

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

CITY COUNCIL MINUTES

JANUARY 21, 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 Administrator Joe Kohlmann, Community Development Director Kate Thunstrom, Police Chief Todd Schwieger, Fire Chief Dave Schmidt, Public Works Supervisor Jeremy Shook, Liquor Store Manager John Schmidt, Finance Director Darcy Mulvihill, and City Clerk Barb Held.

3. APPROVAL OF AGENDA

MOTION BY ROBINSON SECOND MUEHLBAUER APPROVING THE REGULAR CITY COUNCIL AGENDA. Motion carried 5-0.

4. CONSENT AGENDA

- A. City Council Minutes – January 6, 2019
- B. Utility Billing – No Response Fee
- C. Rental License Approvals
- D. Pay Estimate No. 2 for \$72,957.40 to Ferguson Waterworks for the 2019 Water Meter Replacement Project
- E. Payment of Claims \$1,269,668.62 (ACH 276E-278E \$212,893.33 and Checks #76949 (76950-77010 were voided) #77011-77071 \$1,056,775.29)

Mayor Feldman asked to pull items B and C from the consent agenda for clarification. MOTION BY BAUER SECOND UDVIG APPROVING THE CONSENT AGENDA ITEMS A, D & E. Motion carried 5-0.

B. Utility Billing – No Response Fee

Feldman asked if all the meters are changed out. Finance Director Mulvihill said no, this group of five is from the first batch that did not respond to letters or phone calls. The City placed a fee/fine on their December billing of \$250 for non-compliance and

since then they have all have had their meters replaced. In order to remove the fine from their bill we would need council action.

Feldman asked how many are still to be changed out. Public Works Supervisor Shook reported 42 are left. Feldman said why not just fine all of the 42 that are left.

Kohlmann said I think you should stay the course. Bauer said let's wait on these and not remove the fines until the project is complete. Feldman agreed. Muehlbauer disagreed, let's address these five.

Feldman said the only way to compel these people is to fine them until they get the meters changed out. They seem to not understand the process. We are just changing the meter out and the pocket book seems to affect them. Being these five people complied quickly agree to remove the fee. How about let's say we send out a notice to the last 42 giving them 30 days to get the meter changed out if they do not comply they get the fine until they have it changed out. Can we just go into their homes and change it out?

City Attorney Schaps said the very last resource would be an administrative search warrant. You have to have a judge sign off on them.

Feldman asked how do we get them to get it changed out. Discussion was held on do we shut off their water or can we.

Thunstrom said there are codes the public works director does have the authority.

Feldman asked can we send out a letter for the last 42 to comply in 30 days to schedule with Ferguson otherwise they are fined the \$250. Feldman said this is a stern warning but they need to comply. After more discussion, the council agreed to send out a letter to the last 42 giving them 30 days to schedule their meter change out.

MOTION BY BAUER SECOND MUEHLBAUER TO WAIVE THE \$250 FEE FOR THE FIVE ADDRESSES IN THE AGENDA REPORT AND TO SEND OUT LETTERS TO THE REMAINING 42 INDICATING THEY NEED TO COMPLY AND SCHEDULE THEIR METER CHANGE OUT, AFTER 30 DAYS IF THEY HAVE NOT DONE SO THEY WILL RECEIVE A \$250 FEE/FINE ON THEIR WATER/SEWER BILL. Motion carried 5-0.

C. Rental License Approvals

Community Development Director Thunstrom stated as part of the 2019 rental code update it was amended to create a process in which the Council approves, suspends or revokes Rental Licenses. This should make it less complicated and took out the gray areas. As completed rental property applications are received, they will move to Council as the ones included in your packet this evening.

MOTION BY MUEHLBAUER SECOND UDVIG TO APPROVE THE RENTAL LICENSE APPROVALS. Motion carried 5-0.

5. **MEETING OPEN TO THE PUBLIC**
None

6. **SPECIAL BUSINESS**
None

7. **PUBLIC HEARING**
None

8. **OLD BUSINESS**
None

9. **NEW BUSINESS**
A. **Planning Commission Appointments**

Thunstrom reported there are four applicants for two seats for a term of January 6, 2020 to December 31, 2022. The Planning Commission reviews land use and zoning applications and make recommendations to the City Council. The four applicants are Ray Steinke, Rich Skordahl, Tara Kelly and Joe Kollodge.

Udvig thanked the applicants for applying. We encourage residents to apply and if we don't appoint the new applicants there a chance no more new residents will apply in the future, therefore I would recommend Tara and Joe.

Bauer said the same two as Udvig.

Muehlbauer kind of 50/50., I like the two experienced residents but would like to see new names. Or we can split the two with new and experience.

Robinson said it is a commitment, I like the idea of new people. Thank you to Rich and Ray you served the community well.

Feldman commendable when anyone comes forward. If you say no to new people, we will not get more applying.

MOTION BY UDVIG SECOND ROBINSON TO APPOINT TARA KELLY AND JOE KOLLODGE TO THE PLANNING COMMISSION FOR THE TERM JANUARY 6, 2020 TO DECEMBER 31, 2022. Motion carried 5-0.

Feldman thanked Ray and Rich for serving on the Planning Commission and the two new ones that applied.

B. **Ordinance 257, Second Series Amending 6-8 Pawnbrokers (First Reading)**

Thunstrom reported with the existing reporting system vendor ending December 31, 2019, the City was required to identify another vendor. This tool is utilized for investigative purposes and is needed for the search of stolen property. If a pawn business operates within the City, this is the vendor that business would be required to report their transactions. The current City Code identifies the reporting provider by

name. That is why staff is recommending a more generic use of terms in the event the contracted provider or fee structure changes again. Additionally with a new provider, the fee structure has changed. That too has been amended to leave flexibility in code and follow the structure of the Fee Schedule. This is the first reading of Ordinance 257, Second Series.

Feldman asked why did it change to "licensees may pay monthly, instead of shall." Thunstrom said if there is going to be a fee we would rather have it listed in the fee schedule that way it can reflect to the current fee schedule. Just a note the current pawnbroker is no longer in business.

Police Chief Schwieger said this is an important tool for us. Whether we stay with this vendor or not is to be seen. We have used a vendor like this for ten plus years as an investigative tool.

Robinson said his questions were answered with a call to staff.

Council did not have any additional questions.

MOTION BY BAUER SECOND MUEHLBAUER TO APPROVE THE FIRST READING OF ORDINANCE 257, SECOND SERIES AMENDING CITY CODE 6-8 PAWNBROKERS.

Ayes: Robinson, Muehlbauer, Feldman, Bauer Udvig

Nays: None

Motion carried 5-0.

C. Ordinance 258, Second Series Amending City Code 3-4 Rules and Regulation Relating to Individual On Site Sewage Treatment (First Reading)

Thunstrom reported the MPCA reviewed the City's permitting, ordinances, records, maintenance requirements and administration processing in regards to Subsurface Sewage Treatment Systems (SSTS).

There were five compliance requirements that the City needed to address:

1. Ensure all Administrative staff have completed training
2. Changes to permit files
3. Update Ordinance to meet minimum state requirements
4. Update Ordinance on two feet separate requirements
5. Enhance documentation for issuing a certificate of compliance

Staff has completed the training requirements and working with Metro West on the permitting and documentation needs. Ordinance updates are as identified in State Rules that upon the assessment were unable to be located in current City Code.

Council does have the option of including a section on the sale or transfer of property. With increasing rules on SSTS systems, and the City requirements to track and report these systems, some cities have moved to include a point of sale compliance. This is not required by the MPCA. Having this requirement is not unexpected by the industry.

Feldman questioned 3-4-2 (H) don't you think 6 months is a too long to bring your failing septic into compliance? Twenty-four months was/ is an extremely long time for correction. Thunstrom stated you can change the timeline for correcting the failed system. Feldman asked Jochum if you have a system that is failing is 3-6 months doable to repair?

Muehlbauer said let's just put it to 6 months. Robinson stated maybe you require them to pump until it is repaired. If you say 3 months, you might get extension request.

Jochum said 4 months is acceptable nothing less because of weather.

Muehlbauer likes the 6 months.

Robinson feels 6 months is adequate. Have we had problems before? Thunstrom said we have one now that does have some issues but will probably take the full time for compliance. Need to stop the release of effluents as soon as possible. 6 months is reasonable.

Feldman spoke about the pumping regulations.

Bauer said are we finding these failures by pumping requirements. I am okay with the 6 months. Like the compliances done in the spring so they can get the time to repair if needed.

Thunstrom said in April we will send out a letter to remind them to get the pumping completed.

Feldman said then 6 months seems reasonable.

Udvig agrees with 6 months.

MOTION BY MUEHLBAUER SECOND ROBINSON TO APPROVE THE FIRST READING OF ORDINANCE 258, SECOND SERIES AMENDING CITY CODE 3-4 "RULES AND REGULATIONS RELATING TO INDIVIDUAL ON SITE SEWAGE TREATMENT.

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

Nays: None

Motion carried 5-0.

D. Ordinance 259, Second Series Amending City Code 8-3-6 Keeping of Bees (First Reading)

Thunstrom reported that at the December 11, 2019 Council work session the discussion of keeping of bees was held. The current City Code states you must have at least 5 acres. It was noted to bring forward an amendment to a Council meeting stating bees shall not be kept on parcels smaller than 2.25 acres or within a

MLPUD/PUD as identified by Code. Discussion was also on whether or not to request residents to voluntarily register their hives. Thunstrom stated staff recommends putting in place a free and voluntary registration to encourage properties to update emergency services where hives are within the City. An example of the registration was included in the Council packet.

Feldman said we discussed this at a work session. I feel this registration should not be volunteer registration and part of the ordinance. Feldman said what do they need to have bees.

Thunstrom said nothing, only have 2.25 acres, no permits.

Feldman said wouldn't it be nice to have them registered. Maybe leave it like it is and come back if we want to change it.

Kohlmann said if you want them to have a permit we will need to come back with a change to this ordinance.

Feldman said what if one doesn't become a responsible bee owner. I would like to see the registration, is it that big of a deal?

Robinson said this seems to have more regulations than the septic ordinance. If things get out of control we will deal with it. I am not for over regulations. Much to do about nothing.

Feldman said if this becomes a nuisance does this then fall under the nuisance ordinance.

Muehlbauer I am for fewer restrictions.

Bauer my questions, it would fall under nuisance. I have a question on the MLPUD, what does that stand for.

Thunstrom stated it stands for Marginal Land Planned Unit Development and per our current ordinance MLPUD/PUD does not allow animals at all no matter the size of lots.

Udvig all my questions and concerns have been answered.

MOTION BY MUEHLBAUER SECOND ROBINSON TO APPROVE THE FIRST READING OF ORDINANCE 259, SECOND SERIES AMENDING CITY CODE 8-3-6 "KEEPING OF BEES".

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

Nays: None

Motion carried 5-0.

E. Ordinance 260, Second Series Amending city Code 11-11-3 Payment for Installation of Improvements (First Reading)

Thunstrom stated with new development the City requires a security for the installation of improvements including streets and grading. This security is used in the event the developer fails at a point in which the City is required to finish improvements.

Thunstrom stated as discussed at the work session, developers have identified concerns with the current flat requirement of 150%. Several cities were reviewed and it was found that St. Francis requirement is high. Many of the cities had securities at 100% or 125%. The amendment would include one minor change. Instead of collecting 150% of the Engineer's estimate, it would add the verbiage of; or as otherwise determined by Council.

Bauer, Feldman and Udvig all okay with the change.

Robinson asked a couple questions about 150%.

Muehlbauer liked the idea that we are open for flexibility with our developers.

MOTION BY BAUER SECOND UDVIG TO APPROVE THE FIRST READING OF ORDINANCE 260, SECOND SERIES AMENDING CITY CODE 11-11-3 PAYMENT FOR INSTALLATION OF IMPROVEMENTS.

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

Nays: None

Motion carried 5-0.

F. Ordinance 261, Second Series Amending City Code 7-3-6 Recreational Motor Vehicles (First Reading)

Thunstrom as discussed at the work session on December 11, 2019 after review of lot sizes, zoning and the issues that arise from racetracks, the council requested the following changes to City Code 7-3-6:

Clarify a definition for racing and race tracks as they relate to property

- Include a definition for racetracks
- Include a definition for exhibition driving
 - o Prima Facie means based on first impression, accepted as correct until proven otherwise

Establish an operating restriction of (7-3-6-B-, New 13 and 14)

- Lot size limit in which race tracks are permitted, being properties of 2.5 acres or greater.
- Setbacks from property lines and structures at 50 feet
- Driving expectation

Thunstrom stated this would be city wide and does not affect zoning code.

Udvig said we spent considerable amount of time at the work session discussing this topic.

Robinson if we have issues we can address it with within the nuisance ordinance.

Muehlbauer questioned the driving of four wheelers. Chief Schwieger said they have to follow our ordinance, DNR registration, all the driving requirements that are laid out by State Statutes.

Bauer had same question can residents from our city streets travel to county roads with four wheelers. Chief Schwieger again stated they have to meet certain county, state and DNR requirements.

MOTION BY ROBINSON SECOND UDVIG TO APPROVE THE FIRST READING OF ORDINANCE 261, SECOND SERIES AMENDING CITY CODE 7.3-6 RECREATIONAL MOTOR VEHICLES.

Ayes: Udvig, Robinson, Feldman, and Bauer.

Nays: Muehlbauer,

Motion carried 4-1.

10. **MEETING OPEN TO THE PUBLIC**

None.

11. **REPORTS**

A. **Department Reports –**

1) **Public Works Monthly Reports**

Jeremy Shook reported only one pump was pulled last month. Both facilities running well. Plowed 441 miles during the recent snow falls. Staff has applied 58,000 gallons of water to the two rinks.

Feldman discussed the water meters change out again. Commend you on the plowing, doing a great job. Shook said everything is operating very well.

Bauer if we only have 42 meters to be changed out. Why do we have 124 re-reads?

Mulvihill and Feldman agreed maybe because of the transition period.

Bauer asked about the septic hauling companies to be able to dump. Could be a service. Waiting on my glass of water. Great report.

Udvig agreed great report.

Feldman said let's wait until position is filled. Thank you to Parrish, you and staff working through this time without a Public Works Director.

Robinson said he received a call from a resident. Regarding getting notification about plowing snow across the road. Chief Schwieger said our Community Resource Officer has been contacting residents that are plowing snow across the road and have given them a courteous letter so far. Robinson said it is a state law that you are not to plow snow across a road. Not as if they are out there harassing you, it is a state law. It could put staff in a bad situation and make equipment inoperable.

2) **2019 Community Development Annual Report**

Thunstrom gave an overview of the end of year report touching on Economic Development, Economic Development Initiatives, St. Francis Economic Development Authority, St. Francis Forward Plan, Housing Development, Planning Commission,

Building Department, Code Enforcement and Updates along with Administrative functions. There were 57 new residential homes built in 2019.

Feldman said good report. In the future, any contract for deeds the City enters into let's put a time limit on when they must start construction or give the property back to us.

Thunstrom agree to add a look back clause. Meridian should start construction this spring. No contact from Mosaic since this past summer. Feldman said it is sad that we are still no farther ahead than last summer. Feldman spoke on the different parties the city has dealt with over the years with this project.

Udvig said great report appreciate your hard work. Like to see the St. Francis Forward Plan come to fruition.

Bauer asked about the revenue the City receives from building permits; do any of the funds go into the water and sewer funds? The Water Access Charge (WAC) and the Sewer Access Charge (SAC) does go into the water/sewer fund. Mulvihill indicated the developments does help out those funds. Bauer asked if the EDA could buy the contract for deed property back. Thunstrom stated we didn't have a clause in the agreement and if it is not voluntary, no and he is not interested. Great report. Feldman asked if anything going on with the property north of the liquor store. Thunstrom said we have no buy back program on that parcel either and he is now listed the property. Bauer said maybe in the future we do a three-year plan.

Muehlbauer great report.

Robinson said good report. Good employee with Jodie. Are you still trying to get around to the current businesses to say hi, outreach. Thunstrom said the Chamber said is trying a business outreach. We are also part of the Anoka County Initiative. Robinson said maybe just once a year we should get out to them letting them know we are here to help. Very good report.

Feldman said your staff working very well and the Community Resource Office is working well. Officer Hearn was a good officer for this position. Feldman stated the mayor, council and staff are working very well together we are getting things done. Commend public works with all the plowing, also police and fire. Thank you staff for your patience with us.

B. Councilmember Reports -

Robinson – Nothing further to report

Muehlbauer – attended the January 15, 2019 work session.

Bauer – went to girl's basketball fundraiser bingo event, great to see the community support. On Facebook people questioning why city doesn't plow out mail boxes and hydrants. It is not city's responsibility.

Udvig – attend the work session and school board meeting.

Feldman - attended police department award ceremony. Nice to acknowledge people that go that extra yard. The community service that both police and fire are conducting is great, both departments are approachable. We are approachable too. We will look at everything but you may not get the answer you want but we will look into it. Commend all staff. It has been a hard and long road but I think the city is going in the right direction.

C. Upcoming Events -

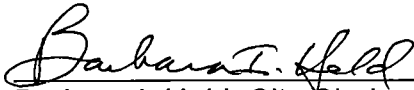
Jan 22 Charter Commission – Annual Meeting @ City Hall 6:00 pm

Jan 23 2020 Reconstruction Project – Neighborhood Mtg @ Comm Ctr 5-8 pm

Feb 3 City Council Meeting @ St. Francis Area Schools District Offices 6:00 pm

12. **ADJOURNMENT**

There being no further business, Mayor Feldman adjourned the regular city council at 7:51 pm.


Barbara I. Held, City Clerk