

CITY OF ST. FRANCIS
ST. FRANCIS, MN

CITY COUNCIL MINUTES

June 1, 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 (Bolton & Menk, Inc.) Public Works Director Paul Teicher, Police Chief Jeff Harapat, Finance Director Gayle Bauman, City Administrator Matt Hysten, and City Clerk Barb Held
3. **Adopt Agenda:** MOTION BY BROWN SECOND SCHAFFER TO ADOPT THE JUNE 1, 2009 CITY COUNCIL AGENDA. Motion carried 5-0.
4. **Consent Agenda:** Kane asked for 4c. be pulled and put it under 5b. MOTION BY SANDOVAL SECOND BROWN TO APPROVE THE JUNE 1, 2009, CITY COUNCIL CONSENT AGENDA A-B AND D-E AS FOLLOWS:
 - a. Approve the City Council Minutes of May 18, 2009.
 - b. Approve Establishing a Fire Truck Replacement Fund.
 - ~~c. Approve the Fireworks Permit to Renaissance Fireworks Inc.~~
 - d. Approve the Water Treatment Plan Pay Estimate No. 19 to Staab Construction for \$34,366.00.
 - e. Approve the Payment of Claims for \$151,992.62.
5. **Petitions, Requests, Applications:**
 - a. **Hahn Home Occupation Permit:** Julia Hahn has made an application for a home occupation permit at 3400-227th Avenue NW. Ms. Hahn is seeking operate a small embroidering/minor alterations to clothing business out of her home. The Planning Commission reviewed this item and found that the application meets the standards of the home occupation criteria established by the ordinance with the following conditions set forth in the resolution. Brown like to change 3 visit per week to 10 visits per week. MOTION BY BROWN SECOND SCHAFFER TO ADOPT RESOLUTION 2009-12 A RESOLUTION APPROVING A HOME OCCUPATION PERMIT FOR JULIA HAHN AT 3488-227th AVENUE NW WITH THE AMENDMENT OF THE CHANGE ALLOWING TEN VISITS PER WEEK INSTEAD OF THREE. Motion carried 5-0.
 - b. Fireworks Permit to Renaissance Fireworks Inc.: MOTION BY SANDOVAL SECOND BROWN APPROVE THE FIREWORKS PERMIT TO RENAISSANCE FIREWORKS, INC. FROM JUNE 19-JULY 5, 2009 IN THE CITY CENTRE PARKING LOT. Again, I would like to make my point about the sale of fireworks particular this year where it is extremely dry. I hear

fireworks going off at all hours. Schaffer said I concur with Kane. Motion by carried 3-2. Kane and Schaffer voting nay.

6. **Ordinances & Resolution:**

a.

7. **Meeting Open to the Public:**

a. David Johnson read the attached letter (Exhibit A) to the City Council.

Larry Anderson, 6345 Ambassador Blvd, after the censure at the last meeting I had some concerns that I should have probably addressed last year. My daughter also was employed at the same business (Hardware Store) that Mr. Brown's daughter worked. She experienced some of the same type of harassment. As I look at Rule one of the Pledge of the City; Council members treat each other, the staff, and the public with respect and dignity. It is the lack of respect in asking questions of her and about her to people so she could hear. I don't believe he (Schaffer) knew who she was. I am not associating her with me. I just think I probably should have talked to Chief Harapat at that time, I am sorry that I didn't. As I hear and read in the censorship record of how other business people in our community being potentially harassed or lack of dignity shown to them. If it is happening to my daughter then it is probably happening to others. I am really sorry that I didn't mention this before. I agree with the Chamber president, really appreciate David how he has been trying to lead the businesses in our community. We have over 100 businesses that belong to the Chamber of Commerce. I myself am going to encourage the businesses to ask Chief Harapat for one of these "No Trespassing" notices that they can fill out. If he can not have appropriate actions in showing respect and dignity to the employees of our businesses than I don't believe he should even enjoy the privilege of coming into our businesses if he is not going to show that respect and dignity.

Steve Ortell, 839-25th Avenue NE East Bethel, here about the assessment charge on my vacant lot just north of 22560 Poppy Street. Before the street project went in, I talked to the previous planner and he thought I would be able to get two lots once water and sewer were in place. So when the project proceeded I asked for two connections and now if I am not going to be able to have two lots, I am asking that you remove the second assessment charge. I ask to be on the next city council agenda.

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

a. **Engineer: Watermain Looping:** The Minnesota Department of Health has reported that the Watermain Looping project which was submitted for placement on the 2010 Project Priority list (PPL) received 15 points according to their ranking system. In 2008, all drinking water projects submitted for placement on the PPL with point values of 5 or greater qualified for PFA financing. The 2010 Intended Use Plan (IUP) will not be finalized until August 2009 based on the assigned point value of 15 points for the City's application; the project will likely qualify for PFA financing. As previously authorized by the City Council the plans and specifications for the project are being prepared so that bids can be received prior to the publication of the 2010 IUP.

Pederson Path Improvements: Voge reported that the Metropolitan Council is currently accepting Transportation Enhancement Applications for 2013 and 2014. The City was not successful on the Safe Routes to School Grant. This application is a Federal Funding Process where 20% of the project

cost is required to be supplied by the applicant with the remaining 80% eligible for Federal Funds. Tveit asked when would we know if we are accepted for this. Voge said maybe this fall. Kane asked about the federal application we applied for and when will we know more. Voge stated maybe sometime in the end of July, possibly the same time as the DNR Grant we applied for. MOTION BY BROWN SECOND SANDOVAL AUTHORIZING THE CITY ENGINEER TO SUBMIT THE APPROPRIATE FUNDING APPLICATION AND AUTHORIZE THE MAYOR AND CITY ADMINISTRATOR TO SIGN THE LETTER OF SUPPORT. Schaffer said it is a freebie but maybe we do it on our own 2013-2014 is too far out there. I have some cuts we could do, they may not be popular. Tveit said he agrees it is too far out there. Kane said but I think we still need to apply for it. Motion carried 5-0.

b. Attorney: Closed Meeting to discuss the Consideration of the Purchase of Real Property. The Real Property that is of subject of the closed meeting is described as 31-34-24-44-0003 and 31-34-24-44-0005. The Closed Session is Pursuant to Minn. Stat. Sec. 13D05, Subd.(c)(3) and 13.44 Subd. 3(a).

The City Council went into a Closed meeting at 6:25 pm.

The City Council was back in session at 6:40 pm regarding the property described as 31-34-24-44-0003 and 31-34-24-44-0005. Discussion summary was to continue negotiating on both properties with council representative and city administrator to report back.

c. Staff: Fire Dept:

Public Works: Magnesium Chloride versus ~~Sodium~~ Calcium Chloride:

Teicher gave an update on the gravel roads regarding the Dust Control application. We have received some calls from residents interested in this and we will move forward. Next year we will be sending out a mailing to every resident that lives on a dirt road, asking them if they are interested in participating. Some residents chose to use a different chemical, it is still an approved chemical we will be monitoring it. This year we are starting an experiment with a newly graveled road by applying the chemical right away and see how it works in.

Sandoval asked how would you work that when you send out letters when there are rentals and foreclosed homes. Teicher said we would work that out next year. Sandoval asked how does the chemical work. Teicher indicated the chemicals attract the moisture.

Extension of Water/Sewer along Ambassador Blvd. Last year we received an escrow for future hook up to city sewer from one of the residents along Ambassador Blvd. by the Water Treatment Plant. Just recently, we had another resident in that area that is having problems with his septic system. After discussion with Staff, we will be working with them to see if we can get them on City services. We are going to have an informal meeting this Wednesday to discuss possible options. If and or when this proceeds more information will be brought back to the council.

Liquor Store: No report.

Police Dept: No report.

City Administrator Report: Water/Sewer Summer Usage Months Discussion: This Spring was highly unusual with April being unseasonably warm. This resulted in several of our water/sewer customers turning on irrigations systems and lawn watering earlier than normal. Our current policy has April usage as “normal” household use; not as a lawn watering time.

Rum River Blvd Update: Anticipated to get some of the sod replaced either this week or next week. We are working with the Nutter property to get items resolved.

Discussion Items Regarding Athens Township: With the growth that has happened in the northern edge of the metro and the addition of water and sewer in East Bethel. The three cities would like to begin the discussion of the possibility of an annexation, if Athen’s Township chooses not to proceed with an orderly annexation. Schaffer said me and Jerry campaigned on joining the law enforcement. We have not seen anything yet, no reports nothing. Tveit said I don’t want to have the appearance of us forcing the annexation on townships. Hylan stated they would still be Isanti County residents. The three cities are attempting to work with Athen’s township. The Highway 65 corridor will change immensely in the next twenty years, we are just planning for the future.

9. **Reports from Council Members:** Schaffer reported he has been planting 25 trees in Edgewild Park that he donated and that, and it’s a good idea and I respectfully praise or thank the council for letting me do it. They haven’t had anything done up there and that, it’s a mark of goodwill. I hope it inspires other neighborhoods maybe to pull together. Ah we couldn’t seem to get it done (inaudible) they had objections to this and that. They were playing a little selfish too and that. They (inaudible) both sides really and that.

Now this young man over here and that (inaudible), he comes from a different world then I do I’m sure. I’d like to ask him a question if I may. Has your family ever belonged to a labor union? Ever?

(Chamber President) Yes.

Have you yourself ever belonged to a labor union?

(Chamber President) No, I’ve been self employed all my life.

You’re self employed all your life. Okay. I’m the type of man who sat across from you (inaudible) I don’t know how big your business but lets say it was quite large let’s say. Or do you have, do you have any union employees?

(Chamber President) Mr. Shaffer, no I do not have any union employees.

No you never had, had you. The people that voted for me I'm sure were not businessmen. I feel for them. There are some good businessmen. I care more about the people and that (inaudible). If your business and that can serve the community I'm all for you. If you're a bad businessman, like City wide businessman, then put out literature they got a resume(inaudible) there's all kinds of garbage out there only to my friends though (inaudible).

I will back good businesses. Trent Blake, who tried to recall me, is giving \$100 dollars away ah for, \$100 dollars away to schools for every car he sells. I've put out 2,000 flyers. Why? It's civic, it's good idea. It didn't make no difference that he didn't like me at one time. We fought (inaudible) Not in this business. But the thing is he got a good idea. Now there is a businessman. This John down here who works, who has this ah, ah grocery store, ah St. Francis Foods. You could ask him about my integrity as far as a worker is concerned. You know, that's some gray matter there. If I was a young man I would eat you alive I am (inaudible). But I shouldn't say that should I because I don't know and you don't know. You don't know me either. We could brag, we can make assumptions of all kinds. But the truth of the matter is sir, I am for business for the right kind of businesses. And if I happen to get, step on some toes and get a little press for it, in a way I am gonna put St. Francis on the map. I'll tell you what, those phone calls that you got, I got em too. On the Latinos. All the way. Right on Mr. Schaffer, from California, South Carolina. Both sides of that issue sir, you know. And I will (inaudible) with depressing wages, exploitation of ah migrant workers and whatever and that illegal aliens and whatever. My ah gripe is illegal aliens. I don't care if you're German, Swede, or whatever. If you're illegal and taking American jobs illegally, I'm against you. And some how that got all turned around to say I am a bigot, I am not a bigot .I have fought for all people. Labor unions can't discern between if you're black, Latino, or whatever. You got a job, you got family, I'm on your side. And my poor businessman that's doing no good work for the community. If you screw over the community and that and buy golly and that and I'll give you hell. Now I don't know you, I don't know if you have done anything, what do you call it, it's commendable and whatever. A lot of these declarations you businessmen use your position of power and money to blackmail. You do. (inaudible) I'm supposed to tremble, the Vikings are going to go away they're going to go away. Oh we can't have them go away. It's a luxury really. It's actually ah, ah a recreation we spend millions of hundreds of millions of dollars on that sort of thing and that. Cost off jobs. What kinds of jobs you know. The construction workers, yes they only last a few years or a few months or whatever. You have to balance it out. I have to look at you and say is he a fair and decent businessman from my perspective. For both sides of the aisle that I have been on. I have fought for good businesses and that and will fight against bad businesses. If you're a good business, you got it made kid. I will fight for you tooth and nail.

The people that voted for me know why I didn't lose in the recall were not businessmen, they were carpenters, plumbers, bakers. Guys just like me. You know where, why you lost to people that are (inaudible) were is because I went over to the guys in the bars, the

guys who called me down (inaudible) and has this little ah garage, working on cars for people. You see what I mean. I don't give them snob bit. I talk their language. They know me. And I'm just sorry you couldn't, you can't take the heat son. If that's_ (inaudible). You're gonna make it. I can see that determination in your face right now. By god you ain't gonna let a two bit politician put you down are you? If that's what you think, if that's the perception you have. (inaudible)I didn't let the people who recalled who wanted to recall me, put me down. I fought back.

(Mayor) Mr. Schaffer, calm down.

That's alright fine. Tammy(Anoka County Union Reporter)you getting this. Right on. You put that doggone article on that death threat too sometime in there.

(Reporter) I did.

You did, good girl. Because that's the kind of, what do you call it, hysteria it creates.

(Audience member) You're crazy.

Crazy?

(Audience member) Yes.

You called me a pedophile lady. (gavel) She did.

(Mayor)-This is your report, this is not a dialog.

I'm answering the questions. The only chance I have you see ah report, what is this, report from council members. That's an open forum where you call it, an invitation for me to make my, my disposition and different things that I am concerned about.

(Mayor) Yes that is correct. You may speak. (rest is unaudible – Mr. Schaffer is speaking over the Mayor)

Alright, if you've, if you've had enough that's right too, because it will not satisfy these people that come and want to put me down anyway. But I could not help but get across to people that are here that don't have a strict bias, that can think both ways. Alright?

(Mayor) Is there anything else?

No that's it. Thank god.

Sandoval stated that is a tough act to follow. Sandoval I went to the meeting with Matt over this Athens annexation. Regarding the question that Mr. Schaffer had about the

policing. It was something that was mentioned there. All the parties to be said it was something that maybe in the future they might consider looking at. Right now, they have other priorities.

The other side that I wanted to comment on is that I wanted to thank David from the Chamber for coming here expressing their concerns for business whether good business, bad business, we are all in business here trying to promote this community. You guys have done well from the Chamber advertising the Expo bringing people in and making them aware of what's going on in our community. Publicity, good or otherwise, has made this city known. We have to deal with that. We have to hold our heads high. Some days it's tough to do, but we do. To talk to someone and say that they are not union. It makes no difference whether you are a union person or a non-union person; we are a community. We are working together we are trying to fulfill obligations at a tough time and to keep putting that emphasis forward, I am tired, and I want that on record, I am tired of it. Everybody out here, I don't care whether you have a union job or self employed, we pay taxes in this community. We all feel the hard times and we need to work together. As a body up here, we need to look past that and get on task and start dealing with the strong issues of what we can do to make this city survive into the next 10 to 20 years. That's all I have to say.

(Mayor) Mr. Brown that is even tougher to follow.

(Schaffer) Go to it Tim. Free country.

Brown asked Mr. Mayor may I continue, uninterrupted.

(Mayor) Yes you may.

Thank you. Planning and zoning last month, we did a workshop mainly doing some housekeeping issues on some residential zoning projects getting some language cleared up on some of the setbacks corrected for these decks we have out on the golf course that the builder promised and weren't acceptable for setbacks so it was mainly a housekeeping session. And the businesses here, I would like to thank them for putting up with everything. This five ring circus we had up here, I apologize to all of you for any difficulties this may have caused because we do rely on the business in this community. And so myself I do apologize for (inaudible) So I appreciate you coming up here and voicing your opinions. We'll try to work through this. Cause right now we can't be playing games. We have to work this out. Thank you.

10. **Report from Mayor: Per Diem Reimbursement Request:** These are items that are not specifically on the pre-approved list. Some of these I was asked to speak at or attend. MOTION BY SANDOVAL SECOND KANE TO APPROVE THE PER DIEM REIMBURSEMENT REQUEST. Schaffer asked why are we getting all these at the same time. Tveit said I am asking because it

seemed it was more worthwhile then submitting one at a time. These were not specifically stated as per diem illegible. It is up to the council if they want to approve them.

Hylan explained the per diem request. Motion carried 4-0.

Thanked the businesses for showing up. When I spoke at a Chamber function they wanted a better communication between the City and the Chamber.

11. **Old Business:** Last year when we were looking at the conditional use permits and compliance of them. The Precious Time Learning Center property was given an extension to be in compliance. Would staff check into what date that was?

12. **New Business:** None

13. **Adjournment:** The Regular City Council meeting adjourned at 7:18 pm


Barbara I. Held, City Clerk

St. Francis City Council Minutes

June 1, 2009

EXHIBIT A

Thank you Mayor and Council members for your time this evening.

My name is David Johnson, I am a business owner who has operated in this area since 1999 and also grew up in this community. I currently serve as the President of the St. Francis Area Chamber of Commerce as well as the President of the Business Network International Chapter in St. Francis. I am speaking here this evening as a concerned member of the community and business owner.

The reasoning for my concerns have been brought to light in a May 19th publication in the Minneapolis Star and Tribune as well as ongoing coverage in local newspapers. The actions and words of Councilmember Schaeffer have once again put our beloved town in the spotlight, and yet again with a negative connotation. We have the largest newspaper in the state printing stories highlighting the off-the-wall behavior of Mr. Schaeffer followed up by editorials on the same subject. The latest actually was printed yesterday about how much Mr. Schaeffer has cost the city since his election.

Actions over the past couple years by Mr. Schaeffer have been described as: Bizarre, inappropriate, off-the-wall, offensive, and recently self-proclaimed himself as Weird.

Mr. Schaeffer's term has been tarnished by multiple incidents such as:

- Sexually inappropriate comments to a young woman
- Calling police because roofers were speaking Spanish
- A recall election
- Most recently verbal harassment of a fellow councilmember's teenage daughter at a local business
- And those are just a few

These actions have brought attention to our City not only locally, but on a national level. The Chamber has received calls as far as Texas. I also know of a local business that almost left St. Francis due to Mr. Schaeffer's actions. There is another business that moved its location to St. Francis last Fall. Two weeks ago this business received a phone call from a customer of his in California. The customer with ties to Minnesota, caught an article in the Star and Tribune in

May and called the business owner inquiring and joking about his new business location asking, "Didn't you move your business to St. Francis? What's up with St. Francis and your council members up there, are they all crazy?" In short, this customer was giving this business owner grief for his new business location in St. Francis, MN. Call it what you will, but as President of the St. Francis Area Chamber of Commerce, I find it disturbing. Here is an instance where a business owner, new to this area, is required to take time out of his schedule to answer questions about a council member with a questionable past and DEFEND the city he now operates his business. I am not really sure what you would expect a business owner to say in that situation?

You could write this off as an isolated call just as easy as you could try to classify Mr. Schaeffer's actions as isolated, but you would be wrong on both accounts. I personally find myself having to constantly defend this community from the reputation Mr. Schaeffer continues to build for it.

I understand you, councilmember Schaeffer, are an elected official and you, like anyone of us here has a freedom of speech, which is not to be taken for granted. But you, as an elected official are held to a higher standard as a representative of our community. Your questionable actions and words are unacceptable and I am here to tell you that many of us, especially those of us who not only live here but also make a living here by operating a business, are disappointed with you. Every time, you draw attention to our city with one of your incidents, there seems to be an initial backlash, followed by some form of media coverage and one more reason for people to question our beloved community assuming we support you and tolerate your behavior.

As I stand here, our national as well as our local economy struggles. It is times like now, more than ever, when we need our elected officials stand-up and show good judgment, character and create unity for the good of the community as a whole, but you seem to do just the opposite. My time, our time, could be better spent in our businesses or at home with our families, but once again we must take time and energy to deal with you and the recourse of your actions.

As president of the St. Francis Area Chamber of Commerce, I would like businesses to be able operate in a city where they don't have to defend their business location. As a member of the community, I would like the reputation of St. Francis to be that of a positive and thriving community with many opportunities that exist.

My request to you is simple, councilmember Schaeffer, I am asking you, as an elected official, to step-up and act in a more professional and respectable manner as a representative of this community, and to a degree we can at least tolerate. If that is not possible, then I can only hope you will step-down.

Thank you again for your time.