

CITY OF ST. FRANCIS
ST. FRANCIS, MN

CITY COUNCIL MINUTES

December 7, 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, Finance Director Gayle Bauman, City Administrator Matt Hylan and City Clerk Barb Held.

Mayor Tveit just wanted to recognize today as Pearl Harbor Day.

3. **Adopt Agenda:** MOTION BY BROWN SECOND KANE TO ADOPT THE DECEMBER 7, 2009 CITY COUNCIL AGENDA. Schaffer asked about the Genesis Agreement with the City of St. Francis and what does MRC and NRC stand for. Hylan said the definitions are under Exhibit B of the document you received. MRC is for Monthly Recurring Charge and NRC stands for Non Recurring Charge. Motion carried 5-0.

4. **Consent Agenda:** MOTION BY KANE SECOND BROWN TO APPROVE THE DECEMBER 7, 2009 CITY COUNCIL CONSENT AGENDA A -I AS FOLLOWS:

- a. Approve the City Council Minutes of November 16, 2009.
- b. File and Receive the Planning Commission Minutes of November 10, 2009.
- c. File and Receive the URRWMO Minutes of November 10, 2009.
- d. Approve the Final Pay Request for the 2009 Seal Coating Project to Allied Blacktop of Maple Grove for \$6,407.97.
- e. Enter into a Site Lease Agreement between Genesis Wireless and the City of St. Francis.
- f. Approve the Water Tower Purchase Agreement between the City of St. Francis and the City of Braham for the 250,000-Gallon Water Tower.
- g. Adopt Policy 3.01 Entitled "Snow and Ice Control Policy".
- h. Adopt Policy 3.02 Entitled "Sidewalk and Trail Maintenance Policy".
- i. Approve the Payment of Claims for \$ 211,211.54.

Motion carried 4-0.

5. **Meeting Open to the Public:** Zachary Knudson, 25376 Xkimo Street NW, Isanti was before the Council regarding the proposed Police Complex. Due to the economy, he is not for the Police complex at this time. Mr. Knudson said he talked to teachers and students regarding the three million dollar proposed police complex and they too feel now is not a good time to build. Our town is small, I know they need space but think it should be put off for another year. St. Francis is in need more of a community center.

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

a. **Public Hearing on the Proposed 2010 Levy and Budget:** Mayor Tveit opened the public hearing at 6:07 pm. Finance Director, Gayle Bauman gave a brief power point presentation on the 2010 Proposed Budget.

Melvin Gjertvig, 2433-229th Avenue NW, amazed that the City was a larger portion of the tax statement than Anoka County. I live on a county road; I don't see anything of the City services. The city of Anoka had a zero percent tax increase. They actually dropped their budget 28%. Things are not good out here. Be careful otherwise we are going to end up a ghost town.

James Jones, 23725 Nacre Street NW, we have land that is zoned agricultural. Our valuation went up 75-80%. What have you cut in the budget? I know the mayor, you ran on a no new taxes. You admitted that last year you didn't even look at the budget. My opinion we are over policed. Otsego has a larger population and fewer police. The surrounding communities have Anoka County for police protection; it is good enough for them. If you build the police building, it will drive taxes up more. Would like to see you look into having a north metro police protection.

Mayor Tveit closed the public hearing at 6:21 pm.

In regarding the personnel, we have had a hiring freeze on since the beginning of the year. We are down one full time person. Currently we have employees under contract. In the last year, staff eliminated between \$140,000 and \$160,000 out of the 2009 Budget. We have lost approximately \$270,000 at the beginning of the year in LGA and maybe another \$200,000 here at the end of the year. I am not opposed to spending money if it is well spent. I would like to commend our staff, specifically our Public Works Director, Paul Teicher working on the infrastructure with a seven-year maintenance plan. The roads have been neglected for many years. It is an easy thing to cut. Ideally, we should be on a five-year maintenance program. We are trying to prolong our infrastructure. It was hard for me to increase our budget. Staff and council have worked hard on this budget at workshops and meetings. We are not increasing our revenue. In regards to the Police Department budget, a large portion of their budget is in personnel. They have tried to reduce overtime this year. We also have looked at grants for the police, public works, trails, street projects, etc. We exhausted all options before we come to the voters to ask for more money. I am not happy but am comfortable with this budget.

Schaffer said I hope this is an open discussion. There are two ways to handle the budget shortfall. One is cutting services, I gave out ten suggestions to cut the budget or you can raise taxes. Combining police force is one of the items of my suggestions. I am the only one that came up with suggestions, nobody on the council came up with suggestions on how to cut cost, I am the only one. I handed out my ten suggestions; I think most of you may have found them on your doorstep or storm door. They may not be perfect but I got no dialogue on them to speak of. I am the minority too, it kind of limits me. In fact I can't even converse with the staff. Mainly because I am quite outspoken. It's embarrassing to say this.... Tveit interrupted Schaffer. Schaffer said Jerry I am not done with the floor yet Jerry. Tveit said you don't have to be done with the floor, I am the mayor.

Oh that's all right.... Tveit gaveled Schaffer and said you are out of order. Schaffer said what about some civil... Tveit gaveled Schaffer again. Schaffer said what about some civil courtesy. Schaffer said let me speak my peace, you (Mayor Tveit) went on and on. Tveit said that is strike two you got one more. Schaffer said ok, strike two, now I know I am being gagged. Tveit said one more (strike), Schaffer interrupted and said alright, alright, Tveit finished by saying one more and I will ask you to leave. Schaffer stated why don't you have the policeman do that. Mayor Tveit said ok and asked Mr. Schaffer to please leave the chamber. Tveit said I asked you nicely. Schaffer said I will go along with (inaudible). Tveit said I asked you to not do that. Schaffer said I will be a good little boy. Tveit said it is too late for that; I gave you three chances already. Schaffer said you don't need more taxes. There are ways of getting around with out that, they are afraid to talk about it and that's too bad. I went to these other cities and they are interested, they are just waiting for us to make the move. Schaffer asked, can I come to the next meeting? Yes, Tveit replied. Schaffer said thanks.

Oh, Schaffer said I would like to have one more request before I leave. Matt Hylen, do you care to say something to Marilyn Lapointe? You upset her very much; it is the only gentlemanly thing to do, to do the right thing. I have done it in my past. You (Hylen) are not perfect, we all make mistakes. Tveit said, Mr. Schaffer and Schaffer interrupted; No, I would like to have his apology he said he would, am I right Scott (Lepak) or did you change your mind. Tveit asked the Police Chief, would you please help Mr. Schaffer leave the chamber. Mr. Schaffer left at approximately 6:36 pm. Schaffer said hang in there folks, which was directed to the audience.

Tveit apologized to the residents in the audience. Tveit stated the city council needs to work together. I think what Mr. Schaffer was doing really was not in anybody's best interest. Also, Tveit said Mr. Schaffer neglected to come to our last budgeting workshop where we discussed several options, some good and bad ideas. So to have Mr. Schaffer sit in my council chambers and spread misinformation is unacceptable. I am sorry you had to witness that.

Mr. Hylen stated, just a suggestion we can continue the budget discussion under 7a. Council agreed.

b. Sno-Ghost Snowmobile Club discussion regarding Trail and Signage: Chad Johnson, trail coordinator for the Sno-Ghost Snowmobile Club and Gary Zimmerman, St. Francis Area Chamber representative were before the council to discuss the new trail and trail signage. One question was the trail coming north on County Road 9 and goes east on County Road 24, was that portion approved. The council said yes that was part of the ordinance that was approved.

Zimmerman stated the Chamber feels the no snowmobiling signs that say stop turn around are not welcoming. Teicher said we did look at taking them down, but then realized we couldn't because of the color coated permits that are issued for snowmobile owners in St. Francis. For this year, we could make temporary signs. Than next year, we will know what signs worked and what we need. Teicher said we will work with the snowmobile club and the chamber.

Johnson said the snowmobile club will have a parking area designated in the Kings County Market Shopping Center for snowmobilers to park visit the shops/restaurants in the mall. We also will be putting some mats down on the trail by this parking area and at the intersection by the old Food-N-

Fuel on 233rd and Hwy 47. Johnson asked about signing all city streets. Kane said it probably take two to three years to figure out what we need for proper signage. Johnson said I don't want to spend all sorts of money and we may not need them. We will work with the City staff and try to donate some money to the City to help defray some of the cost for the engineering.

c. St. Francis Youth Hockey Association Presentation: Kerry Liddle, a representative of the St. Francis Youth Hockey Association was there to introduce himself. Mr. Liddle is the president of the construction of a hockey arena committee. Previously they asked for the City to donate a parcel of land. Currently we are working with Mr. Dave Schulte who owns a four-acre parcel along 229th Avenue by the golf course. We are not asking for any funding from the City, maybe just some support. We already have a construction company, a financial institutions letter of support, along with an architect. We feel this process will stimulate this community along with surrounding communities. The close proximity to the high school is definitely a plus. We anticipate using this arena twelve months a year. This will be privately owned facility but open to the public. We feel it is important to have ownership of the arena.

Sandoval asked how are you planning on paying for this. Liddle said we are going to use our own money, not with charitable gambling maybe some fundraising. Sandoval said what guarantee are you going to give us that you will be able to keep it up. East Bethel got the building from the St. Francis Youth Hockey Association. Liddle said that was then. We have a completely different group, but you are right there are no guarantees. Sandoval said don't get me wrong, I want to make sure this is sound and a guarantee as much as possible. Liddle said especially now, your ducks better be in a row. This is about the kids. I am a business man, I wouldn't be here if I didn't feel strong about this. Tveit said as long as the City is not putting money into this, we really don't have a say in it. It is no different from a daycare coming in; we do not ask them how they are going to make it go. Kane said I agree with you, Mr. Mayor. I have a lot of faith in Village Bank and Mr. Schulte. I would like to say thank you for bringing this to the City. Liddle said I will keep you informed. Brown stated, thank you for letting us know what is going on. You are not asking for money, so it is not the City's concern. Liddle said I appreciate the time.

7. **Ordinances & Resolution:**

a. **Resolution 2009-31: Adopting the 2010 Levy:** Tveit stated we can continue with the budget, but first, we will adopt the resolution than have more discussion. MOTION BY KANE SECOND BROWN TO ADOPT RESOLUTION 2009-31 A RESOLUTION CERTIFYING TAXES PAYABLE IN 2010. Tveit again asked is there any more discussion on the Levy. Tveit stated we had a lot of discussion over this budget. I ran on a Knock out Higher Taxes campaign. This budget was tough. Brown stated I would like to go on record on thanking our governor for putting us in this position. Kane said we have heard cuts that other cities have done. Maybe they should have cut before; we do not have any extra to cut. We are very lean. Tveit said we are always bouncing ideas between staff on what we can do to cut or do differently. Motion carried 4-0.

b. **Resolution 2009-32: Approving the 2010 Budget:** MOTION BY KANE SECOND BROWN TO ADOPT RESOLUTION 2009-32 A RESOLUTION APPROVING THE 2010 BUDGET. Tveit asked if there is any more discussion. Motion carried 4-0.

c. **Resolution 2009-33: Adjust the Tax Levy for the G.O. Improvement and Utility Rev. Bonds, Series 2007A:** MOTION BY BROWN SECOND KANE TO ADOPT RESOLUTION 2009-33 A RESOLUTION TO ADJUST THE TAX LEVY FOR THE G.O. IMPROVEMENT AND UTILITY REVENUE BONDS, SERIES, 2007A. Motion carried 4-0.

d. **Resolution 2009-34: End of Year Transfers for the Year 2009:** MOTION BY SANDOVAL SECOND BROWN TO ADOPT RESOLUTION 2009-34 A RESOLUTION APPROVING THE END OF YEAR TRANSFER FOR THE YEAR 2009. Motion carried 4-0.

e. **Resolution 2009-35: Support for High Speed Broadband Connectivity in Anoka County:** MOTION BY KANE SECOND BROWN TO ADOPT RESOLUTION 2009-35 A RESOLUTION SUPPORTING THE HIGH SPEED BROADBAND CONNECTIVITY IN ANOKA COUNTY. Motion carried 4-0.

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

a. **Engineer: Ambassador Boulevard Trunk Utility Improvement:** As directed by the City Council at the November 16, 2009 City Council meeting, Staff prepared a resolution authorizing the preparation of plans and specifications for the Ambassador Boulevard Trunk Utility Improvement. We continue to meet with the residents to answer their questions. MOTION BY KANE SECOND BROWN ADOPT RESOLUTION B 2009-36 A RESOLUTION ORDERING IMPROVEMENT AND DIRECTING PREPARATION OF FINAL PLANS AND SPECIFICATIONS FOR THE AMBASSADOR BOULEVARD TRUNK UTILITY IMPROVEMENT. Tveit asked what feedback we are hearing from the residents. Their prior concern is the length (term) of the assessment along with the interest rate associated with the assessment. The third concern was the hook up period; they would like some flexibility on the time-frame. Generally, I believe they understand they know this needs to be completed. Tveit asked how does the council feel about some of their concerns. Tveit said what does the council feel about spreading the assessment maybe over twenty years instead of the ten to fifteen years. Hysten said we don't have all the questions from the residents, there is going to be some uniqueness to the eight different property owners. I would like to continue to talk to the residents to come up with a plan and bring that forward. Council agreed allowing staff work with the residents. Motion carried 4-0.

b. **230th Lane and Ivywood Street Improvement:** At the August 3, 2009 the City Council meeting a Public Hearing was held and residents were provided an opportunity to provide their input regarding the proposed improvements. After the public hearing, the City Council passed a resolution authorizing the preparation of plans and specifications. MOTION BY SANDOVAL SECOND BROWN TO ADOPT RESOLUTION 2009-37 A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS FOR THE 230TH LANE AND IVYWOOD STREET IMPROVEMENT. Motion carried 4-0.

b. **Attorney:**

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

Public Works: No report.

Liquor Store: No report.

Police Dept: Squad Car Discussion: Tveit apologized to Chief Harapat for putting him into that position earlier in the meeting. Annually we are here to ask for authorization to purchase a Squad Car for next because of the time line of when the cars come in, which usually take 90-120 days from the date of the order. MOTION BY KANE SECOND BROWN GIVING THE POLICE CHIEF AUTHORIZATION TO ORDER A 2010 SQUAD CAR FROM THE 2010 BUDGET OFF STATE BID. Brown asked if we have saved any money since we changed the make of the squad. The handling of the Dodge is much better than the Crown Vic's, but regarding savings probably not. Motion carried 4-0.

Request the Purchase of a 2009 UTV by the St. Francis Police Reserve Program: The Utility Terrain Vehicle (UTV) will provide the Police Department including our Reserve Officers the capabilities to offer additional resources to the Community that currently cannot be provided. The new equipment will provide a positive approach to the pro-active Community Policing style which connect the members the Community to the members of the Police Department. The cost of the UTV totals \$7,006.00, which would be paid fully out of the Police Department Reserve account. A portion of the Police Reserve pay goes into a special account; these are the funds that will be used to purchase this UTV.

City Administrator Report: Park Commission Members: We have a commission that has been struggling to get attendance. We will have 4-5 vacancies coming this January. Nowhere is it saying we want to abolish this commission or that they have not done their job. Hysten asked the council, what is your opinion on doing a time out for this commission for one-year. Currently there is no development happening. Sandoval said taking a timeout right now maybe the right time. Sandoval thanked Jim Nye, who was in attendance, for his years of service. Jim Nye who currently is the chair said you are right we do have problems with attendance. We do not have developments going on. We did start the "Movies in the Park" which has been very successful. Maybe the commission should concentrate on activities in the park when development is down. My recommendation is they do not need to meet every month. Nye said he is opposed to selling park land that was once talked about. Tveit said is this something we want to think over. Sandoval said I do not think it will change. Sandoval said maybe the time of 6:15 pm is too early for members to get there. It is a great commission to have but hard to get people committed. Kane said the "Movies in the Park" was a great idea. Tveit said I believe there is a value of keeping the commission but maybe get new ideas. Consensus is to put the park until next spring, maybe April and advertise for members.

Administration Holiday Hours: Hysten asked about the Christmas Eve holiday. Do you want city hall open on Christmas Eve. Typically, we close at noon on Christmas Eve. Employees will earn 12 hours of holiday and will need to work 28 hours, Monday through Wednesday if the council chooses to close on Thursday, Christmas Eve. General consensus of the council was to close city offices on Thursday, December 24th.

9. **Reports from Council Members:**

Kane reported he attended the Lighting of the Park this past Saturday. Kane said he liked how they made the fountain look like a Evergreen Christmas tree. I would like to pass on a good job on the decorating.

Sandoval said I know I had offered to receive the letters from Mr. Schaffer but it has come to be a problem with Mr. Schaffer coming to my house. I would like to discontinue that he bring information to me at my house. My family does not feel comfortable with Mr. Schaffer walking around my house looking in the windows. The next time he does that they will call the police department. It would be my recommendation the Mr. Schaffer drop off his letters at the utility drop box. Tveit asked Lepak if he could relay that message and Lepak agreed.

On December 19, 2009 the Lions Club will be having a Christmas bingo at Billy's and a portion of the proceeds and all food donations will be going to the local food shelf at the St. Francis Baptist Church, Praise Pantries.

a. Council Member Schaffer: Schaffer was not in attendance to discuss the items he requested to be on the agenda.

- 1. Combine Police/Fire with other Communities:**
- 2. Public Works Building Finance:**
- 3. Taser Policy:**

10. **Report from Mayor:** In fairness, although Mr. Schaffer is not here I will bring up the three items he wanted to be on the agenda. I feel obligated these items be brought up. He wanted to make a motion authorizing him to approach other cities regarding combining police/fire departments. I already have instructed staff to get together a feasibility study to see if it is even financially feasible. Will there be cost saving. He (Schaffer) has been attending other cities council meetings and polling them asking other council members if they are interested in the idea by check a box whether they are in favor of this or not.. I wish LeRoy were here because I would really like to warn him against polling other councils. I do not want any city to violate an open meeting law by asking other council members to take a position. I previously have been asked to address Oak Grove's city council some time back and now the city of Nowthen has asked me to attend their meeting regarding this issue. I explained what he (Schaffer) brought up was not sanctioned by the rest of our council. These other communities already have a contract for police service.

Schaffer also wanted to bring up the financing of a public works building, this was covered in our off week memorandum.

In regards our Taser Policy, I found out that our Sergeant Jake Rehling is a Certified Taser instructor. Sergeant Rehling explained our Taser Policy, which he stated is similar to other agencies policy. Tveit said maybe the next time you have a training let the council know. Sergeant Rehling said this Saturday is our next training. I would be more than willing to get someone there to see someone take a Taser hit.

One more thing, Tveit stated do we instruct Mr. Schaffer not to represent St. Francis as a council member when attending other cities council meetings. Lepak said that is simply a policy decision of the council. It was not the council's statement for anyone person to go to other city council to

represent the issue other than the Mayor. We have to be careful; Anoka County has contracts with these other communities. We need the help and support of the Anoka County officers.

Kane is discussing the public censure doesn't it state in there Mr. Schaffer is not to represent us.

11. **Old Business:** Sandoval said we are still getting the problem of vehicles cutting the curve along 238th and Xkimo Street. Sandoval asked about a controlled intersection there. Teicher said it will increase the traffic of Barium Street. Sandoval said maybe sign that intersection too. Teicher said by putting some traffic control signs there, that may help. Voge said he could review it with Mr. Teicher.

12. **New Business:** We had an FYI from a taxi service in Coon Rapids asking for the City to revisit the amount of insurance requirement. The taxi service is asking the City to lower the insurance requirement from one million down to three hundred thousand. The council agreed to keep the one million dollar insurance amount.

13. **Adjournment:** The Regular City Council meeting adjourned at 8:32 pm.

Barbara I. Held, City Clerk