

CITY OF ST. FRANCIS
ST. FRANCIS, MN

CITY COUNCIL MINUTES

December 21, 2009

6:00 pm

1. **Call to Order:** The regular City Council Meeting was called to order by Mayor Jerry Tveit at 6:00 pm at the ISD #15 District Offices.
2. **Roll Call:** Present were Mayor Jerry Tveit, Council members LeRoy Schaffer, Steve Kane, Jeff Sandoval and Tim Brown. Also present was City Attorney Scott Lepak (Barna, Guzy & Steffen), Assistant City Engineer Jared Voge, Public Works Director Paul Teicher, Police Chief Jeff Harapat, Fire Chief Brian McDonough, Finance Director Gayle Bauman, and City Clerk Barb Held
3. **Adopt Agenda:** MOTION BY SANDOVAL SECOND KANE TO ADOPT THE DECEMBER 21, 2009 CITY COUNCIL AGENDA. Motion carried 5-0.
4. **Consent Agenda:** MOTION BY KANE SECOND SANDOVAL TO APPROVE THE DECEMBER 21, 2009 CITY COUNCIL CONSENT AGENDA A -H AS FOLLOWS: Schaffer said being I can't talk to the staff I have a problem approving the portion of the agenda. I did interview one officer and he is no longer with the City.
 - a. Approve the City Council Minutes of December 21, 2009.
 - b. Receive and File the St. Francis Fire & Rescue General Meeting Minutes of December 6, 2009.
 - c. Approve Pay Estimate No. 3 and Change Order No. 1 to Douglas-Kerr Underground of Mora in the amount of \$22,695.69 for the 2009 Watermain Looping Project.
 - d. Approve Pay Estimate No. 1 and Change Order No. 1 to J.L. Jordan Excavators, Inc. of Princeton in the amount of \$24,015.71 for the Rum River Blvd. Parking Lot Project.
 - e. Accept the Annual Performance Review of Police Officer Dan Allen and place him at Step 4 on the Police Officer Grade.
 - f. Accept the Annual Performance Review of Police Administrative Assistant Karla Keys and place her at Step 5 of Grade 9.
 - g. Accept the Appointment of Fire Department Officers as follows: Re-appoint Mark Sorenson as Assistant Fire Chief and Appoint Brigit Kelley to Fire Captain.
 - h. Approve the Payment of Claims for \$ 260,234.20.Motion carried 4-0. Schaffer voting nay.
5. **Meeting Open to the Public:** Taryn Luby and Yakaseh Wejwee from the St. Francis Student Council were before the City Council asking for permission and support to have a 5K Walk/Run February 20, 2010. They would like to use the same route as the one that was used during Pioneer Days. This will be a benefit for a former student, Alex Balluff who was hit by a car in October. Mayor Tveit stated we would be happy to draft a letter of support for this event along with sending a letter of support to the Anoka County Parks Department.

Roland Willis, 23073 Eidelweiss Street was before the council with some questions regarding the taxi ordinance the council adopted. If I get a taxi from the airport to bring me home, will they be allowed to come into town to drop me off at my home or do they have to drop me off at the city limits if they do not have a permit. One other question was that Mr. Lepak (city attorney) stated this ordinance would exempt school buses, Anoka County Travelers, etc. So would a tour bus be able to drive through town or do they have to go around the city. Also, if we are going to charge the fee and require a million dollar insurance policy are we going to contact all the different taxi services. Mr. Willis thanked the council for their time.

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

a. **Public Hearing on the Proposed 2010 Fee Schedule:** Mayor Tveit opened the public hearing at 6:10 pm. Under Minnesota Statute § 462.353 Subd. 4(a) states a municipality may adopt a fee schedule under this subdivision by ordinance. If a municipality collects a cumulative total, in excess of \$5,000 in fees under this section may prescribe a fee schedule by ordinance. Although the City Council has adopted a fees schedule by resolution annually, it is upon the recommendation of the City Attorney that we adopt our fee schedule by ordinance, after a public hearing.

Mayor Tveit closed the public hearing at 6:11 pm. after asking a number of times if there was any public that wished to speak for or against the 2010 Fee Schedule.

7. **Ordinances & Resolution:**

a. **Ordinance 145, Second Series: Amending Section 6.05, adding Subd. 2 “Fee Schedule” (First Reading):** MOTION BY KANE SECOND BROWN TO APPROVE THE FIRST READING OF ORDINANCE 145, SECOND SERIES AMENDING SECTION 6.05, ADDING SUBD. 2, “FEE SCHEDULE”. Schaffer said maybe we should table this to compare the fees to other cities. Staff stated we have compared our fees to surrounding communities. Tveit said I believe other cities have master fee schedule and are public information. Schaffer said I don’t go upon blind faith. Roll Call: Ayes: Schaffer, Kane, Brown, Sandoval, and Tveit. Nays: None.

b. **Resolution 2009-38: Approving the License Renewals for 2010:** MOTION BY BROWN SECOND SCHAFFER TO ADOPT RESOLUTION 2009-38 A RESOLUTION APPROVING THE LICENSE RENEWALS FOR 2010. Motion carried 5-0.

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

a. **Engineer:** No report.

b. **Attorney:** No report.

c. **Staff: Fire Dept: 2009 Payment to Firefighters Pension Fund:** The City typically contributes money to the Fire Department Pension Fund. Up until 2007, the City was making an annual payment to the firefighters’ pension fund equal to the State required contribution from two years prior. Over the past eight years, the City’s annual contribution has ranged from \$9,240 to \$29,741. For 2008, the contribution requested was \$31,821, but with the loss of state aid to the City and the uncertainty of future revenues, the Council approval a contribution of \$20,000; even with a

required minimum payment of \$0. This is the first time since 1994 that the funded rate has dropped below 100%. Even with this underfunding, the City's minimum required payment for 2009 is \$0. The Council has the option to continue the past policy and contribute \$27,398 (the amount equal to the 2007 state aid payment) or do something different. Bauman said if the City keeps the expenditure an even amount each year it would minimize the impact on the budget. Fire Chief Brian McDonough stated we do understand there are budget cuts. The relief association is a big reason we keep firefighters. We are on the low end of hourly pay compared to surrounding communities. MOTION BY BROWN SECOND KANE TO MAKE A CONTRIBUTION OF \$24,000 FOR THE YEAR 2009 TO THE FIRE RELIEF ASSOCIATION PENSION FUND. Sandoval said so we do not have to make a budget cut by approving this amount. Bauman stated you are correct. Tveit said should we look at in the future having it an employee amount driven. Kane said we should have a workshop with the fire department to educate us and maybe look at setting a policy. Brown said the pension is based on years of service. Motion carried 5-0.

Public Works: No report.

Liquor Store: No report.

Police Dept: No report.

City Administrator Report:

9. **Reports from Council Members:** Brown reported there was no Planning Commission in December due to lack of activity.

Sandoval asked the engineer if he had a chance to meet with the public works director on the signage along 238th. Voge stated yes he did and there will be stop signs placed along Xkimo and Barium Streets.

Kane report that the Mayor and I attended the Taser training provided by the St. Francis Police Department. The Mayor did get Tased but I did not.

a. Council Member Schaffer:

1. Combine Police/Fire with other Communities: Schaffer reported surveys were conducted with Oak Grove, Nowthen and East Bethel and they interested in the merger of law enforcement agency but they are waiting for St. Francis. MOTION BY SCHAFFER SECONDED TVEIT FOR THE SAKE OF DISCUSSION TO HAVE THE CITY ADMINISTRATOR GIVE US AT LEAST THREE OPTIONS FOR GOING FORWARD IN INVESTIGATING THE POSSIBILITY OF COMBINING THE LAW ENFORCEMENT FUNCTIONS OF EAST BETHEL, OAK GROVE AND NOWTHEN BY APRIL 2010 WITH A COST ANALYSIS AND ASSESSMENT OF THE INTEREST OF THE FOUR PARTIES. Tveit said until we get a feasibility report back, right now it does not concern me if they are for this. My first concern is if

this is something that is financially viable. Schaffer said this is something that will take a couple years. Schaffer stated he appreciates you (Tveit) letting us discuss this.

Brown said Mr. Schaffer have you decided where the funding source is coming from to do this feasibility study. Schaffer said if you do not pass this, I suggest that Jerry talks to Matt Hylan. My whole theme since I have been in office is to save money.

Kane said I know this is a passion for you Mr. Schaffer. The people you are talking to are under contract with Anoka County Sheriffs Department. Anoka County is our back up. If you keep doing this, the Anoka County Sherriff is going to see this as a threat. Schaffer said sometimes you just have to take a chance. Kane said I am always going to error on the side of safety. Let staff do things in a professional manner. Tveit said I know Mr. Hylan and myself have talked to other cities about sharing services. One example is that we share a street sweeper between cities. Relationships need to be built and trust each other. Schaffer said someone has to take the initiative and I believe it started with Ray Jones, a real conservative. Tveit said I would rather wait for some financial numbers to come back before we would even start talking to other cities. Motion failed 1-4. Kane, Sandoval, Brown and Tveit voting nay.

2. Public Works Building Finance: Schaffer referenced the feasibility studies that were previously presented. Schaffer also referenced the finance director's different options to pay for the facility. Schaffer wants to save for the building instead of borrowing the money. MOTION BY SCHAFFER SECOND TVEIT TO SAVE FOR 10 YEARS AT THE RATE \$545,190 A YEAR INSTEAD OF BORROWING STARTING JANUARY 2011 UNTIL 6.25 MILLION DOLLARS ARE REACHED. Tveit asked Schaffer are you proposing to raise taxes one-half million dollars a year? Tveit asked Bauman was inflation figured in her figures. Bauman said no, neither was what we are going to do in the interim with the structure and equipment. Bauman said yes you can put money aside for ten years who says that future councils will keep the money in the budget. Brown indicated cash is always better but, today it maybe a 6.25 million dollar building what is it going to be the cost in 10 years. The longer we wait the more expensive it is going to be. Schaffer said I am not going to be hurt if you do not vote my way. Sandoval said we have equipment setting out side currently. We put money aside every year how much of that money are we going to have to tap into to buy new equipment because they are sitting outside. Sandoval stated we have seen too much in this community, putting off buying equipment we all benefit from the services being provided. Kane said I too could agree if we can save money that would be good but we will not be able to stay in the east shop. We made an investment in the equipment we need to make it last. Motion failed 0-4. Kane, Sandoval, Brown and Tveit voted nay. Held asked for the vote on that motion. Schaffer said, oh I forgot to vote on that one put me down as an aye.

3. St. Francis and County Drug Report: Schaffer said it is amazing what you find on the internet. Schaffer indicated to the police department that stated you said it was difficult to get this (drug) information to us but you had to submit it to the county, I have it here. Schaffer read a report. I would like to pass this around it shows us what you can do for reports. This is a report that you (police department) can do, that is what you guys are in business for anyway, gives you job security. MOTION BY SCHAFFER SECOND TVEIT TO HAVE THE POLICE DEPARTMENT TO GIVE

THE COUNCIL A MONTHLY REPORT ON THE TOTAL ARREST ON THE NUMBER OF MARIJUANA, METHAMPHETAMINES, SYNTHETICS AND OTHER DRUGS ALSO CASE TYPES AND TOTAL FOR 2009 TO BE SUBMITTED BY MARCH 1, 2010 AND PROCEDURE SHOULD BE DONE EVERY YEAR THEREAFTER. Schaffer said this is a matter of communication of what is going on. Tveit said if I remember what the Police Chief reported a couple months ago after the arrest is made and it goes through the court system. Tveit said I do not know what website you got this off of but I don't know if we are going to know how the arrest is going to be handled in court. If you already get the report why should we take the time to itemize this when it already is being done? Wait a couple of months and you can get 2009's report. Schaffer said if I can find it, why can't they provide it to us, I don't buy it. The idea that it is too complicated I don't buy this. Tveit said numbers sometimes don't mean a lot. Police Chief Harapat said all information is reported to County Records and than goes to the State of MN. I believe the report you have must be a state report by some of the cities you mentioned. There are part one and part two crimes. Tveit again asked why do you want us to gather the statistics when you can already get the report off the internet. Brown said I am not sure why a councilmember needs to know this type of information anyway. We are here to interpret policies, set the budget and adhere to the budget. I trust staff, and do not want to waste staff time to get a report. I do not have to micromanage the departments we have experts in each department. I congratulate Mr. Schaffer for discovering the internet many of us have been using it for years. I cannot see wasting staff time. Schaffer said numbers do give a trend and gives you an over view. Tveit asked what good would the report do? Schaffer said keep us informed, smarter. I don't stand over these guys to see what they are doing, I am not permitted to do that anyway. Tveit said the Chief has been available at the Council Meetings to answer questions. I don't believe this report will help me run the City. Sandoval said Anoka County is tracking the information on the court cases/documents from the tickets and the court cases. Most communities do not have the time to do this. If you request them (police department) to give us this report you are burying them with paperwork. They already are buried with paperwork. I know some of the guys already go in to the office on their own time to do paperwork. Tveit said maybe you want to get this information straight from Anoka County. Schaffer asked to withdraw his motion, Tveit agreed with withdrawing the motion. Police Chief said we can give you a monthly report but not as detailed as the one you received. Tveit said I was getting the monthly statistics, and asked the police department why do I need this. Consensus was to get the report for the off week memo.

4. Taser Policy: Schaffer read a report on Tasers aloud; he said it is all internet stuff. The perception is to play them (Tasers) down.

Tveit said Sergeant Rehling is our training officer on Tasers. Tveit asked if this report is true. Sgt. Rehling said the people that have died from the Tasers have died from some other source, not the Taser itself. Tveit asked what would the alternative be, Mr. Schaffer. Tveit said I believe using the Taser is a very effective tool.

Kane said I think we are missing part of the point. If a person gets tased, it is because of his own behavior. What are the options, I would rather they tase them. Schaffer said you could be an

innocent bystander and get him by one of them. Schaffer said there have been 50 deaths; you have to decide if it is expectable.

Brown stated you can get anything you want off the internet. Tveit said I am for educating people about the tasers.

Report from Mayor:

a. **Meals on Wheels-Letter of Endorsement:** Anoka-Champlin Meals on Wheels is asking for a letter of endorsement to be submitted with their application for Community Development Block Grant (CDBG) funds for 2010-2011. Their expansion to cover St. Francis began over 18 months ago. Meals on Wheels clients benefit from not only a home-delivered, freshly prepared, nutritious meal Monday through Friday, but also a check-in to ensure their well-being. St. Francis residents-not only the seniors and those with disabilities that we serve- but also their families, benefit from this service. Instruct staff to prepare a letter of endorsement.

Tveit also reported he received a letter from the Webcast50 SFHS advisor, Glenn Morehouse-Olson. In this letter to the City is the protocol for purchasing the DVD of the council meetings. Tveit read the letter. The letter gave an outline for the protocol for ordering a DVD and it is as follows:

- 1) The Video will be uploaded as soon as possible following the meeting.
- 2) The copyright belongs to Webcast 50 and can be purchased through them.
- 3) Click on the link on the City's webpage and you will be immediately connected to the link to purchase the meeting.

Ms. Morehouse-Olson also stated unfortunately, the high school is unable to burn DVD's for individuals, we do not have the time or budget, and that is not part as her duties as the webcast adviser. She ended the letter stating we look forward to continuing providing this service in 2010.

Tveit thanked the Council for the Christmas cards that I received from Council members.

Yes, I did get tased last weekend at the Police Department training session. I would endorse our officers carrying tasers.

I would like to reflect on this past year. We need to address everyone with respect. In the interest of working together, to have continuity with our council, maybe we need to try to loosen up some of the restraints we put on Mr. Schaffer. We have to remember what we say and our tone along with the delivery, we may be perceived different. I will bring this up at a meeting in January. Schaffer said it makes me extremely ineffective by not being able to talk to staff.

11. **Old Business:** Brown said unfortunately, I do have something to report. Like every year, I send out holiday greeting cards to council members and city hall. I received a letter from Council member Schaffer that has my family very upset. I want to give this to the city attorney for filing just incase something unfortunate happens to me or a member of my family. Brown then handed it over to the City Attorney. Schaffer asked what does it say. Brown stated it is not public. Lepak asked Mr.

Brown is this something you feel threatened by? Brown said members of my family have. Schaffer asked Lepak to read the letter and Lepak stated; I am not going to do that.

Sandoval asked about coffee business along Rum River Blvd, do they have to have an enclosed dumpster by our ordinance. Brown said I believe there is an ordinance that referenced dumpsters.

12. **New Business:** None.
13. **Adjournment:** The Regular City Council meeting adjourned at 7:42 pm

Barbara I. Held, City Clerk