

CITY OF ST. FRANCIS
ST. FRANCIS, MN

CITY COUNCIL MINUTES

April 5, 2010

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 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), City Planner Nate Sparks (Northwest Associated Consultants), 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 APRIL 5, 2010 CITY COUNCIL AGENDA. Motion carried 5-0.
4. **Consent Agenda:** Schaffer asked to have 4e. removed from the consent agenda. Tveit stated we will move it to City Administrator's report. MOTION BY BROWN SECOND KANE TO APPROVE THE MARCH 15, 2010 CITY COUNCIL CONSENT AGENDA A -D and F-G AS FOLLOWS:
 - a. Approve the City Council Minutes of March 15, 2010.
 - b. Receive and File the Notes of the City Council Work Session/Retreat of March 21, 2010.
 - c. Accept the Resignation of Liquor Store Clerk Lisa Klimek and Authorization to Advertise for the position.
 - d. Approve the Recommended Changes to the St. Francis Fire Department Physical Agility Test.
 - e. ~~Approving additional Procedural Policies for the City of St. Francis Policy Manual.~~
 - f. Accept the resignation of Terry Sworksy from the URRWMO.
 - g. Approve the Payment of Claims for \$226,316.10.Motion carried 5-0.
5. **Meeting Open to the Public:**
 - a. Roland Willis, 23073 Eidelweiss Street NW, addressed the City Council on the wood chipper purchase. Mr. Willis recommended not purchasing the wood chipper at all not even next year. Mr. Willis felt the City would save money in the long run by contracting it out.
 - b. Steve Ortell, 839 235th Avenue East Bethel, stated he received an assessment on the Rita Meadows property in the amount of \$7,126.96. Mr. Ortell said this assessment has to do with the Royal Health Care project. Mr. Ortell also stated he did not receive anything in the mail about this assessment. As of February 23, 2010, Mr. Ortell stated he foreclosed on the other two property owners of Rita Meadows. Mr. Ortell would like a response to his concern.

6. **Petitions, Requests, Applications:**

a. **Roselawn Stables: Conditional Use Permit Amendment – Resolution 2010-10:**
Pete Karpe has made an application for a CUP Amendment for Roselawn Stables located at 24069 Rum River Blvd. The application is to use 4 acres of the 48 acre site for garden plots and to allow the sale of produce from the site as a “farmer’s market”. The Planning Commission held a public hearing and recommended approval with seven conditions (findings). If the Council agrees with the findings, Resolution 2010-10 should be approved. If the Council disagrees with the findings or finds that the proposal is incompatible with the Comprehensive Plan, then it would be appropriate to make findings of denial. Karpe handed out a brochure to the city council regarding the community garden, which will also include a farmers market. Karpe is also asking the growers to donate 10% of their produce to go to local food shelves. This is primarily working with residents of St. Francis who may not have the area for a garden. Tveit asked if the growers would have problems carrying their supplies, produce, fertilizer, etc to the garden area. Karpe said they would not have to carry fertilizer to the land, we will provide that. We are looking at becoming certified organic and that takes three years. Karpe said these people will be sensitive to the neighbors and I am sure they will have little wagons to carry the produce and supplies. Sandoval asked what are you going to do for a water supply. Karpe stated they are applying for a well. Karpe stated port-a-potties would also be out on the site. Brown asked if this amendment fits into our current comprehensive plan. Nate Sparks, NAC, stated with our new comprehensive plan it is a policy question. MOTION BY SCHAFFER SECOND TVEIT TO ADOPT RESOLUTION 2010-10 A RESOLUTION APPROVING A CONDITIONAL USE PERMIT AMENDMENT FOR ROSELAWN STABLES AT 24069 RUM RIVER BLVD TO ALLOW GARDEN PLOTS AND A FARMERS MARKET ON THE SITE. Motion carried 5-0.

7. **Ordinances & Resolution:**

a. **Ordinance 146, Second Series: Re-Codifying the St. Francis City Code and Adopting New Zoning Regulations, Zoning Map, and Subdivision Regulations in Conformance to the City’s Adopted Comprehensive Plan (Second Reading):** MOTION BY KANE SECOND BROWN APPROVING THE SECOND READING OF ORDINANCE 146, SECOND SERIES TO RE-CODIFYING THE ST. FRANCIS CITY CODE AND ADOPTING NEW ZONING REGULATIONS, ZONING MAP, AND SUBDIVISION REGULATIONS IN CONFORMANCE TO THE CITY’S ADOPTED COMPREHENSIVE PLAN. Roll Call: Ayes: Sandoval Kane, Brown, and Tveit. Nays: Schaffer. Motion carried 4-1.

b. **Resolution 2010-11: Authorizing the Summary Publication of Ordinance 146, Second Series:** MOTION BY BROWN SECOND KANE TO ADOPT RESOLUTION 2010-11 A RESOLUTION AUTHORIZING SUMMARY PUBLICATION OF ORDINANCE 146, SECOND SERIES RE-CODIFYING THE ST. FRANCIS CITY CODE AND ADOPTING NEW ZONING REGULATIONS, ZONING MAP, AND SUBDIVISION REGULATIONS I CONFORMANCE TO THE CITY’S ADOPTED COMPREHENSIVE PLAN. Motion carried 5-0.

c. **Resolution 2010-15: Declaring City Property Surplus:** This vehicle, currently used by the Chief, is the one that was going to be sold. MOTION BY KANE SECOND SCHAFFER TO ADOPT RESOLUTION 2010-15 A RESOLUTION DECLARING SURPLUS PROPERTY, 2004 CROWN VICTORIA, AND AUTHORIZING THE DISPOSAL OF SAID PROPERTY. Motion carried 5-0.

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

a. **Engineer: Municipal State Aid Street System:** Voge reported that each year as part of our Municipal State Aid System (MSAS), the City of St. Francis is allowed to designate 20% of our total road mileage as Municipal State Aid Streets. In order for a street to be added to our Municipal State Aid System, it must connect to a Trunk Highway, County State Aid Highway, or other Municipal State Aid Street. Based on the review of the City's MSAS, staff is recommending the revocation of MSAS 119 – non-existing Cree Street between 241st Avenue NW and 245th Avenue NW and MSAS 120 – non-existing 245th Avenue NW between TH 47 and Cree Street as identified in Resolution 2010-12. It is also recommended the City designated the segments identified in Resolution 2010-13 establishing Municipal State Aid Highways. The proposed designations and revocations will maintain our Municipal State Aid System Certified Mileage at 11.94 miles.

MOTION BY BROWN SECOND SANDOVAL TO ADOPT RESOLUTION 2010-12 A RESOLUTION REVOKING MUNICIPAL STATE AID STREETS. Motion carried 5-0. **MOTION BY SANDOVAL SECOND KANE TO ADOPT RESOLUTION 2010-13 A RESOLUTION ESTABLISHING MUNICIPAL STATE AID HIGHWAYS.** Motion carried 5-0.

County Road 81/Pederson Drive Trail Improvements: Voge reported that the City was informed that the Federal Transportation Enhancement Funding Application submitted on June 15, 2009 for the County Road 81/Pederson Drive Trail Improvements has been approved by the Metropolitan Council Transportation Advisory Board (TAB). The proposed improvements consist of the extension of bituminous trail along County Road 81//Pederson Drive from 233rd Lane to Trunk Highway 47. The proposed trail extension will provide a pedestrian connection between the west and east sides of Trunk Highway 47. Metropolitan Council TAB indicated that the federal funds designated for the project will be specified for fiscal years 2013 and 2014. However, given the project's high priority, the Federal funds for construction in the amount of \$179,128.00 can be authorized as soon as the project is included in the Minnesota State Transportation Improvement Plan. (STIP). It is estimated that the STIP will be approved in November of 2010. Any construction activities beginning prior to approval of the STIP will be ineligible for federal funding reimbursement. Since Federal Funds will be available prior to fiscal year 2013 for the proposed improvements and because the project is a high priority for the City Council of the City of St. Francis, we recommend that the City Council adopt Resolution 2010-14 authorizing the preparation of all documents required to satisfy the Federal Funding requirements. **MOTION BY SCHAFFER SECOND SANDOVAL TO ADOPT RESOLUTION 2010-14 A RESOLUTION ORDERING IMPROVEMENT AND DIRECTING PREPARATION OF PLANS AND SPECIFICATIONS FOR THE COUNTY ROAD 81/PEDERSON DRIVE TRAIL IMPROVEMENT.** Motion carried 5-0.

230th Lane and Ivywood Street Project Update: Voge reported the project would begin the week of April 12th with tree removal. The project newsletter that the Council received was sent out to all property owners last week. The existing bituminous roadway surface it expected to be removed beginning April 20th, depending on seasonal road restrictions. The utility construction will begin soon after the bituminous has been removed.

b. **Attorney:** No report.

c. **Staff: Fire Dept:**

Public Works: Request to Purchase Wood Chipper: Paul Teicher reported we would like to purchase a wood chipper to address our tree needs on a timely basis.

The City has the opportunity to save \$16,000 by purchasing it nine (9) months early. Kane asked why do we need a wood chipper. Teicher stated to manage our diseased and dead (hazard) trees timely and effectively. Kane asked what do we do now. Currently we spend \$5,000 for a month to rent one. We also rent it for recycling days, for an approximate rental of \$6,000 a year and that does not include natural disasters. If there was to be a wind storm to come through town it is on a first come basis for rental. Kane asked about a disease trees, do you burn them? Teicher stated no, best practice is to chip diseased trees. Kane asked if there anything else we can do with them. Teicher stated I am not aware of any. Tveit said do we spend time picking this equipment up. Yes, sometimes we do have to go and pick it up. Schaffer said do we have a disease problem in the trees around our area. Teicher said currently we have oak wilt and it is inevitable that ash borer is coming. Schaffer asked could you keep up with the diseased trees. Maybe you do not have the manpower. Sandoval asked have you contacted contractors. Yes, I have, Teicher stated a truck, a three-man crew and chipper for 40 hours came to \$8,000. Tveit asked about longevity. Teicher stated if properly maintained 15-20 years. Schaffer asked if it was better to rent or buy. Teicher noted based on this price and regular rental in 4 1/2 years it would pay for itself. Tveit asked if we purchased this, have you checked into to see if one could be shared with other cities. No, I have not, replied Teicher. Typically, with a machine like this, you want to keep a close eye on what you run through it. Teicher said it is a possibility, I guess. Kane said with the trees that are not diseased, we should let the residents take and burn them. We usually take the trees down. Sandoval part of the misconception is it is not just the trunk of the trees; it is also being used for all the brush too. Teicher said we do have good working relationships with other cities. Schaffer said about the wood chips could residents get them. Teicher said right now we have all the woodchips earmarked. Once we get through our project, that is something we can address. Brown said I am leaning toward the purchase but next year we cannot put in another item. Just remember we are going to need a street sweeper. Kane said I have a real problem with this. I cannot in good conscience vote for this. Sandoval asked are you asking for approval tonight or can we table this. We need to get the rental machine back. Motion by Tveit to purchase the wood chipper with the understanding to shop around and utilize this equipment with surrounding communities. Motion died for lack of second.

Dust Control Program: Teicher stated this is something that is in our budget. Tveit said so the test strip that we did last year, you said it held up very well. What do other cities experience; do they experience a cost savings? Teicher said yes they do and this is a way of preserving the gravel we have invested in. Kane said I think the people will appreciate it that live on these graveled roads. We are still doing our dust control program we did last year. Tveit said I know I am going to get calls when they ask why are some getting a benefit when we have to pay for it. The roads chosen are high volume/traffic roads and other vehicles pass through these to get to their development. Kane excused himself from the council bench at 7:00 pm. Teicher stated we are currently are going out for quotes for pricing. Sandoval asked about 238th. Kane was back at 7:05 and apologized but he needed to take the phone call. It was noted, 238th was one of the

high volume/traffic roads as indicated on the map provided. MOTION BY SANDOVAL SECOND BROWN TO AUTHORIZE THE PUBLIC WORKS DIRECTOR TO APPLY THE DUST CONTROL TO THE FIVE MILES IDENTIFIED ON THE MAP PROVIDED. Sandoval stated this is the first year 238th has been address and what you are doing to these roads, it is working. Motion carried 5-0.

Update on the Removal of the 250,000 Gallon Water Tower: The water tower is tentatively set for removal next Monday, April 12, 2010. The city of Braham purchased the tower.

Liquor Store: No report.

Police Dept: No report.

City Administrator Report: e. Approving additional Procedural Policies for the City of St. Francis Policy Manual: Tveit asked Schaffer you wanted this item pulled from the consent agenda, what question do you have. Schaffer said under the Pothole Policy 3.01; he would like it to read each street will be mandated that it be inspected a minimum of once a year. Tveit said that is what it kind of reads. Sparks, NAC, stated that is its intent. We can clarify that for the final copy. MOTION BY KANE SECOND SANDOVAL APPROVING ADDITIONAL PROCEDURAL POLICIES FOR THE CITY OF ST. FRANCIS POLICY MANUAL. Motion carried 5-0.

City Audit: Hylen stated he was out of the office last week. When I came back today, I was informed that the auditors were here only 2 ½ days, with only one journal entry to make. Hylen said compliments to our finance director. Historically they would spend one week plus and a number of journal entries, we are moving in the right direction. The auditors will be at a future meeting for the full 2009 Audit Report.

Police Reserves Utility Terrain Vehicle (UTV): Chief Harapat reported the UTV the St. Francis Police Reserves purchased early this year is out and about in the parks and neighborhoods. Chief Harapat just wanted the City Council aware the Reserves are out with the UTV in case they get calls.

9. **Reports from Council Members:**

Brown reported two new planning commission members were sworn in at the March 17, 2010 Planning Commission meeting. The new members are Kyle Waterworth and Todd Gardner.

Kane turned over a CD entitled “2009 Water Almanac” from the Anoka Conservation District. It is a report of Activities by Watershed Organizations and the Anoka Conservation District.

Schaffer’s items that he asked to be placed on the agenda:

Combining Police Force Feasibility Study Update: Schaffer made a motion that by the deadline of June 7, 2010 the City Administrator give us a first report on a feasibility study of the combination of police departments with Oak Grove, East Bethel, Nowthen and St. Francis or any combination of them. Hylen stated a full fledged feasibility study is different than a report of the pros and cons. Hylen said I can have a report of the pros and cons by next meeting. Tveit asked Schaffer do you want to rescind your motion. Schaffer said can’t the pros and cons be the first part of the feasibility

study. Lepak said at the next meeting with the report of the pros and cons it can be decided if it should move forward. Tveit asked for a second to the motion. Motion failed for a lack of a second.

Water Supply in Anoka County: Schaffer stated there was an article in the Anoka County Union recently on the water supply in Anoka County. Schaffer would like to have this gentleman come to a council meeting and make a presentation. Hysten said we are strictly regulated with the number of gallons we use. Also, the disk that Council member Kane provided to us tonight has information on our water supply. Hysten said we will check to see if we can download the disk onto our website as an informational item.

Maintenance/Police Facilities-Effect on Taxes: Schaffer asked if there was an analysis available or a report we can have to see how much our monthly payment would be for the new public works/police building. Schaffer said we haven't gotten any numbers yet. Tveit said we do not even have plans from an architect yet. Tveit said first we need to know how much the building is going to cost. Bauman stated I did give the council some numbers a few months back on what the approximate cost would be for a six million dollar bond. Those numbers are going to change with the different variables.

Sandoval reported he received an invitation from the Anoka High School Theater program inviting the City Council to their play. A portion of the ticket proceeds to the Juvenile Diabetes. Sandoval also asked where are we at with licensing taxis. I would like to bring the taxi company into a council meeting. Lepak recommended that we do not proceed that way.

10. **Report from Mayor:** No report.

11. **Old Business:** Brown read from a prepared document that began with Brown's statement about Schaffer's unfulfilled promises. As Brown was reading, Tveit stopped Brown and reminded him of the City's Code of Ethics. Brown read a little more than stopped reading the document. Brown called for Schaffer's resignation. Schaffer said I suggest it to you that you save it for your campaign literature. Schaffer said I know we have had words. What you say on the street that is your business, that is acceptable.

12. **New Business:** None.

13. **Adjournment:** The Regular City Council meeting adjourned at 7:39 pm.