

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

**CITY COUNCIL MINUTES
JUNE 3, 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, 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**

Feldman asked to remove from item D from consent agenda. MOTION BY BAUER SECOND ROBINSON APPROVE THE CONSENT AGENDA ITEMS A-C AND E AS FOLLOWS:

- A. City Council Minutes – May 20, 2019
 - B. Acknowledge St. Francis Blue Line Club – MN Gambling Exempt Permit @ St Francis American Legion on September 21, 2019 with no waiting period
 - C. Hire Accounting Tech/Deputy Clerk Applicant contingent on passing all required pre-employment testing
 - ~~D. Tool Cat and Attachment Replacement~~
 - E. Payment of Claims \$252,460.79 (Checks #75929-75996)
- Motion carried 5-0.

D. Tool Cat and Attachment Replacement: Feldman just wanted to explain more about this replacement. I want to say the City will always have to spend money, just do it more wisely. The 2006 John Deere Tractor with attachments will be traded in for a more efficient multi-used tool. The tool cat can be used for more different tasks because it is extremely user friendly. More staff are able to use it for light digging, hauling, loading and truck unloading. The current John Deere attachments are not interchangeable with the tool cat. In addition, the 2004 bobcat snow blower is showing its age and is scheduled for replacement. The funds are identified in the Capital Equipment Plan (Plan-it) for the replacement of this

equipment. Commend Public Works Director Paul Teicher on how well he and his staff maintain their equipment, the trade in value is higher. We are spending money but spending more wisely and getting more bang for the buck. These decisions are made with due diligence, research and thought behind it. It is just not buying a machine for a machine's sake. Commend public works and all staff for staying within their budgets. Cost benefit ratio is a good thing to deal with when purchasing equipment. We will always have to spend money. How we spend it and what return we get on the dollar is key, is the job of this council and staff. Feldman asked if there were any questions from the council. No questions from the council. Mostly to inform the public how our thinking has changed in the last 2 ½ years and working with staff.

MOTION BY UDVIG SECOND MUEHLBAUER AUTHORIZING THE PURCHASE THE TOOL CAT WITH ATTACHMENTS FROM CRAWFORD EQUIPMENT PER MN STATE BID IN THE AMOUNT OF \$44,382.43; AUTHORIZING THE PURCHASE OF THE BOBCAT SNOW BLOWER FROM CRAWFORD EQUIPMENT IN THE AMOUNT OF \$2,981; AND AUTHORIZING THE TRADE OF IDENTIFIED EXISTING EQUIPMENT TO CRAWFORD EQUIPMENT

Motion carried 5-0.

5. **MEETING OPEN TO THE PUBLIC**

a. Mike Rodger, 2770 232nd Lane, Turtle Run Development; thank mayor, council and staff. I especially want to thank Paul (Teicher) and the public works staff for the timely snow removal and the use of the granite chips this winter. As I drove in for the EDA meeting tonight there are numerous code compliance violations everywhere. Can't ask reputable builders to come into town and abide by codes when we don't enforce our own codes as it is. Cars, boats parked in peoples yards, garbage not contained on commercial properties. I spoke with a councilmember a couple months ago and trust me I watched every meeting and nothing has been said about this.

Feldman said thank you for bringing this to our attention but I feel this will be an on going problem as we grow. We are on a code complaint basis system right now. Feldman asked Community Development Director Kate Thunstrom are we seeing more code violations now or is it just hit and miss.

Thunstrom said there has not been an increase in the number of calls than usual. If people are seeing, they are choosing not to call in or just ignoring it.

Rodger said from what I see on Social Media the people in this town are not going to call on their neighbors. Just this past week we had a neighbor burn garbage. People go to Social Media to discuss this they don't call or talk to their neighbors. People now a days are afraid to talk to their neighbors. I am not going to ignore the code compliances that are going on here. Go down Bridge Street it looks like we have a salvage yard, enclose it. How are we going to bring a reputable builder to the land next to it and build on it? It's terrible and we keep letting it go on and on.

Feldman asked staff does it seem that the complaint works well.

Rodger said complaint base does not work at all. I spoke with one of the councilmembers sitting up there and he did nothing about it. No one returns emails.

Robinson said it was in the grocery store when you asked. .

Feldman said bringing up your concern like that isn't going to help the situation and about not returning emails, that's not true.

Muehlbauer said there is a formal process for the complaints to go through, it's then documented. I don't like when people complain either on Social Media but don't call.

Feldman maybe do a work session on code enforcement complaint basis, is it effective. I think some people wait to call until the problem is so large.

Udvig said one of the things I have heard that some people go talk to their neighbors and if their neighbors are not receptive to the idea they don't want to call the city because then their neighbors will know who complained. Honestly, I think there are some people that don't know you can't park your car on the grass and that it is an ordinance in St. Francis.

Feldman said once the people know the problem exist don't they clean up.

Thunstrom said they do. As Muehlbauer stated earlier there is a process. They can come to or call city hall, email city staff or they can file a complaint through the website. Going directly to the five of you is not the most efficient. They need to come to staff who actually handle it. But we need an address not a general location, once we have an address we can start the process. Ninety-nine percent of the people take care of it with the first letter. Most are not aware they can't or shouldn't do what they are doing. There are a handful that we continue to deal with.

Muehlbauer said go through the process and call the city. Feldman said call the city with an address, you can remain unanimous.

6. **SPECIAL BUSINESS**

None

7. **PUBLIC HEARING**

None

8. **OLD BUSINESS**

None

9. **NEW BUSINESS**

A. Request for approval of Licensing and Indemnification Agreement with Joshua Markum Builders, Inc. granting access for construction activities at the following properties: Lots 1-9 inclusive, Lots 12-22 inclusive, Lots 43-56 inclusive and Lots 59-66, Block 1, Meadows of St. Francis, Anoka County, Minnesota, subject to approval by the City Attorney as to form

City Attorney Dave Schaps reported pursuant to the court ruling last week regard the Meadows property, the Judge ruled in favor of the St. Francis Economic Development Authority and cancelled the development contract with the property's previous owner, thus transferring fee title immediately back to the EDA. The EDA must hold a public hearing prior to the sale of the property to this new development entity. The public hearing is scheduled for June 17, 2019. City staff indicated the new development entity would like to proceed with site work prior to the closing on the property. The Attorney's office drafted a license and indemnification agreement to allow the developer on site to begin improvements. The City would be the permitting agency and the EDA as the property owner. If the council is in agreement a motion would be to enter into a license and indemnification agreement.

MOTION BY MUEHLBAUER SECOND UDVIG APPROVAL OF LICENSING AND INDEMNIFICATION AGREEMENT WITH JOSHUA MARKUM BUILDERS, INC. GRANTING ACCESS FOR CONSTRUCTION ACTIVITIES AT THE FOLLOWING PROPERTIES; LOTS 1-9 INCLUSIVE, LOTS 12-22 INCLUSIVE, LOTS 43-56 INCLUSIVE AND LOTS 59-66, BLOCK 1, MEADOWS OF ST. FRANCIS, ANOKA COUNTY, MINNESOTA, SUBJECT TO APPROVE BY THE CITY ATTORNEY AS TO FORM.

Bauer said I just don't want to see what happened like the bike shop site. Thunstrom stated we have not formally closed on this property so with this site we will require this developer to go back and enter into a performance agreement with the EDA
Motion carried 5-0.

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

11. **REPORTS**

A. Councilmember Reports-

Udvig – Attended meeting May 22nd on Education MN none of our local State Representatives attended. May 28th attended the school board meeting where they decided to cut one School Resource Officer. May 30 went to the well attended Bike Rodeo at the Police Department and that evening I attended the Saints Academy and On-line graduation ceremony. Will attend Pioneer Days this weekend with the parade on Saturday with a new parade route and start time of noon.

Bauer - also attended Education MN and none of our representatives showed up. Medallion hunt started today. Come out and enjoy Pioneer Days, way for our community to come together.

Muehlbauer - attended EDA meeting this evening.

Robinson - I really don't have anything to report but I would like to address Mike's comments. He was talking about me, he didn't say hello, hi or how is it going. He said hey what about the code problems in this town. I know you are talking about the hardware store but they are one of the largest contributors to this community. Behind and in front of the scenes. Regarding emails and phone calls, I haven't gotten more than two phone calls from residents since I started. To set the tone right it was in the grocery store. I think it should be kept as a complaint basis. Call or write us if you have problems. Go through the process.

Feldman - I agree, you have to bring it to our attention. Public needs to come forward If you don't bring it to us we can't do anything.

May 22 MnDOT meeting 48 businesses were mailed notices. Talked to nine business owners and only five of the business came to the meeting. These changes are made for long term. After it is done, they are going to say why didn't you do this. You have and will have opportunity again in September.

Temporary lights are now in place it has been a long process. Pedestrians still need to push the button for a crosswalk. Tired of back seat quarterbacks on social media. Also on May 22 I had the honor to be invited to a social studies class at the high school. Agree with Sarah, Pioneer Days this weekend, parade route changed. Work session at city hall at June 12th with the engineer on street re- construction. Getting more long-term reputable builders in town. Happy to see the Meadows going to be developed.

B. Upcoming Events -

May 22 MnDOT Meeting @ Police/Public Works Facility 8 am - Noon
May 27 Memorial Day – City Offices Closed
May 30 3rd Annual Bike Rodeo @ SF Police Department 5:00 – 7:00 pm
June 3 City Council Meeting @ St. Francis Area Schools District Office 6:00 pm
Jun 7-9 Pioneer Days Weekend

C. Attorney Report - Closed Meeting Pursuant to Minn. Stat. Sec. 13D.05, subdivision 3(b) and the attorney-client privilege to engage in confidential attorney-client communications and strategy related to an appeal of a PERA determination

MOTION BY MUEHLBAUER SECOND BAUER TO GO INTO CLOSED SESSION PURSUANT TO MINNESOTA STATUTES SECTION 13D.15, SUBDIVISION 3(b) AND THE ATTORNEY-CLIENT PRIVILEGE TO ENGAGE IN CONFIDENTIAL.

The council has reviewed information in regard to this issue and in balancing the purposes of the attorney-client privilege against the purposes of the open meeting law, the need for absolute confidentiality has been demonstrated in this particular case.

Motion carried 5-0. Council went into a closed session at 6:34 pm.

Motion by Robinson second Muehlbauer to reconvene the regular city council meeting at 7:10 pm. Motion carried 5-0.

Feldman asked for a motion and second approving a Settlement and Release Agreement with Johnathan Heeren, subject to verification of any potential law changes from the 2019 legislative session and approval by the City Attorney as to form.

MOTION BY UDVIG SECOND ROBINSON APPROVING A SETTLEMENT AND RELEASE AGREEMENT WITH JOHNATHAN HEEREN, SUBJECT TO VERIFICATION OF ANY POTENTIAL LAW CHANGES FROM THE 2019 LEGISLATIVE SESSION AND APPROVAL BY THE CITY ATTORNEY AS TO FORM. Motion carried 5-0.

12. **ADJOURNMENT**

MOTION BY UDVIG SECOND BAUER TO ADJOURN THE CITY COUNCIL MEETING AT 7:11 pm. Motion carried 5-0.


Barbara I. Held, City Clerk