

**CITY OF ST. FRANCIS
ST. FRANCIS MN
ANOKA COUNTY**

**CITY COUNCIL MINUTES
NOVEMBER 16, 2020**

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE

The regular City Council meeting was called to order at 6:00 pm by Mayor Steve Feldman through a virtual setting via Zoom.

2. ROLL CALL

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

Also present: Assistant City Attorney Dave Schaps (Barna, Guzy & Steffen), City Engineer Craig Jochum (Hakanson Associates, Inc.), City Administrator Joe Kohlmann, Community Development Director Kate Thunstrom, Police Chief Todd Schwieger, Fire Chief Dave Schmidt, Public Works Director Jason Windingstad, Liquor Store Manager John Schmidt, Finance Director Darcy Mulvihill, and City Clerk Barb Held.

3. APPROVAL OF AGENDA

MOTION BY MUEHLBAUER SECOND ROBINSON APPROVING THE REGULAR CITY COUNCIL AGENDA.

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

Nays: None

Motion carried 5-0.

4. CONSENT AGENDA

A. City Council Minutes – November 2, 2020

B. Designation of Polling Locations for 2021 – Resolution 2020-43

C. 2020 Street Reconstruction and Watermain Improvement Project - Pay Estimate No. 5 for \$325,148.90 to Kuechle Underground Inc.

D. 2020 Street Rehabilitation Project – Pay Estimate No. 3 for \$24,926.12 to North Valley Inc.

E. Payment of Claims \$761,068.10 (ACH 300E-301E \$251,011.15 and Check #78323-78392 \$510,056.95)

MOTION BY BAUER SECOND ROBINSON APPROVING THE CONSENT AGENDA ITEMS A, B, E AND G.

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

Nays: None

Motion carried 5-0.

5. MEETING OPEN TO THE PUBLIC

City Administrator Joe Kohlmann asked if anyone watching would like to speak to the council on an item not on the agenda. Hearing none the council continued.

6. **SPECIAL BUSINESS**

None

7. **PUBLIC HEARING**

A. Assessment Public Hearing: 2020 Street Reconstruction and Watermain Improvement

City Engineer Craig Jochum gave a brief overview of the project and what the project all included. The streets included in the 2020 Street Reconstruction and Watermain Improvement Project were selected primarily based on street surface deterioration, utility age, available funding and overall program staging. This project replaced some old and undersized watermains and corresponding water services and provided an adequate stormwater collection system. This project also replaced deteriorated concrete curbing and bituminous surfacing. These infrastructure systems served beyond their expected useful life. The two street reconstruction areas included Butterfield Drive and the River Shores Neighborhood.

This project also completed a watermain loop. The watermain loop includes an 8-inch PVC pipe from the River Shores Neighborhood to the wastewater treatment property. Currently all of the property's east of Rum River Boulevard between 225th Lane and 227th Court are only supplied in one direction. This loop will provide a more reliable water supply and facilitate water shut downs when required for watermain breaks and repairs.

An informational meeting was held on January 23 for each neighborhood, May 4 a Public Improvement Hearing was held and the third meeting tonight is the assessment hearing. The assessments are based on the City's current assessment policy for the Front Footage Method. The assessments are based on assessing 40% of the watermain lateral costs, 40% of the storm sewer improvement costs, and 100 % of the water and sewer service costs. The Feasibility Report indicated a 15-year payment term and the council decided on a 2.2% interest rate. This project is proposed to be financed by Municipal State Aid funds, Water Funds, Stormwater Utility Funds and Assessments. The total estimated project cost is \$2,575,000. The total assessed amount is \$496,207 or 19.3%.

There are a number of punch list items that will be addressed this week and the rest will be completed next spring.

Mayor Feldman opened the public hearing at 6:10 pm. Feldman stated if anyone wants to speak on the assessment please state your name and address for the record. Feldman stated the City received two letters regarding the assessment. One of the property owners who wrote a letter has since paid the assessment in full. Feldman stated this assessment is for 15 years with an interest rate of 2.2%. You can pay it in full within 30 days and there will be no interest accrued or you can let it go to your property statement. At any time, you can pay off the assessment, that is an option too. Feldman asked Finance Director Darcy Mulvihill if that is correct. Mulvihill stated each year before November 15 you can pay off the assessment. You would just be

paying for the interest in the years you had it assessed to your property. But please come to city hall to pay it off, do not go to Anoka County.

Feldman said being there is no public comment, the letters submitted will become part of the record and closed the public hearing at 6:16 pm.

Feldman then asked for council's comments.

Robinson said we are planning for the future and the improvement cost is a savings in the long run. No one likes to pay assessments. Plus, proper notice was given so everyone knew what this all involved.

Udvig agreed with Robinson. It is necessary to keep up the streets. We need to keep improving the streets.

Bauer agreed with what has been said but upset that people think we are not up front. You are basically paying .23 cents a day to have a better road. We have had meetings since the being of this year regarding this project. I hate assessments too. I had an overlay assess to my property. Not every taxpayer can pay for everyone's assessment. The watermain loop was not put on these property owner's assessment. I like how this project came together.

Muehlbauer said I second whatever one else has said. We have read all the letters/emails with your concerns during this project. When we bid out projects we take the lowest responsible bidder. With the comments we have heard from people would we take this contractor again as a lowest responsible bidder? Jochum said Kuechle Underground is a very reputable contractor. This was a tough project. We had only old records to go off of, worked around a lot of difficult conditions. Remember the next lowest bidder was about \$400,000 higher and would they have run into the same issues is unknown. Muehlbauer said I just felt I had to ask for the residents. Jochum said we also lost about six weeks at the beginning of the construction season because of COVID restrictions. Instead of starting in April, early May they didn't start until June.

Feldman stated we only used one contractor, increased the length of the assessment from 10 to 15 years and interest only 2.2%. We have a road program in place, watermain loop line was paid by the city. I think we planned well. We also have no control of the weather. Jochum stated having one contractor is the most economical way of doing a project. Feldman said he has heard from a resident that they like the new curb much better. Again, Feldman said notices were sent to property owners of record. Jochum stated we obtained the list from Anoka County.

1) Adopting and Certifying Assessments to Anoka County - Resolution 2020-44

MOTION BY MUEHLBAUER SECOND BAUER TO ADOPT RESOLUTION 2020-44 A RESOLUTION ADOPTING ASSESSMENTS FOR THE 2020 STREET RECONSTRUCTION AND WATERMAIN IMPROVEMENT PROJECT.

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

Nays: None

Motion carried 5-0.

8. **OLD BUSINESS**

None

9. **NEW BUSINESS**

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

The City adopts a fee schedule to identify the fees for licenses, equipment usage, facility rental, land use permits, building permits and other city business items.

Since the last adopted fee schedule, various items have come forward that need to be addressed. Those include:

Community Development Fees

- Building Fees
 - o Set Fee for “Admin Zoning fee for Permits, \$50” – this is to address a number of zoning permits that are applied for, utilize staff time and either are not picked up, expire or require code enforcement for work without the permit
- Land and Property Use
 - o TIF Application/Business Subsidy – reduce City fee to \$350 to remain in line with other land use fees. Item relies heavily on consultants, no change to escrow.

Public Works Fees

- Park and Field
 - o Increases to facility and field rentals
- Community Center
 - o Increases to rental
- Equipment and Staff Use
 - o Increases to per hour rental amounts for select equipment
- Utility Fees
 - o Increase in water meter deposit to reflect current cost
 - o Update to hours for Shut off/ Reconnect along with updated paragraph to address snowbirds

Thunstrom said I would be happy to address any questions on the Community Development Fees and Jason could answer on the Public Works Fees.

Feldman asked if surrounding communities were contacted to see what they charge. Thunstrom said yes, I did for the Community Development Fees. The only question for Thunstrom from the council was why the fee for the TIF application went from \$3,000 to \$350. Thunstrom stated it is like a land use fee and most of the fees come from the consultants which get paid out of the escrow fee.

Public Works Director Jason Windingstad stated the cost of the ¾” water meter went up so much because we were taking about a 50% loss. We did contact other communities too on what they were charging.

After some general questions for Thunstrom and Windingstad council agreed with the changes.

MOTION BY UDVIG SECOND MUEHLBAUER APPROVING THE FIRST READING OF ORDINANCE 267, SECOND SERIES AMENDING SECTION 2-9-1 OF THE CITY

CODE REGARDING THE FEE SCHEDULE.

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

Nays: None.

Motion carried 5-0.

B. Preliminary Development Agreement – Anderson Companies

Thunstrom reported Anderson Companies has brought forward to the City a proposed senior housing development on the property located at 3518 Bridge Street. This project has been discussed at two work sessions to determine the impact on the City. The city attorney has reviewed the Preliminary Development Agreement that was part of the council packet. Once that has been secured the developer will move forward with the land use application and Comprehensive Plan amendment. During this agreement the City will not market the property to other developers, the Developer will complete their due diligence to proceed with the necessary steps to complete the project and both sides will negotiate in good faith on a purchase price and sale. The term of the agreement is for 180 days.

Thunstrom stated Mr. Anderson was participating in the Zoom meeting and said he would answer any questions the council may have. Council did not have any further questions.

MOTION BY MUEHLBAUER SECOND ROBINSON APPROVING THE
PRELIMINARY DEVELOPMENT AGREEMENT SUBJECT TO CITY ATTORNEY
APPROVAL AS TO FORM.

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

Nays: None.

Motion carried 5-0.

Street Assessment Continued:

City Administrator Joe Kohlmann stated there have been some additional people viewing the meeting and was not sure if they were on to make comments regarding the assessment project. The council agreed to hear what they had to say.

Vernetta Dummah of Butterfield Drive said her assessment of \$9,601 is a lot more than the rest of the other homeowners. Jochum stated residential properties averaged about \$7,400-\$7,500. Yours was higher because you have a 4-plex. Some also paid less because they are on newer mains. One commercial property paid higher because they requested a larger main going to their property. Yours was similar to the average residential property owner. Residential properties don't pay over 150' where commercial properties pay for the full length of their property. Feldman stated the council agree on a 15-year assessment with a 2.2% interest rate.

Bill Strom, 3712-225th asked if the city sent out an invoice for payment. Mulvihill said you can drop payment off in the city's drop box until December 16th to pre-pay. Strom

asked if they would get a receipt. Kohlmann said unfortunately city hall is currently closed to the public but we can send you a receipt. Vernetta Dummann said she would like a receipt too.

Kohlmann asked if there was anyone else viewing the meeting that would like to speak on the assessments. With non-being heard, the council moved on to the next item on the agenda.

C. Code Enforcement – 41XX DeGardner Circle Presentation

Feldman stated this was already discussed at the last city council meeting and the requested extension until June 2021 was not granted.

Property owner, Kelly Kelley stated she thought she was going to get a chance to explain her fence and the situation of why the fence was put up. She put together a power point with pictures of the different stages. Kelley said the developer went off track with the removal of trees. I voiced my concern about that and asked that the developer be made to put up a fence in between the manufactured home park and our properties. The developer was strongly against a fence. Once the trees went down I started having random people come through my yard. Once my barrier got taller I had no more problems. I felt alone for protecting what is right. No city official protected the area that was being destroyed by the developer. Maybe it is not the best looking at this time of year but went on to explain the vines and plants she planted and trying a living wall of greenery. Other perennials were added this year. It is a work in progress, it is not junk. I would have thought I should have been contacted earlier if it was a problem. No one spoke to me face to face. Really is it a fire hazard? I don't want it open for travel and please don't say it will not happen.

Thunstrom said you do need a permit for a fence and the material has to be of residential nature.

Feldman asked when the development started. Thunstrom stated in 2017 ALS Properties started the development. This was discussed at the planning commission level.

Kelley said I am not saying I am not taking this down but the question is how much of a fire hazard is it in the winter. I want to protect my things and can't do a privacy fence in November.

Feldman asked Fire Chief Schmidt if there is some type of fire retardant she could use. Schmidt said I have nothing against you but we have to look out for all the residents in her development and Woodhaven.

Kelley asked why she didn't get any warning. Muehlbauer said Code Enforcement goes on complaint based, we are not looking for problems.

Feldman asked about a control burn and the different type of fences she could

possibly put up. Kelley said no chain link fences for me. Council spoke on her privacy concerns and asked Police Chief Schwieger.

Bauer said he apologizes, looking at these pictures I would have given you more time. We got the worst looking pictures. I would give you until spring. You could put up a fence with bushes on both sides. Raspberry bushes work well, they are prickly. I have them and we don't get people cutting through our yard. I am all about doing what you want on your property to a certain extent.

Muehlbauer agreed, you put in a lot of effort into this fence. Not sure I could give you until summer and go against the fire chief's recommendation. If your trees were taken down during the development that would be a civil matter. But I do applaud your efforts in your yard. You probably do need some type of privacy fence. Maybe it could be more natural on your side.

Kelley said in regards to a fire hazard it gets watered everyday for the vines to grow.

Udvig asked when she first started her project. Kelley stated I think in 2018. Udvig said I appreciate your hard work but you too said you didn't think it would get this high. We are complaint based and we have to address it if someone brings it to our attention. I believe the fire chief who states in his opinion it is a fire hazard. I think your yard is gorgeous, I like the nature idea but don't want it to be a fire hazard. Kelley said again I water the vines all the time and have marsh land around me. Fire Chief stated spring/summer isn't the problem it is fall, that is my concern.

Robinson said we have two issues here. One is a security issue for you and something that is flammable. I noticed this fence does not go all the way down to the property owner to the south. If you want security you better go with a 6-foot-high fence across the whole property line. I do clear brush under my trees because it is a fire hazard. Snow on ground soon so I am not opposed to an extension until April 1 or the 15th.

The council then discussed different options; controlled burn, wetting it down before a freeze, using the city water truck or wrapping it. Chief Schmidt said I would be flexible.

Feldman said this would only be an extension, not to keep it. Kelley said if people don't want it I will take it down.

Robinson asked what the legal responsibility of the city watering it down. City Attorney Dave Schaps stated you would have to take into consideration the cost of the truck, water and whether or not we have legal access to that area and legal indemnification. Council again started discussion on the length of the extension.

MOTION BY FELDMAN SECOND BAUER TO HAVE PUBLIC WORKS USE THE WATER TRUCK TO WATER IT DOWN, OR FIRE DEPARTMENT USE IT FOR

TRAINING AND HAVE COMMUNITY DEVELOPMENT CONTACT WOODHAVEN FOR ACCESS GRANTING THE EXTENSION UNTIL APRIL 15, 2021.

Ayes: Feldman, Bauer, Muehlbauer and Udvig.

Nays: Robinson

Motion carried 4-1.

Kelly Kelley thanked the council for their time.

10. **MEETING OPEN TO THE PUBLIC**

City Administrator Joe Kohlmann asked if anyone watching would like to speak to the council on an item not on the agenda. Hearing none the council continued.

11. **REPORTS**

A. **Department Reports – Public Works Monthly Reports**

Public Works Director Jason Windingstad gave the monthly reports on all departments.

Council all agree good report again.

Bauer asked about water samples and if they were taken at different locations through out the city. Windingstad said yes and explained how that process works. Bauer also stated he is still an advocate for local pumpers to be able to dump their loads at our facility for a revenue source. Windingstad he will look into that also.

COVID -19 UPDATE:

City Administrator Kohlmann stated three staff members are out at city hall. We have been in discussion about shutting down as numbers continue to rise. This caught us off guard but we are ready to work remote as we did in the spring. We have been talking about this at department head meetings and maybe continue through the holidays. Potentially until mid-January. Feldman said we are looking at safety for our staff and residents. Right way to go, taking precautions is a good thing. Kohlmann said so starting Tuesday, tomorrow city hall staff will be working remotely. Someone will come into city hall each day to check the night drop. We will still be processing everything. Metro West is going to help up with building inspections.

Udvig said she was on board for staff to work remotely. It is a risk we don't need to take, I agree you made the right decision.

Muehlbauer said he totally understands, we have one guy out at work, right decision. Bauer also agreed right decision, like that we have the ability to work remotely. Let's take care of employees and residents, be safe.

Robinson said he has the utmost confidence and responsible for Joe to do the right thing.

Feldman said I am glad we did all the updating to be able to work remotely. Right course of action. We will still be prepared and safe, commend staff.

B. **Councilmember Reports -**

Bauer – nothing more to report. Tell residents and department heads to keep staff safe use mask/shields whatever they need.

Udvig -joined the last school board meeting and they had an emergency board meeting this morning. Starting November 19, the high school and middle school will start distance learning and November 30 the elementary maybe full distance learning too. They have 88 staff out and 30 students out most of them were in sports or extracurricular activities. Also, the Community Tree Lighting event in Woodbury Park has been cancelled due to the new restrictions. Udvig asked Chief Schmidt if they were still doing the food drive. Schmidt stated they are going to try and do some type of food drive. But as the numbers continue to grow it is challenging to meet our own number on staff. We are not going to put our residents at risk. Udvig agree, just give us an update when you know. Feldman asked about the school resource officer. Chief Schwieger said we will monitor it.

Muehlbauer – nothing to add. Didn't attend work session because he did not feel good.

Robinson – attended work session. Also, special meeting November 12 to canvass election results. Shout out to City Clerk Barb Held for the elections and all who worked and people who voted.

Feldman- also what to thank Barb and all staff what worked on the elections Glad there were no incidents. Doesn't matter who you vote for, its your right. Feldman than asked department heads how they were doing with staffing. Each gave an update on their departments. Kohlmann said the phones at city hall will be answered and will post something later this evening on social media of being closed starting tomorrow. Feldman said I thought it was a great idea of having the mail delivered in the night drop box. Want to commend everyone for working together, be smart and enjoy your families. It's real. Thanked council and staff for working together.

C. Upcoming Events –

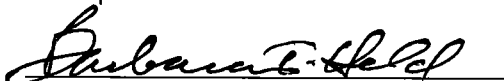
Nov 18 Planning Commission Meeting - 7:00 pm, Zoom meeting

Nov 26-27 City Offices Closed – Thanksgiving Holiday

Dec 7 City Council Meeting – 6:00 pm, Zoom meeting

12. ADJOURNMENT

There being no further business, Mayor Feldman adjourned the regular city council at 8:50 pm.


Barbara I. Held, City Clerk