

CITY OF ST. FRANCIS
CITY COUNCIL AGENDA
Virtual Meeting via Zoom

AUGUST 16, 2021
6:00 p.m.

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE

The regular City Council meeting was called to order at 6:00 p.m. by Mayor Steve Feldman.

2. ROLL CALL

Members Present: Mayor Steve Feldman, Councilmembers Robert Bauer, Kevin Robinson, and Sarah Udvig

Member Absent: Councilmember Joe Muehlbauer

Also present: Assistant City Attorney Dave Schaps (Barna, Guzy & Steffen), City Administrator Joe Kohlmann, Police Chief Todd Schwieger, Fire Chief Dave Schmidt, Community Development Director Kate Thunstrom, Public Works Director Jason Windingstad and Finance Director Darcy Mulvihill.

3. APPROVAL OF AGENDA

MOTION BY: UDVIG SECOND: BAUER APPROVING THE REGULAR CITY COUNCIL AGENDA

Ayes: Udvig, Feldman, Bauer, Robinson

Nays: None

Absent: Muehlbauer

Motion carried 4-0

4. CONSENT AGENDA

- A. Worksession Notes – July 26, 2021
- B. City Council Minutes – August 2, 2021
- C. Rivers Edge 5th Addition Financial Security Reduction
- D. Park Grant Contract Approval – Siwek Park
- E. Accept Police Officer Resignation – Kurt Green
- F. Accept City Clerk Resignation
- G. Payment of Claims

MOTION BY: ROBINSON SECOND: UDVIG APPROVING THE CONSENT AGENDA ITEMS A-G.

Ayes: Bauer, Udvig, Robinson, and Feldman

Nays: None
Absent: Muehlbauer
Motion carried 4-0

5. MEETING OPEN TO THE PUBLIC

City Administrator Joe Kohlmann asked if anyone wanted to speak. No one came forward.

6. SPECIAL BUSINESS – NONE

7. PUBLIC HEARINGS – NONE

8. OLD BUSINESS

**A. Dwelling, Single Unit Detached – Ordinance 283 Second Series (2nd Reading)
Resolution 2021-XX Authorizing Summary Publication**

City Planner Beth Richmond stated this item is for second reading of a Code amendment to address the request of Igor Dorosh to construct a single-family home with a flat roof on property located along Seelye Brook Drive as the request was not eligible for a variance. She explained Code currently requires that single-unit dwellings be constructed with a pitched roof of no less than 3:12 roof pitch.

Mayor Feldman referenced the revised verbiage indicating: “a flat roof must shed water, having some degree of slope.” He stated he supports this revision as it protects the City and it will be up to the discretion of the Building Official related to the degree of slope.

Robinson stated he has no questions.

Bauer agreed the revised verbiage is good but he remains concerned with a flat roof being an option in St. Francis. However, with one member absent and knowing how the votes will come out on this item, he will push this along.

Udvig stated this had been discussed and the last meeting and she supports the Code amendment.

**MOTION BY: ROBINSON SECOND: UDVIG TO ADOPT ORDINANCE NO. 283
SECOND SERIES AMENDING CITY CODE SECTION 10-61-01 AS PRESENTED
BY STAFF.**

Ayes: Bauer, Udvig, Robinson, and Feldman
Nays: None
Absent: Muehlbauer
Motion carried 4-0

**MOTION BY: ROBINSON SECOND: BAUER TO ADOPT RESOLUTION 2021-XX
AUTHORIZING THE SUMMARY PUBLICATION OF ORDINANCE 283, SECOND**

SERIES AMENDING SECTION 10-61-01 OF THE CITY CODE REGARDING
DWELLING, SINGLE UNIT DETACHED, OF THE CITY OF ST. FRANCIS

Ayes: Bauer, Udvig, Robinson, and Feldman

Nays: None

Absent: Muehlbauer

Motion carried 4-0

9. NEW BUSINESS

A. City Staffing Discussion

City Administrator Joe Kohlmann explained the item before the Council is a potential transition plan to address the vacant City Clerk position. Logistically, with the business coming up this fall with election training and open enrollment, he would like a smooth transition. He explained the quickest transition would be to appoint the Deputy Clerk/Accounting Tech to the City Clerk position. However, that would create a vacancy in the Deputy Clerk/Accounting Tech position that would need to be filled since it processes invoices and payroll.

Mayor Feldman stated he wanted to go on record and say whenever there are competent inhouse staff, we should always take that option first before going out of house. He cited several examples in the Public Works Department and Liquor Store that resulted in a smooth transition and no training because the employee was already familiar with the City. In the future, he suggested inhouse staff be looked at first, used on a trial basis, and then take it from there.

Mayor Feldman noted it was brought up that someone did not know the individual well but, for the record, it is not the responsibility of staff to get to know Council Members. It is the responsibility of Council Members to get to know the staff. He reviewed his familiarity with police officers and other staff members and encouraged the Council Members to take that step.

Mayor Feldman stated in this case, the employee has been with St. Francis for more than two years, done an exceptional job in her area, learns quickly, and is looking for a long-term position. He supported allowing inhouse staff to advance within the organization, which results in longevity.

Udvig stated support for the City Administrator's recommendation, noting the employee who will be moving into this position has been performing very well, she will fit in perfectly, and things will run smoothly. She stated she is happy this staff person is getting a job she deserves.

MOTION BY: ROBINSON TO TABLE APPOINTMENT OF THE DEPUTY CLERK/ACCOUNTING TECH TO THE CITY CLERK POSITION AND ADVERTISEMENT TO FILL THE DEPUTY CLERK/ACCOUNTING TECH POSITION UNTIL A FULL COUNCIL IS PRESENT.

Robinson stated he has nothing against the staff member and was fortunate to be part of the vetting process. He has concerns with additional education, background, and lack of experience in the election process. He noted that using inside staff is the easy way but that does not make it the right way. He would like to discuss this further at a Worksession or when there is a full Council in attendance.

Mayor Feldman noted that Muehlbauer is absent tonight but had indicated he is in favor of staff's recommendation. Mayor Feldman stated he sees no reason to delay this appointment as the City is already three months or more behind. He noted we don't have time for any additional meetings and he supports moving forward as this employee is competent and if this action had been taken earlier, the City would not be in the situation it is in today.

Bauer stated he works for a very large county and would be appalled if all the powers that be said they want one person because they are a good employee. He said if we want to hire a City Clerk, it should be opened internally and there may be a handful of people internally who want this position. He did not support hand picking an employee. He noted that with the county he works for, there are ten times more employees so he has a different feel for how you handle promotions.

Bauer stated he does not support hiring a City Clerk based on no interviews and no experience and he does not want to set someone up for failure. He again stated his support to table and consider an interim City Clerk until the Council can vet it more.

Mayor Feldman noted the current job description is Assistant City Administrator and during the last three months, this employee has been doing that job.

Udvig noted all of the employees have already had the opportunity and chose not to apply for this position. But this employee applied and she thinks the employee interviewed well. She noted elections will be here soon and St. Francis does not want to be the city that screws up elections.

Mayor Feldman offered the compromise of a 60-day trial period for this employee, then receive staff feedback, and then consider whether or not to make it permanent. He noted that at this time, there is more on staff's plate than they can handle and we need to learn from our mistakes and go forward.

Udvig noted this is the employee's second shot at this position, she has done an excellent job, and also done the City Clerk's work this whole time. She was concerned that the Council's reluctance will reflect the Council does not value their employees or show good faith. Udvig stated she has no doubt this employee can do the job. She pointed out that the City did not argue about hiring the full-time employee and perhaps the Council should use an outside interview committee to do all of the interviews and make a recommendation.

Kohlmann stated most importantly, the City needs to process its business. He noted if the appointment is made on an interim 60-day basis, it delays backfilling her current job that does payroll, invoicing, etc. He stated any type of delay will get the City behind.

Mayor Feldman noted the City has a 60-day probation period. Kohlmann stated that is correct and it would start over for this particular staff person so it would be like hiring someone from the outside. Mayor Feldman commented on the need to avoid any problems when it comes to elections. He again stated his support for the appointment with a six-month probationary period, which would also allow the City to backfill her current position.

Assistant City Attorney Dave Schaps advised that procedurally, Robinson made a motion that has not yet been seconded.

Robinson stated he is not against the person who may potentially fill this position. He was part of the vetting process and had asked questions about payroll, there were concerns about financials, advancement of education, and certifications. He noted this employee did not get the job the first time because other candidates had better credentials.

Robinson stated he is all for compromise but then within 60 days, he would like to see this employee step up and indicate what she will fulfill. He stated he does not have a college education but has done well in life and with some, there are other things that are more important than their career. Robinson stated this is a big job and he wants it filled by someone with 'big feet to fill big shoes.'

Mayor Feldman noted this item is at a standstill because the person who filled the position claimed they could do all the things required but that did not work out. He stated since there is a six-month probation, it provides the City with a way out. But, he would again point out that this employee has been with the City for two plus years and this advancement means the City will be able to hang onto her longer. He reviewed his work history, starting at the bottom, and what he learned on the job. Mayor Feldman stated he has confidence in this employee and any delay places more burden on staff.

Bauer stated about three years ago, the Council talked about getting rid of the City Clerk position and having a City Administrator/City Clerk position instead. He asked why there is an opposite way of thinking about this position now. He suggested the Council make it the City Administrator/City Clerk position during the interim and then Kohlmann can delegate all City Clerk tasks to the Deputy City Clerk and if she can handle it, then in six months we review the appointment.

Kohlmann agreed the City Administrator/City Clerk option was talked about four years ago when development activity was much slower but now building activity

and PUD developments have skyrocketed and consumed front office staff. Effectively, all in administration are consumed with processing building permits, code enforcement, and so forth until that is no longer a real possibility due to the work load. In addition, with elections and everything else, there is no question this position needs to be filled.

Kohlmann explained if this appointment is delayed, the job is posted, applications taken, and applicants interviewed, it will be a six-week process. The new person will then have to give a two-week notice so it may be October or November before the position is filled, which will set things back quite a bit. But, if the Council appoints this employee and then backfills her position, an accounting tech can be hired quickly while this employee does double duty (accounting and City Clerk).

Bauer asked if a City Clerk can't be hired to backfill those positions because whether Kohlmann is the City Clerk/City Administrator or not, the employee's work load will not change. If the City backfills, then the workload can be split and we can see if the employee can handle the workload. If not, then the appointment would not be made. Bauer stated it sounds like the City needs another employee but instead, the recommendation is to promote this employee and hire someone else.

Udvig asked if Kohlmann's salary would be increased for handling both positions. She stated that work can't be dropped on Kohlmann or any other employee because it is two different positions and one will suffer. She asked if the work goes to Kohlmann, who will he assign it to.

Mayor Feldman noted the Council does not know the inner workings of staff because they are not at City Hall on a daily basis so they need to rely on the expertise of staff to do the job. He reviewed City staff positions, noting they are already overburdened. He suggested the Council follow that expertise, put this recommendation in motion, and move on.

Robinson referenced the compromise offered by Mayor Feldman and stated he is not opposed to it. He noted the next meeting is September 7, and suggested the employee candidate bring something to the table, what education, background, and accreditation to fulfill the City Clerk position, which pays well. He is sure this employee is capable and competent but we can call into question some of the processes she uses.

Robinson acknowledged the employee has been here for two years and probably been a boon to the previous people who worked with her and she did more than the last City Clerk. But, he wants to see her commitment level.

Mayor Feldman stated he didn't go to school to become a mayor but sat in the audience for two years, every meeting, read 15 years' worth of meeting packets, and talked with staff every day to learn about government and St. Francis. He put

the time into it and anyone with half a brain can learn anything. Mayor Feldman asked the Council to look at the bigger picture, noting staff has talked to the City Administrator and made this recommendation because it will help in the long run. Mayor Feldman stated five employees had to cover for the last City Clerk, noting the meeting minutes are now contracted to TimeSaver to remove that task from staff's plate.

Robinson stated his respect for City Administrator Kohlmann and asked if there is anything in the next year and half that this staff person should be better at, more proficient with, or educated. Kohlmann stated if he did not think this was a viable option, he would not present it here tonight. All things considered, he thinks this is the best option because we need to continue with our City business, which will become more busy, time consuming, and complicated this fall. He noted election training starts shortly and this employee has been through training and worked side-by-side with Barb Held during an election. Kohlmann stated he has no doubt this employee can do the job and keep the City move forward, noting she will still be on the six-month probationary period.

Robinson asked again which boxes can be checked off by this employee during the next year if this opportunity is given. He stated he is all for the appointment if Kohlmann says that in the next year, his expectations will be met. Kohlmann stated he will be explicit in the expectations going forward and he expects this employee to meet them. Robinson requested background information, the salary situation, steps that will be taken, expectations, etc.

Mayor Feldman asked how Barb felt about this individual moving into her position. Kohlmann stated Barb was amenable to whoever we considered and gave no indication otherwise. Mayor Feldman stated he did speak to Barb and she felt this employee was competent to handle the job and would grow into it. He agreed that more information is not a bad thing and as Robinson mentioned, City Clerks do get more education down the road. Mayor Feldman again stated his support for staff's recommendation.

Bauer noted when police officers are hired, they go through the FTO program and asked if the top candidate washes out, do they pick the next person in the reserve unit or the next candidate in the interview process if they are still available. He stated he does not know if this employee finished second and if any other candidates finished ahead of this employee. He explained that legally, he wants to ensure there are no issues with the hiring process.

Police Chief Todd Schwieger advised they have to go back to the eligibility list because there are certain eligibility requirements, there could be some reason, or they may not be eligible again.

Bauer asked if there would be repercussions if the City went outside of our interview panel list if she did not finish second. Kohlmann explained anyone can

assert a claim but the eligibility list process that public safety goes through is different. Ultimately the Council has the decision-making authority.

Bauer asked Robinson if he was staying with his motion to table.

ROBINSON WITHDREW HIS MOTION TO TABLE.

Robinson stated after hearing from City Administrator Kohlmann, he is more at ease but would still like to know what this employee is coming in at, Kohlmann's expectation, how the employee will enhance the position, and rise up through the ranks.

Mayor Feldman commended Robinson for opening his mind and agreed the Council needs to trust the City Administrator to make decisions on a daily basis. He stated his opinion that this employee will want more education, do the job well, and knows what she needs to do to step up to it or she would not have applied and interviewed for this position.

Bauer stated he believes in City Administrator Kohlmann 100% and has conversations all the time about wanting the best for the City. He supports staff's recommendation but wished the recommendation indicated he had vetted with a call to the other applicants who finished higher to ask if they were available. He would like to see that in the future but for this one, will rely on Kohlmann's recommendation.

Mayor Feldman noted all applicants were asked to indicate what they earned from the cities they worked at. One applicant was asked that several times but did not comply and was adamant that she had to come in at the top wage on the salary scale with no steps up. Mayor Feldman stated he tracked what that applicant was making and it was no more than the employee the Council is considering moving up.

Bauer noted legally, that is not a viable interview question. Assistant City Attorney Schaps advised it is a consideration the City can ask. Bauer did not think that should be a question considered in ranking.

Bauer stated he will vote to support the appointment but, like Robinson, wants to know if we're staring at the bottom step for City Clerk.

MOTION BY: UDVIG SECOND: ROBINSON APPROVING APPOINTMENT OF THE DEPUTY CLERK/ACCOUNTING TECH TO THE CITY CLERK POSITION AND DIRECTING STAFF TO ADVERTISE TO FILL THE DEPUTY CLERK/ACCOUNTING TECH POSITION.

Ayes: Bauer, Udvig, Robinson, and Feldman

Nays: None

Absent: Muehlbauer

Motion carried 4-0

10. MEETING OPEN TO THE PUBLIC – NONE

11. REPORTS

A. Department Reports

1. Fire Monthly Comparison Report

Fire Chief Dave Schmidt presented the July monthly comparison report in the standard format, noting they continue to capture and exceed their goals with response time, volumes continue to be high, staffing remains stable, and distribution between fire and EMTs runs continues to be at the 50% threshold. He reported in July, for the third month in a row, they had no COVID cases. They completed 11 fire inspections and noted no violations in the City's restaurants facilities.

Mayor Feldman commented on a recent EMT incident at the county market and stated he is confident in our public safety to save lives, noting this officer had been awarded for an earlier incident during which he was shot at. He commended the Fire Department for bringing EMTs to St. Francis, which has made us a strong community and more safety for our residents. He stated this is a good report and he liked seeing there were no COVID cases.

Robinson stated this is a good report and thanked Fire Chief Schmidt. He also thanked them for Night to Unite events, which were a hit.

Bauer stated this is a nice report, noting he was saving lives before he got here and wished his advice and expertise had been taken. He stated the fire inspections program looks good and he appreciates Fire Chief Schmidt for bringing the opportunity for EMTs and spending money wisely. He stated this shows great leadership and thanked Fire Chief Schmidt for bringing the Fire Department up to a level he can be proud of too. He also thanked Police Chief Schwieger and asked him to relay his appreciation to the EMTs and fire fighters.

The Council briefly discussed the low level of Fire Department EMTs in the past and lack of educational opportunities compared to the current situation.

Udvig stated this is an excellent report, thanked Fire Chief Schmidt, and commended fire fighters who attended Night to Unite. She stated inspections were one of the Council's big concerns and the Fire Chief is getting them done, and doing a great job. Also, Department morale is up and there is a thirst for new knowledge and opportunities she has not seen in years past, all due to Fire Chief Schmidt.

B. Councilmember Reports

Robinson – reported on a great turnout of about 65 people at his neighborhood's National Night Out that included a taco buffet and visit by a fire truck. He stated attendance has increased every year and they created a contact directory of members and also a map.

Udvig – reported on the Night to Unite event she attended at the park. She also attended the Medal of Valor ceremony at the Police Station and explained why she found it to be a very humbling experience. She stated this event reaffirmed how much our officers and fire fighters do for us every day without hesitation and she was thankful for the invite.

Bauer – stated he attended the Night to Unite and the park, which was full of people and the music was great. He stated it was good to see staff, walk around, talk to people, and get to know them. He announced he will miss the September 20, 2021 meeting as he will be out of town on his honeymoon.

Mayor Feldman – stated his respect for Police Officer Chris Bulera in how he reacted in a stressful situation with professionalism and a level head. He noted Officer Bulera did not want recognition but there is a time when it steps up to that level of recognition and this is one of them.

Mayor Feldman noted that ambulances are not stationary and first responders and EMTs are the lifesaving balance until the arrival of the ambulances. He commented on the past lack of money, training, and desire that has changed with new leadership in the Department and Council, all of which better serves our residents.

Mayor Feldman stated he arrived at the Night to Unite park events late because he was doing demo at the Liquor Muni but did enjoy the food and talked with some people. He reviewed the estimated attendance and offered kudos to all who worked on the event to assure it was a success.

Mayor Feldman stated he likes the fact the Council can discuss and work things out together at the meeting and, at the end of the day, what is important is what is in the best interest of our residents. That is the bottom-line goal. Mayor Feldman relayed a Winston Churchill quote from the 1940s saying: *'If you can't change your mind, you can't change anything.'* He stated the Council has changed things by looking at things in a different way, which has been good for residents.

Mayor Feldman asked for an update on the Poppy Street assessment from Oak Grove. Kohlmann stated Oak Grove has agreed to pay \$6,500 for the easements. Robinson asked whether the \$165,000 is still in play plus Oak Grove is paying. The Council discussed the dollar amount and sewer line project.

Mayor Feldman asked for an update on Nowthen. Fire Chief Dave Schmidt stated it is going very well. They are on track and working through the process of

purchasing new fire apparatus, which is significant equipment. He reviewed other activities and noted it has been a successful year.

Mayor Feldman announced the League of Minnesota Cities has training for newly elected and seasoned officials if anyone is interested.

Mayor Feldman provided an update on the Liquor Muni, noting things are a little slower than anticipated due to scheduling of the project manager, which they are staying on top of. He stated this is a quality building and the right people are keeping track of the project. He commended staff for their work on this project.

Robinson asked for an update on equipment delays and opportunity to backtrack the time spent. Mayor Feldman commented on the impact of labor shortages and material delays and explained they are looking into how the contractor can be pushed a little further. He stated he is impressed with how hard staff works, noting if asked a question, staff responds.

Mayor Feldman wished Darcy a good vacation and congratulated Bauer on his upcoming marriage.

C. Upcoming Events

August 17 – City Council Work Session Meeting – 5:30 p.m.

August 18 – Planning Commission Meeting – 7:00 p.m.

September 6 – City Council Meeting – 6:00 p.m., Zoom meeting

September 15 – Planning Commission Meeting – 7:00 p.m., Zoom Meeting

September 21– City Council Meeting – 6:00 p.m., Zoom meeting

12. ADJOURNMENT

There being no further business, Mayor Feldman adjourned the regular City Council at 7:13 p.m.



Jennifer Wida, City Clerk