

CITY OF ST. FRANCIS
ST. FRANCIS MN
ANOKA COUNTY

CITY COUNCIL MINUTES
MARCH 9, 2017

1. **CALL TO ORDER/PLEDGE OF ALLEGIANCE**

The regular City Council meeting was called to order at 6:00 pm by Mayor Steve Feldman.

2. **ROLL CALL**

Members present: Mayor Steve Feldman, Councilmembers Joe Muehlbauer and Rich Skordahl. Jerry Tveit and Robert Bauer excused. Also present City Administrator Joe Kohlmann, City Attorney Scott Lepak (Barna, Guzy & Steffen), City Engineer Jared Voge (Bolton & Menk), City Planner Nate Sparks (Northwest Associated Consultants), Community Development Director Kate Thunstrom, Police Sergeant Ryan Larson, Fire Chief Matt Kohout, Liquor Store Manager John Schmidt, and Public Works Director Paul Teicher,

3. **APPROVAL OF AGENDA**

MOTION BY MUEHLBAUER SECOND SKORDAHL TO APPROVE THE AGENDA AS SUBMITTED. Motion carried 3-0.

4. **CONSENT AGENDA**

MOTION BY MUEHLBAUER SECOND SKORDAHL TO APPROVE THE CONSENT AGENDA ITEMS A-E AS FOLLOWS:

- A. City Council Minutes – February 6, 2017
- B. Enter into a Hold Harmless Agreement for Water issues with resident at 22545 Zea Street for \$4,525.
- C. Enter into service agreements with Sambatek for City Planning Services and Hakanson Anderson for City Engineering Services
- D. Acknowledging and approving the St. Francis Lions Club applied for a State Gambling Application to Conduct Excluded Bingo at the St. Francis American Legion, April 1, 2017.
- E. Payment of Claims \$143-619.16 (Checks #72151-72206)

Motion carried 3-0.

5. **MEETING OPEN TO THE PUBLIC**

None – Muehlbauer said there is one person signed up but not here right now.

6. **SPECIAL BUSINESS**

None

7. **PUBLIC HEARINGS**

None

8. **OLD BUSINESS**

None

9. **NEW BUSINESS**

- A. 23215 Tamarack Street – Excavation & Fill Permit – City Planner Nate Spark presented the request from applicant Paul Emmerich Construction. This application is for an excavation and fill permit to excavate material at 23215 Tamarack Street in order to create a pond. There is 2000 cubic yards of fill being removed and used to elevate the building pad for a new house at 23148 Tamarack Street. The work was started prior to a permit being issued but the applicant stopped the work and has made the required application. Per Section 10-31 of the City’s Zoning Ordinance, the City requires all excavation and fill operations greater than 100 cubic yards in the Rural Service Area to receive an interim use permit unless otherwise exempted. Based on the information provided, it appears that the proposed excavation of 2000 cubic yards of fill is being done in a manner consistent with City requirements. The City Engineer has reviewed the request and found the proposed grading to be acceptable and there will not be any impacts to neighboring properties or natural features. The placement of the fill on 23148 Tamarack Street will have the benefit of creating a building site that conforms to City regulations. Therefore, it would appear that the proposed interim use permit for the excavation may be deemed acceptable. The Planning Commission held a public hearing and recommended approval of the application with eight conditions that are noted in the resolution before you. Feldman asked how far along were they? Sparks stated about 2/3’s. Feldman asked applicant, why not call? I am a contractor, why not call. Applicant said we didn’t know, we have dug many ponds before in other cities. Feldman said that is the key “other cities”. Feldman asked them to take the time and make a phone call next time in which they agreed. MOTION BY SKORDAHL SECOND MUEHLBAUER TO ADOPT RESOLUTION 2017-07 A RESOLUTION APPROVING AN INTERIM USE PERMIT FOR AN EXCAVATION PERMIT AT 23215 TAMARACK STREET. Motion carried 3-0.
- B. ISD #15 – Ord. Amendment, Conditional Use permit & Site Plan Review Event Parking Lot - City Planner Nate Sparks presented ISD #15’s request for an ordinance amendment, conditional use permit, and site plan review. The applications are to place a gravel, limited use event parking lot on recently acquired property located on the southeast corner of 235th Avenue and Rum River Blvd. The City’s Zoning Ordinance Section 10-19-8-E prohibits gravel parking lots. Therefore, the applicant is proposing an ordinance amendment to allow for such parking areas under certain conditions as a conditional use. The gravel parking area has already been installed. The parking lot is intended to be overflow parking that’s used when the athletic teams are playing. It is adjacent to another gravel parking area. This lot is intended to provide more safe parking area for when the existing parking areas are full. It is intended to only be used three days a week from August until winter. Due to the limited use, the School District does not wish

to pave it. Some tree and brush removal was done when installing the lot. There is a fence separating the new parking lot from the main parking lot with access points for pedestrians. The Planning Commission reviewed the request and held a public hearing. The Planning Commission found that the ordinance amendment was reasonable, the conditional use to be acceptable because it is intended for seasonal use. They however did put some conditions on the request noted in the resolution. Due to the fact there are not four council members in attendance the city council cannot act on the ordinance amendment. The driveway access was discussed. Feldman stated this was 4/5 completed. Based on a letter that came from our community development director that they misconstrued to be permission to do this. Discussion was held on a letter that ISD #15 received from the city. Nowhere in this letter does it say go ahead and start the project. It says to them, it is allowable/permitted. There is a proper procedure here to follow. Feldman said don't do this again, you put our backs to the wall. Muehlbauer said if we do say no we still have to pay for it through the school taxes. Skordahl said they did reach out to city staff. I guess I could see where they thought it was okay to proceed. Feldman said I think what they are doing is a good thing and if it goes to a full time use they will pave and curb the lot. I am just saying in the future they need to know there is a procedure. Lepak suggest both of items, resolution and ordinance be tabled. MOTION BY MUEHLBAUER SECOND SKORDAHL TO TABLE THE ISD #15 ORDINANCE AMENDMENT AND RESOLUTION APPROVING THE CONDITIONAL USE PERMIT. Motion carried 3-0.

- C. St. Francis Transitional Care Facility – Extension Request – City Planner Nate Sparks presented the extension request for the St. Francis Transitional Care Facility. Sparks stated Able Companies received approval of a Planned Unit Development Amendment and Site Plan Review for an assisted living/transitional care facility in November of 2015. The approval also granted general site and building plan review approval, which is in effect for one year. Prior to the expiration, the applicant requested an extension to explore a tax increment finance district to assist in the financing of the project. Since the time of the extension, the property owner has changed. Therefore, the extension request was submitted by the new property owner not the original applicant. The Planning Commission found the conditions that the approval was based on are still generally in place. By granting the extension, the applicant would be permitted to enter the construction phase of the project. MOTION BY SKORDAHL SECOND MUEHLBAUER TO ADOPT RESOLUTION 2017-09 A RESOLUTION APPROVING AN EXTENSION FOR ZONING APPROVALS FOR THE ST. FRANCIS TRANSITIONAL CARE FACILITY. Motion carried 3-0.
- D. Connexus Energy Land Lease Option – The City has been working with Connexus Energy to utilize the former wastewater pond site with the installation of solar panels. Connexus has agreed to pay the City \$1,000

annually for each developable acre they use up to fifteen (15) acres with a one percent (1%) annual increase, for an initial term of twenty years (20) with two(2) five (5) year renewal options. Connexus will also provide an incentive share equal to twenty percent (20%) of the Renewable Energy Certificates created from the solar system for the duration of the lease. Feldman gave Public Works Director Paul Teicher credit for thinking outside the box, my hat's off to you. Skordahl asked if this was a permitted use. Kohlmann said this is contingent upon all City approvals. MOTION BY MUEHLBAUER SECOND SKORDAHL TO ENTER INTO THE LEASE AGREEMENT WITH CONNEXUS ENERGY. Motion carried 3-0.

- E. Building Inspection Contract Service Agreement – Kohlmann reported the City received two proposals for Building Inspection Services. One from Metro West and the other from the City of East Bethel. The proposals will likely only provide inspection service for commercial and septic inspections. After discussion on the proposals submitted it was decided to go with Metro West. The City used Metro West before we hired our own inspector. MOTION BY SKORDAHL SECOND MUEHLBAUER TO ENTER INTO A CONTRACT SERVICE WITH METRO WEST INSPECTIONS. Motion carried 3-0.

10. **MEETING OPEN TO THE PUBLIC**

Angela Bray, resident of St. Francis talked about moving the council meeting time. She thinks more people would come if they started later. Feldman asked what time are you thinking 6:30 or 7:00 pm. She said, not sure maybe do something on a trial basis. Another thing, she said one time in history there was a contract that said the liquor store staff would have higher wages if there were Sunday sales. Skordahl said we are going to have to figure out how to deal with Sunday sales; maybe we need a work session. Feldman asked when do you think this will go into effect. Liquor Store Manager John Schmidt stated in July.

11. **REPORTS**

- A. Administrator's Report – none
- B. Fire Department - Annual Report – Fire Chief Matt Kohout gave his annual report. Kohout stated in 2016 the fire department had 241 calls and the times of day the calls come in. He also went over the number of drills, meetings, training and other events they participated in. Feldman asked how was the hiring process going. Kohout replied good.
- C. Councilmember Reports – Skordahl indicated he received an email from a citizen about dogs running at large. Maybe we should put something in a newsletter, as a “did you know” regarding dogs running at large and what to do if you see them. Feldman said we have an ordinance on this maybe we should put it on the website. We need a more updated website. Muehlbauer agreed. Let's get the ordinance back up there. Discussion was held on the location of the complaint.

Muehlbauer stated a person contacted him regarding accessory structures. Regarding the sound system, I understand ISD #15 is seeking bids, so it seems that is getting addressed. The mayor, Joe Kohlmann and I met with school representatives to get to the truth about what is going on with the proposed referendum. They informed us there will be getting out a question and answer brochure. It is a \$92 million project. Once we receive the brochure we will put it on our website too. This is not the City's say; the school district is a separate entity. The council is just one vote as a citizen.

Feldman said keep signaling your turn in the roundabouts. Teicher will be contacting the county regarding the speed along Bridge Street and getting from signs for Poppy Street. Feldman asked Sgt. Larson for a radar update. Larson reported Stalker will be coming out to the police department and certify us all in using the device.

Feldman stated before we end, I want to thank Nate Sparks and Jared Voge, in my opinion the change was a reflection on your company and not on you.

12. **ADJOURNMENT**

There being no further business, Mayor Feldman adjourned the regular city council at 6:44 pm.

Barbara I. Held, City Clerk