

CITY OF ST. FRANCIS
ST. FRANCIS, MN

CITY COUNCIL MINUTES

October 6, 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 (Bolton & Menk, Inc.), City Attorney Scott Lepak (Barna, Guzy & Steffen), 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 KANE SECOND BROWN TO ADOPT THE OCTOBER 6, 2008 CITY COUNCIL AGENDA. MOTION CARRIED 5-0.
4. **Consent Agenda:** Note that under f. Chief's review the grade and step is, Grade 19, Step 4. Schaffer said I know you don't go ahead and give out reviews but being this is such a high position job I would like some type of summary. Hysten asked the Mayor if wanted him to proceed and Mayor Dressen said yes. Hysten stated he is happy to report the Police Chief had an excellent review; he has taken the police department to a new level, in policies and procedures. He has dealt with personnel issues that have come up with confidence and leadership. Chief Harapat easily passed his annual performance review. MOTION BY KANE SECOND JONES TO APPROVE THE OCTOBER 6, 2008, CITY COUNCIL CONSENT AGENDA A-I:
 - a. Approve the City Council Minutes – September 15, 2008.
 - b. Approve the Water Treatment Plant Pay Request #13 to Staab Construction for \$550,853.00.
 - c. Approve the Street Lighting at the intersection of 229th and Ambassador Blvd.
 - d. Approve the Memorandum of Agreement Between the city of St. Francis and the Labors' District Council of Minnesota and North Dakota on Behalf of Construction and General Laborers' Union Local 563 regarding Vacation Accrual for employees in the streets and parks departments.
 - e. Accept the annual performance review for Police Officer/Investigator Todd Schwieger and place him on the Police Officer Grade, Step 6.
 - f. Accept the annual performance review for Police Chief Jeff Harapat place him at Grade 19 Step 4.
 - g. Approve the Pay Request to ESS Brothers and Sons, Inc. of Loretto, MN in the amount of \$381.80 to complete catch basin frame and casting on Rum River Blvd.

- h. Approve the recommendation of Fire Chief Pace and pay Fire Fighter Brigit Kelley the 20 extra hours relating to writing the fire department SOG's and Policy and Procedure manual.
- i. Approve the Payment of Claims for \$271,781.75.

Motion carried 5-0.

5. **Petitions, Requests, Applications:**

a. East Central Chapter of ABATE (American Bikers for Awareness Training & Education) of Minnesota: Mark Braastad 923-229th, president of the East Central Chapter of ABATE of Minnesota. Mr. Braastad explained the Buddy Bears program to the City Council. Braastad stated everyday children are involved in situations where these Buddy Bears could help ease the hardship and turmoil they are experiencing. The East Central Chapter would like to donate some Buddy Bears to the city of St. Francis for you to distribute them to the Police, Fire, and Paramedics. Dressen thanked Mr. Braastad and stated to contact City Hall on the delivery date, time, and we will arrange for the bears to get into the right hands.

b. Sue Nutter-Truck Traffic on Rum River Blvd.: Sue Nutter, 22920 Rum River Blvd. stated the trucks are really bad along Rum River Blvd even the Anoka County trucks are using the road. Jones said at the last meeting we did pass a motion to put up the signs relating to truck traffic but the signs cannot go on the County Road at the request of Anoka County. Ms. Nutter said the speed-monitoring machine is not working. Hylen said that is a counter and speed recording devise it does not necessary display the speed but it is still working. We are collecting the data of traffic counts and the speeds. Regarding the yard, who do we pay, it needs to be clarified. Hylen asked if we could talk tomorrow about that. My neighbors did not receive any notification regarding their yards. Voge stated they are developing a punch list and will get back to the residents as soon as possible.

6. **Ordinances & Resolution:**

a. Ordinance 124, Second Series: An Ordinance Amending Chapter 2, Section 2.12, Entitled "Salaries of Mayor and City Council Members"(Second Reading): MOTION BY JONES SECOND BROWN ADOPT THE SECOND READING OF ORDINANCE 124, SECOND SERIES; AND ORDINANCE AMENDING CHAPTER 2, SECTION 2.12, ENTITLED "SALARIES OF MAYOR AND CITY COUNCIL MEMBERS. I am in empathy with the rest of the council about getting a raise but I can't vote for it. It might be on the verge of a depression. If they vote for this, I will not hold it against them. Resident Vince Spensley asked how can you justify 22-36% increase. I checked with the city of Rogers and their mayor gets \$350 a month and council \$300 a month. Back in 1993 when I was on the council, we received \$100 per month. Dressen said we did do a comparison with surrounding communities. Dressen stated Council member Jones went out and did some comparisons too. Jones said let's compare us with the city of Nowthen (formally Burns Township) right now they get \$300 a month for council and \$400 for mayor and that is when they were a township. Spensley said I was on the city council in both the city of Dayton and Rogers I received \$25.00 per month in Dayton and \$100.00 per month in Rogers. Jones asked how big is Dayton? Spensley said Dayton is a lot bigger that St. Francis, Jones said are you sure, so is Rogers Spensley stated. Jones replied I don't think so. Jones said I am sorry that I don't have my papers with me to show you the comparisons. Spensley said it is inappropriate time to give yourself a raise like that. Jones stated let's look at Oak Grove's salaries. Ron Benkler said I do not know how you

compare to other communities. How about pay for performance. Where are all the new businesses? Jones gave justification comparing surrounding communities and the services they provide. Benkler said what has the city done to justify your pay. Resident Larry Anderson appreciates the council letting us speak. I have been to pretty much all the council meetings for the last three years and a lot of these faces tonight I have not seen here before. I support the council in what they are recommending as a raise. The council has been trying to put together a commercial/industrial area. There is a new development along Rum River Blvd. I do believe in the three years that I have been watching the council I applaud them. I encourage everyone one to come to all the council meetings. Roll Call: Ayes- Brown, Jones, Kane, Dressen. Nays- Schaffer.

b. Ordinance 125, Second Series: An Ordinance Amending Section 10.36 Subdivision 6 F. Regarding Driveways (Second Reading): MOTION BY KANE SECOND JONES ADOPT THE SECOND READING OF ORDINANCE 125, SECOND SERIES; AN ORDINANCE AMENDING SECTION 10.36 SUBDIVISION 6 F REGARDING DRIVEWAYS. Roll Call: Ayes- Kane, Brown, Schaffer, Jones, Dressen. Nays- None.

c. Ordinance 126, Second Series: Amending Ordinance 98, Second Series: Approving the Sale of City Owned Estates (First Reading): MOTION BY KANE SECOND BROWN APPROVE THE FIRST READING OF ORDINANCE 126, SECOND SERIES AMENDING ORDINANCE 98, SECOND SERIES APPROVE THE SALE OF CITY OWNED ESTATES. Roll Call: Ayes-Brown, Jones, Schaffer, Kane, Dressen. Nays- None.

d. Ordinance 127, Second Series: Outdoor Furnace Ordinance (1st Reading): Brown felt there are too many restrictions with the proposed ordinance and would like it to be sent back to the planning commission. Schaffer agreed it limits small lots. Brown stated it also limits larger lots. Hylen stated that there is a resident that signed up before the meeting to address the City Council on the proposed Outdoor Furnace Ordinance. If you agree Mayor, he could speak now instead of later. Mr. Gertvig, 2433-229th Avenue, handed out a memo to the City Council regarding outdoor furnaces and the improvement in the industry. Mr. Gertvig gave his reasoning for the support of Outdoor Furnaces and did not agree with the proposed ordinance. MOTION BY BROWN SECOND JONES TO HAVE OUTDOOR FURNACE ORDINANCE SENT BACK TO PLANNING COMMISSION FOR FURTHER REVIEW. Motion carried 4-1. Schaffer voted nay.

e. Move the Resolution 2008-28 to Attorney.

7. **Meeting Open to the Public:** Ron Benkler, 4509-232nd Court NW, said he is concerned with the recall of Mr. Schaffer. Quick question, are you not going to address the recall. Dressen said the resolution is now moved for discussion under the attorney's report. So the recall is now being removed from the agenda, Benkler asked. No Dressen said it is just moved on the agenda. Benkler said so we are moving it to another date? Dressen said no; it is going to be addressed tonight. It just moved down on the agenda. Benkler than stated I see you are just moving down on the list. The reason for a recall you need malfeasance and nonfeasance. It means in conduct of their charged duties has acted illegally or declined or has to declined to act at all. I am very troubled by the city even entertaining it. Because in the here the only individuals here that reached the threshold of malfeasance and nonfeasance here in all due respect are you Mr. Mayor, the council members and our police chief. One of the issues regarding or basing the recall on was of course the public out burst that was on display by Mr. Schaffer on TV and recorded by the news media after he made a

phone call reporting some aliens, as you will, we do not know if they were illegal or not to be investigated to see whether or not they were proper position to be here in St. Francis and were actually legal. Instead of being investigated, it went to the news media, and of course blew up in everybody's face and there is a lot of emotion riding over the whole subject matter. To set that aside I did a lot of extensive research. Mr. Benkler proceeded to report all the different agencies he has been on the phone with. Dressen said let me asked you Mr. Benkler, did the council do the petition? We are not voting to have a petition that has been done by the voters, that is not this board. Mr. Benkler said the council has an obligation to the citizenry as the advisory board. Dressen said I have never said he (Schaffer) did anything wrong. We are following our City Charter. The board is not making judgment on Mr. Schaffer we are following our City Charter. Mr. Benkler said who is going to pay for a special election that shouldn't have to pay for to begin with. Recommend Mr. Schaffer to pursue legal action and who is going to pay that. We are not here to debate the City Charter, the residents followed the Charter. Conversation continued between Mr. Benkler and the Mayor. Mr. Schaffer said he doesn't care what it will cost him, it is about freedom of the speech. It will more than likely go to court that is the only way it is going.

Trent Blake, 5341-241st Avenue NW, yes we do have to have a special election yes it will cost the City money, but we turned in over 1,000 signatures of which 757 are registered voters. We did everything the Charter says. We tried to get the signatures in time (for general election) but we didn't, we still followed the rules. If you really want to save the City money, resign before we have to have a special election. Blake referenced literature that Schaffer is still handing out. Blake referenced the city council minutes where Malcolm Beck asked you to stop talking about a lady that you were totally out of line with and your response. Schaffer said I never said that. Blake asked when is enough, enough. Schaffer raised his voice at Blake. Schaffer apologized for the outburst. Mr. Schaffer said what he said at least I applied was "young lady I am not your mother grow up" she is 20 years old ,whatever, in the army she is an adult, in the army it would have been entirely different situation they would not give her the business of treating her like a 10 or 12 year old. Dressen said we are not going to sit here to debate the minutes.

8. Reports of Consultants & Staff Members:

a. Engineer: Quotes for the Improvements to the Existing WWTP Facility:

Rapid Infiltration Structure: Voge reported at the last City Council meeting he brought forward a memo stating the MPCA conducted an onsite tour of the WWTP. The MPCA indentified the Rapid Infiltration Basin No.1 needed to be corrected. Staff prepared plans and specifications and secured quotes to correct the Rapid Infiltration Basin water distribution. Three quotes were received, they are: 1) Municipal Builders, Inc. \$25,600, 2) Rice Lake Contracting, \$28,900, 3) Staab Construction \$28,900. The plans and specifications require that the work be substantially complete prior to October 31, 2008 with all work be completed on or before November 7, 2008. MOTION BY KANE SECOND BROWN TO ACCEPT THE THREE QUOTES FROM MUNICIPAL BUILDERS \$25,600; RICE LAKE CONTRACTING \$28,900 AND STAAB CONSTRUCTION \$28,900. Motion carried 5-0. MOTION BY BROWN SECOND JONES TO AWARD THE QUOTE TO MUNICIPAL BUILDERS, INC. OF ANDOVER, MN FOR THE AMOUNT \$25,600 TO CORRECT THE RAPID INFILTRATION BASIN WATER DISTRIBUTION. Motion carried 5-0.

Monitoring Well-Wastewater Treatment Facility: As previously stated, the MPCA conducted an onsite tour of the WWTP. The MPCA identified the need to abandon and replace Monitoring Well No. 7. Staff prepared plans and specifications and secured quote to complete the work. Three quotes were received, they are: 1) Braun Intertec \$2,667, 2) American Engineering Testing \$3,000 and 3) E.H. Renner and Sons \$4,200. The plans and specifications require that the work be substantially completed prior to October 31, 2008 with all work to be completed by December 31, 2008. MOTION BY JONES SECOND BROWN TO ACCEPT THE THREE QUOTES FROM BRAUN INTERTEC \$2,667; AMERICAN ENGINEERING TESTING \$3,000; AND E.H. RENNER AND SONS \$4,200. Motion carried 5-0. MOTION BY JONES SECOND KANE TO AWARD THE QUOTE TO BRAUN INTERTEC FOR THE AMOUNT OF \$2,667 TO ABANDON AND REPLACE MONITORING WELL NO. 7. Motion carried 5-0.

Rum River Blvd. Pay Request: Voge reported work has been completed on the Rum River Blvd. Improvement Project since the last payment was made at the August 18, 2008 City Council meeting. All the work completed on the project since the last payment has been completed by sub-contractors of Andrews Excavating. Andrews Excavating has not completed any work requiring payment since the last payment application. Following are the sub-contractors who have completed work on the project and the corresponding values of work they have completed and have yet to be paid.

Contractor	Total Payment Due
• Duane Ramer Sod and Landscaping	\$ 4,312.10
• Rum River Contracting	\$49,444.00
• Landmark Concrete	\$ 4,732.68
• Geyer Signal	\$ 900.00
• AAA Striping Service Co.	\$ 7,979.44
• Dustbusters Pavement Sweeping LLC	\$ 250.00

Voge is recommending that the individual payments be made to the sub-contractors in the amounts identified above. Jones if we are holding back a retainage to fix the punch list items. Voge said yes we are. MOTION BY KANE. SECOND JONES TO PAY THE SUB-CONTRACTORS OF ANDREWS EXCAVATING FOR THE WORK THAT HAS BEEN COMPLETED ON THE RUM RIVER BLVD. IMPROVEMENT PROJECT AS FOLLOWS; DUANE RAMER SOD AND LANDSCAPING \$4,312.10, RUM RIVER CONTRACTING \$49,444.00, LANDMARK CONCRETE \$4,732.68, GEYER SIGNAL \$900.00, AAA STRIPING SERVICE CO. \$7,979.44 AND DUSTBUSTERS PAVEMENT SWEEPING LLC FOR \$250.00. Motion carried 5-0.

b. Attorney: Resolution 2008-28: Ordering a Special Election for the Purpose of Determining Whether LeRoy Schaffer shall be Recalled: The reason for the moving of the resolution under his portion. There is a change on the election timing due to the State Election Laws. The City has a Home Rule Charter, which allows for a recall. The City Council does not choose on whether to hold an election. Only action this evening is to call for a special election. The Charter requires that the special election because of timeline it could not be on the general election.

Unfortunately, the timing set out by our City Charter on special elections and the State Election Laws do not agree. Lepak said I do not represent the petitioners or Mr. Schaffer. In regards to the special election Mr. Schaffer said does the Constitution supersedes the City Charter. The City is to follow their City Charter. MOTION BY BROWN SECOND KANE ADOPT RESOLUTION 2008-28 A RESOLUTION ORDERING A SPECIAL ELECTION TO BE HELD ON DECEMBER 16, 2008 FOR THE PURPOSE OF DETERMINING WHETHER LEROY SCHAFFER SHALL BE RECALLED. Motion carried 5-0.

c. Staff: Fire Dept: No report.

Public Works Dept: Lighting at the Warming House Parking Lot: The lighting at the warming house is currently inadequate for safe navigation of the lot and for the recreational skating rink area, which is the east half of the parking lot during the winter. This parking lot is used heavily during elections, school events, and other recreational events. Staff received two quotes for the installation of lighting in the parking lot. Public Work Director Paul Teicher is recommending using both quotes. The quote from Lynch Electric Inc. is for the installation of the 30 foot and 25 foot fixtures for approximately \$8,500 and have Connexus Energy install the Traditionaire style lights for approximately \$3,060. LED lighting was checked into but at this time, it was cost prohibitive. MOTION BY JONES SECOND BROWN TO APPROVE THE INSTALLATION OF LIGHTING IN THE WARMING HOUSE PARKING LOT WITH LYNCH ELECTRIC INC TO INSTALL THE 30 FOOT AND 25 FOOT FIXTURES FOR APPROXIMATELY \$8,500 WITH FUNDS COMING FROM PARK DEDICATION. Motion carried 4-1 Schaffer. MOTION BY KANE SECOND JONES AUTHORIZE THE INSTALLATION OF THE TRADITIONAIRE STYLE LIGHTS BY CONNEXUS ENERGY FOR APPROXIMATELY \$3,060. Motion carried 5-0.

Liquor Store: No report.

Police Dept: No report.

City Administrator Report: Anoka County announced the availability of Pictometry to all municipalities within the county. The Pictometry product is a digital oblique aerial imaging photography software tool that, when integrated with our Geographic Information System (GIS), will provide high resolution images of all parts of the county from multiple views. Anoka County is offering an electronic copy of the photographs and software to view the images at a cost of \$224.

9. **Reports from Council Members:** Schaffer contacted two businesses. Kane reported last Tuesday he attended a conference on the 2030 Transportation Policy Plan that will be forwarded to the State of MN.

Schaffer addressed the Petition Committee and gave them a plaque and handed out \$20.00 to the petition members.

10. **Report from Mayor:** Dressen attended Nowthen festival.

11. **Old Business: None**
12. **New Business: None**
13. **Adjournment:** The Regular City Council meeting adjourned at 7:16 pm.

Barbara I. Held, City Clerk