

CITY OF ST. FRANCIS
ST. FRANCIS MN
ANOKA COUNTY

CITY COUNCIL MINUTES
MAY 6, 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, and Robert Bauer. Sarah Udvig excused.

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 MUEHLBAUER SECOND ROBINSON APPROVING THE REGULAR CITY COUNCIL AGENDA AS AMENDED. Motion carried 4-0.

4. **CONSENT AGENDA**

Feldman stated councilmember Bauer would like to make a statement.

Bauer said he would like to make a made a statement about the DNR Variance subject. I made a statement that have some residents concerned. I said at the last meeting; look at the cities around us we are the only city that has urban and rural designations. After discussions with experts, staff I would like to clarify my statement by saying, we are the only city that has urban and rural designations within our city limits. That is the Rum River relating to wildlife, scenic and recreational rivers. Thank you.

Feldman also stated Council member Robinson asked that item E. be removed from the consent agenda for clarification and/or update.

MOTION BY ROBINSON SECOND BAUER TO APPROVE THE CONSENT AGENDA ITEMS A-D AND F-G AS FOLLOWS REMOVING ITEM E:

- A. City Council Minutes – April 15, 2019
- B. City Council Work Session Notes – April 22, 2019
- C. EFT Policy Approval

- D. Annual Routine Dust Control Quotes
 - ~~E. Meridian Behavioral Health Development Agreement~~
 - F. EMT Firefighter Class Payment
 - G. Payment of Claims
- Motion carried 4-0

E. Meridian Behavioral Health Development Agreement

Feldman asked Community Development Director Kate Thunstrom to give an update on Meridian.

Thunstrom said Meridian received a conditional use permit last June 2018. Last fall we worked on the development agreement and was approved in August 2018. At that time, Meridian did not move through with the construction so they did not sign the development agreement signature page. They are now wanting to submit a building permit. Therefore, we wanted to update the agreement with correct dates, amounts and requesting approval for signatures.

Robinson said I sent an email to Kate and she responded promptly. Kate can you give us a general overview of what Meridian is going to be, what it's function is because people forget as time goes by.

Thunstrom stated Meridian is a 60 bed 30 room behavioral chemical health center. It is not a court ordered center, one story building that will be located behind the townhomes across from the police/public works building. It is a 24 hour treatment facility so it will have 24 hour care. It has been coming and going for several years but now moving forward with ground breaking in July. Anything else specifically you want me to explain. Robinson said it is nice to explain and refresh people's minds.

Feldman said on June 6, 2019 they will be pulling a permit, been in play for several years. Looking for a completion date of 2020. Conversations started as early as 2009, in 2013 city rezoned this property specifically for them, so that is when they officially started. Privately owned facility and they voluntarily come into this facility. MOTION BY ROBINSON SECOND MUEHLBAUER TO APPROVE THE MERIDIAN BEHAVIORAL HEALTH DEVELOPMENT AGREEMENT. Motion carried 4-0.

5. **MEETING OPEN TO THE PUBLIC**

None.

6. **SPECIAL BUSINESS**

- A. Joan O'Brien-Waller/Richard Waller: Special Assessments on 2019 Property Taxes – 23040 Butterfield Drive NW Administrative Fines

Thunstrom report the property owner is asking council to reduce the administrative fines, staff attached the agenda report from last fall.

Feldman said this has been a code enforcement issue since 2015. Staff continued to send notices by mail and posted on the door. No one contacted city staff. Letter you sent to the council dated April 28, 2019 indicating they were sick at that time. Wish they would have notified us of that, at that time. Do you have any friends or relatives that can help you?

Joan O'Brien-Waller explained the medical conditions that both her husband and she have. Joan said no, they really don't have anyone that could help them. Their son now lives in Monticello and has no driver's license.

Richard Waller said I am on home oxygen, functions somewhat okay. We did have some church friends over this weekend that helped. Neighbor took down a portion of the deck down this weekend. Removed a lot of brush and I think some of the stuff is on the Ramacher property. You can send someone over to look at it.

Feldman this is not what we got elected to do, abatements do not make the city money. My biggest question is when did you start to notice the letters and the fines. O'Brien-Waller said when most of letters did come we had someone living with us and we kind of just lived in the bedroom. I guess it's not an excuse. Feldman asked do you use the front door. If we weren't the one using the front door someone else could of taken it. We don't have people that can randomly come and help us. If you get into a situation and the fines, keep escalating I wish you would have come forward. Feldman said I understand there are some health issues here.

Thunstrom said the last inspection was last fall.

Richard said he had help last year to clean up some of the items.

Feldman said you are here because there are extenuating circumstances. Last November is when the assessment was previously discussed.

O'Brien-Waller said I had current tabs but the tire was flat couldn't move my vehicle.

Thunstrom explained the codes for the storage of vehicles.

Muehlbauer said I did speak with you. Did you speak with staff regarding your fines?

O'Brien-Waller said they spoke with Mike at city hall asked what I could do and he really didn't give me any great answers. I told him if these fines continue we would lose our house and Mike said that is not likely to happen and that was about the extent of the conversation. Feldman said but there were multiple notices. Thunstrom said yes, there were multiple notices sent. My son did receive one of the letters and I think that is why I called Mike. Not sure when he got the notice but I was in my usual spot, down in my room.

Feldman said we are wondering about the lack of cooperation and the fines escalated. If this ever happens, again you have to contact us. O'Brien-Waller said I have a cell phone now. If you don't get a good answer from one person keep asking. Our names and emails are on the website.

Thunstrom again said we have not gone out since last fall. Feldman said before any decisions is made we need to send someone out there.

Richard said I need to know if the shrub in the back corner is ours or not. Don't know where our property ends. The Ramacher's property butts up to us.

Feldman said 80%-90% has to be brought up to code.

Muehlbauer said could they stop off at city hall to set up an appointment. Thunstrom said they still have an outstanding mechanical permit so they can schedule a final inspection and then we can review the property at the same time. The mechanical permit was pulled over a year ago and the contractor has not been able to get back in the house with our building inspector to sign off on it.

Robinson said I have a lot of compassion for your situation here but personable responsibility goes along way. Most of us are homeowners or renters and have responsibility for the domain you are in or around you. I also have compassion with the neighbors. A situation in your home may have cause a situation in their home, it is a ripple effect. Again, I have a lot of compassion for your situation but I don't know what the final outcome will be. It started in 2015 and now it is 2019 and we have had a lot of good summer days come and go. I am not here to put judgement on anyone. Personal responsibility is what it comes down to, sorry it has come this far. Resolution is yet to be seen.

Bauer said he spoke with Kate. As the mayor said, City is not out to make money on administrative fees. As Robinson said, it effects your neighbors. At some point this type of violations need to be taken care of. Do we hire a contractor come in to take care of these with the lowest bidder. Now you say it is done, and we need to recoup some of the fees that it cost staff to handle this. Bauer wants what is fair, firm and equitable.

O'Brien-Waller said I understand, if it is actual cost I think it will be different from \$20,000.

Feldman said the fines are put into place to get your attention and you are here because of this dollar amount. Need staff and legal time to be paid for their time. Feldman said staff would need access to your property for an inspection. Here for your extenuating circumstances based on of your health issues, so there are some concerns here. Next time please call. Waller said I hope there won't be a reason for a next time. Feldman asked about their health today. They explained their health situation. Healthy day is a good day. Waller's said we wish this would never have

happened. Feldman said give your phone number to Kate and we will set up an inspection.

Council asked about a time limit for completion. Kohlmann said does the council want to reduce it tonight contingent upon requirements of the permit and exterior inspection because of their mortgage. City Attorney Dave Schaps said I think we should bring it back. Get staff time, legal time, pictures of property, inspection of mechanical, and then get dollar amount back to council. Thunstrom said if we can get all the inspections completed I think it is important to get it back as soon as possible. Mulvihill said Anoka County has to approve the abatement amendment too. Waller said they would call for the inspections.

MOTION BY MUEHLBAUER SECOND ROBINSON TO CONTINUE THE JOAN O'BRIEN-WALLER/RICHARD WALLER SPECIAL ASSESSMENTS ON 2019 PROPERTY TAXES-23040 BUTTERFIELD DRIVE NW ADMINISTRATIVE FINES UNTIL THE MAY 20, 2019 CITY COUNCIL MEETING. Motion carried 4-0.

B. Keven Bachman: Special Assessments on 2018 Property Taxes – 23611 Ambassador Blvd Daniel Norenberg's Administrative Fines

Thunstrom reported the property owner is requesting to remove the fines from his property. A list of the notices for 2017 are in the memo along with all the pictures from the previous time brought before the council. Mr. Bachman is here to answer any questions.

Keven Bachman, 20050 W Ford Brook Drive NW, Anoka said Daniel Norenberg should be here not me, he is the one the owes the fines. I got this property back.

Feldman stated I sat out in that audience for two years and one of those times, it was on November 21, 2016 when you were contesting the assessment. You said you were the contract for deed holder and the notifications did not come to you. I think you should have been charged at least staff and legal time. Back then, you got a get out of jail card at that time for \$7,925. You wrote a similar letter now that you wrote back on November 15, 2016. Your current letter of April 18, 2019 you stated Daniel Norenberg also dumped the property back onto the mortgagor (C/D owner). The property went through a year of Notices, Contract for Deed cancellation foreclosure process steps. You also go on to say, "this is a rare situation, possibly never happening before". If you didn't want the problem now you should of gotten rid of Daniel Norenberg back then. You also go on to say, "new owner Hardship matter faced with rebuilding the house with insufficient house insurance funds." It also says taxes have been paid in full by the new owner. That new owner is you. Because there is no certificate of occupancy that has been issued. So you are the owner to date. Bachman said yes. Assessments stay with the property; lack of insurance on the house is your responsibility. You're coming back three years later with another problem that was caused by you and Daniel Norenberg. As I look at my notes for 2018 you owed \$3,826.83 in 2019 another \$1,041.00 (\$975 administrative fees and \$66 for MS-4) so you are contesting between 2018 and 2019 \$4,867.83. I am bringing

this up for the new council but you have a credit of \$3,057.17 for being written off for over \$7,900 in 2016. Not our responsible, that your insurance was low, not our responsibility that you kept a mortgage with Daniel Norenberg. Daniel Norenberg is your headache not the city's. If Joe Muehlbauer and I were on the council the last time you would have at least paid for staff and legal fees, which you did not. You basically got out of jail card of a free walk because of a technicality that you said the notices were not sent to you. The notices were sent to both you and Norenberg this time. Daniel Norenberg is gone the assessment on the house, stays with the house. I will turn this over to the city council.

Bachman explained his contract for deed. Checked out the laws. I have talked to lawyers, the State of Minnesota, Sheriff's office. They explained to me what I could and could not do.

Feldman said did you bring this to the city's attention. Bachman said yes, contacted the police department during the cancellation process.

Muehlbauer read a portion of Bachman's letter from 2016 and said you are kind of wanting it both ways. Bachman again explained difference between contract for deeds and title owners Feldman asked Schaps is this correct. Schaps said I would have to see the paperwork. Feldman said you are the property owner, assessments stay with the property.

Muehlbauer said you put the blame on the city, and read the memo from Bachman. You are not being consistent. I get you are in a bad situation but not sure why it is the city's responsibility, problem. Asking us to forgive it again.

Bachman said the first time was different from this time. Feldman said you drove by this property numerous time. Bachman said I didn't know your codes I don't live here. Deed owner versus title owner different on what you can and can't do. Feldman said why didn't you come to the city then. Bachman explained again the different contract laws.

Feldman referenced the memo and the citation. You couldn't hire a lawyer? Bachman said I didn't think I could hire a lawyer and win.

Robinson said I am not here to judge. It is not the city's problem I think Muehlbauer alluded to there are boiler plate contracts you could follow. Think you should have hired an attorney, that has your best interest in mind. Bachman said I called the sheriff and the State of MN. Robinson said it is your responsibility, sorry for your loss.

Feldman said I would get out of CD (contract for deed) business.

Bauer said he agree with what most of what has been said. Spoke with staff about these abatements. Can we hire a contractor to come in and clean up these

abatements and then assess the property owners. Your situation is way more unique than the previous one. Understand working through this and getting him out. I understand there are limited things you can do as a contract holder.

Feldman said as Robinson said you should have hired an attorney. Feldman said I am a contractor holder too but I maintain my house. I can't believe you didn't do something after the first assessment, anything else.

Bachman said I had a two-page letter that I could read but did not.

Feldman said it happened again should have paid something the first time. I am not for forgiving this one.

Cynthia Bachman, 20050 West Ford Brook Drive Anoka, our lives have been so effected by all of this. Why can't you send this to Dan (Norenberg).

Feldman said you can add that to your selling price to re-coup your fees. Sorry that people exist like this. Thank you for your time.

Bachman withdrew his request.

7. **PUBLIC HEARING**

8. **OLD BUSINESS**

None

9. **NEW BUSINESS**

A. Ordinance 248, Second Series: Amending the Fee Schedule (First Reading)

Thunstrom reported since the last adopted fee schedule, three items have come forward that need to be addressed. They are; 1) Pawnbroker Fee, per transaction item, 2) Building Plan Review Fee, and 3) Small Cell Fee.

Feldman asked Thunstrom to explain the small cell fee.

Not further council comment.

MOTION BY BAUER SECOND ROBINSON TO APPROVE THE FIRST READING OF ORDINANCE 248, SECOND SERIES AN ORDINANCE AMENDING SECTION 2-9-1 OF THE CITY CODE REGARDING THE FEE SCHEDULE. Motion carried 4-0

10. **MEETING OPEN TO THE PUBLIC**

None.

11. **REPORTS**

A. Department Reports –Police Department Quarterly Reports

Police Chief Todd Schwieger gave the quarterly report. More DUI enforcement, good job by officers to get the impaired drivers off the road. Seen a decline since the first quarter but enforcement is still there. Feldman said what is the responsibility of the establishments are they receptive. Schwieger said I did meet with the owners last year, they know the laws and liability. They need to just make sure they properly train their employees. I have had some additional conversations with some business owners. I think the process we have is working. In all fairness the impaired drivers may not all come from our businesses. I hope the business owners do not take this lightly. Schwieger said actually the last couple of years the calls for service have dropped. We are not seeing it at the levels as we use to.

Officer Boe is off field training did have experience prior to his employment here. Officer Hedges continues and should be off soon.

Muehlbauer, like the reports. Keep up the community outreach programs. Robinson likes the report too. Questions on DUI, domestic assaults, agency assists, commend you on your service. Bauer thank you for the report. Feldman report well done. People need to take on responsibility for their lives. Like the community involvement.

B. Councilmember Reports -

Bauer - will not be here May 20.

Robinson - took part in recycling day. Extend thank you to staff and Knights of Columbus.

Muehlbauer - attended the Work Session April 22 and the MnDOT open house on the 23rd. Would like to get more people to the next one. Went to Anoka County Fire Protection Council. Maybe can try the iPad for the sound at the council meetings or the other option but we would have to put money into it. I have not dug too deep into since the last time we discussed it.

Feldman - I was at the Recycling event too. Like to thank staff especially Tom (Koep) on his set up, worked really well. Streamline and smooth. Amazed at the amount of tires and appliances. A total vehicle count of 371 came through, was down from last year. As far as the audio, abatements different alternatives maybe we need a work session. Robert Bauer mentioned a different option for handling abatements. Maybe we need to discuss this further. No need to set one right now, something we should consider. The school district is looking at cutting one of the School Resource Officers for the next school year. As a resident, I think that is a mistake. In my own opinion, a penny wise a dollar foolish, we are all for safety. They will be discussing this at their next board meeting.

Memorial Day – Happy Safe Holiday, enjoy with family and safely.

Feldman asked the engineer about the Kings Hwy/Riverbank Lane street project.

Jochum said they sent out the notice of award, assembled the contract for signatures and will likely schedule a pre-construction for Riverbank Lane/Kings Hwy soon. MNDOT meetings keep up on what is going on, your input is important, get the facts and open mind. Kwik Trip is under construction.

C. Upcoming Events –

May 15 ~~Planning Comm. Mtg @ St. Francis Area Schools District Office~~ CANCELLED
May 20 City Council Meeting @ St. Francis Area Schools District Office 6:00 pm
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 Day Weekend

12. **ADJOURNMENT**

There being no further business, Mayor Feldman adjourned the regular city council at 7: 36 pm.

Barbara I. Held, City Clerk