

CITY OF ST. FRANCIS
ST. FRANCIS, MN

CITY COUNCIL MINUTES

October 20, 2008

5:50 pm: Administrative Appeal Hearing: Bob King, County Market is requested a hearing before the City Council (acting as the Board of Review/Appeals Board) regarding an exit door on their building expansion. As per City Code Section 2.06, Mr. King has the right to appeal a decision from a City Official (Building Official). County Market proposed an exit fire door, exiting north, out of their expanded store. City Administrator Hylen stated that our contract-building inspector's, Metro West Inspections, denied this request because the exit is to another property. Hylen stated, after talking with the State Building Codes Division regarding the matter, they indicated the applicant/owner can appeal to either the City or the State of MN if they feel a building inspector should allow a certain design. In addition, Hylen noted, if Council Market and surrounding buildings were to be built today with one owner and no property lines, the proposed exit door would be allowed. Hylen noted the Building Inspector feels they do not have a choice but to deny the request due to there being two owners (the exit door as proposed would exit onto another owner's property). Hylen indicated that the City Board of Review/Appeals can overrule the building inspector on this specific decision if the Board determines this would not be a detriment to the safety and this would not be an issue if there was not a property line issue. **MOTION BY BROWN SECOND SCHAFFER TO OVERRULE THE BUILDING INSPECTOR'S DETERMINATION BASED ON THE FINDINGS THAT THIS COULD BE BUILT AS PROPOSED IF NOT FOR THE PROPERTY LINE ISSUE AND SUBJECT TO LEGAL REVIEW FOR ANY FURTHER ACTION REQUIRED ON THIS REQUEST.** Motion carried 3-0.

1. Call to Order: The regular City Council Meeting was called to order by Acting Mayor/Council member Ray Jones at 6:00 pm at the ISD #15 District Offices.

2. Roll Call: Present were Council members Ray Jones, LeRoy Schaffer, and Tim Brown. Excused were Randy Dressen and Steve Kane. Also present was Assistant City Engineer Jared Voge (Bolton & Menk, Inc.), City Attorney Scott Lepak (Barna, Guzy & Steffen), Public Works Director Paul Teicher, Finance Director Gayle Bauman, City Administrator Matt Hylen, and City Clerk Barb Held

3. Adopt Agenda: **MOTION BY BROWN SECOND SCHAFFER TO ADOPT THE OCTOBER 20, 2008 CITY COUNCIL AGENDA.** Motion carried 3-0.

4. Consent Agenda: **MOTION BY BROWN SECOND SCHAFFER TO APPROVE THE OCTOBER 20, 2008, CITY COUNCIL CONSENT AGENDA A-H:**

- a. Approve the City Council Minutes – October 6, 2008.
- b. Receive and File the Planning Commission Minutes-September 17, 2008.
- c. Receive and File the Fire Department Minutes – October 5, 2008.
- d. Approve Final Pay Estimate and Change Order # 1 for \$6,665.29 to Dirt-Pro Equipment of Prior Lake for the 235th Avenue Improvement.

- e. Approve Final Pay Estimate and Change Order #1 for \$24,120.64 to Doboszinski & Sons of Loretto, MN for the Raw Watermain Improvements Project.
 - f. Accept the annual performance review for Public Works Operator Parish Barten and place him at Grade 8, Step 4.
 - g. Approve the Contract Renewal with Embedded Systems, Inc. for the monthly maintenance fee for 2009 at \$37.95 for the Tornado Sirens.
 - h. Approve the Payment of Claims for \$179,191.56.
Motion carried 3-0.
5. **Petitions, Requests, Applications:**
- a.
6. **Ordinances & Resolution:**
- a. **Ordinance 126, Second Series: An Ordinance Amending Ordinance 98, SS Approving Sale of City Owned Estates (2nd Reading):** Lepak stated that ordinances need a 4/5th vote to move on. MOTION BY SCHAFFER SECOND BROWN TABLE THE SECOND READING OF ORDINANCE 126, SECOND SERIES AN ORDINANCE AMENDING ORDINANCE 98, SECOND SERIES APPROVING SALE OF CITY OWNED ESTATES. Motion carried 3-0
 - b. **Ordinance 127, Second Series: An Ordinance Amending Chapter 3, Sec. 3.30 MUSA New Septic Regulations (1st Reading)** MOTION BY SCHAFFER SECOND BROWN TO TABLE THE FIRST READING OF ORDINANCE 127, SECOND SERIES; AN ORDINANCE AMENDING CHAPTER 3, SECTION 3.30 MUSA NEW SEPTIC REGULATIONS. Motion carried 3-0.
 - c. **Resolution 2008-29: Resolution Supporting a Joint Partnership with St. Francis School District #15 and Anoka County to Apply for the Safe Routes to School Program 2009 Solicitation:** MOTION BY BROWN SECOND SCHAFFER TO ADOPT RESOLUTION 2008-29 A RESOLUTION SUPPORTING A JOINT PARTNERSHIP WITH ST. FRANCIS SCHOOL DISTRICT # 15 AND ANOKA COUNTY TO APPLY FOR THE SAFE ROUTES TO SCHOOL PROGRAM 2009 SOLICITATIONS. Schaffer wanted to make a comment, so I understand that Pederson Drive will be the number one priority. Motion carried 3-0.
7. **Meeting Open to the Public:** None
8. **Reports of Consultants & Staff Members:**
- a. **Engineer:** No report
 - b. **Attorney:** No report.
 - c. **Staff: Fire Dept: Tanker Proposal:** Hysten stated earlier tonight we had a tour of the Fire Station and Police department. Due to the fact the whole council is not here it would be recommended that this be tabled this evening. Schaffer would like to get more detail on the pros and cons regarding the Tanker.
- Public Works Dept: Water Tower Maintenance Contract:** Hysten reported the maintenance contract would be for the tower located right behind the liquor store In a memo from Public Works Director, Paul Teicher states this tower was built in 2003 and is in need of repairs due to premature

failure of the interior and exterior coatings identified in an inspection that was performed in July 2007. Teicher is recommending that the service contract for the water tower maintenance with Utility Service Co., Inc. be approved. This would give the City a more cost effective maintenance program and even payments every year which helps in budgeting. The program and contract has been reviewed by staff, the Assistant City Engineer, City Attorney, and the Finance Director. Jones asked how do you paint the inside the tank without having water service. Frank Cassidy of Utility Service Co., Inc. stated the tower would need to be taken out of service. Voge noted when the tower is taken out of service the customers won't even notice due to the fact of the amount of underground tank storage we now have. **MOTION BY BROWN SECOND SCHAFFER TO ENTER INTO A WATER TANK MAINTENANCE CONTRACT WITH UTILITY SERVICE COMPANY, INC.** Motion carried 3-0.

Liquor Store: No report.

Police Dept: No report.

City Administrator Report: Reminder the Fire department will have a Fire Truck out on Halloween giving out glow sticks.

Hysten said he had a resident complain about the amount of political signs out in the road right of way. Chief Harapat stated there are many signs along State, County and City streets in the road right away. It would be labor intensive to get the accurate road right of ways for all the streets. Current and past practice is if the signs are a site problem they would then take care of them. If the council so chooses I can bring in an officer at overtime to measure the road right of ways. Jones said maybe the signs that are in the road right of way we need to call the individual to remove them. Jones said it is a problem not only in our City. Schaffer said the local candidates you do have phone numbers to contact them. The sign up at the doctor's office, they were paid, it is commercial property. Brown said let us ride it out unless it is a safety issue.

9. **Reports from Council Members:** Schaffer contacted a couple businesses.
10. **Report from Mayor:** None. Jones reported that the Mayor was ill tonight and Kane was out of town.
11. **Old Business:** Jones asked where are we at with the land lease. The City is in the process of developing the ad.
12. **New Business:** None
13. **Adjournment:** The Regular City Council meeting adjourned at 6:18 pm.