CITY OF ST. FRANCIS
ST. FRANCIS MN
ANOKA COUNTY

CITY COUNCIL MINUTES

OCTOBER 7, 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), 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 Paul Teicher, Liquor Store Manager John Schmidt, and City Clerk Barb Held.

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

4. **CONSENT AGENDA**
MOTION BY ROBINSON SECOND UDVIG APPROVE THE CONSENT AGENDA ITEMS A-G AS FOLLOWS:
   A. City Council Minutes – September 16, 2019
   B. City Council Work Session Notes – September 24, 2019
   C. Surplus Property - Police Squad Resolution 2019-42
   D. MMUA Safety Management Program Contract October 1, 2019-September 30, 2020
   E. Rivers Edge (Laketown Builders) – Release Letter of Credit
   F. Hire Paul Carpenter as a Public Works Streets/Park Worker contingent upon passing all pre-employment testing
   G. Payment of Claims $308,945.37 (Check #76468-76538)

Motion carried 5-0.

5. **MEETING OPEN TO THE PUBLIC**
A. Gary Janisch, 4431 236th Lane NW ask for some assistance with his neighbor that he said is effecting his lifestyle. I have lived in St. Francis for 24 years. The owner at 4461 236th Lane installed a motor cross track in his back yard with it being

closer to my house than his. I have photos from my house showing how they are using it. Three weeks ago is when they started. Noon to 8 pm on a Saturday, Sunday 1:30 pm until 8:00 pm. I was have an illness. Janisch said he was told by the police it is his property they can do as this wish. Noise ordinance is more for the evening. The police realized how distraught I was because they could see it physically on me. No ordinance against this type of activity. I would hope the council would consider changing this recreational activity for 5 acres or more. My lot is 1.3 acres and their says it's irregular. Would like a cease and desist. Like the area to be brought back to original form. Prior owner had parties and shot off fireworks at 2:30 am. My only recourse is to call the police. I don't want to waste their time but have no one else. Chief Schwieger said yes the officers have been at that residence. We have been out there but they don't witness the loud noise.

Janisch said his other neighbor also has called the police on this house and the noise.

Chief Schwieger said the noise ordinance is more for construction type noise from the 10 pm to 7 am.

Janisch said they are doing wheelies with their dirt bikes. I have not had luck with the city. In 2000 wanted to put up fence but could not because of an easement. In 2008, I wanted to plant pine trees in the backyard and there is a prescriptive easement in the back yard and received a letter from the city's attorney not allowing me to do that.

Feldman asked staff if we could look at this property. Thunstrom said we could look at the file. Feldman asked if you could you put up fence now, would you? He said he can't afford it now. Not sure about the future.

Thunstrom said there was one property that had to put it back because of erosion control. We have had calls from property owners that have problems with their neighbors too.

Robinson said trying to tell people what they can legally do with their problems is tough. Like to have people be courteous to their neighbors. Have you spoke to your neighbors? Janisch said last winter I spoke to him about his snowmobile and he seemed to respect that for a while.

Thunstrom we could check to see if he is registered as a rental property.

Muehlbauer discussed the potential setback problems. Not knowing exactly all the facts, I feel for you.

Janisch said I enjoy the wildlife in my backyard.

Udvig said I feel for you, best we can do is have staff to look at it. Maybe talk to your neighbors and make them understand why you are asking.

Janisch said I can't see myself staying here if the noise continues.

Bauer how far would the easement be on the neighbor's property and is it destroying the stormwater pond. Seems they are destroying it with the racetrack.

Feldman said maybe the neighbors altered their drainage pond too. Look at the mobile track and see how other cities handle dirt tracks on the size of the lots. Bring in your abstract and staff will look at this. We can't guarantee a law will be put in effect. As I told you keep track of dates and time of the problem.

Janisch said I feel like I am getting petty. Feldman said I told residents to bring in your problems and we will look at it with our due diligence.

B. Joseph Murrell, 24630 Yukon Street. Full time fire chief for $60,000, you can get more fire fighters or more police officers for that amount of money. I tell people on the Facebook to get up here if they don't like what they hear. We elected you to straighten things out. Better effective ways than throw out money.

Feldman being you brought this up. For over 20 years we have had not had good leadership on the fire department. This gentleman (Dave Schmidt) has done a fantastic job, solid leadership. Building has been run down, fixed the problems which had not been done. The fact was money was not spent properly or well in this city. Every department head should be a full time employee.

An increase of $22.20 on a house value of $200,000. $120,000 salary that is out there on social media is not true; commend you for coming in. $83,000 is the salary. Long term I believe this is effective. Make all staff accountable. Not something frivolous.

C. Sarah Hunt, 23246 Kerry Street asked why are all the volunteer fire fighters required to live in the city and the chief is not.

Fire Chief Dave Schmidt said there is no residency requirement, but there is a time requirement for the fire fighters. I filled out an application based on the requirements. Residency was not a requirement. The prior chiefs did not live in the city either. Chief Schmidt said the chiefs of East bethel, Andover and Brooklyn Park do not live in the cities they are chief in.

Someone said out there said Dave (Schmidt) wrote his own job description. That is not true. Councilmembers have to be careful to respond to these Facebook comments. If two councilmembers comment, I will not. Email us individually or come to a meeting.

City Attorney Dave Schaps explained the open meeting law violation.

D. Joseph Murrell thanked the council for addressing the issue. Don't sit and squeal about it on Facebook and then don't come in and ask.

Bauer said I was gone during the August work session because of a family matter. I went through the information that was given to us for the work session. I contacted all the departments that was listed that have full time chiefs that was given to us as comparisons. Every one of those cities the fire chief lives in the city. It may not be a requirement but they respond. We need better comparisons. The workload doesn't require a full time chief. Maybe let's form a fire department group with the surrounding cities. Maybe a duty crew. I am a twelve-year veteran of the fire department and there has been not much change in St. Francis that everyone is dreaming of. There are things that are deficient. You think all these things will be fixed if you hire a full time chief. You should be able to get things done with a part time chief because the workload is not that great or are the calls. The numbers we received are skewed. We should have received comparison of cities with full time and part time chiefs. So, we could make a smart decision. Right now, the workload does not require a full time fire chief.

Feldman said can I ask you something. On the twelve years, you were on the fire department why weren't the things you are talking about not implemented. Bauer said because the leadership was not there. Feldman said, so the leadership wasn't there. Bauer said it still isn't. Feldman said that is your opinion. Bauer said in a lot of opinions. Feldman said I just want to tell you something. This gentleman here (Fire Chief Dave Schmidt) just was notified he was chosen as the 2019 Fire fighter of the year award for cities under 10,000 in population. Bauer said so why do we still have so many shortcomings.

Muehlbauer said this is not an agenda item just because someone brings something up the we don't need to discuss it in length.

Udvig asked if she could make a comment. Rob said he called all these departments. I trust the information we received. I don't think staff pulled out some numbers to make it look one way. I don't think your comment was fair, nor did our chief come to us and say, you should hire me full time. I would do a better job if I was full time. So those two comments were not quite fair. Give us the information you are getting, we want to see it. Provide that to us before the work session.
Bauer said I was told by Joe (Kohlmann) today that there was no reason to have a work session again on it. So that is why I have to bring it up at a council meeting. Feldman said get it to us and we will set another work session. Bauer said thank you.

6. **SPECIAL BUSINESS**
None

7. **PUBLIC HEARING**
None

8. **OLD BUSINESS**
None

9. **NEW BUSINESS**

A. Asper 910 236th Avenue NW – Variance Request – Resolution 2019-45

City Planner Beth Richmond reported Gary and Linda Asper is requesting to construct a detached accessory structure in the rear year of their property. They are requesting two variances associated with the construction of a detached accessory: a size variance to allow a 1,500 square foot pole barn on a 2.45 acre lot and a height variance to construct the pole barn with a sidewall height of 13 feet. At the September 18, 2019 Planning Commission meeting, no members of the public were present to speak for or against the request. At that meeting, the Commissioners discussed a number of items related to the variance requests including the size of the existing surrounding lots to better understand the neighborhood character and the need to maintain a second septic site on the property in the event that the existing site fails. The detached accessory structure must not obstruct the second septic site. The Planning Commission on September 18, 2019 unanimously recommended approval of the requested size and height variances with 10 conditions listed in the recommended resolution.

Feldman said so this will not affect the second septic site. Richmond that is a condition so it does not.
Udvig agree with planning commission and planners comments.
Bauer if we approve this variance would the next person get an automatic approval for the next request. No, they would need to apply for the variance.
Robinson my concern was to second septic. Thank you for going through the process.

MOTION BY UDVIG SECOND MUEHLBAUER TO ADOPT RESOLUTION 2019-45 A RESOLUTION APPROVING VARIANCES FROM SECTION 10-18-6A.2b OF THE ST. FRANCIS CITY CODE FOR 910 236TH AVENUE NW. Motion carried 5-0.

B. Turtle Ponds 4th & 5th Additions

Richmond reported a request from Denali Investments, LLC was received to create Turtle Ponds 4th Addition including 13 detached townhome lots on Outlot D of Turtle Ponds. A second request from Denali Investments, LLC was to create Turtle Ponds 5th Addition including 2 single-family lots on Outlot B of Turtle Ponds 3rd Addition. Preliminary Plat for 4 and 5th Additions

a) Turtle Ponds 4th Addition The applicant is seeking a PUD Amendment and preliminary plat approval to create 13 detached townhome lots, on Outlot D of

the Turtle Ponds subdivision. The land was originally planned for commercial use in the 2030 Comp Plan; however, the applicant is requesting to develop detached townhomes on the site, which are considered to be a multi-family use. The 2040 Comp Plan is guided for medium density.

Richmond asked if there were questions on the 4th Addition.

Feldman asked about the PUD standards, side yard setbacks, 7.5 foot each lot? This is 15-foot separation. Prefer 10 feet setback for a 20-foot separation. Richmond stated 7.5 meets the code and is an improvement over some of the setbacks in this area. Didn't like the closeness of the houses in the Rum River Terrace development. But 7.5 is better than 5 feet. The Planning Commission reviewed the request at the September 18, 2019 meeting. Several members of the public discussed their concerns regarding the proposed development including the loss of vegetation along the northern border of the property. Commissioner members discussed the proposed private road, its maintenance, and the possibility of connecting it with 230th Court to the north. They also discussed the request for privacy from the neighbors to the north, and suggested that the developer consider implementing items such as privacy fencing or additional trees along the norther border of the property.

Robinson was present at the planning commission meeting. Residents to the north would prefer some trees as a barrier. Private road, the homeowners association (HOA) will take care of it.

Council was concerned if problems arise in the future, what kind of assurance this private road will always be taken care of. Thunstrom said it falls back onto the HOA's. Private roads are not built to our city standards. City engineer Jochum said with a private road they don't have to meet our road right of way setbacks.

Udvig nothing further.

Bauer pushing that road all the way north even if it didn't go all the through but want it to go all the way to the lot line, or be connected to the north. Bauer asked Chief Schmidt's opinion. Schmidt said with hydrants around it helps with access.

b) Turtle Ponds 5th Addition

The applicant is also looking for a PUD amendment, preliminary plat, and drainage and utility vacation request to create two single family lots on Outlot B of Turtle Ponds 3rd Addition. Part of the Turtle Run PUD in 1996 and was originally zoned multi family. In 2018, they completed a concept plan review for 8 detached townhome units but was determined that it was not feasible due to the size and location of the wetlands on site. So the applicant is asking to amend the PUD to allow the site to be develop as two single family being that is what is feasible for the sight. The lots would have access off 230th Court NW. A 30-foot wide access easement is proposed over the northern lot (Lot 2) to provide access to the southern lots (Lot 1). Several members of

the public had provided written comments regarding the proposed development, with a main concern being the location of the wetlands and flloodplain on the site and how development may affect these areas. Planning Commission concern was filling in a portion of the floodplain for the driveways. They also stressed that all future homeowners should be made aware of the natural constraints on the land.

Feldman asked are these lots water and sewer lots. Richmond said yes they will be water and sewer connections. Richmond explained the wetland credits. Richmond says it is a small amount that will be filled in. Engineer did a review on this.

Bauer said what I see are two big four-wheeler lots. I want some provisions that the wetlands are off limits. Thunstrom said this area is protected by the DNR. Bauer said I just want the owners to know that.

Udvig said I agree, may have a little difficulty selling the lots if they know of the wetland designation.
Muehlbauer nothing further.
Robinson asked about width of the driveway. Chief Schmidt said when you are talking about 250 foot long driveway you need to start thinking about a fire access road instead of 12 feet wide driveway. Maybe have a wider shared driveway partway. Thunstrom said we do not have the actual building designs yet, the house may be closer to the cul-de-sac. Robinson questioned the amount of Park dedication. Because of the golf course, probably. Can we ask for additional number of trees?

1. PUD Amendment - Ordinance 255, Second Series (First Reading)
Increase four to eight trees, and have the road being connected at the property line. Any finding and conditions that may have been added tonight.
MOTION BY BAUER SECOND ROBINSON APPROVING THE FIRST READING OF ORDINANCE 255, SECOND SERIES APPROVING THE PUD AMENDMENT TO ALLOW MULTI-FAMILY USES ON OUTLOT D OF TURTLE PONDS AND SINGLE-FAMILY USES ON OUTLOT B OF TURTLE PONDS 3RD ADDITION WITH THE FINDINGS OF FACT AS PRESENTED BY STAFF.

Roll Call: Ayes: Robinson, Muehlbauer, Feldman, Bauer, and Udvig,
Nays: None
Motion carried 5-0.

2. Turtle Ponds 4th Addition Preliminary Plat Approval – Resolution 2019-43
MOTION BY MUEHLBAUER SECOND BAUER MOVE TO APPROVE THE PRELIMINARY PLAT FOR TURTLE PONDS 4TH ADDITION WITH THE CONDITIONS AND FINDINGS OF FACT AS PRESENTED BY STAFF SUCH AS THE ADDITIONAL CONDITIONS OF ADDITIONAL TREES, AND THE NORTHERN SPUR OF OUTLOT B SHALL BE EXTENDED NORTH TO INCREASE ACCESSIBILITY FOR EMERGENCY VEHICLES. Motion carried 5-0.

3. Turtle Ponds 5th Addition Preliminary Plat & Drainage and Utility Easement Vacation - Resolution 2019-44

MUEHLBAUER SECOND UDVIG MOVE TO APPROVE THE PRELIMINARY PLAT AND ASSOCIATED DRAINAGE AND UTILITY EASEMENT VACATION FOR TURTLE PONDS 5TH ADDITION WITH THE CONDITIONS AND FINDS OF FACT AS PRESENTED BY STAFF ALONG WITH THE DRIVEWAY PROVIDING ACCESS TO EACH LOT SHALL BE AT LEAST 14 FEET IN WIDTH. Motion carried 5-0.

C. 2040 Comp Plan Draft Revisions

Richmond reported in March of 2019 the City Council authorized the submission of St. Francis 2040, the City's Comprehensive Plan Update to the Metropolitan Council for review. Staff has been working with the Met Council to revise the Plan as needed to be considered complete for review. The 2040 Comprehensive Plan revisions are:

- Re-categorize the land within the Rural Wild & Scenic district as "urban reserve."
- Additional language has been added regarding the City's existing policy for reducing and preventing inflow and infiltration for the City's system.
- Because the City's growth is anticipated to occur mainly within the MUSA boundaries, an adjustment to the City's affordable housing allocation was required. The affordable housing need allocation was increased to 213 units.
- Additional housing tools have been included in the Housing Implementation Tools table in the Housing Chapter (Fair Housing Policy, HIAs, partnerships with sources of preservation funding, local 4(d) tax incentives program, preservation of manufactured homes).

No action is requested, presented just to inform the Council of the changes being made to the draft 2040 Comprehensive Plan.

D. Setting City Council Work Session

City Administrator Joe Kohlmann stated MnDOT would like to have a work session with the city council on either October 23, 28 or 30 to discuss the Highway 47 project.

Council agreed on holding a work session on October 23rd at 6:00 pm with MnDOT in the Community Room.

Kohlmann stated just for a clarification, I did tell Rob (Bauer) that we weren't probably going to have another work session because we did discuss the fire chief topic in length.

Council agreed to set a separate work session for the full time fire chief discussion. Agreed upon a work session for Wednesday, November 13th 5:30 pm at city hall.

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

11. **REPORTS**
A. Department Reports –Community Development Quarterly Report
Thunstrom gave her quarterly report. Update on MnDOT survey, Economic/ housing developments, building department reports, administration working on several ordinances, rental and vacant programs, conditional use permits, code enforcement,

Feldman discussed some code enforcement procedures. Glad the city is growing in the right way.

Robinson glad third quarter new homes was up, fantastic. Any interaction with regarding to building permit fees since the article in Star Tribune. Thunstrom stated we are all required to report to the state. Every year we do review the fees.
Rest of council liked the great report. Feldman we may not have gotten the DNR variance but we are still growing.

B. Councilmember Reports-
Bauer – Work session in November is for either to hire and not hire a full time fire chief. You can email the council on this issue. Final recommendation will be on the December 2 agenda.
Udvig – attended the school board and attended the homecoming football game.
Fire Department Open House/French toast breakfast this Saturday.
Muehlbauer – Facebook is not reality, did not attend the EDA meeting because of a family matter. If you sit on Facebook on an issue, take five minutes to email the council, proper way.
Robinson - again encourage to come to the meeting, if you send us an email give us some points, be involved. We have to defend our self's on people we don't even see. These things do matter. Homecoming was busy drove through town and all the business were packed, the city came alive. Attended the meeting with MnDOT. Happy to live in St Francis with all the new homes just even in the last quarter.
Feldman - you need to help us serve you better. Address it once we hear your concern. Help us to serve you better.
October 26th is a shred event, leaves drop off at our public works facility. If you want to see something our community development department has two YouTube links that show our city.
MnDOT will continue to work with us. It is on our website too, survey until October 10. The third public meeting has not been scheduled yet. Help us to make this road user friendly, and a business district. We need your input because they are listening. Not sure what the end result will be. October 14 city offices closed.

B. Upcoming Events -

Oct 14 City Offices Closed – Columbus Day
Oct 16 Planning Commission @ St. Francis Area Schools District Office 7:00 pm
Oct 21 City Council Meeting @ St. Francis Area Schools District Office 6:00 pm
Oct 26 Annual Shred Event, Cardboard & Fall Leaf Drop off @ Public Works Facility 8-Noon

12. **ADJOURNMENT**

There being no further business, Mayor Feldman adjourned the regular city council at 8:40 pm.

Barbara I. Held, City Clerk