

CITY OF ST. FRANCIS
ST. FRANCIS MN
CITY COUNCIL MINUTES
Virtual Meeting via Zoom
JULY 6, 2021

6:00 pm

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE

The regular City Council meeting was called to order at 6:05 pm by Mayor Steve Feldman through virtual setting via Zoom.

2. ROLL CALL

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

Also present: Assistant City Attorney Dave Schaps (Barna, Guzy & Steffen), City Engineer Craig Jochum (Hakanson Associates, Inc.), City Planner Beth Richmond (HKGi), City Administrator Joe Kohlmann, Police Chief Todd Schwieger, Fire Chief Dave Schmidt, Liquor Store Manager John Schmidt, Community Development Director Kate Thunstrom, Finance Director Darcy Mulvihill and City Clerk Diana Saenger

3. APPROVAL OF AGENDA

MOTION BY: BAUER SECOND: MUEHLBAUER APPROVING THE REGULAR CITY COUCIL AGENDA, AS PRESENTED.

Ayes: Udvig, Muehlbauer, Feldman, Bauer, Robinson

Nays: None

Motion carried 5-0

4. CONSENT AGENDA

A. City Council Minutes – June 21, 2021

B. Payment of Claims

MOTION BY: UDVIG SECOND: ROBINSON APPROVING THE CONSENT AGENDA ITEMS A-B, AS PRESENTED.

Ayes: Bauer, Udvig, Muehlbauer, Robinson, and Feldman

Nays: None

Motion carried 5-0

5. MEETING OPEN TO THE PUBLIC

Mayor Feldman read aloud portions of an e-mail he received from a

resident regarding fireworks noise and safety. He noted that this same individual had contacted the City last year for a similar situation. He stated that he had told that resident that if he had a concern, he should call 911. He noted that this was the 4th of July weekend and stated that he can completely understand people are celebrating, but would hope that they will have some common courtesy.

Police Chief Todd Schwieger stated that officers are out doing the best they can to interrupt this activity whenever possible. He agreed that they also urge residents to call 911 when activities are going on. He stated that they understand the frustration from both sides of this equation whether they are interrupting and asking people to stop or not enforcing the issue aggressively enough.

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

Bauer stated that he feels enforcing this type of activity is a waste of resources for the Police Department and noted that many states have now legalized fireworks. He asked if it would be possible for the City to have some sort of ordinance that would allow fireworks and be a bit more lenient for a few days on either side of the 4th of July.

City Attorney Dave Schaps stated that his understanding is that this will be a State issue and they will be providing direction.

Mayor Feldman asked if there had been a lot of complaints about fireworks over the years, where Police Chief Schwieger feels there should be some type of ordinance to limit when people can fire off a firecracker or other fireworks. Feldman stated that this is a celebration of the independence of our Country and questions how strict the City should try to get with limiting when residents can fire off a firecracker.

Schwieger explained that the majority of the complaints come over the days surrounding the holiday itself. He stated that the State restricts the actual possession and doesn't think the City could really allow people to set off firecrackers, if the State doesn't allow it. He stated that legal fireworks do exist, but, in his opinion, are kind of boring. He noted that until the State loosens their grip on this issue there is not much the City can do. He stated that this is one of the reasons that they allow officer discretion and do not issue a lot of tickets and mostly issue warnings.

Mayor Feldman asked for input and opinions from the other Councilmembers.

Udvig stated that she doesn't mind fireworks or get too worried about

them. Her main concern was the vegetation fires that were popping up around Anoka County. She stated she is fine with people shooting them off, but would hope they would be reasonable.

Mayor Feldman asked if the police have seen much abuse of this beyond 11:00 p.m.

Police Chief Schwieger stated that he would have to look back to know for sure, but in reading reports yesterday, nothing caught his eye. He stated that he believes most of them were from between 10:00 p.m. and 11:00 p.m.

Robinson stated that he does not think this issue needs to have additional governance or regulation.

Muehlbauer stated that if people feel strongly about this one way or the other, they should contact their State representative or run for State office in order to make a change.

Bauer clarified that it is not that he would like more governance, but this is basically a State law where the City looks the other way. He stated that until cities get together and draw a line in the sand and tell the State what they think, things will not get changed. He stated that he is baffled that the residents are restricted like they are, however there can be a City celebration that has \$10,000 worth of fireworks going off. He stated that he is actually looking for less governance by enacting something that will allow citizens to have the freedom to have a big fireworks display, if they would like to.

Mayor Feldman noted that there have not been enough complaints received for this to rise to the level of considering an ordinance, at this time. He asked Police Chief Schwieger to continue monitoring this situation and if the complaints get outrageous then the Council can consider taking action. He stated that his biggest concern was for possible fires this year because of the dry season.

6. SPECIAL BUSINESS - NONE

7. PUBLIC HEARINGS

A. Vacation of the Drainage and Utility Easements Over Outlot C 2nd Addition, and Outlot A 4th Addition, of the Rivers Edge Subdivision

1. Resolution 2021-34 A Resolution Vacating the Drainage and Utility Easements over Outlot C 2nd Addition, and Outlot A 4th Addition, of the Rivers Edge Subdivision

City Planner Beth Richmond gave an overview of the request for an easement vacation related to the 5th addition of the Rivers Edge Subdivision. She noted that the Final Plat was approved at the June 21, 2021 Council meeting but the public hearing for this vacation did not fall into the required State timeline, so is being handled at tonight's meeting. She gave a brief overview of the subdivision and the location of Outlot C, 2nd Addition and Outlot A, 4th Addition. Staff is recommending approval.

Mayor Feldman opened the Public Hearing at 6:32 p.m. There being no public comment, he closed the Public Hearing at 6:34 p.m.

MOTION BY: MUEHLBAUER SECOND: UDVIG, APPROVING THE VACATION OF THE DRAINAGE AND UTILITY EASEMENTS OVER OUTLOT C OF THE 2ND ADDITION AND OUTLOT A OF THE 4TH ADDITION OF THE RIVERS EDGE SUBDIVISION.

Ayes: Bauer, Udvig, Muehlbauer, Robinson, and Feldman

Nays: None

Motion carried 5-0

MOTION BY: ROBINSON SECOND: BAUER, APPROVING RESOLUTION 2021-34 APPROVING THE VACATION OF THE DRAINAGE AND UTILITY EASEMENTS OVER OUTLOT C OF THE 2ND ADDITION AND OUTLOT A OF THE 4TH ADDITION OF THE RIVERS EDGE SUBDIVISION.

Ayes: Bauer, Udvig, Muehlbauer, Robinson, and Feldman

Nays: None

Motion carried 5-0

8. OLD BUSINESS - NONE

9. NEW BUSINESS

A. Variance – 23088 Navajo Street NW (PIDs 31-34-24-33-003 and 31-34-24-33-0002)

1. Resolution 2021-35 A Resolution Approving a Lot Frontage Variance for the Property located at 23008 Navajo Street NW

City Planner Beth Richmond gave a presentation on the variance request for property located at 23008 Navajo Street NW. She explained that the applicant would like to adjust the lot lines for the existing two parcels so they follow Seelye Brook as their boundary line. She noted that this could be done as an administrative adjustment, but noted that they are also seeking a variance to lot frontage as part of the lot reconfiguration. She explained that all lots are required to have access onto an improved public street and gave an overview of the access points in the area and noted that there is no direct access to Parcel B which is the land located south of Seelye Brook which is why they are requesting a variance. She noted that there is an existing private access easement to Norris Lake Road through both Nowthen and Oak Grove, which abuts the parcel. She stated that the

Planning Commission unanimously recommended approval of the lot frontage variance request.

Mayor Feldman opened the floor to public comment to Julie Dickenson, 23008 Navajo Street NW, noting that she currently lives out of state, but explained that her brother lives on the property. She stated that her brother is not able to access the southern portion of the lot across the creek. The neighbor that lives on that end has expressed interest in purchasing that portion of the property. The lot line adjustment they are requesting will also allow all of her brother's buildings to be located on just one lot rather than being spread over the two parcels.

Mayor Feldman asked how many acres were on the southern portion of the parcel.

Ms. Dickenson stated that it is 18.69 acres and the northern portion where her brother is located would be 22.62 acres.

Mayor Feldman stated that it appears that the interest in this property from the neighbor is just to add onto his existing property. So, the question to Beth would be that should this land was ever be developed, if the easement would have to be replaced with a permanent road structure for egress in and to get out.

Richmond explained that the easement would allow a driveway to be put through and would not have to be full road. She noted that it is unlikely that this parcel would be developed with more than one home because it is guided for agriculture in the Comprehensive Plan and the density is low, so the City would not allow a higher density development there. She stated that the sewer and utilities are also not planned to reach this area.

Bauer asked how the landowner could guarantee that the easement will not be shut down by Nowthen or Oak Grove.

Richmond explained that the easement is between two private parties, so it is not with the cities of Nowthen, Oak Grove, or St. Francis.

Robinson stated that as long as the potential buyer is protected it looks like this variance will be fine.

MOTION BY: ROBINSON SECOND: MUEHLBAUER APPROVING THE LOT FRONTAGE VARIANCE FOR 23008 NAVAJO STREET NW WITH CONDITIONS AND FINDINGS OF FACT AS PRESENTED BY STAFF.

Ayes: Udvig, Muehlbauer, Robinson, and Feldman

Nays: Bauer

Motion carried 4-1

MOTION BY: UDVIG SECOND: ROBINSON APPROVING RESOLUTION 2021-35 APPROVING THE LOT FRONTAGE VARIANCE FOR 23008 NAVAJO

STREET NW WITH CONDITIONS AND FINDINGS OF FACT AS PRESENTED BY STAFF.

Ayes: Udvig, Muehlbauer, Robinson, and Feldman

Nays: Bauer

Motion carried 4-1

B. Ordinance 267, Second Series: Amending Fee Schedule (First Reading)

City Administrator Joe Kohlmann noted that staff is proposing some amendments to the City's Fee Schedule. He stated that between now and the Second Reading, he expects there to be a few more additions.

Mayor Feldman asked if staff had checked with other cities on their fees to see how the City's compare. He gave the examples of the Temporary Habitat Permit moving from \$200 to \$500 and the Commercial Kennel fee moving from \$20/year up to \$90/year.

Kohlmann stated that typically the fees are supposed to cover the cost of the City to process it.

Community Development Director Kate Thunstrom explained that the Temporary Habitat Permit fee was adjusted due to having just completed one. She stated that in the process of its completion, they discovered that they had under estimated the amount of staff time required for that process. She stated that the Commercial Kennel permit used to be based on dogs, which meant that the first four dogs were \$50/year and each additional dog was \$20. She stated that for a Commercial Kennel to be counting dogs versus what is coming and going can be difficult, so to mirror what other cities have done, staff is just recommending setting base prices for either a home based or commercial permit which means they would not have to try to count dogs.

Mayor Feldman asked if the fee was in effect currently for burning permits.

Kohlmann stated that they can get them through the City, but the fee has to be set on the Fee Schedule. A \$10.00 fee for a burn permit and an additional \$100 fee will be added as a placeholder for the Bread & Breakfast license.

Fire Chief Dave Schmidt explained that the City does have the ability to process burn permits and noted that they had done a post on Facebook that it was taken over and would no longer be handled by the hardware store. He stated that until the Fee Schedule is official adopted, the City cannot charge anything.

Robinson asked about the Building Permit evaluations and whether the City had done any comparisons. He asked if dollar-wise, it was equitable to come to St. Francis as compared to other surrounding communities.

Thunstrom stated that when it comes to Building Permits, she usually reviews them at the end of the year. She stated that she does try to compare with the other nearby cities and thinks that St. Francis is in the same ballpark as the surrounding areas.

Robinson asked when was the last time these figures were evaluated or changed.

Thunstrom stated that she believes these were done about 2 years ago.

Robinson asked how burn permits can be processed with the 4-day work schedule if they come in on Friday or Saturday. He asked if there would be an on-line possibility to do this.

Schmidt stated that he works Monday through Friday, and does not have a 4-day work week. He stated that when the change was advertised on Facebook, they also advertised the phone number to the Fire Station, so if they are not there, residents can leave a message. He stated that then the Fire Department will be able to get back to the residents and process their permit. He stated that they do want to identify days and times when people can come in and have a burn permit processed.

Robinson asked about the possibility for on-line processing of the permit, including payment.

Schmidt stated that they have had this conversation with the DNR and, at this point, Anoka County has not qualified for the on-line burn permit process.

MOTION BY: MUEHLBAUER SECOND: ROBINSON APPROVING THE FIRST READING OF ORDINANCE 267, SECOND SERIES: AMENDING FEE SCHEDULE (FIRST READING).

Ayes: Bauer, Udvig, Muehlbauer, Robinson, and Feldman

Nays: None

Motion carried 5-0

C. Schedule a Work Session

City Administrator Joe Kohlmann stated that staff would like to schedule an in-person work session during the week of July 26, 2021.

Mayor Feldman asked why this meeting would be held in-person since it would still be July.

Kohlmann explained that because there are a number of visual aids related to complex land use items, staff felt meeting in-person would work better than over Zoom. He stated that he thinks that the meeting could be held in the Community Center in order to have more space.

Following discussion, the work session was scheduled for Monday, July 26, at 5:30 pm at the Community Center, with the understanding that it may be moved to the Police Department Conference Room, if necessary.

D. City Council Meetings

City Administrator Joe Kohlmann explained that Governor Walz lifted the emergency declaration a bit earlier than anticipated. He noted that there will be requirements for locations open to the public so people can interact where the elected officials are. He stated that all indications are that we will move back towards in-person meetings beginning at the next Council meeting.

Mayor Feldman expressed his continued frustration with the State telling the City what it can and cannot do. He stated that he thought that the Council had already discussed this and decided to continue with Zoom meetings for the time being because of some health issues among the Council. He stated that he is not against in-person meetings, but was hoping to wait a little longer because of his cancer and Councilmember Udvig's concussion situation. He stated that he would suggest that the Council hold off on in-person meetings until August 2, 2021.

City Attorney Schaps explained that the next meeting will need to be in person, but noted that because there is 60 days after the pandemic declaration, Council will still have the opportunity to have the option to Zoom into the meeting. He explained that the City will need one person at the public location, for the July meeting, and then the full Council can start meeting in-person on August 2, 2021.

Mayor Feldman stated that if the rest of the Council agreed, he would be okay starting the in-person meetings again on July 19, 2021 rather than go through the bother of having one person in a separate room for the meeting.

Bauer suggested that the Council may want to also do Zoom through their laptops during the meeting, even though they will be in-person, because he thinks that will help with the audio issues there have been in the past.

Udvig noted that the School Board had also done that, so she thinks that would work.

10. MEETING OPEN TO THE PUBLIC

There was no one in attendance to speak to the Council.

11. REPORTS

A. Fire – May Monthly Comparison - 2021

Fire Chief Dave Schmidt gave an overview of the May month comparison report and explained some of the anomalies that were found when they did an update. He explained that the data included in the report is now accurate. He gave an overview of response times and noted that in 2018 it was 11 minutes and 15 seconds and now in 2021 is down to 8 minutes and 14 seconds. He stated that

they have seen an increase in calls for service from year to year, but noted that there has been a 57% increase from 2020 to 2021, which has been seen in many of the neighboring cities as well. He reviewed the data related to staffing, fire runs versus EMS runs, the variance in usage, as well as their inspections.

Mayor Feldman commended Fire Chief Schmidt for the skills and leadership he has brought to the City.

Schmidt answered questions about the report and how the data is tabulated.

Robinson extended his congratulations to the new recruits that have recently come on board and invited them to appear before the Council so they can be introduced.

Bauer thanked Fire Chief Schmidt and his crews for the work they are doing for the City and suggested that there be some sort of pinning ceremony for the new recruits.

B. Councilmember Reports

Councilmember Robinson noted that he had attended the Finance meeting and noted that he wanted to commend Community Development Director Thunstrom and her department for doing a great job for the City and for running a smooth meeting.

Mayor Feldman asked for an update on Poppy Street.

City Engineer Craig Jochum stated that he has gotten tentative verbal agreements for two easements at minimal costs. He stated that the third person would like to have further discussion on it, but he believes they are making headway.

Mayor Feldman noted that the easement costs should be paid by Oak Grove since it is on their side of the road.

Jochum stated that there is still one easement that needs to be acquired in the City and as long as all the easements can be acquired, he believes the project should be able to begin in the spring of 2022.

Mayor Feldman suggested that as part of this project that they consider relocating the sewer line while the road is torn up, if the cost is not prohibitive. He updated the Council on the Liquor-Muni progress and noted that the framing was supposed to start today but did not because of the weather. He explained that the footings are in, the frost walls are up, and the utility relocation has been completed. A pressure check was completed on the plumbing today and tomorrow the framing should begin, with a slab poured by the end of the week. He discussed the security glass that will be installed in the City Hall and other measures that are being taken to ensure a safe and secure City Hall.

12. ADJOURNMENT

There being no further business, Mayor Feldman adjourned the regular City Council at 7:38 PM.

A handwritten signature in cursive script, reading "Diana Saenger", written in black ink on a light-colored background.

_ Diana Saenger, City Clerk