

CITY OF ST. FRANCIS
ST. FRANCIS MN
ANOKA COUNTY

CITY COUNCIL MINUTES
DECEMBER 4, 2017

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 Jerry Tveit, Joe Muehlbauer, Robert Bauer and Rich Skordahl.

Also present; Assistant City Attorney Dave Schaps (Barna, Guzy & Steffen), City Engineer Craig Jochum (Hakanson Anderson), City Planner Ben Gozola (Sambatek), City Administrator Joe Kohlmann, Community Development Director Kate Thunstrom, Police Chief Todd Schwieger, Fire Chief David 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 SKORDAHL APPROVING THE AGENDA AS FOLLOWS. Motion carried 5-0.

4. **CONSENT AGENDA**

MOTION BY BAUER SECOND MUEHLBAUER TO APPROVE THE CONSENT AGENDA AS FOLLOWS A-D:

- A. City Council Minutes – November 20, 2017
 - B. MDH SHIP Program - Subcontract Agreement between Anoka County and City of St. Francis
 - C. 2018 Annual License Renewals – Resolution 2017-42
 - D. Payment of Claims \$195,755.60 (Check #'s 73432-73507)
- Motion carried 5-0.

Feldman wants to adjust the agenda. I would like to move Attorney after Report of Council members due to a closed meeting.

5. **MEETING OPEN TO THE PUBLIC**

- A. Sarah Udvig, 3709-229th Lane NW suggests that the council put their pictures on the website. Feldman asked if she has heard any feedback on the new website. Some people are having trouble on the mobile devices but otherwise she has not heard any other problems. Udvig stated that way with the pictures on the website people would know who our council and department heads are. Feldman said the website is a work in progress.

6. **SPECIAL BUSINESS**

None

7. **PUBLIC HEARING**

- A. Presentation on 2018 Proposed Budget - Public Input
Finance Director Darcy Mulvihill gave a presentation on the 2018 Proposed Budget.

Feldman opened it up for public input at 6:16 pm.

Rates are the same capturing the extra funds with the new home construction and using it wisely. We are frugal but want to take advantage of the additional taxes. Feldman thanked council, Darcy and staff for their work on the budget.

Feldman closed the public input hearing with no public commenting at 6:18 pm.

1. Certifying Taxes Payable in 2018 – Resolution 2017-43
MOTION BYBAUER SECOND MUEHLBAUER TO ADOPT RESOLUTION 2017-43 A RESOLUTION CERTIFYING TAXES PAYABLE IN 2018. Tveit said I know how the council wanted to keep the tax rate flat. I believe we should have been a little more tax frugal. By saying, we are keeping the tax rate flat the taxes still are going up over 7 %. I am a little more conservative.

Feldman said if you want growth, you have to pay for it. We are taking advantage of the new construction growth. The saying progress, pride and possibilities; this is the first time we are putting teeth behind this. How we spend, the money is the key. Many other cities are doing it this way too.

Muehlbauer said we need to take care of our roads.

Feldman said I am not out to spend money. We are here to serve the public.

Motion carried 4-1. Tveit voting nay.

2. Adopting a Budget for 2018 – Resolution 2017-44
MOTION BY SKORDAHL SECOND MUEHLBAUER TO ADOPT RESOLUTION 2017-44 A RESOLUTION ADOPTING A BUDGET FOR 2018.
Motion carried 5-0.

8. **OLD BUSINESS**

None

9. **NEW BUSINESS**

- A. Ordinance 235, Second Series – Amending Section 2-9-1 “Fee Schedule” (2nd Reading)
MOTION BY TVEIT SECOND BAUER TO APPROVE THE SECOND READING OF ORDINANCE 235, SECOND SERIES AMENDING SECTION 2-9-1 “FEE SCHEDULE”.

Roll Call: Yay: Muehlbauer, Feldman, Bauer Skordahl, and Tveit,
Nays: None
Motion carried 5-0.

- B. Summary Publication of Ordinance 235, Second Series Resolution 2017-45
MOTION BY TVEIT SECOND MUEHLBAUER ADOPTING RESOLUTION
2017-45 AUTHORIZING SUMMARY PUBLICATION OF ORDINANCE 235,
SECOND SERIES AMENDING SECTION 2-9-1 OF THE CITY CODE
REGARDING THE FEE SCHEDULE FOR THE CITY OF ST. FRANCIS.
Motion carried 5-0.

- C. Authorization to Purchase 2018 Squad Car
Burnsville Dodge again has the state contract for Dodge Chargers. Police Chief
Schwieger stated the department would like to place the order for two (2)
Dodge Chargers to be used as marked squad cars. This purchase is a routine
and budgeted item. The vehicles are described in the Capital Improvement
Plan (PlanIt 2000) and were budgeted for in 2018. The contract price is \$23,520
for each vehicle. After added options, the total amount for each vehicle is
\$24,086. The 2014 Dodge Charger will be traded in and its value will be
deducted from the price of one of the new vehicles. MOTION BY FELDMAN
SECOND TVEIT AUTHORIZING THE POLICE DEPARTMENT TO PLACE
THE ORDER FOR A 2018 DODGE CHARGER. Tveit said important to explain
this purchase is off State bid. Feldman said State bid is a good deal and we
check for State bids with all purchases.

Tveit stated I think the police department are requesting two vehicles, motion
only was for one. After some discussion, the motion was withdrawn and a new
motion was read.

MOTION BY FELDMAN SECOND TVEIT AUTHORIZING THE POLICE
DEPARTMENT TO PLACE THE ORDER FOR TWO (2) 2018 DODGE
CHARGERS OFF STATE BID FROM BURNSVILLE DODGE. Motion carried
5-0.

- D. Cost of Living Adjustment (COLA) for Non-Union City Employees for 2018
Bauer opposes the 3% across the board for all employee raises.

Muehlbauer and Tveit did not have a problem with the 3%.

Feldman said we are working really well with the staff. Don't think they were
being heard before. I like what I am seeing from the employees going in the
right direction and do not feel this is out of line.

Bauer asked would this be a three-year agreement.

It was noted, this group is not a collecting bargaining unit.

MOTION BY MUEHLBAUER SECOND SKORDAHL APPROVING A COST OF LIVING ADJUSTMENT OF 3% TO ALL NON-UNION EMPLOYEES. Motion carried 5-0.

E. Verizon Wireless – Conditional Use Permit/Interim Use Permit – Resolution 2017-47

City Planner Gozola reported Verizon is proposing to construct a 100 feet tall telecommunications (cell) tower with antennas and related equipment on a vacant 26.71-acre parcel. The proposal requires both a Conditional Use Permit (CUP) for this type of use in the A-2 District and an Interim Use Permit (IUP) for the tower height above 75 feet. The comprehensive plan and zoning code support this use at the proposed location, and the plans have been shown to meet City standards provided a number of conditions of approval be followed. Held two public hearings on this project, one was for the CUP and the second for the IUP. There was public comment during the public hearing. One resident was concerned with the location and the other about the aesthetics of looking out their front window and seeing this tower. The Planning Commission unanimously (6-0) recommended approval of the request with conditions. The council agreed to approve the requested conditional and interim use permits based on the findings of fact in the staff report, the Planning Commission's input and recommendation, and subject to the conditions listed on pages 14 through 16 of the staff report.

Feldman asked about the one concern from a resident about aesthetics. Gozola stated they would be required to construct an architecturally appropriate building to house the equipment, and an eight-foot high security fence with screening slats and landscaping to buffer the installation. They choose this site for the best location for service.

Also part of the agreement is if the Verizon Wireless tower increase the taxes for this parcel for any reason they will reimburse him, part of the lease.

Skordahl stated yes, it does ends up being close to the neighbor's accessory structure. Wished they had been able to go farther west but Verizon did their research and this tower will provide a value service to residents on the west end of the city. This tower will also take some pressure off other towers. Good use for the property and service for the community. Commend the Planning Commission on their thorough discussion.

Bauer asked about the other two spots available. Verizon stated they would allow anyone interested on wanting to come on the tower.

Muehlbauer good thing if it is going to benefit the residents. Feel for the residents, I would not want to look at it either.

Tveit said if it falls within our code, hard-pressed not to approve it. Private property rights and falls within our guidelines.

Feldman thanked everyone for his or her input and the staff reports.

MOTION BY BAUER SECOND MUEHLBAUER ADOPTING RESOLUTION 2017-47 A RESOLUTION APPROVING CONDITIONAL AND INTERIM USE PERMITS TO ALLOW A TELECOMMUNICATIONS FACILITY AND TOWER EXCEEDING SEVENTY-FIVE FEET IN HEIGHT ON THE UNADDRESSED PROPERTY (33-34-25-21-0001) Motion carried 5-0

F. Ordinance 236, Second Series – Amending Regulation of Peddlers, Solicitors and Transient merchants (1st Reading)

City Planner Ben Gozola reported Sambatek helped address a gap in the City's process as it relates to the City Code and the internal process for Peddlers, Solicitors, Canvassers and Transient Merchants licenses. It is common to have a process in place to address solicitation to protect residents against unethical sales practices. A license of this type is used for those who sell goods while traveling from place to place by foot or vehicle. Typically, for door-to-door sales. The individuals are offering goods and services not affiliated with our local organizations, schools or non-profits. Action required concurrently with the adoption of the new Solicitors' Ordinance is the repeal of current code language at Chapter 8-4-7 "Solicitors". Included in the packet was a draft ordinance adding a new Section 14: Peddlers, Solicitors, and Transient Merchants to Chapter 6: Business Regulation and Licensing and repeals the existing language in Chapter 8, at Section 8-4-7 Solicitors.

Council agreed this is a good change to spell out the regulations more clearly. The question was asked, how are people supposed to know if they need a permit. Feldman thanked Kate and Ben on their work on this change.

Skordahl said I still would like a "Did You Know Section" in our newsletter. I didn't know they needed a permit. Council agreed to have staff get the word out.

MOTION BY TVEIT SECOND BAUER. TO APPROVE THE FIRST READING OF ORDINANCE 236, SECOND SERIES WITH AMENDMENTS TO CHAPTER 8 AND CHAPTER 6 RELATING TO THE REGULATION OF PEDDLERS, SOLICITORS, AND TRANSIENT MERCHANTS.

Roll Call: Ayes: Feldman, Bauer, Skordahl, Tveit and Muehlbauer.
Nays: None

Motion carried 5-0.

- G. Rum River Bluffs 2nd Addition – Acceptance of City Infrastructure
City Engineer Jochum reported the developer for the Rum River Bluffs 2nd Addition requested City acceptance of the city infrastructure. The wear course of bituminous on the streets and all remaining punchlist items pertaining to the City infrastructure recently were completed. The Development Agreement also required certain improvements to County Road 72 (Rum River Blvd) as necessary for access into the development. Specifically, the Development Agreement discussed right turn lanes and left in access lanes (passing lanes) on County Road 72, at the 235th Avenue NW intersection. Plans were in the packet. City Staff has been in contact with Anoka County and expects there will be additional discussion regarding this topic in the coming months. Hakanson Anderson recommends the City accept the City infrastructure at this time, which will begin the one-year warranty period. The City already has a warranty bond for the City owned utilities. A second maintenance bond shall be posted as security to remain in place during the warranty period(s). Also a financial security Letter of Credit \$232,500 must remain in place until the developer's obligation for construction of the turn lane and passing lane on County Road 72 have been met.

Discussion from council was their concerns on the timing of this turn lane and would like the county and school district work better together on know when and what projects are being done within the city.

MOTION BY MUEHLBAUER SECOND FELDMAN ACCEPTING THE CITY INFRASTRUCTURE FOR THE RUM RIVER BLUFFS 2nd ADDITION.
Motion 4-1. Bauer voting nay.

- H. Smith Lake Wildlife Estates 1st & 2nd Addn. – Acceptance of Improvements
Jochum reported the developer for the Smith Lake Wildlife Estates 1st and 2nd Additions recently requested City acceptance of the City infrastructure. The wear course of bituminous on the streets and all remaining punchlist items pertaining to the City infrastructure recently were completed. The only remaining item is the establishment of the turf along the road shoulder in areas where topsoil was placed along finished yards. Will wait to see if the seed germinates and establishes into turf during the 2018 growing season.

It is recommended the City accept the improvement, reduce the trust account to \$10,000 and release the irrevocable letter of credit.

MOTION BY SKORDAHL SECOND BAUER ACCEPTING THE IMPROVEMENTS FOR SMITH LAKE WILDLIFE ESTATES 1ST AND 2ND,
REDUCE THE TRUST ACCOUNT TO \$10,000 AND RELEASE THE IRREVOCABLE LETTER OF CREDIT. Motion carried 5-0.

- I. North Metro Regional Street Maintenance Consortium – Resolution 2017-48
Public Works Director Paul Teicher asking for consideration authorizing the mayor and city administrator to sign the Joint Powers Agreement, along with Resolution 2017-48 to join the consortium. In 2004, a group of cities joined to form the North Metro Regional Street Maintenance Consortium. The purpose was to combine maintenance service contracts in an effort to obtain a financial benefit for maintaining city streets. The City of Coon Rapids is the lead agency for this group. The group of cities has a joint powers agreement to combine certain bid items to reduce the number of contracts needed in an effort to achieve lower bids from contractors. The agreement also allows each city to accept or reject the bids for their portion of the proposed contract. Each city will pay the contractor directly for its portion of the work. Coon Rapids will receive the bids on the various street improvement/maintenance items and will bill each city an administrative cost depending on project cost.

Feldman said when he and Muehlbauer were at the League of MN Cities Newly Elected Officials conference we met representatives from Coon Rapids and we discussed this agreement with them.

Council discussed on how this would benefit the City. Teicher said we are not obligated to pay anything until the bids are received. We would submit our quantities and try to get the best prices. Jochum said he has worked with this group and they bid publicly every year for a contractor with the best price who would get quantities from all thirteen cities. Concerns were if our projects would be handled in a timely matter, would we be saving money, and do we have to take their bids. Teicher again stated we are not obligated to go with their bid prices. Jochum stated there are time frames they would have to follow.

MOTION BY MUEHLBAUER SECOND BAUER ADOPT RESOLUTION 2017-48 A RESOLUTION AUTHORIZING ENTRY INTO A JOINT POWERS AGREEMENT WITH ST. FRANCIS AND TO ENTER INTO THE NINTH AMENDMENT TO JOINT POWERS AGREEMENT; TRAFFIC MARKINGS, STREET SWEEPING, CRACK SEALING, SCREENING AND SEAL COATING
Motion carried 5-0.

- J. Cancelling Second Meeting in December – Resolution 2017-49
City Administrator Joe Kohlmann stated with no city business identified for the December 18 City Council meeting, a resolution is before you for consideration if council chooses to cancel the meeting.
MOTION BY FELDMAN SECOND SKORDAHL TO ADOPT RESOLUTION 2017-49 CANCELLING THE DECEMBER 18, 2017 REGULAR CITY COUNCIL MEETING.
Motion carried 5-0.

10. MEETING OPEN TO THE PUBLIC
None.

11. REPORTS

B. Councilmember Reports-

Muehlbauer reported he made it to the tree lighting late in Woodbury Park.

Tveit asked how we could go about trying to get our jurisdiction to know what all the other projects are going on in town. Maybe get our mayor, school superintendent and developers together so we know what kind of projects are going on. Feldman said it is a lack of communication.

Tveit said I am not sure how we do it. Feldman said maybe at the first of the year to put a project team together. Agree there is a problem. Skordahl said how do you get all the stakeholders in a room together.

Bauer would like to say “Santa on the Fire Truck” is on the website and Facebook that show the routes. Collecting food along the routes, meet the fire fighters this Thursday in various neighborhoods. Food goes to the local food shelf. Santa will be at the Police Department December 14. Safe Holiday season.

Skordahl, take some time off spend it with family.

Feldman likes the new website, still a work in progressive. Thanked Jen, Sandy, Lori, Kate and Anna was here for all their work on it. Thanked the public for their support. With the holidays coming, be safe and enjoy the holiday season. The Vikings are doing well. Kwik trip purchased the old gas station building and will have the building down soon.

A. Attorney’s Report-

1. Closed meeting to Discuss Union Negotiation Strategy Pursuant to Minn. State Statute 13D.03

2. Consideration of 2018-2019 Tentative Agreement between the City and Police Officer Bargaining Unit. Resolution 2017-50

Mayor stated under Minnesota Statutes Section 13D.03, Subd. 1 et seq. the City Council has the ability to move into a closed meeting to consider strategy for labor negotiations, including negotiation strategies or developments or discussion and review of labor negotiation proposals. The labor negotiations are a proposal between the City of St. Francis and Law Enforcement Labor Services (Police Officers).

MOTION BY MUEHLBAUER SECOND BAUER TO GO INTO A CLOSED MEETING FOR DISCUSSION OF LABOR NEGOTIATIONS. Motion carried 5-0.

Feldman stated we are now going into a closed session at 7:38 pm.

MOTION BY FELDMAN SECOND MUEHLBAUER TO REOPEN THE CLOSED SESSION AND MOVE BACK INTO OPEN SESSION AT 8:21 pm.

MOTION BY TVEIT SECOND SKORDAHL TO ADOPT RESOLUTION 2017-50 A RESOLUTION APPROVE THE TENTATIVE AGREEMENT BETWEEN THE CITY OF ST. FRANCIS AND THE LAW ENFORCEMENT LABOR SERVICES, INC REPRESENTING THE POLICE OFFICER BARGAINING UNIT FOR THE CALENDAR YEARS 2018 THROUGH 2019

Muehlbauer stated this agreement maintains the standard set across the City. Bauer reiterated it follows the standards set.

Motion carried 5-0

C. Upcoming Events -

Dec 6: Santa on the Fire Truck at County Market 5:30 pm
Dec 7: Santa on the Fire Truck-Various Neighborhoods 5:30 pm
Dec 14: Take your picture with Santa @ Police Dept. 5:30-7:30 pm
Dec 20: Planning Comm. Meeting @ ISD #15 Central Services Center 7:00 pm
Dec 25: City Offices Closed for Christmas Holiday
Jan 1: City Offices Closed for New Year's Day Holiday
Jan 2(Tues) City Council Meeting @ ISD #15 Central Services Center 6:00 pm

12. **ADJOURNMENT**

MOTION BY BAUER SECOND MUEHLBAUER TO ADJOURN THE REGULAR CITY COUNCIL MEETING AT 8:23 pm.

Motion carried 5-0.

Barbara I. Held, City Clerk