANCE 216, SECOND SERIES AMENDING CHAPTER 6, SECTION 4 ENTITLED “TOBACCO”. Roll Call: Ayes: Brown, McClish, Skordahl, Orpen, and Kane. Nays: None. Motion carried 5-0.

d. **Ordinance 217, Second Series: Drug Paraphernalia (First Reading):** Lepak states this is an area that the city attorney’s office reviewed and determined that there was no language in the current city code on this topic. We created a proposed code section, Chapter 8 Section 11 that talks about what drug paraphernalia is, prohibits use or possession, delivery and manufacturing is also prohibited and provides greater detail on those basic prohibitions. MOTION BY ORPEN SECOND McCLISH APPROVING THE FIRST READING OF ORDINANCE 217, SECOND SERIES ENACTS “OFFENSES RELATING TO DRUG PARAPHERNALIA, CHAPTER 8, SECTION 11. Roll Call: Ayes: Orpen, McClish, Skordahl, Brown, and Kane. Nays: None. Motion carried 5 -0.

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

a. **Engineer: 1) Pederson Drive Safety Improvement Project:** City Engineer Jared Voge reports that initially this project was brought up by council as a result of concerns for pedestrian safety. In July 2014, the plans and specifications were authorized for the project.

Those plans have been completed and are before you this evening. The project consists of the installation of concrete curb and gutter, storm sewer, and pedestrian improvements between State Hwy 47 and Guarani Street NW. West and north of Guarani Street, the existing bituminous pavement will be milled and overlaid. The construction will be completed in phases to provide continual access to existing businesses along the corridor. Maps were provided for the detour and traffic control plans. Since Municipal State Aid (MSA) Funds will be used for funding the improvements, MSA Rules must be followed. MSA Rules require that a No Parking Resolution be adopted since the proposed improvement does not provide adequate width for parking on both sides of the street. The total estimated project cost breakdown by funding source is as follows:

- MSA Funds - \$1,118,000 (includes construction, Preliminary Engineering Report, topography, contract administration, construction observation, construction staking, legal, administration, permitting, crosswalk lighting)
- City Funds - \$2,000 (includes manhole and gate valve adjustments)

The public works director and I are currently evaluating sign technology that would advance the visibility of those signs at the crosswalk locations only. It is a change in pedestrian patterns; pedestrians will be funneled there rather than crossing on their own.

a. **Approving Plans & Specs Resolution 2016-04:** MOTION BY BROWN SECOND SKORDAHL TO ADOPT RESOLUTION 2016-04 A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS FOR THE PEDERSON DRIVE IMPROVEMENT PROJECT. Motion carried 5-0

b. **Parking Restrictions 2016-05:** MOTION BY ORPEN SECOND BROWN TO ADOPT RESOLUTION 2016-05 A RESOLUTION RELATING TO PARKING RESTRICTIONS S.A.P. 235-127-001 FROM AMBASSADOR BOULEVARD TO ST. FRANCIS BOULEVARD IN THE CITY OF ST. FRANCIS MINNESOTA. Motion carried 5-0

2) **MnDOT Agreement No. 1002460 – Resolution 2016-06:** Voge reported a Master Partnership Agreement No. 1002460 from the Minnesota Department of Transportation was included in your council packet. This agreement provides an opportunity for the City of St. Francis and the Minnesota Department of Transportation to work together on such items as roadway and lighting maintenance and share professional and technical services such as materials testing, etc. MOTION BY SKORDAHL SECOND McCLISH TO ADOPT RESOLUTION 2016-06 A RESOLUTION AUTHORIZING EXECUTION OF A MASTER PARTNERSHIP CONTRACT BETWEEN THE MINNESOTA DEPARTMENT OF TRANSPORTATION (MN/DOT) AND THE CITY OF ST. FRANCIS, MINNESOTA. Motion carried 5-0

b. **Attorney:** 1) **Meeting Pursuant to Minn. Stat. Sec. 13D.05, Subd. 2 to consider allegations against employee subject to council authority - Employee requested open meeting:** City Attorney Scott Lepak reported this meeting would normally be closed under open meeting law because it involves private data. The individual subject of the investigation does have the statutory right to request that the meeting be open and the individual did make that request. The state law does permit the council to discuss private data but only to the extent necessary for a thorough consideration of the matter. Please avoid private data if possible. The issue involves allegations of a violation of city policy involving a member of fire

department. The fire chief received some information of a potential policy violation and followed the appropriate procedure by contacting the city administrator, then contacted me in order to fully address the investigation in the matter. My senior partner in my law firm who is a very experienced investigator, came up and met with the individuals at issue and based on the results of the investigation it appears that the specific issue in focus of the investigation involved private, non-duty related communications. The initial report was investigated and the policy violation in that respect was found to be something that we're not bringing forward as a recommended discipline. The investigation in the matter did reveal an ongoing performance issue and that's also detailed in the report. Basically, because the matter involves fire fighters, we don't follow the normal procedure that we would apply to regular city employees and bring performance issues to council for review and determination, discovery, bylaws and operating procedures that we have for the fire department. With that, the report has been reviewed by the administrator and I. We are working now with the fire chief to address the performance issues that were identified. In summary, I'm not making recommendation for discipline to council this evening, but rather recognition that the administrator and I and the chief will be sitting down addressing this as a performance issue. With that, I'll open it up for discussion. Orpen says I guess I'm just curious, if half of what's in the report is accurate, who are you sitting down with to performance evaluate? Is it the chief, the fire fighters involved, is it all of the above? Lepak responds we would start with the chief that's head of department, run through what the allegations are. Certainly, it would involve dealing with performance issues identified against the subject in the investigation. Orpen says I guess what I'm asking is if the – there's a pretty thorough, detailed section on things that were said that took place that may or may not have taken place, and if even half of those are true, I think that more than just the person involved in the initial report needs to be investigated for their performance. Do you follow what I'm saying? Lepak says he agrees. Orpen states and just to be clear, that's everyone involved and the fire chief would be performance evaluated. Lepak says that's correct. McClish asks if there will be a follow-up with the council? Lepak states we will probably give a follow-up with the council to the extent that any action comes out of performance evaluation, but because the fire department has some of its own rules, we'll probably come to council with an informational item rather than a discussion agenda. McClish says thank you. Kane says Mr. Skordahl, do you agree with this course of action? Skordahl states yes, I do. My only comment is that the citizens of this city spend a lot of money training people and we have very valuable equipment that these folks are placed in charge of and I think the citizens expect a qualified, competent squad of folks to respond to whatever issues might arise in the city. We've got to take whatever steps are needed to make sure those needs are met. I think the step you've outlined is a very important step in that direction. Everything I've read in here, I'm not 100% sure I know the taxpayers and the citizens in this city are getting what they are paying for. So please, go off and go take this first step and let's get on the road to recovery in the fire department. Brown states he agrees with the described actions. Kane states Mr. Lepak, you've got your direction. Thank you.

2) Meeting Pursuant to Minn. Stat. Sec. 13D to develop offers for the sale of real property. The property in question is described as follows: Sect-22 Twp-034 Range-024 (183.55 Acres in Isanti County) SE/4 FCT & E/2 of SW/4: City Attorney Scott Lepak asks the city council go into closed meeting pursuant to Minn. Stat. Sec. 13D to develop offers for

the sale of real property described as; Sect-22 Twp-034 Range-024 (183.55 Acres in Isanti County) SE/4 FCT & E/2 of SW/4. We will be taping that closed meeting. At the end of that meeting, we will be coming out and providing a summary of what action, if any, is going to be taken.

CLOSED MEETING AT 6:24 PM CITY COUNCIL MEETING RESUMED AT 6:35 PM

Lepak reported the direction is to have the city look to enter into a lease as agricultural land for this summer. Next council meeting we hope to bring some more information back to you.

c. Staff:

Finance:

Fire:

Public Works:

Liquor Store:

Police:

City Administrator: Police Chief Job Description: Staff provided some proposed changes to the police chief job description. Since we are opening it internally, we are broadening the applicant pool with some of these changes made to the job description. We are looking for approval on the changes. In addition, to establish an interview panel, which I assume, would be the city council, potentially the city attorney, and myself sitting in on the interviews, but with the council actually being the panel. A tentative interview date of April 5 at 5 pm was set. **MOTION BY McCLISH SECOND SKORDAHL AUTHORIZING THE REVISED CHANGES TO THE POLICE CHIEF JOB DESCRIPTION AND AUTHORIZED CITY STAFF TO POST THE POSITION AS DESCRIBED IN THE CITY ATTORNEYS MEMORANDUM.** Motion carried 5-0

Council gave direction for the interview date to be April 5, 2016 starting at 5:00 pm as well as posting the position on March 28 or earlier. Council will sit in on the interview panel.

9. **Reports from Council Members:** None.

10. **Report from Mayor:** None.

11. **Old Business:** McClish reports the sink hole on the west side of Rum River Blvd is getting worse; the road is starting to sink down. Have there been any updates on that? Kohlmann states we've been in contact with the county. He will send an email once we have all the facts. McClish says if you walk a few feet from the asphalt, it drops down about 15 feet approximately. If a car goes off that road, it's not going to be pretty. If we could notify the county ASAP. Kane asks if there are any other updates. McClish would like to know if we have any updates on the asphalt on some of our city streets. A lot of the streets are falling apart very quickly. This has been an ongoing issue. Just checking with staff to see if we have any updates. Kane states if I may clarify, you're talking about the delamination? McClish says yes. Kohlmann states we're looking at doing a formal road inventory to assess all the pavement

because of delamination. Voge states the public works director and I or city staff will be looking at the streets. We've discussed road inventory as Mr. Kohlmann said. We know the condition is out there and will identify the extent of it and develop a plan for moving forward to address it. We haven't reviewed them yet since the snow has melted, but it's definitely high on our list. McClish asks if we can check to see if there's a solution to prevent it from crumbling apart. This winter took a big beating on some of the roads. The system expects roads to last 20 years and I'd hate to see a road get replaced in 15 years.

12. **New Business:** None.

13. **Adjournment:** Mayor Kane adjourned the City Council meeting at 6:41 pm.

Anna Anderson, Administrative Assistant