

CITY OF ST. FRANCIS
ST. FRANCIS MN
ANOKA COUNTY

CITY COUNCIL MINUTES
FEBRUARY 4, 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 Anderson), City Administrator Joe Kohlmann, Community Development Director Kate Thunstrom, Police Chief Todd Schwieger, Fire Chief Dave Schmidt, Public Works Director Paul Teicher, Finance Director Darcy Mulvihill, and Acct Tech/Deputy Clerk Lori Streich

3. **ADOPT AGENDA**

MOTION BY MUEHLBAUER, SECONDED BY BAUER, ADOPTING THE REGULAR CITY COUNCIL AGENDA. MOTION CARRIED 5-0.

4. **CONSENT AGENDA**

- A. City Council Minutes – January 22, 2019
- B. Payment of Claims
- C. St. Francis Lions – Application for MN Lawful Gambling Permit/Bingo April 6 @ Am. Legion
- D. St. Francis Assn of Parents and Teachers – Application for MN Lawful Gambling Permit Raffle Permit March 23, 2019 @ St. Francis Elementary School
- E. Hire Kristi Neubauer as a Part Time Liquor Store Clerk

MOTION BY ROBINSON, SECONDED BY UDVIG, APPROVING THE CONSENT AGENDA ITEMS A-E. MOTION CARRIED 5-0.

5. **MEETING OPEN TO THE PUBLIC**

NONE

6. **SPECIAL BUSINESS**

NONE

7. **PUBLIC HEARINGS**

NONE

8. **OLD BUSINESS**

NONE

9. **NEW BUSINESS**

- A. Surplus Property – 1993 Spartan Fire Engine #1 Resolution 2019-04
- B. Wastewater Agreement – The Ponds Development in Oak Grove

Surplus Property – 1993 Spartan Fire Engine #1 Resolution 2019-04

Fire Chief Schmidt explained Resolution 2019-04, declaring 1993 Spartan Fire Engine #1 as surplus property.

Schmidt explained the reasons for this action.

Engine 1 was utilized on only 2 fire responses during the last 2 years (2017 & 2018).

Engine 1 is still required to be pump tested, ladder tested, and have all hoses tested.

These performance testing standards are costly, and provide no return on the investment due to the lack of use.

SCBA mounting brackets on this truck will not accommodate the SCBA's that were purchased in 2017.

Schmidt mentioned that there are a couple cities that have shown interest in purchasing the truck from St. Francis. The projected value of this truck would be \$10,000.

MOTION BY BAUER TO APPROVE RESOLUTION 2019-04 DECLARING FIRE ENGINE 1 AS SURPLUS PROPERTY, SECONDED BY ROBINSON, MOTION CARRIED 5-0.

Wastewater Agreement – The Ponds Development in Oak Grove

City Administrator Kohlmann explained the revised wastewater agreement between the City of St. Francis and the City of Oak Grove.

The major changes to the agreement are as follows:

1. Many of the testing requirements were removed. It was anticipated that Oak Grove had a lift station that they could attach simple hardware for the sampling of the wastewater. It was determined this is not the case. It was replaced with a provision that provides St. Francis access to test the wastewater as needed. The City Engineer pointed out that it is not typical for the City to test specific neighborhoods within the City.
2. Oak Grove is requesting to make two payments of \$50,000. On January 1st of 2020 and 2021.
3. Aside from the 180 cancellation of service provision, an additional provision was added that would allow mutual agreement to terminate the contract. This would accommodate a longer time from if Oak Grove were to construct anything in the future.
4. There is a provision that requests that the City of St. Francis will not sign or support a petition for annexation.
5. Most of the language changes were for clarification.

If approval of the agreement is made tonight, it would be sent back to Oak Grove and they would have two or three council meetings before they would have to submit plans.

Mayor Feldman mentioned that it states in the agreement that the Purchaser may allow up to an additional 10 single family residential homes located within the Ponds Development Area to connect to the WWTF. It is his opinion that the number should be changed to 25 because they can put on an additional 25.

Teicher said that the number 10 was used as a placeholder and was based off of the last MPCA Permit.

Feldman commended Engineer Jochum, Public Works Director Teicher and City Administrator Kohlmann for adding the statement that this would also include consideration of public, institutional, commercial or industrial uses, but would like to caveat that with an additional statement that says Oak Grove cannot just add on a bunch of stuff without our approval.

Feldman continued by saying that he has two main concerns. The first concern is in regards to annexation. St. Francis has never solicited annexation from Oak Grove. In 1999, St. Francis was solicited by a developer. We didn't solicit the developer, they solicited us. Most recently, (2018-2019), some Oak Grove residents came up with the idea of annexation. Again, we did not solicit them. He is fine with having the statement in the contract that says that St. Francis will not solicit annexation of Oak Grove. But, he cannot justify taking the rights away from the residents of Oak Grove. It shouldn't be a closed door for them and the way the agreement reads now, if Oak Grove residents put a petition together, St. Francis wouldn't even be able to look at it. He would like to have the wording changed to say that St. Francis will not **initiate** annexation with Oak Grove.

The other concern Feldman had was why the \$100,000 needed to be split in two payments of \$50,000 each. St. Francis has worked hard to give them a fair deal.

Robinson said he agrees with Feldman in regards to the annexation. He doesn't think that we should lock those residents into not being able to do something that they may want to do. But he also doesn't think this should be incorporated into this wastewater agreement. It's two separate issues.

Regarding the split payments, Robinson said he can see where they have a certain amount of dollars in their fund and don't want to eliminate it in its entirety for this install. St. Francis is being reasonable, but the agreement does say on or before the first of January 2020. It says the same thing for the second payment.

Muehlbauer agrees that annexation has nothing to do with wastewater. According to the Bill of Rights, he feels that St. Francis Council would be overstepping their boundaries by getting involved with the annexation portion in this agreement.

Muehlbauer said that although he doesn't understand why they would break it up into two payments, Robinson made a good point that the agreement does say on or before.

Bauer agreed with the discussion regarding the annexation. He couldn't sign a contract that takes the rights away from residents, whether they are Oak Grove or St. Francis. He also agrees with Robinson regarding splitting the payment in half. He doesn't think their Council is trying to stick it to us. They have been short changed on their infrastructure and the amount of money they have to connect to us. They are just like the St. Francis Council that they don't want their other residents to pay for something for 222 residents in the Ponds. He doesn't have a problem with breaking it down into two payments. He wishes no ill will on their residents or Council.

Udvig said she had some Oak Grove residents reach out to her regarding the annexation and they weren't happy that Oak Grove would take away their rights. As far as splitting the money into two payments, she thinks the money would be nice up front, but it's better to do it that way if needed though. We can make it more clear in the agreement so we have a definite date of each payment.

Feldman said that he has mentioned from the beginning that this needs to be a mutually beneficial agreement between the two cities. The benefits to our city would be that we will have 222 more users on our system, which locks in our 20% reduction and positions us with more reduction. It also starts a domino effect with other cities wanting to hook up to us. And, we would also be able to share in new construction costs for expansion of our plant down the road. The benefits to Oak Grove are that they will never have to worry about wastewater again.

When the discussion first began about the \$100,000, Oak Grove was aware of that cost. Feldman's opinion is that from the moment that the pipe is hooked up to our line, and pulling their waste through our system, they give us \$50,000. One year from that date another \$50,000. No negotiating.

Discussion continued regarding meter readings, billing, rates, future expansion and how each will affect the City of Oak Grove as well as the City of St. Francis.

Public Works Director Teicher expressed concern in regards to the statement listed in the agreement that says "Seller shall review and approve all construction plans for any portion of the system located within St. Francis City limits." That is stating only in St. Francis. If Oak Grove were to expand the Ponds, St. Francis should have the ability to review and comment on those plans.

Kohlmann said they will expand on what's in the contract.

MOTION TO ADOPT THE WASTEWATER AGREEMENT FOR THE PONDS IN OAK GROVE STATING IN THE MOTION THAT THE CITY OF ST. FRANCIS WILL NOT INITIATE ANY DISCUSSION ON ANNEXATION. WITHIN 30 DAYS THAT OAK GROVE HOOKS UP TO THE ST. FRANCIS SYSTEM, OAK GROVE WILL OWE \$50,000 TO ST. FRANCIS. ONE YEAR FROM THAT INITIAL HOOKUP DATE, ANOTHER \$50,000 FOR A TOTAL OF \$100,000. IN ADDITION, A CLARIFICATION ALLOWING ST. FRANCIS TO REVIEW OAK GROVE'S PLANS FOR ANY EXPANSION. MOTION BY MUEHLBAUER, SECONDED BY UDVIG. MOTION CARRIED 5-0.

10. **MEETING OPEN TO THE PUBLIC**
NOTHING

11. **REPORTS**

A. Department Reports – Police 2018 Annual Report

B. Councilmember Reports -

C. Upcoming Events –

Feb 18	City Offices Closed – Presidents Day
Feb 19(Tues)	City Council Meeting @ St. Francis Area Schools District Office 6:00 pm
Feb 20	Planning Comm. Meeting @ St. Francis Area Schools District Office 7:00 pm
Mar 4	City Council Meeting @ St. Francis Area Schools District Office 6:00 pm

Police Chief Schwieger explained in detail the 2018 Police Department Annual Report. In 2018, Officers responded to 4,476 calls for service, which is just over the 4,434 calls in 2017.

Notable increases in St. Francis calls from 2017 to 2018 are burglary, DWI's, fraud types of calls and medicals. Decrease in calls are vehicle accidents, alarms, and agency assists.

Chief Schwieger described several new programs such as informing residents of garage doors open at night, getting messages out through social media, Nixle, and door hangers that have helped decrease some of the calls like burglary and theft.

The Police Department has also been busy with community outreach programs and events. They've added Winning with Cops, which has been very successful. They hosted their first senior fraud seminar. In 2019, they are looking forward to more programs.

COUNCILMEMBER REPORTS

Robinson said that he and Councilmember Udvig attended the League of Newly Elected Officials Meeting and were able to interact with other newly elected and re-elected officials in the neighboring communities and it seems to be a very positive outlook.

Muehlbauer continues to work on the audio system.

Bauer extended his thanks to EMS and Police for their services, especially during the last couple weeks with the extreme cold.

Udvig mentioned that she attended the League of Minnesota Cities Newly Elected Officials Meeting. They were able to discuss with other cities how they do things, and how it works for them. She also attended the officers swearing in and that was nice to know who the new officers are.

Udvig attended the school board meeting and learned that they are doing their best to move forward with the bond.

Feldman explained that Kwik Trip has officially submitted their permit.

Feldman also said that if anyone wants to find out about the conversation with MNDOT and the 47 corridor that took place last week, please go to the St. Francis website and click on the link to the MNDOT site. The conclusion of the meeting was that whatever needed to be done on that corridor, MNDOT is very open minded to discuss. It may take multiple solutions such as a walkway or bridge, or reducing the speed.

A three hour work session was just held discussing the buildings and how to maintain them. The city is going in the right direction. There's a lot of discussion in play right now with the changing of the season, and the city continues to be receptive to the public's needs.

12. ADJOURNMENT

Meeting adjourned at 7:26 pm.

Respectfully submitted by



Lori Streich, Acct Tech/Deputy Clerk