

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

CITY COUNCIL MINUTES

MARCH 2, 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.

2. ROLL CALL

Members present: Mayor Steve Feldman, Councilmembers Kevin Robinson, Joe Muehlbauer, Robert Bauer and Sarah Udvig. Also present; Assistant City Attorney Dave Schaps (Barna, Guzy & Steffen), City Engineer Craig Jochum (Hakanson Associates, Inc.), City Planner Beth Richmond (Hoisington Koegler Group Inc.), City Administrator Joe Kohlmann, Community Development Director Kate Thunstrom, Police Chief Todd Schwieger, Fire Chief Dave Schmidt, 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. Motion carried 5-0.

4. CONSENT AGENDA

- A. City Council Minutes – February 18, 2020
- B. City Council Notes – Interviews of Public Works Director Finalist
- C. Rental License Approvals – March 2020
- D. Declaring Police Department Current (12) Wilson Combat 1911 Duty Weapons as Surplus Property - Resolution 2020-11
- E. Payment of Claims \$64,194.20 (Check #'s 77204-77242)

MOTION BY BAUER SECOND UDVIG APPROVING THE CONSENT AGENDA A-C and E. Motion carried 5-0.

Mayor Feldman pulled 4 D. for clarification. Feldman stated in 2007 the police department purchased 12 Wilson Combat 1911 handguns for \$22,260 and now want to declare them surplus property. The police department at the last meeting was authorized to purchase 14 SIG SAUER P320 9 mm handguns including accessories for \$9,739.60. Here we want to spend money wiser. Chief is doing a good job. We are good stewards of the money.

MOTION BY UDVIG SECOND MUEHLBAUER ADOPTING RESOLUTIONA 2020-11 DECLARING SURPLUS PROPERTY (12 -2007 WILSON COMBAT 1911 HANDGUNS AT \$247.47 EACH) OF SAID PROPERTY. Motion carried 5-0.

5. **MEETING OPEN TO THE PUBLIC**

Gary Janisch, 4431-236th Lane NW stated he has been watching from home the council meetings and in specific Ordinance 261, Second Series. Wanted to thank the council for what is taking place. Thank you for your time and effort in this matter.

6. **SPECIAL BUSINESS**

None

7. **PUBLIC HEARING**

None

8. **OLD BUSINESS**

None

9. **NEW BUSINESS**

A. **2040 Comp Plan Approval – Resolution 2020-12**

Beth Richmond, City Planner of HKGi stated the St. Francis 2040 Comprehensive Plan update has successfully passed through the Metropolitan Council review process. The 2040 Comprehensive Plan is available for review on the City's website.

MOTION BY BAUER SECOND ROBINSON TO ADOPT RESOLUTION 2020-15 A RESOLUTION AUTHORIZING THE ADOPTION OF THE ST. FRANCIS 2040 COMPREHENSIVE PLAN AS REQUIRED BY MINNESOTA STATE LAW(METROPOLITAN LAND PLANNING ACT). Motion carried 5-0.

B. **Turtle Ponds Fourth Addition – Final Plat - Resolution 2020-13**

Richmond reported the applicant for the Turtles Ponds 4th Addition is requesting final approve for 13 detached townhome lots along 229th Avenue NW. This development includes private streets that includes a turn around, two trees every lot and along the eight lots on the north side for a buffer.

Bauer only question was about the HOA, (Homeowners Association).

Robinson stated I had my tree question answered before the meeting. Robinson asked is it their responsible to plow their street? Richmond said that it would be up to the developer to maintain all the common elements: roads, sidewalks. Thunstrom said once they buy the homes, the HOA is part of the property records.

MOTION BY MUEHLBAUER SECOND ROBINSON ADOPTING RESOLUTION 2020-13 A RESOLUTION APPROVING THE FINAL PLAT AND FINAL PLANS FOR THE 4TH ADDITION OF THE TURTLES RUN SUBDIVISION IN THE TURTLE RUN PLANNED UNIT DEVELOPMENT AND ADD NECESSARY HOMEOWNER ASSOCIATION DOCUMENTATION ESTABLISHING AN ASSOCIATION TO MAINTAIN THE COMMON ELEMENTS OF THE PLAT BEFORE APPROVING THE PLAN. Motion carried 5-0.

C. Turtle Ponds Fifth Addition – Final Plat – Resolution 2020-14

Richmond reported this final plat includes two single-family lots on the east side of Arrowhead Street with access off 230th Court. Driveways increased in width to 14 feet, wetland mitigation plan will be provided to City when completed. A lot of wet area on this site. Applicant proposing to raise portion of Lot 2 out of floodplain using fill. This will be mitigated by the creation of a ponding area to the southeast of the proposed building pads. Staff is recommending approval of the final plat and plans for the Turtle Ponds 5th Addition of the Turtle Ponds subdivision within the Turtle Run Planned Unit Development with conditions.

Robinson so the developer will have to pay a wetland credit, never heard of a floodplain change? Richmond said yes.

Muehlbauer said I am happy that they addressed our concern with the width of the road.

Bauer asked if 230th was a private street. Thunstrom said it is a public street.

MOTION BY UDVIG SECOND BAUER ADOPTING RESOLUTION 2020-14 A RESOLUTION APPROVING THE FINAL PLAT AND FINAL PLANS FOR THE 5TH ADDITION OF THE TURTLE RUN SUBDIVISION IN THE TURTLE RUN PLANNED UNIT DEVELOPMENT. Motion carried 5-0.

D. Denker, 6032 Ambassador Blvd NW – Lot Split

1) Resolution 2020-15 Approving a Metes and Bounds subdivision, and a Registered Land Survey to Split the Property at 6032 Ambassador Blvd. NW into Two Parcels

Applicant is seeking to split a 150-acre property into two parcels meeting the Zoning Code's dimensional requirements. Have to be over 10 acres for metes and bounds. Anoka County did not comment on the driveway but applicant along with the Planning Commission supported a shared driveway request. An IUP for a home-based landscaping business exists for the property. As the parcel is being split into two, the legal description for the IUP must be updated to apply only to the proposed Parcel A.

Denker said the bank is requesting this request and I need to look into the future.

Bauer a little confused about the Torrens and abstract request. Richmond said they are being done concurrently.

MOTION BY MUEHHLBAUER SECOND ROBINSON TO ADOPT RESOLUTION 2020-16 A RESOLUTION APPROVING A METES AND BOUNDS SUBDIVISION AND A REGISTERED LAND SURVEY TO SPLIT THE PROPERTY AT 6032 AMBASSADOR BLVD NW INTO TWO PARCELS. Motion carried 5-0.

2) Resolution 2020-16 Amending the Legal Description of the Interim Use

Permit Granted for 6032 Ambassador Blvd. NW

Since the packet was posted an updated legal description for the two lots were provided.

MOTION BY ROBINSON SECOND UDVIG TO ADOPT RESOLUTION 2020- A RESOLUTION AMENDING THE LEGAL DESCRIPTION OF THE INTERIM USE PERMIT GRANTED FOR 6032 AMBASSADOR BLVD. NW INCLUDING THE NEW LANGUAGE. Motion carried 4-1 Bauer voting nay.

E. Buzick Motor Vehicle Sales – 3950 237th - Conditional Use Permit – Resolution 2020-17

Applicant is requesting a conditional use permit approval to create a multi-tenant motor vehicle sales business that will contain space for up to 15 online motor vehicle dealers. The project is proposed to be completed in two phases. The first phase will not include any exterior alterations. The second phase will include the addition of a parking lot and will require and administrative site plan review. The plans have been sent to Anoka County Highway Department for review. However, no comments have been received from them at this time. Proposed conditions of CUP approval are listed in the proposed resolution. The current business is a farm supply store. The City requirements require applicant no fewer than five spaces per dealer. No automobile repair or service is permitted on the site and wrecked cars shall not be allowed on-site. One change is that all cars parked on the property shall be licensed and registered, to all cars parked on the property shall be licensed and registered or current dealer-owned inventory. The Planning Commission did recommend approval of the Conditional Use Permit with conditions along with the new condition.

Feldman asked that all cars have to be operable according to State law, correct?

Thunstrom stated owner noted they would not allow non-operable vehicles. Feldman asked about signage and no auto repair, correct. The parking lot is currently in bad shape.

Ron Touchette, Solid Rock Companies stated the parking lot would be repaired along with some other maintenance repair. We do not do pylon signage. There will be a plaque on the door with their names. The owner has been in this type of business for 15 years. Touchette said Minnesota has unique laws regarding car dealerships.

Bauer said he was confused on this type of sales and received clarification. Touchette said car dealership has really moved online.

Robinson asked if they would be adding additional lighting. Thunstrom said no additional lighting is required. Nothing against what is coming but maybe not ideal for the location.

Feldman asked about the hours. The owner said they are required to work and be

open four hours a week. Feldman stated he is shocked to see Marties to go.

MOTION BY BAUER SECOND MUEHLBAUER APPROVING RESOLUTION 2020-17 A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW A MULTI-TENANT USED MOTOR VEHICLE BUSINESS AT 3950 227TH AVENUE WITH THE ADDITIONAL CONDITION NUMBER 9 RELATING TO CARS PARKED ON THE PROPERTY SHALL BE LICENSED AND REGISTERED OR CURRENT DEALER-OWNED INVENTORY. Motion carried 5-0.

F. Rivers Edge Development – Siwek Park

Thunstrom stated back in January at a Council Work Session the Council discussed a concept plan for a neighborhood park within the boundaries of the Rivers Edge development. At the Work Session, the Council determined that it would like to move ahead in the planning process for this park. The next step in this process is to prepare plans and specifications for the development of the park. The developer and property owner requested the name of the park to be Siwek Park. The estimated project cost of the park is \$521,721. Staff would like to pursue an outdoor recreation grant from the DNR to help cover the costs of park construction. The grant program provides matching grants to local units of government for up to 50% of the cost of the acquisition, development, and/or redevelopment of local parks and recreation areas. Developer will be back soon to open up more lots. Park equipment would be bid out this year if we received the grant.

1) Resolution 2020-18 Ordering Preparation of Plans and Specifications

MOTION BY UDVIG SECOND ROBINSON TO ADOPT RESOLUTION 2020-18 A RESOLUTION ORDERING PREPARATION OF PLANS AND SPECIFICATIONS FOR SIWEK PARK CONSTRUCTION PROJECT. Motion carried 5-0.

2) Resolution 2020-19 Supporting the Submittal of an Outdoor Recreation Grant Application

MOTION BY MUEHLBAUER SECOND BAUER TO ADOPT RESOLUTION 2020-19 A RESOLUTION SUPPORTING THE SUBMITTAL OF AN OUTDOOR RECREATION GRANT APPLICATION. Motion carried 5-0.

G. Ordinance 262, Second Series dealing with Top Soil (First Reading)

Thunstrom reported the City needed a definition of top soil. Developer's in the last couple months have been challenging the quality or expectation of the topsoil. The Planning Commission held a public hearing on February 19, 2020 and no public comments were received. The definition presents a sand range of 10-70% Council agree with the changes made.

MOTION BY BAUER SECOND MUEHLBAUER APPROVE THE FIRST READING OF ORDINANCE 262, SECOND SERIES AMENDING CHAPTER 10, SECTION 2 "RULES AND DEFINAITIONS".

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

Nays: None

Motion carried 5-0.

H. Ordinance 261, Second Series Amending City Code 7-3-6 Recreational Motor Vehicles (Second Reading) – Continued from 02.03.2020 and 02.18.2020 Meetings

Thunstrom stated the timelines have been updated and if approved this evening this ordinance would be effective April 6, 2020.

Feldman said I just want to go on record and state; we are not creating ordinances to put more laws in front of you and curtail people from living on their properties. There are peoples right to land ownership I agree with that 100% but what one owner does can affect the their neighbors and if we don't have some type of mechanism in place for police and our staff to say no you cannot do that, then a person can do pretty much what they want to do. Again, I am for people's land use rights of their property but at the same time, this ordinance is being created for a problem that was created by a property owner that created problems for the neighbors and other property owners. Not saying adopt ordinances for ordinances sake but need ordinances for police to address the issues. It is a good thing. Everyone has rights for their property as long at it doesn't effect their neighboring properties. We all have to learn to live together.

Muehlbauer stated I hope the person that was here earlier this evening is watching but this ordinance change will not affect his neighbor. Feldman said he still plans to meet with both homeowners with City Administrator Joe Kohlmann regarding this and work out some mediation.

Robinson said he is all for property rights but we represent all residents. Can't do some things just because you want to, be respectful to your neighbors.

Bauer agrees with land rights but the smaller the parcels we have to set guidelines.

Feldman said we are being more urban than rural.

MOTION BY ROBINSON SECOND BAUER TO ADOPT ORDINANCE 261, SECOND SERIES AMENDING CHAPTER 7 SECTION 7-6-3 OF THE CITY CODE REGARDING RECREATIONAL MOTOR VEHICLES (INCLUDING SNOWMOBILES).

Ayes: Feldman, Bauer, Robinson and Udvig

Nays: Muehlbauer

Motion carried 4-1.

I. Resolution 2020-07 Summary Publication of Ordinance 261, Second Series

MOTION BY MUEHLBAUER SECOND UDVIG TO ADOPT RESOLUTION 2020-07 A RESOLUTION AUTHORIZING THE SUMMARY PUBLICATION OF ORDINANCE 261, SECOND SERIES. Motion carried 5-0.

10. MEETING OPEN TO THE PUBLIC

None.

11. REPORTS

A. Department Reports – None.

B. Councilmember Reports -

Udvig-Attended the Community Education Advisory Council. Also in April, there will be one of four sessions held on Mental Health issues.

Bauer - was out of town, nothing to report.

Muehlbauer – Reminder the polls are open tomorrow from 7 am – 8 pm for the Presidential Nomination Primary.

Robinson – attended the Planning Commission meeting.

Feldman – yes the Presidential Nomination Primary election is right here at the district office 7 am – 8 pm.

Rental license renewals are every two years, if there are codes that need to be updated, they need to be completed. Some rental owners want to be grandfathered in. Building Codes are updated all the time. Codes change and there is a need for them. Bringing your building up to code so it will be safer. Call DOLI (Department of Labor and Industry), the building inspector, city hall and/or me if you have questions. Feldman said I would like to plant a seed to be preventive and preempted. Thought this change over would have gone smoother. Maybe look in the future to do utility billing in-house. We have high rates already. Our current water utility company is not doing very well with the transition, software is holding us up. Finance Director Darcy Mulvihill said OPUS had to change some of their software. I have done in-house utility meter reading. In all fairness to OPUS, they may not have been at the table very early and probably should have. I was told by Ferguson they have worked with OPUS before but also have heard the software has changed. Feldman said if this doesn't get better maybe something we should look at.

Mulvihill said four had the "no response fee" put on their next bill. We do have a five-year contract, starting in 2019 with OPUS. We would also have to hire at least one more person, not sure by how much but the number of phone calls would also increase. We now pay OPUS \$3,000 a month includes; calls, postage, printing, and paper.

Feldman said better to be prepared.

Feldman introduced Jason Windingstad as the new Public Works Director who was in the audience. Jason said he is eager to get started. March 16, 2020 will be his first day.

There is a Work Session on March 4 at city hall.

Here to serve the public.

C. Upcoming Events -

Mar 3 Presidential Nomination Primary Election Polls Open 7am to 8 pm

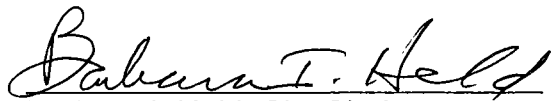
Mar 4 City Council Work Session @ City Hall 5:30 pm

Mar 16 City Council Meeting @ St. Francis Area Schools District Offices 6:00 pm

Mar 18 Planning Comm. Meeting @ St. Francis Area Schools District Offices
7:00 pm

12. ADJOURNMENT

There being no further business, Mayor Feldman adjourned the regular city council at 7:17 pm.

A handwritten signature in cursive script, reading "Barbara I. Held", written in black ink.

Barbara I. Held, City Clerk