

CITY OF ST. FRANCIS  
ST. FRANCIS, MN

CITY COUNCIL MINUTES

January 22, 2008

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 Assistant City Engineer Jared Voge (Bolten & Menk, Inc.), Attorney Scott Lepak (Barna, Guzy & Steffen), Interim Police Chief Jeff Harapat, Finance Director Gayle Bauman, City Administrator Matt Hysten and City Clerk Barb Held
3. **Adopt Agenda:** MOTION BY KANE SECOND BROWN TO ADOPT THE JANUARY 22, 2008 CITY COUNCIL AGENDA AS PRESENTED. MOTION CARRIED 5-0.
4. **Consent Agenda:** MOTION BY KANE SECOND BROWN TO APPROVE THE JANUARY 22, 2008, CITY COUNCIL CONSENT AGENDA A-H:
  - a. Approve the City Council Minutes – January 7, 2008.
  - b. Accept the Performance Review of Police Administrative Assistant Karla Anderson and move her to Step 3, Grade 9.
  - c. Re-Appoint John Hane to the Planning Commission for a three-year term.
  - d. Re-Appoint Jesse Jones to the Park Commission for a three-year term..
  - e. Approving the Amendment to the City Administrator’s Agreement.
  - f. Approving the Letter of Understanding between the City of St. Francis and Allina Medical Transportation.
  - g. Approve the Connexus Energy Electric Service Work for Well #4.
  - h. Approve the Payment of Claims for \$ 436,127.01.Motion carried 5-0.
5. **Petitions, Requests, Applications:**
  - a. None
6. **Ordinances & Resolution:**
  - a. **Resolution 2008-08: Approving Cities of Oak Grove and St. Francis Right-of-Way Plan No. One:** MOTION BY BROWN SECOND JONES TO ADOPT RESOLUTION 2008-08 APPROVING CITIES OF OAK GROVE AND ST. FRANCIS RIGHT-OF-WAY PLAN NO. ONE. Motion carried 5-0.
  - b. **Resolution 2008-09: Electing not to Waive the Monetary Limits on Municipal Tort Liability:** MOTION BY BROWN SECOND KANE TO ADOPT RESOLUTION 2008-09 A

RESOLUTION ELECTING NOT TO WAIVE THE MONETARY LIMITS ON MUNICIPAL TORT LIABILITY. Motion carried 5-0.

7. **Meeting Open to the Public:** Mayor Dressen asked City Clerk Held if there was anyone signed up to address the City Council. Held stated yes the first one was Joe Haag.

Joe Haag stated he does not live in the City of St. Francis but he has worked in the City for the past thirteen years. Two things he wanted to talk about: First of all in regards to the Police Chief, if you like Mr. Harapat or if you don't like Mr. Harapat as a person who works here, please make your decision. I have worked with Mr. Harapat in the past and I don't have any issues with him. I like him as an individual and I think he does a good job for the community. I do work with Village Bank and he has been over and helped us with security measures and so forth, he has been very informational and very helpful.

Second thing I would like to talk about is through the businesses and so forth, I received a letter from Mr. Schaffer that I would like to give to you because I don't know if you have seen it or not. (A copy was given to the City Clerk for the record)

Dear Mr. Schaffer, this is in response to your letter that you posted in various businesses around St. Francis in which you stated the City sold a parcel of land to Village Bank with whom I work for. I do not represent them but they are my employer. You stated the City sold it for \$145,000 in which the City paid \$200,000 for. There are some things you neglected to take into consideration; 1) the City kept the 66ft road easement which basically means they kept 1/3 of the lot. When I was on the Anoka County website today, the parcel of a one acre parcel they state the value at \$99,600 which works out to about \$2.28 per ft. taking that times the 16,000 feet that City kept that is a value of \$37,500. Also Village Bank absorbed the cost of moving the home, the foundation and repairing the land at the tune of about \$15,000 plus the land that was bought by the Village Bank is now back on the tax rolls which when it was owned by the City it was not so realistically when you total every up the total value of that was \$199,153.00. So in your statement that you put out to the public in St. Francis, the City did loose some money, ok at the tune of about \$846.00. So from now on when you start to post things around I would really appreciate it if you would have all of the facts straight. Thank you.

Councilmember Schaffer's response: The thing is that it was a bad investment, period. I don't think anybody is going to deny that we had to make an about face. There was other things that did come into play in this process. We still are showing a bias to the business establishment exclusion of the taxpayer damage. The average guy that pays his taxes or whatever it still looks to me and I have a certain amount of favoritism which from where I come from is (inaudible) but that's neither here nor there, doesn't mean that these people that makes these decisions are necessarily bad people but its just the fact that I empathize with the common man. I think that Village Bank is a poor example of selling

this property to. An entity that is strictly commercial doesn't have the heart and welfare of the City involved. That's subjective of course that can go back and forth. But the thing is on that is that we did not have a clear picture of this, if I didn't have a clear picture of this and that it is not totally my fault, I was supplied this information and it was miscommunication and what you said it was a small loss, I see it in a potential of a greater loss from these kind of actions. Looking at the overall prospective of exactly what transpired I suggest to you sir and Matt that you've done things before that we have been very close to loosing out but on, in the case of the bond issue years ago, no I don't really feel obligated to tell you that I was totally wrong because in the spirit of things I was not wrong. It depends on how you look at it and it depends to that if the City makes a decision to buy a house and then sell it as a loss, naturally the first reaction is woe, then I think somebody better do a better job at communicating that to its people before making these decisions as to exactly what is going on because those are the facts I got and those are the facts I was relying on. Now you come up to me righteously about this so forth and etc.. and tell me I was misinformed, truly I was but whose fault really is it? Is it mine? I'm not the staff, I not the people that have (inaudible) to this fact and I don't see anyone trying to clarify this thing, if it looks bad it is bad, I can tell about looking bad I have been recently looked bad. Even with best intentions of the world can look bad but you did hear looks bad and I am not going to support stadium's or anything else at the expense of the average guy in the public of arch and that what it looks like to me, it looks like favoritism, it looks like to me like pattering to the business entity of the point of the almighty dollar syndrome, I don't do every thing for the almighty dollar, no I don't, I will tell you something else on this sir, I have not made a dime on this dog gone job, it has cost me money, not a dime, ok its a big deal so ok so you martyr myself, ok stupid enough to do it, alright, where here is the thing on that, I didn't do it because I wanted to make money, there are people that do things out there to make money. You have a right to make a profit, you have a right to carry on a business establishment on forward, but why do you come along in this righteous act and for me to get my facts straight when you don't know the facts yourself that I didn't have the facts in the first place, you didn't bother to find out how much information I had, so lets say this sir on par we are both at fault, alright.

Councilmember Kane: Mr. Mayor it was stated that on this transaction we lost \$845? I would like to re-state that, we made an investment of \$848.00 with the Village Bank how many jobs have you brought to the City of St. Francis because of it? Mr. Haag stated 25 to St. Francis location. CC Kane stated we brought new jobs to the City, I think \$848.00 is a pretty cheap price to me.

Councilmember Schaffer said I asked him what kind of jobs. Mayor Dressen asked Haag are their any further questions.

Mr. Haag stated, as an elected official, which you are, when you put something in print, the general public believes it as fact ok, so when you put something together like that, it

is your job, not the Staff's job, its your job to make sure that it is correct to the best of your ability. From what I can see you didn't do that.

Councilmember Brown stated that as elected officials, we owe the citizens and the public to work as a team not as the lone ranger those are my thoughts.

The second person that signed up before the meeting to address the City Council was James Lucas.

James Lucas, Riverbank Lane, former Police Chief of St. Francis, former Chairman of the Charter Commission, former Councilmen for 5 ½ years and former Mayor of St. Francis, my name is James R. Lucas. Mr. Lucas stated the reason for him coming here is he had been asked by several residents of the City of St. Francis and some of the businesses that for the last 1 ½ years we have been deluged with letters from, the letters to the editor, we have been deluged with letters from Councilmen Schaffer, in fact in my paper box this last week was the same letter that Mr. Haag is talking about and these people ask me what is the truth, some of the businesses ask what is the truth, they are shaming the City of St. Francis. I would like to address that and take a few moments and try to explain to the people as to what in the world is going on, we don't need this kind of shame that has been bestowed upon us this past 1 ½ years. Mr. Schaffer, this same letter was in my paper box this past week. As I look at this letter, and I believe again, last week we had a letter to the editor from Mr. Chester Graham, is Mr. Chester Graham here, and I will state of the facts and figures that are so out of proportion that some of this was dated ten years ago, some were dated sixteen years ago, and I am wondering why this was bringing up now to satisfy somebody's ego or whatever I don't have any idea, but in my response to your letter you state that it is wasted, the City of St. Francis on that bad lose of property wasted \$55,000. Councilmember Schaffer that is not true, that is absolutely is not true, why would you put something like this out and not get your facts straight. People in this community, several, and several in this community are appalled that this kind of a rig of more would happen. The second one you got is we are doing the Mayor's street. You told some residents and some businesses that the Mayor lives in the middle of the street and we are playing favoritism so we are going to do his street. Well a friend of mine named Keto lives on that street, and I was over there last fall and I as remember the City Council directed the Street Dept. to go to work and look at all the City Streets in the City and come back with the worst possible scenario and let's try to get some of these streets done, and that's what they did and they picked 230<sup>th</sup> to get it done. Yes there is pot holes over there, the curb & gutter is cracking and some of the manholes are down, but you say we are going to spend \$375,000 on the Mayor's, the Mayor don't even live in the middle he lives way on the end of the street. That is not fair for you to come and say something like this, it is an out right lie. The third item you got here is you are telling us that the increase in salary is 25 ½ % for our Financial Officer (Mr. Schaffer said in the background that is was in the budget) but yet you didn't even tell us, you lied to me in this, because this was in my paper box, but you said she gets a \$20,000 increase,

who in the world, “I would take and live for this to get a raise, you said you would shoot to somebody to get raise”. Now you didn’t tell us that she only worked ten months last year, and she got \$66,000 and her raise was up to the standard and if you would have said to all these people in the City of St. Francis that yes, this gal got 2 ½ %, just like the rest of the employees she got 2 ½ %. (Just note of clarification, Non-union employees received a 3 ¼% increase) That would have been far better than putting this out saying boy, she is getting a big raise. (Schaffer comments in the background and Mayor said Lucas has the floor). Same as the extra Police, you said it is costing us \$77,000, but you failed, as I remember the City put in a Comprehensive Growth Pattern along with Police protection in that and when the City reached a certain population then they would start talking about adding another Police Officer. I don’t know why that wasn’t in your letter to us, it should have been. So you have a total of \$527,000 that you said is wasted, but there is hardly any facts here to justify your figures whatsoever. And, you know what I would wish that for a year and a half (1 ½ years) we have been getting all this stuff, that we are getting such a name you know, and I have been part of this City for almost 40 years and I have never encountered anything like this with what’s being said here. Chester Graham writes we have purchased a million dollars, from the sounds of the article it says that gees, we lost money on it. Well, for the record we didn’t lose one single dime. Plus, I believe we made from our investment about \$40,000, if my memory serves me correctly. He also put in here; he says that there was \$135,000 liability settlement charged for sexual harassment, for the City Council. As I look at the transcripts and look at the lawsuit, there is not one person, there has been one Police Officer that was charged and he was fired, there was not one single person other than that, that was charged with any crime or that the Council went to work and censored somebody in this particular incident for this liability suit. And to make such a kind of statement, I ask you, do you because your statement to us, to the citizens and the businesses of the City of St. Francis coincide with the statements from Mr. Graham. I ask you, do you two guys sit around the fire pit some place and drink whiskey and talk about the different things, (Mr. Schaffer asked to respond, Mr. Lucas said he had the floor) I am asking you a question that is all, and sit around come up with this stuff and say that the way it looks that he wrote the letters and then you sign your name to it, is that the case. So Mr. Mayor I hope this, and I ask that my remarks be sent and addressed in the paper and in the minutes of the meeting here tonight.

Councilmember Schaffer’s Response: The questions that were thrown at me, for one thing I am not mansy pansy and you saying that I just sit around and just drink etc, etc, I will have you know there is no witnesses in this room or in my family, I have never drank in my life, do you understand that sir! And about my aspersion about my character like that I resent that, I resent that very much. Mr. Lucas said I never said you drank. Schaffer replied, No, but you certainly implied like you say I implied things too, because I am not responsible for Chester C. Graham.

Mayor Dressen stated to Councilmen Schaffer to take his seat and respond to the gentleman.

Councilmember Schaffer stated he was ready to make a speech that's why. I will tell you one thing sire, I am not responsible for Chester C. Graham, I will admit one thing some of his statistics were off, my were true and bold because I will tell you what I got them from the budget. I have the budget book right at home and I can show you in black and white sir and don't say I lied because I did not lie, I have documentation from the budget saying exactly what I said, and as far as the million dollar things I wish Chester would leave that alone or anybody leave that alone because that is way in the past, it was alright to bring it up once that's fine to show that sometimes it can be a conflict, we could have really blew it there but we lucked out sir, we lucked out and I think that of anybody that looks into it. Now, the Police Chief, there is documentation on that, I have got tons of that, unfortunately William Gardner is not here, he gave me a whole slug of it, I didn't not even know about it, it has been expunged from his record, it is not even on his record if that doesn't sound like a cover up, I don't know what is, now that happened a long time ago, granted I will give you an objectivity here, granted these people probably were not involved but I submit to you that reasonable suspicion that culture still exists, but the good old boy, the buddy system, let's put it this way the buddy system, you know what I mean the cops stick together or whatever and that. This lady got \$135,000, why, because it was a chance of loosing the case, she still had to have a case and they won it, they didn't sue me because they didn't have a case as my lawyer has told me and they, they censured me, they censured me because I have a mouth and because I'm going to sit and tell the truth the whole truth and nothing but the truth sir, and don't like aspersions against my character like that, I resent it very much so, and I did not lie to you and the Police Chief, I have documentation, I've got seventeen pages and I will show it to you sir! This man did things that were explicit, I had good intentions of being (inaudible) but if it looks bad it is bad sir. And asked what I was really was accused of was impropriety, that's a lot different than sexual harassment and that's how you can use words sir, you said a racket we have all kinds of visions especially if person only reads the front page like a lot of people do, to your credit you read that dog gone thing and that I will give you credit for, and I admire you for that, that you took enough ambition and time to come up here, well where were those people now when that starts, that guy I know I was a union labor leader and I know I worked on both sides of the isle even when it was non union, a lot of men would have been fired, fired for that sir and I am not asking this man to be demoted or fired for the most part he has kept his nose clean let bygones be bygones, but I am not going to carry the weight or the responsibility of having this man promoted and screwing up because what happened and that did happen sir and there is documentation to prove it, like there is documentation to prove all my statistics and that sir! And I don't know if you like the guy personally or not, you know what, I empathize with him, I have been there, I don't care to bring this up and that but as I figured that some of this literature got out a little to prematurely because I wanted to hold up on it, but the thing is I empathize with the guy. I know what it is like to be publicly embarrassed sir, but we've carried it this far and what sounds like there might be a vote on this and I have a hunch he might have the votes, but by golly he hasn't got mine and I am sorry Jim, (Lucas – are you talking to me) Schaffer said no I was talking to him (referring to Jeff Harapat) but

because I mentioned his name well you know I was referring to him but, well your both involved because your part of the conversation too sir, your right here you can hear me, if you can't hear me you got something, your really bad off.

Mayor Dressen asked Mr. Lucas if he had a response.

Mr. Lucas' response: Your talking about this sexual harassment deal, as I stated, there is no, none whatsoever has there been anybody charged in the City of St. Francis, there has never been anybody censured from the Police Department in the City of St. Francis, that's what I am trying to get to you.

Councilmember Schaffer's Response: So are you telling me we have to be good little boys and that.

Mr. Lucas' response: No we don't have to be good little boys, but why do you keep bringing this up, why do you bringing this up defaming his character, you said you liked the guy, you just said you liked him,

Councilmember Schaffer's response: No, either way.

Mr. Lucas' response: The last question I'd like to and several people have asked me to, Mr. Mayor, they would like to know what the process is for recall. I don't know if you have that information or if the City Attorney does. (Schaffer in the background said it's 20%).

City Attorney Scott Lepak stated St. Francis is a charter city and it does have a provision in the charter for a recall.

Mr. Lucas asked the Mayor could you authorize the City Attorney to write this out so these people have the how to go about doing this. (Shaffer said in the background I will give it to your.

Lepak stated he will draft it and give it to staff.

Mr. Lucas thanked the City Council and the Staff for their time.

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

**a. Engineer:** Voge gave an update on the Water Treatment Plant construction and stated it is still on schedule but the cold weather has been somewhat of a problem.

**b. Attorney:** None

**c. Staff: Fire Dept:** None

**Water/Wastewater:** None

**Streets/Parks: Joint Partnership with the St. Francis Baseball Assn. to improve the backstop and add dug outs at Community Park:** The St. Francis Baseball Association proposed a cost share with the City of St. Francis to extend the current fence and add dugouts to the current baseball field. This would be a 50/50 split. Kane asked if there is money available. Hylen stated between the park dedication fees and the park fund there would be funds available. MOTION BY KANE SECOND JONES TO PROCEED WITH THE FIFTY/FIFTY MATCH. FOR THE EXTENSION OF THE BACKSTOP AND ADDING DUGOUTS. Motion carried 5-0.

**Liquor Store:** None.

**Police Dept: Approving the Appointment for Chief of Police:** Lepak first thanked the City Council for the extra time to review the materials submitted at an earlier council meeting related to the potential appointment of the acting police chief as police chief. The files on this case was closed some time ago and had to get them from Chicago to research it. Lepak reported that it is important to note that, in the event the Council takes this action, the appointment will be to probationary status for six months. Lepak provided a memo to the City Council addressing issues to consider. These issues would be minimum requirements, work record and prior discipline. Harapat does meet the minimum requirements, has an excellent work record and there are no formal disciplines in his file. Other areas noted were in response to the material submitted at an earlier council meeting from a resident. Mr. Harapat's file does not reflect any discipline or performance deficiencies during or covering that period, some sixteen to eighteen years ago. In fact, Mr. Harapat was promoted to Sergeant in 1995, while the litigation was still recent. The City did not discipline any of the individuals named in the complaint by the former employee. The City dealt with this issue by updating their policies and citywide education and training. The settlement referred to in the materials was made by the City's insurance company. The City was not required to, and did not consent to the settlement. The City and affected employees participated in a companion litigation in which the boyfriend of the accuser sued the City and a number of City employees, including Mr. Harapat, in federal court alleging similar facts. This matter was resolved in the City's favor and dismissed in August of 1995. MOTION BY BROWN SECOND KANE TO APPOINT JEFFREY HARAPAT AS POLICE CHIEF WITH A SIX-MONTH PROBATIONARY PERIOD. Jones stated he is going to vote against it for the reason he would like to see the City contract with Anoka County. Jones said he has talked to Harapat about this and states he thinks it would lower our taxes. Jones would like the City to research this. Jones asked do we really need an investigator, and there could be a substation in St. Francis. Brown said the question before us tonight is who is going to be our police chief. Motion carried 3-2. Jones and Schaffer voting nay.

**City Administrator Report:** Hylen asked if the Council Workshop Set for Saturday, February 9<sup>th</sup>: from 8-12 noon would work. The second question is do we invite both park and planning commissions. The Council agreed on the date and time for the workshop and to include the park and planning commission.

Hylen reported the City is continuing discussion with LELS, the police union. The next scheduled meeting is February 8<sup>th</sup>.

9. **Reports from Council Members:** Schaffer reported he contacted two businesses. Jones asked about the Comp Plan and where that was at. Hylen stated the next scheduled meeting has been set for February 21<sup>st</sup> at 6:15 pm.

Brown asked Schaffer if he could get the contact names and numbers of the businesses he contacted. Schaffer didn't have names but he did give Brown the phone numbers. Brown also reported the Planning Commission appointed Rich Skordahl as chair and Ray Steinke as vice chair. Some questions the planning commission had was about how much they have in training funds and how the new code of conduct applies to them. At some time, Brown stated they would like to have a joint meeting with the City Attorney to go over procedures and protocol of a meeting.

10. **Report from Mayor:** Dressen reported he attended the Board of Appeal and Equalization training.

11. **Old Business:** Jones reported that he and Eric Peterson, Assistant Public Works Director went around town looking at roads that may have trees in the road right of way.

12. **New Business:** Schaffer complimented Gayle Bauman, Finance Director on the investment report that was given to the City Council. Schaffer said he had a former bank examiner review it and said it looked good.

13. **Adjournment:** The Regular City Council meeting adjourned at 6:48 pm.