

CITY OF ST. FRANCIS
ST. FRANCIS, MN

CITY COUNCIL MINUTES

June 7, 2010

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 Jeff Sandoval, LeRoy Schaffer, Steve Kane and Tim Brown. Also present was City Attorney Scott Lepak (Barna, Guzy & Steffen), Assistant City Engineer Jared Voge (Bolton & Menk), Police Chief Jeff Harapat, City Administrator Matt Hysten and City Clerk Barb Held.
3. **Adopt Agenda:** Add Closed Meeting to discuss preliminary consideration of allegations or charges against individual subject to council authority pursuant to Minn. Stat. Sec. 13D.05 Subd. 2(b). under City Attorney's report MOTION BY SANDOVAL SECOND BROWN TO ADOPT THE JUNE 7, 2010 CITY COUNCIL AGENDA AS AMENDED. Motion carried 5-0.
4. **Consent Agenda:** Schaffer would like to have 4b. moved to 6a. MOTION BY KANE SECOND BROWN TO APPROVE THE JUNE 7, 2010 CITY COUNCIL CONSENT AGENDA A AND C-E AS FOLLOWS:
 - a. Approve the City Council Minutes of May 17, 2010.
 - b. ~~Approve the Special City Council Minutes of May 24, 2010.~~
 - c. Approve the Twin Cities Multisports Club Triathlon for July 3, 2010
 - d. Approve the Dance Permit for the St. Francis American Legion-June 12, 2010
 - e. Approve the Payment of Claims for \$337015.63.Motion carried 5-0.
5. **Meeting Open to the Public:** Kelly Hettwer of Ham Lake stated my husband was killed leaving Patriot Lanes during Pioneer Days in 2008. I have been talking to Rhoda Olson, who had previously came to a city council meeting, regarding safe transportation from the Patriot Lanes during Pioneer Days. Ms. Hettwer handed out some literature of comments she found on the internet about Patriot Lanes. Ms. Hettwer said the St. Francis Police department did an excellent job handling the accident. I went to the tent party last year just to see what it was like. I personally drove people home after the music shut down, it seemed like it did not change.
6. **Petitions, Requests, Applications:**
 - a. **Minutes of May 24, 2010:** Schaffer said I don't believe anybody helped interview the applicants. I would have been available to interview. Tveit and Kane both were supposed to be in the interview and where not able to attend. Brown said we hired a city administrator to do the job. Schaffer said you may call it blind faith, I would have been there. I don't think it should be let up to Matt Hysten. Tveit said if you sit in on the interview board, you need to be able to bring something to the table. Sandoval said he was working too. Sandoval stated in an interview, you have to be very careful on what you ask. You can't just go out and investigate on your own. Tveit said Matt and I don't agree on all things, we talk them out. I believe Matt knows the qualifications that we need.

Brown said he really doesn't understand why we are discussing this now, you could have brought your questions to the special meeting. Schaffer said I would also like to change our ordinance on hiring. Kane we are spending way too much time on this issue. We hired Matt Hysten to hire the employees. MOTION BY BROWN SECOND SANDOVAL TO APPROVE THE SPECIAL CITY COUNCIL MINUTES OF MAY 24, 2010. Motion carried 4-1. Schaffer voting nay.

b. Professional Design Group: Jim Braucher had another meeting later this afternoon and was hoping to be here by now but unfortunately he must be stuck in traffic. Move to Old Business.

c. Lance Jensen: Home Occupation at 23092 Ute Street NW: Lance Jensen, 23902 Ute Street NW applied for a home occupation permit to operate a snowmobile and ATV repair business in an accessory structure at his residence. The applicant states that the business will have no employees and all repairs will take place in the pole barn on the site. The applicant states there will be up to five customer visits to the site per week and customers will be restricted to visiting the site from 9 am to 6 pm on Monday through Friday. The Planning commission had a lengthy discussion about the potential for the business to harm the neighboring properties with excess noise from the sound of testing motors and such. Mr. Jensen stated in his application that he will be minimally testing motors on the engines while riding the snowmobiles on his property in a manner that is already permitted by City Code. The Planning Commission felt that as long as the nuisance level noise condition was not present on the property, the application should be approved. If the City Council does not find that the application meets the criteria, the application should be denied. APPROVAL FAILED FOR LACK OF A MOTION. Motion carried 5-0.

7. Ordinances & Resolution:

a. Resolution 2010-19: A Resolution amending the 2010 Fee Schedule: This resolution adds a dock permit fee of \$50.00 and an escrow fee of \$100.00. MOTION BY KANE SECOND SANDOVAL TO ADOPT RESOLUTION 2010-19 A RESOLUTION AMENDING THE 2010 FEE SCHEDULE. Motion carried 5-0.

8. Reports of Consultants & Staff Members:

a. Engineer: Crack Filling/Seal Coating Bid Results: On Thursday, June 3, 2010, two bids were received for the 2010 Seal Coating Improvements. Voge reported the bids from Pearson Bros., Inc \$168,053.39 and Allied Blacktop Company \$178,461.66 were reviewed and recommend the City Council accept the bids and award the 2010 Seal Coating Improvements to Pearson Bros, Inc. of Hanover, MN. This item was part of the 2010 Street Budget. These bids came in lower than even last years prices. MOTION BY KANE SECOND BROWN TO ACCEPT THE BIDS FROM PEARSON BROS., INC AND ALLIED BLACKTOP. Motion carried 5-0. MOTION BY SANDOVAL SECOND KANE TO AWARD THE 2010 SEAL COATING IMPROVEMENT TO PEARSON BROS, INC OF HANOVER, MN FOR \$168,053.39. Motion carried 5-0.

b. Attorney: Clarification on the home occupation denial, we will need to have a finding of fact for denial. MOTION BY KANE SECOND BROWN TO DENY THE HOME OCCUPATION FOR LANCE JENSEN ON THE BASE OF POTENTIAL EXCESSIVE NOISE LEVELS. Motion carried 4-1. Tveit voting nay.

Being the gentleman is now here from Professional Design Group, Lepak said let him give his presentation before we move on with his order of business. Mr. Braucher stated last October we gave a feasibility report on a public works building. Mr. Braucher handed out a document that addresses Budget, Quality, and Scope. How we get started is what you bring forward. I am not here to sell the project but just get your input. Schaffer said I wouldn't act on this until I read this. That is why I am here to bring it back and see what has happened in the last six months. It is usually a two-year event. Mr. Schaffer I am not expecting a motion. I am here to answer questions you may have.

Closed Meeting to discuss preliminary consideration of allegations or charges against individual subject to council authority pursuant to Minn. Stat. Sec. 13D.05 Subd. 2(b): The City Council went into a closed meeting at 6:46 pm.

The City Council was back in session at 7:13 pm. Lepak reported no further action as a result of the closed meeting.

c. Staff: Fire Dept:

Public Works:

Liquor Store:

Police Dept:

City Administrator Report: The new finance director the City Council hired is Darcy Mulvihill and she will start June 28, 2010.

Hysten stated he would request the City Council consider rescinding the portion of the censor allowing Mr. Schaffer be allowed back into city hall. Schaffer said thank you Matt, very gracious.

Reports from Council Members: Sandoval noted it is just a reminder it is Pioneer Days this weekend and of the softball tournament. Sandoval said I would like to address Ms. Hettwer who spoke before. The City Council pursued in discussion of this topic.

Schaffer said I would like to make a motion and he read it aloud. Tveit said I would second the motion for discussion. Motion by Schaffer second Tveit to instruct the investigator to investigate the complaint on of Patriot Lanes and report back June 21, 2010 on the negligence. Tveit said what complaint do you want investigated, the 2008 incident, 2009 or current. Lepak said after conferring with the Police Chief that particular accident in 2008 occurred in Oak Grove and it is currently in civil litigation. Hettwer said maybe the ongoing occurrences. Lepak said this weekend is a Safe and Sober saturation in St. Francis and Patriot Lanes will have one officer and reserve at the Patriot Lanes. Schaffer said I don't care if he (investigator) does it those nights it can be any time. Brown said why just pick on one establishment. I believe the saturation of the police is a better way of dealing with it. Kane noted we have an awful good police force to make the call. I believe the Chief will take this information back to his officers. Sandoval said there are establishments that serve people that are intoxicated. I have taken my issues back to the police department. Motion failed 1-4. Sandoval, Tveit, Kane and Brown voting nay.

Kane said I would like to go on record to address the article in the Star Tribune on Pederson Trail; it was not only the Mayor who worked on this path project. This council, past council, staff have been working on it for about eight years. Let's now take our energy to get a stop light on Pederson Drive and Highway 47.

Brown said I would like to see when Liquor Licenses are renewed have the bars come in and give an action plan on what they are proactively doing to ensure public safety.

Brown I will be gone for the June 21, 2010 City Council Meeting.

10. **Report from Mayor:** Yes, thank you Mr. Kane I am only one vote. Tveit stressed to the City Council please read your packets and calendar of events. When we do have special meetings, I do call people about the meetings. Please put City business on your calendars. Meetings are important.

I would like to welcome Darcy Mulvihill to St. Francis. I am sure she will be a wonderful addition.

11. **Old Business:**

a. Discussion on Assessments for the 230th and Ivywood Street Project: City Engineer Jared Voge provided a document on the potential assessment for 40%, 35% and a 30% of the residents share. Tveit said Mr. Dressen has contacted me to address the council but was not able to be here earlier to sign up. Dressen stated the contractor has done an excellent job along with the inspector from Bolton and Menk. I want to remind the council that street was not maintained since it was built 25 years ago. Once they started repairing the job it was justified that road was not put in properly. I feel the number should be closer to 20% for the assessment.

Kane asked Mr. Voge how long should the road have last. Voge said the road that has been constructed now and properly maintained it should last 40 years. Kane stated I believe we need to give consideration to a smaller assessment percentage. Hylen said what we can do is have a spread sheet that goes to 20% at 5% increments. Brown asked about the watermain, was that in good condition. Voge said a far superior pipe was put in with this construction. The material that was in the ground did meet it's life expectancy but the material that was used is not the same type of material that is put in now. Schaffer said I don't think it should be a 20% cut. Schaffer said were is the money coming from. Brown said yes the difference will have to come out of the budget. Voge stated in order to keep it with the 429 process you can not assess the residents lower than 20%.

b. Council Issues Laptops: Estimates were received from our IT contracted person on Notebook size laptop computers for the City Council. Brown asked with Netbook do you have to have AT&T wireless card. Sandoval said the laptops are very handy and not opposed to it. Kane asked Schaffer are you going to be comfortable using it? If Schaffer doesn't want to use it, why buy one for him. Brown said the idea behind it is to save time and paper. We can all help him. Next meeting I won't be at the council meeting but I am getting up to minute information and will be able to keep informed. Kane said if we go to a public laptop, I would like to go back to a city email address. Hylen said to get this moving on how about Kane and Brown meet with myself to go over the

specifications on these or the council could make the motion. MOTION BY KANE SECOND BROWN TO GO WITH THE ACER ASPIRE ONE FOR \$319.00 PER COMPUTER PLUS A PROTECTIVE CASE. Brown said you can store vast amount of storage on this. Motion carried 5-0.

Kane in lieu of moving into technology I would like to make the following motion. MOTION BY KANE SECOND SANDOVAL TO ALLOW MR. SCHAFFER HAVE ACCESS TO CITY HALL. Brown asked how about a trial basis. Tveit asked Mr. Schaffer will you be able to conduct yourself at city hall. Schaffer said I will try to be civility. Brown said I do not want to spend any more money on nonsense. Motion failed 0-5. MOTION BY KANE SECOND TO HAVE MR. SCHAFFER BE ABLE TO HAVE CONTACT WITH EMPLOYEES AT CITY HALL FOR A PERIOD OF 60 DAYS ON A TRIAL BASIS. Motion carried 4-0. Schaffer abstained.

12. **New Business:** None.

13. **Adjournment:** The Regular City Council meeting adjourned at 8:15 pm.

Barbara I. Held, City Clerk