

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

CITY COUNCIL MINUTES

NOVEMBER 18, 2019

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), Attorney Karen Kurth (Barna, Guzy & Steffen), City Engineer Craig Jochum (Hakanson Associates, Inc.), City Administrator Joe Kohlmann, Community Development Director Kate Thunstrom, Police Chief Todd Schwieger, Public Works Director Paul Teicher, Liquor Store Manager John Schmidt, Finance Director Darcy Mulvihill, and City Clerk Barb Held.

3. APPROVAL OF AGENDA

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

4. CONSENT AGENDA

- A. City Council Minutes – November 4, 2019
 - B. City Council Work Session Notes – October 23, 2019
 - C. Woodhaven Expansion Letter of Credit Reduction to \$51,000 based on work completed to date
 - D. Acknowledgement of MN Gambling Permit for Fast Break Saints-Bingo on 01/18/2020 @ SF American Legion
 - E. Establishing Precinct & Polling Locations for 2020 – Resolution 2019-51
 - F. Pay Estimate No. 1 for \$197,083.64 to Ferguson Waterworks for 2019 Water Meter Replacement Project
 - G. Pay Estimate No. 1 for \$294,976.60 to ASTECH Corporation for 2019 Street Rehabilitation Project
 - ~~H. 2020 Squad Purchase Update/Amendment~~
 - I. Payment of Claims \$721,494.49 (ACH #0001E, 272E-273E \$233,183.42 and Check #'s 76662-76726 \$488,311.07)
 - J. City Council Work Session Notes – November 13, 2019
- Mayor Feldman asked to pull H. from the consent agenda to answer some questions and for clarification.

MOTION BY BAUER SECOND UDVIG APPROVING THE CONSENT AGENDA ITEMS A-G AND I-J. Motion carried 5-0.

H. 2020 Squad Purchase Update/Amendment

Due to the state contract not taking any orders for Dodge Chargers after November 1st, Chief Schwieger looked at other vehicles sold under the State Contract. The Dodge Durango AWD is under the same State Contract number for a base price of \$29,435 compared to the Charger at \$24,592.

Mayor Feldman stated the miles on the 2016 Dodge Charger is under 100,000 the difference between two vehicles is approximately \$4800. Chief Schwieger said we have been receiving better trade in value recently. Feldman asked if you have the difference in your budget. Chief Schwieger said yes, we will cover the cost difference. Chief Schwieger stated they have been discussing the idea of eventually adding at least one pursuit rated SUV back into the fleet. Feldman stated I don't want you to go over budget. This is an actually built as a pursuit vehicle not like the Tahoe the department previously had.

Bauer asked if this would be a take home vehicle. Chief Schwieger said this will sit in the garage for regular patrol. It will be fully marked and functional squad vehicle.

MOTION BY UDVIG SECOND ROBINSON APPROVING THE PURCHASE OF A DODGE DURANGO PURSUIT AWD VEHICLE IN PLACE OF THE PREVIOUSLY APPROVED DODGE CHARGER (November 4, 2019) AS CHARGER ORDERS ARE NO LONGER BEING ACCEPTED. Motion carried 5-0.

5. MEETING OPEN TO THE PUBLIC

A. Dallas Munn, 4461 236th Lane NW reason I am here is regarding the fines I have received from the city. I had a demolition vehicle in my yard and is gone today. I have spent a lot on this vehicle. I didn't have room in my garage. What can I do moving forward. Do I have to put the derby car in my garage? My trailer is also out side.

Community Development Director Kate Thunstrom said vehicles need to be operable and didn't meet street ready, it had no windows. He needs to keep such items inside.

Council asked about different options, was there room on the backside of the garage. Pavers could be used for the trailer sit on but needs to be under the entire size of the vehicle.

Feldman said we will be having a work session in December about the race track you currently have.

Munn said my last concern is about my fines. I went into city hall and spoke with Jodie.

Mayor Feldman said, Jodie is here tonight. Feldman asked Jodie to come up to answer some questions.

Jodie Steffes, Community Development Specialist said you came in the week that I was out of town and told you I would be out. The fines are at \$1,800. Trailer can be outside on an improved surface. Derby car cannot be outside of the garage because it is inoperable.

Feldman asked can you build on to the back of the garage. Feldman said if you want the toys you have to figure this out.

Steffes said we have been working together. He did get rid of some other items. You can put the trailer in the driveway and the derby car in the garage. They also have the right to appeal.

Feldman said you can always come in the spring and talk to building inspector about building on.

Muehlbauer said your lot is too small for all your hobbies.

Udvig asked if it is at \$1,800, when did this start. Steffes stated October is when the fines started. Feldman said go with the process and appeal it.

Bauer said cheapest is to put a garage door on the back of your garage.

Feldman said we will reach out when the work session will be held on the race track.

6. **SPECIAL BUSINESS**

None

7. **PUBLIC HEARING**

None

8. **OLD BUSINESS**

None

9. **NEW BUSINESS**

A. Nuisance Abatement – Smith/O'Reskie, 22708 Rum River Blvd. Resolution 2019-52

Kohlmann introduced Karen Kurth of Barna Guzy and Steffen. Ms. Kurth has been handling this case.

Ms. Kurth stated this property has been a problem for a number of years. There was a fire in 2012. They hired a contractor to do some work. The house was probably built in the 1800 and has lath and plaster. In 2013, it was determined to be uninhabitable and red tagged. The contractor took out the lath and plaster that may have cause some of the distress to the structure stability. It did go to litigation and the insurance

company was successful. The house still remains. We had the same inspector/engineer revisit the house. The inspector said it was uninhabitable and had a lot of clutter and the garage seems to be lived in with no plumbing. The inspector stated it is fixable but at a price tag. The two inspection reports were included in the council packet. City has tried to work with the property owners. Last communication was this May. It needs to get off the hazardous listing. There are also two garages one really needs to come down.

Feldman said people are concerned about this property. Feldman read from page 77 of the council packet.

The insurance company proposed a restoration plan to remove the plaster and lath, treat the framing, and install gypsum wallboard. After the structure settled and shifted without the support of the plaster and lath, the insurance company was not willing to fund structural repairs which resulted in a lawsuit and trial that was held in September of 2014.

Mr. Smith argued in trial that the cost of foundation repairs, structural repairs, new plumbing and wiring, and restoration of the home to meet code would exceed the insurance coverage limits and restoration to its pre-fire state with plaster walls, and period wood flooring, trim, etc. would exceed the cost to demolish the home and rebuild. It is my understanding that Mr. Smith did not prevail in trial.

The following conclusions and recommendations are based upon a reasonable degree of engineering certainty. The site visit revealed that the home is in nearly the same condition as it was in 2012. It has not fallen into disrepair beyond the damage that was sustained in 2012. The major change is the amount of clutter and stored items in the home. The recommendations from report# 120917P issued in October 2012 are still valid concerning the restoration of the home.

The scope of restoration including foundation repair and structural repair is beyond the capability of most home owners. It is my understanding that Mr. Smith intends to start restoration work on the home in the spring of 2019. If that is his intent, Mr. Smith will need to work with a licensed design professional and either a general contractor or an array of subcontractors over the winter to prepare plans, specifications, and costs for the project. It is my recommendation that the building official meet with Mr. Smith to outline the various permits that will be needed for this project and the level of detail in the plans and specifications that need to be submitted in order to obtain these permits. Once the project requirements have been established and communicated, Mr. Smith will be able to procure bids and/or estimates and fully realize the cost of the project.

Feldman also stated 2018 codes go in next year. The amount of money with the new codes will be expensive. This building is another accident waiting to happen. We have a responsibility to the neighbors if another fire happens. I am for razing the building.

Robinson said no communication from owner a real problem. If we take it down is it

our cost. It was stated the amount would be assessed to the property. Seven years is a long time. It is a real problem. They are not here tonight either.

It was noted the house was built in 1890.

Muehlbauer agree with what has been said. It is a hazardous situation.

Bauer said I hate the fact a house built that many years ago that is in this much disarray. In favor of cleaning it up.

Udvig said it appears they resided there at some point. Do we need an eviction notice if we tear it down?

Ms. Kurth said this is actually the start. We will follow the State Statute. This still needs to be signed off by a judge. Smith/O'Reskie would get served along with the lien holders and then they have 20 days to respond. If they respond, it would go to court. We have to show the burden. The judge will decide on the evidence. Could also take another path. If no answer, we would ask the court for a default. It will be an order of the court on the process. Property owners will have another chance if they convince the city or court that they want more time to fix it.

Feldman said were they notified of the meeting tonight. Ms. Kurth stated yes, certified and mailed letter of the notice.

Robinson said, can you introduced yourself again. Karen Kurth attorney form Barna Guzy & Steffen.

Concern about the neighbors around there if something happens again. You would have to put a lot of money into this building. Abatement and things like this is not what we like to do, stated Feldman.

MOTION BY BAUER SECOND ROBINSON TO ADOPT RESOLUTION 2029-52 A RESOLUTION ORDERING THE RAZING OF HAZARDOUS BUILDINGS LOCATED AT 22708 RUM RIVER BOULEVARD NW, ST FRANCIS, MINNESOTA. Motion carried 5-0.

B. Ordinance 256 Second Series: Amending Fee Schedule (First Reading)

This is the first reading of amending the fee schedule for 2020.

Thunstrom explained the changes in the Division of Use of Property and Building Permits portion of the fee schedule. Being more realistic with the escrow fees.

Bauer asked about the transient license fee. City Clerk Barb Held stated due to the recent change in the peddler/transient ordinance the maximum number of days they can receive a permit if for 60 day. Bauer thought the fee seemed high.

MOTION BY MUEHLBAUER SECOND UDVIG TO APPROVE THE FIRST READING OF ORDINANCE 256, SECOND SERIES AMENDING SECTION 2-9-1 OF THE CITY CODE REGARDING FEE SCHEDULE. Motion carried 5-0.

10. **MEETING OPEN TO THE PUBLIC**

A. Shawn Davis, 24310 Riverbank Lane had questions about the ordinance compliance. When someone lodges, a complaint is there a fee right away.

Thunstrom said it is based on reasonable time to get the items out of the yard, etc. but it can't exceed 10 days. Davis asked so people have opportunity to fix it? Thunstrom said yes. Davis said I just wanted to make sure people did have a chance.

B. David Jones, 24555 Riverbank Lane when the culverts went in I started asking questions. Two hazards were left on my property. I live at top of the hill. Culvert was put in, I work as a design engineer. I am not an engineer but I don't know why somethings went in where they did. Because of the work that was done with the street project I don't have access to my back yard. Jones went on to discuss the elevation of his garage, the driveway and road. The rain that we recently had is going to stay there until spring. I kept being told it is going to be taken care of. Still there. My driveway they cut out is still in the ditch and a cable still in my yard. Two large conduits stick out of the ground that someone is going to get hurt on. Not done right.

City Engineer Craig Jochum said the project is not finished. Some of the things you are addressing I didn't know was happening. They unfortunately can't be done now. Jochum did respond to some of Jones' concerns.

Feldman asked could sandbags be put in? Jones said a project that was suppose to create better drainage created a problem for me.

Jones said I will have a winter of an ice rink at the end of my driveway. Do you have a cone I can cover the conduit.

Jochum said he would stop out. Jones gave his phone number to the council if they wanted to come out and see the problem.

Robinson asked when was your last communication with the engineer. Jones said more than a month ago.

Jochum said I need to understand first what all the problems are.

Feldman said this project is not complete. It will be finished next year.

Jones asked why at the top of the hill did you have to dig out the hill. Feldman said we will look at it.

Robinson said I don't want people to go away mad. They come with genuine concerns.

Feldman said thank you for bringing it to our attention. Jones said I was told to be patient and kept being interrupted when I was on the phone.

Feldman said the smartest thing you did tonight was come here and ask your questions.

11. **REPORTS**

A. Department Reports – Public Works Monthly Department Reports

Public Works Director Paul Teicher reported they are in transition from summer to winter activities. Roads prepped before the freeze. Challenge with the amount of rain we received. Parks prepped for winter. Water sewer facilities working well. Water meter replacement 800 completed. 351 left unscheduled for change out. Council liked the report again. No significant change since the Oak Grove hookup.

Feldman asked about Dellwood Park? Teicher said a sign was posted at the park with the address but not the hours so they were added.

B. Councilmember Reports-

Udvig – attended on November 7 a Community Ed meeting. Foster 1 spoke that more kids need foster care. Also attended the Lions Club events.

Bauer – attended the Lions turkey bowling, bingo too. The Lioness on December 7 will be holding a Breakfast with Santa and the Lions on December 14 will have a Gathering of Friends event.

Muehlbauer - tree lighting Wednesday, November 21 sponsored by the Bridge Church in Woodbury Park also attended Joint Fire Council.

Robinson - the Lions bingo was fun and good to see the community come together. Appreciation for our first responders; fire and police thank you. Robinson asked Police Chief Schwieger how many receive the Nixle alerts. Chief Schwieger said there are about 900 subscribers.

Feldman - city offices closed November 25 and 26; be smart, don't drink and drive be responsible.

I have answered some questions on my website in regards to the water meter change outs. Call the city hall or public works if you have questions. The transmission is fully encrypted. Analog lines cannot be hacked. Nothing new, other cities have used this technology for years. Had a person contact me about the gallons used on mutual aid fire. Teicher said there is no cost, we need to account for the water usage for the DNR report. Enjoy all your holidays. If you have questions call city hall.

C. Upcoming Events -

Nov 20 Planning Commission – Cancelled

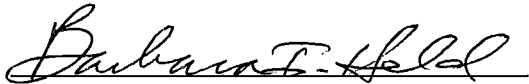
Nov 20 Tree Lighting @ Woodbury Park 6:30 pm – 8 pm

Nov 28 & 29 Thanksgiving Day – City Offices Closed

Dec 2 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 7:20 pm.


Barbara I. Held, City Clerk