

CITY OF ST. FRANCIS  
ST. FRANCIS, MN

CITY COUNCIL MINUTES

December 15, 2008

6:00 PM

1. **Call to Order:** The regular City Council Meeting was called to order by Mayor Randy Dressen at 6:00 pm at the ISD #15 District Offices.
2. **Roll Call:** Present were Mayor Randy Dressen, Council members LeRoy Schaffer, Steve Kane, Ray Jones, and Tim Brown. Also present was City Attorney Scott Lepak (Barna, Guzy & Steffen), Assistant City Engineer Jared Voge (Bolton & Menk, Inc.), Public Works Director Paul Teicher, Finance Director Gayle Bauman, City Administrator Matt Hylen, and City Clerk Barb Held.
3. **Adopt Agenda:** MOTION BY KANE SECOND BROWN TO ADOPT THE DECEMBER 15, 2008 CITY COUNCIL AGENDA. Motion carried 4-1. Schaffer voting nay.
4. **Consent Agenda:** MOTION BY BROWN SECOND KANE TO APPROVE THE DECEMBER 15, 2008, CITY COUNCIL CONSENT AGENDA A-H
  - a. Approve the City Council Minutes – December 1, 2008.
  - b. Receive and File the Park Commission Minutes – October 14, 2008.
  - c. Receive and File the St. Francis Fire & Rescue Minutes – December 7, 2008
  - d. Adopt the Internal Control Procedures as presented.
  - e. Certify the Recount Results of December 2, 2008 between Jeffrey Sandoval and Ray Jones
  - f. Approve the Amendment to the City Administrator's Employment Agreement.
  - g. Accept the First Annual Performance Reviews of Police Officer Daniel Allen and place him at Step 3 on the Police Officer Salary Schedule.
  - h. Approve the Payment of Claims for \$242,293.36.Motion carried 5-0.
5. **Petitions, Requests, Applications:**
  - a. **Roselawn Stables: Conditional Use Permit Update:** Hylen reported that Mr. Sparks wrote a letter to Roselawn Stables indicating the City Council had requested an on-site inspection to confirm full compliance with the conditions in the Conditional Use Permit. Mr. Sparks did not receive a response after a number of attempts by phone. Hylen stated unless there is other council direction, we can continue to attempt to contact him. Brown said this has been going on for quite some time and a little tired of hearing about it. Kane said Mr. Karpe has sat on this board and was a leader of this community and should still be looked upon as a leader, he is not acting as a leader in this matter. MOTION BY BROWN SECOND KANE TO REVOKE THE CONDITIONAL USE PERMIT FOR ROSELAWN STABLES. Jones said what I do not like is Christmas is coming, and this is his business. Dressen said maybe he should have thought of that when he chose not to

respond. Schaffer said he feels there is some prejudice here so I am going to have to vote nay. Motion carried 3-2. Jones and Schaffer voting nay.

**6. Ordinances & Resolution:**

a. **Ordinance 130, Second Series: Amending Chapter 10, Sec. 10.36 Subd. 6 e. Regarding Fences (2nd Reading):** MOTION BY KANE SECOND BROWN APPROVING THE SECOND READING OF ORDINANCE 130, SECOND SERIES; AMENDING CHAPTER 10, SECTION 10.36 SUBD. 6 E, REGARDING FENCES. Roll Call: Ayes: Schaffer, Kane, Jones, Brown, and Dressen. Nays: None. Motion carried 5-0.

b. **Ordinance 131, Second Series: Creating Chapter 10, Sec. 10.39 Entitled “Outdoor Furnaces” (2<sup>nd</sup> Reading):** MOTION BY BROWN SECOND KANE APPROVING THE SECOND READING OF ORDINANCE 131, SECOND SERIES; CREATING CHAPTER 10, SECTION 10.39 ENTITLED “OUTDOOR FURNACES”. Schaffer said he still thinks this creates pollution and affects a very small area and it is not necessary. Jones said he has a problem with it with properties that have 2 ½ acres and cannot have them even if they live are out of the water and sewer area. Maybe send it back to the Planning Commission. Hylan said I know it was sent back to the Planning Commission already and they had a very lengthy discussion on this matter. Roll Call: Ayes: Kane, Brown, Dressen. Nays: Schaffer and Jones. Motion fails, ordinances need a 4/5<sup>th</sup> vote to pass. Brown said, so we are not regulating anything right now, Mayor said yes.

c. **Ordinance 132, Second Series: Approving the Sale of City Owned Real Estate (32-34-24-32-0006):** MOTION BY KANE SECOND JONES TO APPROVE THE FIRST READING OF ORDINANCE 132, SECOND SERIES APPROVING THE SALE OF CITY OWNED REAL ESTATE (32-34-24-32-0006). Roll Call: Ayes: Brown, Jones, Schaffer, Kane, Dressen, Nays: None. Motion carried 5-0.

d. **Resolution 2008-32: Approving the On-Call Part Time Salaries and Officer Pay for the St. Francis Fire Department:** MOTION BY BROWN SECOND DRESSEN TO ADOPT RESOLUTION 2008-32 A RESOLUTION APPROVING THE ON-CALL PART TIME SALARIES AND OFFICER PAY FOR THE ST. FRANCIS FIRE DEPARTMENT. Motion carried 5-0.

e. **Resolution 2008-33: Certifying Taxes Payable in 2009:** MOTION BY KANE SECOND BROWN TO ADOPT RESOLUTION 2008-33 A RESOLUTION CERTIFYING TAXES PAYABLE IN 2009. William (Bill) Gerlach signed up before the meeting to address the council on the Tax/Budget for 2009. As a taxpayer how can, I get the word out to the residents about these meetings. Dressen said the budget process goes on almost for the whole year. Gerlach stated it was not fair for you guys to get yelled at last year at the one council meeting like you did. Dressen said we welcome the input from all the residents. Mr. Gerlach said he commends the council.

Jones asked the finance director; Gayle Bauman said if the LGA reduced or eliminated, where the money is going to be cut from. Ms. Bauman said for the second half payment at this time it will probably come from our fund balance. If they cut LGA for 2009 the City Administrator and department heads will have to get together to see where the monies will come from and bring a recommendation to the council. Motion carried 4-1. Schaffer voting nay.

f. **Resolution 2008-34: Adopting the Budget for 2009:** MOTION BY KANE SECOND BROWN TO ADOPT RESOLUTION 2008-34 A RESOLUTION ADOPTING THE BUDGET FOR 2009. Kane recommended putting a freeze on hiring and purchasing of capital improvement items until we know more about the LGA cuts. Schaffer said what you prepared is what you want, what are the needs if there are LGA cuts. Schaffer commended Steve Kane for suggesting the freezes until we know what is going on. Dressen said we do not know about LGA and what the State will do, regarding large expenses, the Council still has final say. Bauman agreed the Council has an option at anytime to put a freeze on. Schaffer said we have never had feedback on how we spend money or can save. Brown said we have worked on this budget for the past year and we have had opportunities to make changes. Brown said we have options not purchase items once they come before us. Jones said if we budget a certain amount and do not spend it does the money, does that lower out taxes next year. Jones stated lets put it this way if we take out 500,000 to one million out of the budget will that lower the taxes for next year. Hylan said you already set the Levy for 2009. Schaffer said I understand that we are raising the Levy 1+% but let's lower it. Dressen stated the levy amount was already voted on. Motion carried 4-0. Schaffer abstained.

g. **Resolution 2008-35: Approving the License Renewals for 2009:** MOTION BY BROWN SECOND KANE TO ADOPT RESOLUTION 2008-35 A RESOLUTION APPROVING THE LICENSE RENEWALS FOR 2009. Motion carried 5-0.

h. **Resolution 2008-36: End of Year Transfer:** MOTION BY KANE SECOND BROWN TO ADOPT RESOLUTION 2008-36 A RESOLUTION APPROVING THE END OF YEAR TRANSFERS. Motion carried 5-0.

i. **Resolution 2008-37: Approving the Comprehensive Plan Update Pending Metropolitan Council Review:** MOTION BY KANE SECOND SCHAFFER TO ADOPT RESOLUTION 2008-37 A RESOLUTION APPROVING THE COMPREHENSIVE PLAN UPDATE PENDING METROPOLITAN COUNCIL REVIEW. Motion carried 5-0.

j. **Resolution 2008-38: 2009 Pay Plan for Non-Organized Employees:** MOTION BY KANE SECOND BROWN TO ADOPT A RESOLUTION APPROVING THE 2009 PAY PLAN FOR NON-ORGANIZED EMPLOYEES. Motion carried 5-0.

MOTION BY KANE SECOND SCHAFFER TO PUT ON A HIRING FREEZE AND SPENDING FREEZE ON CAPITAL IMPROVEMENT PLAN PROJECTS UNTIL THE CITY FINDS OUT MORE ON THE LOCAL GOVERNMENT AID (LGA) CUTS, FRIENDLY AMENDMENT NOT TO NOT INCLUDE THE SEASONAL PART TIMERS AND SQUAD PURCHASE THAT WAS ALREADY APPROVED. Motion carried 5-0.

7. **Meeting Open to the Public: None**

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

a. **Engineer: Payment to MBI (Municipal Builders, Inc.) for the Construction of RIB No. 1 Inlet Structure:** Voge explained that in a letter dated August 19, 2008, the Minnesota Pollution Control Agency required that the Rapid Infiltration Basin No. 1 inlet structure be relocated to further utilize the basin. Quotes were obtained for the required work. While the inlet structure was being constructed, discussions with City Staff resulted in modifications to the structure to improve functionality and reduce long-term maintenance. These modifications were

based on Staff's previous experience with the other RIB inlet structures at the facility. The modifications resulted in an increase cost of \$5,513.00. Jones said I am the one that questioned it. **MOTION BY JONES SECOND BROWN APPROVING THE PAYMENT TO MBI (MUNICIPAL BUILDERS, INC.) FOR THE CONSTRUCTION OF RIB NO.1 INLET STRUCTURE.** Motion carried 5-0.

**Stimulus Projects:** President Elect Obama has indicated there could be a potential of some Stimulus Money for projects that are currently in the works. Voge stated he would keep the council posted.

There might be some money available too with the Constitution Amendment that was passed.

Jones asked how is the Water Treatment Plant working, is it on it's own or still working manually. Voge replied still working manually.

**b. Attorney:** There was a challenge to the Special Election that is to be held December 16, 2008 and the judge ruled to allow the election to go on, so there will be a special election tomorrow.

**c. Staff: Fire Dept:** No report.

**Liquor Store:** No report.

**Police Dept:** No report.

**City Administrator Report: Builder asking for Reimbursement:** A builder asked for the building permit fee to be reduced because he did not sell it for what it was valued on the building permit. Recommendation to leave this as is and will handle it administratively.

**Habitat for Humanity:** The plans are still moving ahead to construct two homes in 2009, they may back this off with one in 2009 and one in 2010.

**Purchasing Freeze:** Hylan ask does this apply for on purchases for over \$5,000, what if a pump goes out. . Kane said if it affects the safety to the public, it needs to be taken care of.

9. **Reports from Council Members:** Schaffer decided to discontinue effort. Might be my last meeting.

Jones asked about the 90 degree turn along 233<sup>rd</sup> and Nacre, is it possible to maybe put a sign to warn them.

10. **Report from Mayor:** None

11. **Old Business:** None.

12. **New Business:** Kane would like to bring it up to staff to match the policies with the four-ten hour days.

13. **Adjournment:** The Regular City Council meeting adjourned at 6:53 pm.

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Barbara I. Held, City Clerk