

CITY OF ST. FRANCIS  
CITY COUNCIL AGENDA  
St. Francis Area Schools District Office 4115 Ambassador Blvd. NW  
February 7, 2022  
6:00 p.m.

**1. CALL TO ORDER/PLEDGE OF ALLEGIANCE**

The regular City Council meeting was called to order at 6:00 p.m. by Mayor Steve Feldman.

**2. ROLL CALL**

Members Present: Mayor Steve Feldman, Councilmembers Robert Bauer, Kevin Robinson, and Sarah Udvig. Councilmember Joe Muehlbauer attended via Zoom

Also present: City Clerk Jenni Wida, City Administrator Joe Kohlmann, Assistant City Attorney Dave Schaps (Barna, Guzy & Steffen), City Planner Beth Richmond (HKGi), Parks/Street Supervisor Jeremy Shook, City Engineer Craig Jochum (Hakanson Associates, Inc.), Finance Director Darcy Mulvihill, Police Chief Todd Schwieger, Fire Chief Dave Schmidt, Community Development Director Kate Thunstrom, Water and Sewer Supervisor Parish Barten, and Liquor Store Manager John Schmidt

**3. APPROVAL OF AGENDA**

MOTION BY: UDVIG SECOND: ROBINSON APPROVING THE REGULAR CITY COUCIL AGENDA.

A roll call vote was performed:

Councilmember Robinson	aye
Councilmember Bauer	aye
Councilmember Udvig	aye
Councilmember Muehlbauer	aye
Mayor Feldman	aye

Motion carried.

**4. CONSENT AGENDA**

- A. City Council Minutes – January 3, 2022
- B. City Council Minutes – January 18, 2022
- C. Police Officer Conditional Offer of Employment
- D. UV System – Bulb Purchase
- E. Acknowledgement to Conduct Excluded Bingo

- F. Temporary Outdoor Sales Permit – Plant Place, Inc.
- G. 30 Day Notice – Joe Kohlmann, City Administrator
- H. Payment of Claims

MOTION BY: BAUER SECOND: ROBINSON APPROVING THE CONSENT AGENDA ITEMS A-H.

A roll call vote was performed:

Mayor Feldman	aye
Councilmember Robinson	aye
Councilmember Udvig	aye
Councilmember Bauer	aye
Councilmember Muehlbauer	aye

Motion carried.

## **5. MEETING OPEN TO THE PUBLIC**

Mayor Feldman stated there were a lot of people in the audience for the Green Valley development issue. He reviewed rules for Council meetings.

1. Common respect, common courtesy, and leave anger at the door when bringing issues up; and, 2. This has gone through PSA meetings, two and a half hours' worth of City Council meetings, and numerous phone calls and emails from the residents to the Council. He stated that the Council understands the residents present don't want this passed, through all that has been done and said over the past couple months. He suggested that unless they have something new to say and reasonable why the Council should deny this, the Council doesn't want to hear it. He stated they know how the residents feel. If they come up to speak they need to state their name and address of where they live.

Zach Stadem 19817 Juneau Trail, Lakeville, stated that he has an injunction that has been given to the City Attorney which would provide a temporary stay of the proceedings tonight and prevent a vote. He stated Green Valley has not done a boundary survey, legal survey and other requirements. He felt this development would be taking his land without doing a condemnation or given payment. He thought a ruling from the court would be coming tonight or tomorrow.

Assistant City Attorney Dave Schaps responded he just checked online and there is no ruling from the judge. He stated what is before the judge and what is before the City Council is a motion. The information has been provided but there is no court order, which is required before anything can be stayed. He also noted that in the approvals for this application all title work needs to be resolved prior to final plat. If a court were to issue an order or if the boundary line were changed, the developer would need

return to the City Council on his approvals because something changed.

Mayor Feldman repeated that all the title questions and boundary rights have to be satisfied before this can go to final plat.

Schaps replied that the developer can't obtain his final land use approvals until all title work has been settled and satisfied.

Mayor Feldman asked if there was anyone else that had new items for discussion.

Bob Olson, 175 245<sup>th</sup> Avenue NW, stated that the proposed development is the exact opposite from the wording in the zoning ordinance so that it changes it completely. He asked the Council to consider that it is overwhelming unpopular. He stated there are no social, economic or environmental benefit to the City. He asked the Council to vote with the residents.

Mayor Feldman asked Mr. Olson if it is the case that the residents are telling him that the 14 ten-acre lots are fine but not 14 lots clustered on a development. He continued by asking if they are fine with the 176 acres.

Mr. Olson replied that the rules are changing, that people moved to the area knowing there was going to be a certain density of houses but this changes the density. He stated that building rights shouldn't be taken from swamps and put on high ground. He continued that there are hazards from putting communities near farming including a skateboard and a child's trike being caught in his combine equipment.

Mayor Feldman replied are people using your land that shouldn't be?

Mr. Olson replied fields are a good playground for kids when people are clustered into a small area. He continued that farming is the third most dangerous occupation and there have been some horror stories in the news about someone losing a child. He stated the risks are there but could be avoided by not clustering people close to agriculture which he stated is a responsible thing to consider.

Mayor Feldman asked Mr. Olson if he understood it is 14 homes whether it is clustered or not.

Mr. Olson replied there wouldn't be 14 homes if the rules were followed without variances.

Mayor Feldman responded yes there would be, 14 ten-acre lots.

Mr. Olson replied you can't put homes in swamps which is half of the acreage.

Mayor Feldman replied that all the lots that he has seen in the plan is 14 buildable lots and the rest is unbuildable wetlands. It is cost prohibitive, so no one will build on the wetlands.

Mr. Olson replied that wetlands in most responsible places don't contribute to a building site for the total.

Mayor Feldman stated he was trying to understand why 14 homes on ten acre lots is different from 14 clustered. He stated he has been trying to understand this for months while reading all the emails and listening to the responses from everyone. He stated he doesn't understand it. He asked if the Council understands it. He referenced the answer that the developers don't live here and stated that he didn't know of any rule that the developer has to live in the city they build in. He continued that if they waited for a developer to live in the city they build in there would be no building. He stated that planning and developments are a flexible tool.

Mayor Feldman gave the example of an ordinance that was created 20 years ago and during that timeframe the City started growing and developed in a progressive way. That tool would be used to go with the time and changes for growth. He stated that is what the PUD's are and they are not new to St. Francis. He stated he has heard this and other reasons but asked for reasonable reasons why the Council should deny this. He stated that these residents bought off of Ambassador which is a county road. If a bypass lane is approved, that is between the County and the individual.

Mr. Olson stated there is a precedence that has been set in St. Francis. He stated he was a real estate agent for ten years and got turned down twice on a preliminary suggestion for a PUD because it was not in a district to join City sewer and water. He stated that the goal of the zoning ordinance is to be able to hook on to sewer and water which gives a SAC and WAC fee for the City.

Mayor Feldman asked how long ago the request was made. Mr. Olson replied 2014.

Mayor Feldman replied if MUSA were in this area it wouldn't be 14 homes it would be closer to 40 to 60 homes.

Mr. Olson stated building rights are substituting agriculture and asked what is being done for agriculture in the community because it is disappearing but is still viable. He stated that is some of the most productive land in the

area and that farming was stopped in the Honeywell area. He felt if this is allowed it will wipe out another hundred acres for farming. He asked if everything was going to be developed.

Mayor Feldman replied that the City Council is trying to look at the larger picture of the City and not take into consideration one neighborhood over another. He stated that the individuals bought 146 acres, which is no different from what Mr. Olson owns and they fall into the requirements. He asked again for reasonable reasons for denying.

Carolynn Thompson 6938 Ambassador Boulevard, read from the ordinance that is to be voted on and the City ordinance which included what she felt was an omission regarding benefits to the City. She asked the Council to look at the benefits listed in the proposal and see if they are clear, identified, and can be met without changing the zoning.

Mayor Feldman asked the applicants, Josh and Terry Buchanan, to come up to speak to what they have tried to do with berms.

Josh Savageau with Green Valley Development provided the history of the property stating it was originally the Larson Farm, a working farm with one house on it. Part of the land was developed, which included five new houses. He stated the two residents who would see the most impact from this development have been spoken to. Plans for berms, and trees were included as well as regrading to address safety concerns. He stated the intention was to bring the original Larson farm back together as well as create consistency with the parcels that have already been developed.

Mayor Feldman asked if it was the intention to develop the entire Larson property. Josh Savageau confirmed this, and provided history of development for different parcels of the original property. He stated he has been talking to Staff for three years on this development.

Mayor Feldman asked again if it was the intention to develop the land and if it was the case that their intent in dividing 14 lots was not to keep those lots but to sell them. Terry Buchanan confirmed this.

Mayor Feldman continued with a correction on Lot 9, Plot 2 from 27 acres to 89 acres is for them to sell. Josh and Terry confirmed this, it is 14 lots.

Mayor Feldman stated it was 27 acres and 62 acres has been added on to it as a sellable lot. Terry Buchanan confirmed this. Mayor Feldman stated all the lots are buildable lots for sale if this were to go through, this is not for them to hold onto. He wanted to make that clear because there was a question on that from an individual. Terry Buchanan replied no, they are planning to sell.

Mayor Feldman asked if they had anything else to say about the berms. Josh Savageau replied that the surveyor did a good in listening to feedback and placement.

Mayor Feldman stated the title issues have to be corrected before it goes to final plat. Terry Buchanan confirmed this.

Robinson referenced other meetings and asked about the original template that was talked about, and if it was one per ten acres, how many homes would be allowed in that same footprint and how much wetland would have to be traded. Terry Buchanan replied he guessed it would cost \$60,000 to get the permits.

Robinson commented this is their land to do with as they please within reason and asked if they did one per ten acres, would they be giving up the larger portion that is going to be a conservation area. He also asked if the recreational area would be split among the new homes. Terry Buchanan replied then they would have to get permission from everyone that the snowmobile trail crossed through. He wanted to make it a permanent trail.

Robinson asked if the conservation area would be divided up among the residents that would be built there. Terry Buchanan confirmed this and stated all the lots would be buildable if wetland credits were purchased. He felt the residents are looking to the short term.

Robinson asked if dividing the homes would change at all if they were distributed to one per ten acres, would they be more expensive. Terry Buchanan replied the land would be more expensive.

Mayor Feldman asked what the advantage was in going to 14 cluster homes versus 14 on acres from their perspective. Josh Savageau replied it isn't a money thing because they could get more money for ten acres versus a two-acre parcel. The benefit is preserving green space and habitat for the wildlife.

Josh Buchanan replied it is more simple this way, extending the road would cause limitations in the future.

Mayor Feldman asked for comment from the Council. There was none. Mayor Feldman asked for comments from the Staff. There was none at this time.

Mayor Feldman asked Schaps if they are okay to go ahead with the vote. Schaps replied there is no court order.

Mayor Feldman asked if there was a court order, would it be brought back to the Council. Schaps confirmed this. Mayor Feldman asked if there was any gain in delaying this. Schaps replied that the Council does not have to delay this.

Mayor Feldman asked if the Council wanted to delay this.

Councilmember Muehlbauer stated he believed that the issue with delaying it is that if there is not a vote, it will be automatically approved. City Planner Beth Richmond replied the deadline has been extended until March 8, 2022.

Mayor Feldman again asked if the Council wanted to delay the decision.

Councilmember Udvig asked if the temporary injunction went through how it would be resolved. Schaps replied the court order would determine how it would be resolved and it would come back to the City Council.

Councilmember Bauer replied he had nothing for Meeting Open to the Public and didn't feel the agenda should be changed.

Mayor Feldman asked Schaps, before it goes to a vote, if there is no benefit to wait until the injunction comes through. Schaps replied it is up to the pleasure of the Council.

Mayor Feldman reemphasized that the title work has to be corrected before it goes to final and asked if the developers were aware of it. Terry Buchanan confirmed this.

Mayor Feldman asked for a vote. Richmond reminded the Mayor they are still in Meeting Open to the Public and the vote should wait until the agenda item.

**6. SPECIAL BUSINESS – NONE**

**7. PUBLIC HEARINGS – NONE**

**8. OLD BUSINESS**

**A. Ordinance 294- Amending Chapter 3 of the City Code Regarding Municipal Utilities- Second Reading**

**1. Resolution 2022-07 Summary Publication of Ordinance 294**

Water/Waste Water Supervisor Parish Barten reviewed the staff report.

Mayor Feldman asked if two votes would be needed. Assistant City Attorney Dave

Schaps confirmed this. One for the Ordinance and one for the Resolution.

Mayor Feldman referenced page 103. Parish Barten added it was language that was struck from Section C that was combined with E-1.

Mayor Feldman read "Whereas a hardship exists the City Council may allow a continued use of an existing safe on-site sewage disposal system as a non-conforming use." He noted that Item E1 has the same language so it was not taken out completely and he wouldn't vote for it if it was.

Mayor Feldman stated the Council has discretion if a hardship exists and asked if the Council had any questions. There were none.

MOTION BY: MUEHLBAUER SECOND: ROBINSON TO ADOPT ORDINANCE 294- AMENDING CHAPTER 3 OF THE CITY CODE REGARDING MUNICIPAL UTILITIES- SECOND READING.

A roll call vote was performed:

Councilmember Robinson	aye
Councilmember Bauer	aye
Councilmember Udvig	aye
Councilmember Muehlbauer	aye
Mayor Feldman	aye

Motion carried

MOTION BY: BAUER SECOND: UDVIG TO ADOPT RESOLUTION 2022-07 SUMMARY PUBLICATION OF ORDINANCE 294.

A roll call vote was performed:

Councilmember Muehlbauer	aye
Councilmember Robinson	aye
Councilmember Bauer	aye
Councilmember Udvig	aye
Mayor Feldman	aye

Motion carried.

B. Green Valley Preserve 2<sup>nd</sup> Addition – Continued from January 3, 2022 City Council Meeting

1. Ordinance 287 Approving Rezoning of the Property South of Ambassador and East of Nacre from A-2 to PUD A-2; First Reading

City Planner Beth Richmond stated she could offer comments but this had been discussed already.



Mayor Feldman agreed. He asked if the Council had any comments. There was none.

MOTION BY: BAUER SECOND: MUEHLBAUER TO APPROVE ORDINANCE 287 APPROVING REZONING OF THE PROPERTY SOUTH OF AMBASSADOR AND EAST OF NACRE FROM A-2 TO PUD A-2; FIRST READING.

Further Discussion:

Muehlbauer commented for the record and for the public, that when ordinances are considered, there are two readings. He stated that if for some reason an injunction comes through, the second reading would be delayed and nothing would be approved until the second reading is approved.

Mayor Feldman asked if that is correct. Assistant City Attorney Dave Schaps confirmed this. Mayor Feldman thanked Muehlbauer for bring that to their attention.

A roll call vote was performed:

Councilmember Udvig	nay
Councilmember Bauer	nay
Councilmember Robinson	nay
Councilmember Muehlbauer	aye
Mayor Feldman	aye

Motion failed.

2. Resolution 2022-03 Approving the Preliminary Plat PUD Plan and Preliminary Plat for Green Valley Preserve 2<sup>nd</sup> Addition

Richmond stated the Council will need findings if they are not going to go with the suggested planning spec.

Mayor Feldman asked if the Council understood that.

MOTION BY: MAYOR FELDMAN SECOND: MUEHLBAUER TO ADOPT RESOLUTION 2022-03 APPROVING THE PRELIMINARY PLAT PUD PLAN AND PRELIMINARY PLAT FOR GREEN VALLEY PRESERVE 2<sup>ND</sup> ADDITION.

Further Discussion:

Muehlbauer asked if this motion can continue even though the first motion was denied. Assistant City Attorney Dave Schaps replied the Council can make a motion to approve or deny. The current motion is to approve, if that doesn't pass

but fails, if the Council states on record the reason for the failure, his understanding would be that the reason for the failure on this motion would be that the ordinance was denied, prior actions. He asked if that makes sense. Muehlbauer replied it makes sense but questioned if it was necessary to vote on. He also asked if the resolution was approved what effect that would have if the ordinance was already denied. Schaps replied it wouldn't have any effect. He advised the proper motion would be to withdraw the motion to approve and have someone make a motion to deny the ordinance and then vote.

Schaps asked if the Mayor wants to withdraws his motion. Mayor Feldman stated yes he withdraws his motion.

MOTION BY MAYOR FELDMAN TO ADOPT RESOLUTION 2022-03 WITHDRAWN.

Schaps then recommended that the Council to consider a motion denying Resolution 2022-03 based upon the finding of the previously denied ordinance. The finding is that the ordinance was denied.

MOTION BY: BAUER SECOND: UDVIG TO DENY RESOLUTION 2022-03 BASED UPON THE FINDING OF THE DENIAL OF ORDINANCE 287.

A roll call vote was performed:

Mayor Feldman	nay
Councilmember Robinson	aye
Councilmember Bauer	aye
Councilmember Udvig	aye
Councilmember Muehlbauer	nay

Motion carried.

3. Resolution 2022-04 Approving Subdivision Variances for a Narrow, Long Temporary dead-end Street in the Green Valley Preserve 2<sup>nd</sup> Addition Development

MOTION BY: MUEHLBAUER SECOND: BAUER TO DENY RESOLUTION 2022-04 BASED UPON THE FINDINGS OF THE DENIAL OF ORDINANCE 287.

A roll call vote was performed:

Councilmember Muehlbauer	nay
Councilmember Udvig	aye
Councilmember Bauer	aye
Mayor Feldman	nay
Councilmember Robinson	aye

Motion carried.

## **9. NEW BUSINESS**

### **A. Bank Stabilization- Dellwood River Park**

City Engineer Craig Jochum stated that Staff has been working with the Anoka Conservation District (ACD) on a grant to stabilize a section of the bank on the Rum River in Dellwood River Park.

Jared Wagner from ACD gave a presentation on the river bank erosion and the need for stabilization. He proposed that the City partner with ACD to cost share the construction costs. The City's portion would be 15% of the actual construction costs to satisfy the grant match requirements versus the City having to do 100% project costs when the trail washes out. The trail costs are not eligible for grant funds.

Mayor Feldman asked if the cost to the City would be \$36,000 and 15%. Mr. Wagner replied \$36,000 is 15% of the construction estimate. He corrected that \$30,000 is a separate estimate for the trail to move the section of trail back from that stretch of the bank. That would be a City expense because the grant they are considering is through the Outdoor Heritage Fund and the trail isn't included.

Mayor Feldman asked if the total cost is \$293,000, \$227,000 would be covered by grants, and \$66,000 would be the City's part for erosion and the trail. Mr. Wagner confirmed this. Mayor Feldman noted if they don't do this, they would be paying more out of pocket as this erodes more over time. Mr. Wagner replied, eventually that would be the case.

Mayor Feldman asked for Council comments.

Councilmember Udvig replied she has seen the erosion and it is quite noticeable. She liked the idea of cost sharing and was in support.

Muehlbauer stated 15% is better than 50%. He questioned if a 5-foot loop could be added to the trail and if the money could be taken out of the park dedication fee to be more cost efficient. He also asked where the money would come for this. City Administrator Joe Kohlmann stated it could be split up that \$36,000 could come from the Storm Water Fund and \$30,000 from the Liquor Fund.

Mr. Wagner stated a requirement of the grant is that no funds can come from the State.

Muehlbauer noted it is State mandated to collect. Mr. Wagner replied that shouldn't matter, only if it is routed through the State and back to the City.

Mayor Feldman commented that they are talking about parks and it is important for future planning. He stated the City can't afford to allow this to erode, which would cost more anyway, and they have to do something. He asked if the funds could be in place to do it. Kohlmann confirmed this.

Bauer commented that these are State grant dollars and asked if they could go to the DNR for City matching funds. Finance Director Darcy Mulvihill replied that would be State money.

Mayor Feldman stated the City takes care of 15% and the grants take care of the rest so they can't take that 15% in State money, it has to be other funds. Mr. Wagner stated the remainder is from the State.

Bauer replied, not from the DNR which is where he would like it to come from. He asked how far the County park comes down. Mr. Wagner replied the entire parcel is City park.

Bauer replied they had talked to the County about an underpass under Bridge Street and that is the same bike path so he was confused. He agreed it was something that needs to get done.

Robinson asked if they are looking at other cities and seeing similar things. Mr. Wagner replied they did a 400-foot project for the City of Andover in the past year. Other projects have had private landowners.

Robinson asked if this area been worked on in the past or if this new erosion within the past 15 or 20 years. Jochum replied he hasn't seen this area worked on in the past and felt Section B had gotten worse in the last five years. He thought this project it would be beneficial.

Robinson stated he would vote for funding from the Liquor Fund because it is a revenue generator. He didn't agree with the Storm Water Funds but felt there were reserves that could be used, especially since there is a match. He asked if there were other spots that are being monitored that may come up in the future. Mr. Wagner replied this is the worst stretch on City property. He stated they did a full inventory report which identified 83 sites. This was the only one owned by the City of St. Francis at this time.

Robinson asked if this grant is certain for funding. Mr. Wagner replied they already have the money. It would just require an agreement with ACD to do the project, which would include the City's portion of the cost. He stated there would also be a ten-year maintenance agreement for the project which would ensure that the property is taken care of.

Mayor Feldman asked when this would be done. Mr. Wagner stated the timing is variable. This grant has funding through 2025 and it's easier to spend it earlier in

that time frame but the Council would have time to decide. It could get pushed to get done this year but a full survey and design are needed.

Mayor Feldman asked about next year. Mr. Wagner replied next year would be an easy timeline.

Consensus of the Council was to direct Staff to prepare an agreement with ACD.

**B. Ordinance 295- Amending Chapter 5 Section 3 Beer Licensing of City Code, First Reading**

City Administrator Joe Kohlmann presented a code change to allow “Temporary On-Sale Intoxicating Liquor Licenses”. This would pertain to community events that would like to sell strong beer. Last year, an event ran into issues with finding a beer vendor. He stated that the trend was in microbreweries.

Mayor Feldman commented that this could only go for a four-day period. Kohlmann replied it’s a total of 12 days in a calendar year.

Muehlbauer asked how Police Chief Todd Schwieger felt about it. Police Chief Todd Schwieger stated he had no big concerns with this. He stated it would require monitoring but events in the past have been uneventful.

Muehlbauer commented he didn’t have a problem with people wanting to buy good beer. He thought it might be beneficial and bring people into the City.

Bauer referenced the language in the staff report that indicated a license would be needed by the vendor. He asked if there was a brewfest if each brewery would need a license. Assistant City Attorney Dave Schaps replied, as it is listed in point A, the license is only issued to St. Francis based religious, charitable, or non-profit organization. His understanding is that this is specific to that. If the City wanted to host a different event, a different license would need to be looked at.

Bauer asked if it could be any non-profit that wanted to come in. Schaps replied they would have to be St. Francis based.

**MOTION BY: ROBINSON SECOND: UDVIG TO ADOPT ORDINANCE 295-AMENDING CHAPTER 5 SECTION 3 BEER LICENSING OF CITY CODE, FIRST READING.**

A roll call vote was performed:

Councilmember Muehlbauer	aye
Councilmember Robinson	aye
Councilmember Bauer	aye
Councilmember Udvig	aye

Mayor Feldman aye

Motion carried.

C. Siwek Park Improvement Project

1. Resolution 2022-08 Accepting Bids for the Siwek Park Improvement Project

City Engineer Craig Jochum reviewed the staff report and recommendation from HKGI recommending that Ashwill Companies be awarded. He pointed out a typo in the packet which states the total cost of the project is \$544,900.65, however the amount needed to finance through the City is still \$306,900.65. The City Park fund is currently 368,784.00.

Mayor Feldman commented that would leave less than \$62,000 left in the account. He stated this is a big and important park and asked if this is going to be a public park. Community Development Director Kate Thunstrom confirmed this, and added that this is the new park in the River's Edge Development.

Mayor Feldman commented that he is in support of this park and when talking about parks, this is a good start in a good development.

Muehlbauer commented that he liked the idea and asked about the costs. Mayor Feldman replied \$382,824.65, add \$112,676 and \$59,400, and you will get \$554,900.65. He noted that \$306,086 is the correct amount, the typo is \$544 to \$554.

Muehlbauer commented that improving the parks is something that has been talked about. He was unsure what the plans were for the future, but if this was the lowest bid, that is what should be done.

Mayor Feldman asked if this was the lowest qualified bid. He wanted to make sure this is the most qualified bid after dealing with Weber with the LiquorMuni. Jochum confirmed this and added that HKGI called references.

Mayor Feldman commented he hoped there was more than one reference that said they completed things on time. That was all they got with Weber and that was wrong, noting 'qualified' is a key word. Jochum replied that it is hard not to pick the lowest bidder on a public project.

Mayor Feldman replied that he looks at it like this, if the lowest bidder isn't the most qualified then you go up the chain. After seven months with Weber on the LiquorMuni, he never wants to go through that again ever because it was a lot of necessary work and that was a low bid.

Assistant City Attorney Dave Schaps commented if there are specific facts that are

received in getting reference checks that provide a basis for going with another bidder, that would be listed out in the resolution.

Mayor Feldman stated that saving \$25,000 to not go through the grief with the last company with that Muni, they went through a lot more grief than \$25,000. He let Council know that there will be \$61,883.35 left in the park fund if this goes through.

Udvig commented on the budget for the equipment and asked if that is a budget or if equipment has already been picked. Thunstrom replied the equipment has already been selected and this is the current estimate.

City Administrator Joe Kohlmann stated he can send it out through email so everyone can see.

Bauer asked if the \$306,900 included alternates two and three. Jochum replied it includes all of the alternates.

Bauer asked if the additional of topsoil should be done. Mayor Feldman replied if they are doing a sprinkler, then topsoil should be done.

Mayor Feldman questioned if a drinking fountain should be done and maintained. Bauer asked what the water source looks like. Water and Sewer Supervisor Parish Barten replied there isn't too much maintenance to a drinking fountain once it's installed, it is simply drained at the end of the season.

Mayor Feldman asked there has been any problems with drinking fountains at any of the parks. Barten replied, not that he was aware of and added he thought it would be a benefit to the park.

Mayor Feldman referenced the topsoil, adding that is a big deal. Jochum replied that the topsoil doesn't all have to be used, it is a unit price bid. They talked about using only half of it, maybe in phases.

Robinson asked when this was originally talked about in a work session it was around \$500,000 and the bid came in around \$600,000. Thunstrom confirmed this, and added when the grant was applied for in 2020, the rough estimate was around \$500,000. It has come in overbid because material and construction costs are high right now.

Robinson stated there shouldn't be any concerns with the alternates. He referenced Alternate One at \$10,000 compared to \$42,000, and asked if there is someone who values it differently. Jochum replied sometimes money is put in different spots; that is probably the case here because that is a quite a difference. He stated it is up to them to complete this project.

Robinson asked if there were timelines and deadlines for them to follow. Jochum

confirmed this.

Robinson asked if there is a picnic pavilion in the park. Thunstrom replied there is a gazebo.

Robinson asked if a spring-loaded faucet could be added to the backside for larger volumes of water for cleanup. He added he is in support of it and reminded the Council that it was supported the last time it was discussed. He stated it was a solid plan for the future even if it takes some reserves. He stated this development deserves this and suggested that other parks should get a stipend as well for improvement.

Mayor Feldman replied that is why they are doing the parks plan. He stated that the water feature Robinson talked about could be added on later.

MOTION BY: UDVIG SECOND: ROBINSON TO ADOPT RESOLUTION 2022-08 ACCEPTING BIDS FOR THE SIWEK PARK IMPROVEMENT PROJECT.

A roll call vote was performed:

Councilmember Robinson	aye
Councilmember Bauer	aye
Councilmember Udvig	aye
Councilmember Muehlbauer	aye
Mayor Feldman	aye

Motion carried.

D. Poppy Street and 229<sup>th</sup> Lane Reconstruction and Watermain Improvement Project

1. Resolution 2022-09 Receiving Report and Ordering Plans and Specifications for the Poppy Street and 229<sup>th</sup> Lane Reconstruction and Watermain Improvement Project

City Engineer Craig Jochum reviewed the staff report including an overview of the project, timeline and funding. He added, not listed in the schedule that could be added if the Council wanted, is a neighborhood meeting.

Mayor Feldman commented that is important to get feedback. He wanted to be fully open on this so no one can say later on that it wasn't talked about.

Mayor Feldman summarized that there will be a change in the pipe and that it will be done all the way around, there will be a sidewalk and safety walk to the mailbox, there will be stormwater and curb. He asked the width of the road. Jochum replied 28 feet.



Mayor Feldman stated that he has mentioned this before that this will be a battle coming up, because everything with Oak Grove is a battle. He referenced plow-friendly speed bumps and stated that is something that they should be looking at. He lives on this street and regarding the speed on this street, cars doing up to 50 miles an hour in a 30 mile zone is not unusual. He asked to get the speed bump if it is correct that they would have to go through MSA and have approval from the other side. Jochum replied they would have to get approval from the State aid for speed bumps. He wasn't sure if they would approve speed bumps but they can ask.

Mayor Feldman replied he gave pictures of other cities that have plow-friendly speed bumps including Minneapolis and Plymouth. Jochum explained they are on state aid roads, but if locally funded the City would need approval. Robinson replied more rumble strips would do that.

Mayor Feldman replied he would have spikes in the road if he could, noting speeders down the road in residential neighborhoods are ridiculous. He asked if that could be checked on. He thought this would be a good test site and if it worked it could brought to other areas. In other places, there are signs up trying to stop speeders from going through. He stated that he knows in the summer on a Friday afternoon on Poppy Street, with Village Bank right there, from 2:30-4:30 in the afternoon they are speeding to get to the bank and they are coming back the same way to get to Lakeshore Boulevard. That is a fact. He stated he has seen it for eight years, many times, and felt a gradual speed bump could make a difference. Now they just have to sell it. He thought the main thing would be to get the street done. He stated that the irony in this is that Oak Grove, for ten years, had a feasibility study done on this and it should have been completed. Now, here we are, after two years of discussion. Oak Grove would drop \$130,000 on their end. He wants the road done for the safety of everyone.

Robinson referenced the financing for the residents and asked if they are going to be creative, some will be surprised at the cost and ask why and what for. He asked if they were able to work out an easier way to assess people.

Mayor Feldman stated he was glad Robinson brought that up. He stated that his end for assessment was going to be over \$1,600, and now it's down to \$1,300. He stated he is prepared to pay it, the road needs to be done, and safety should be key on any road that is done. He stated he lives there and is saying seriously this road is past due.

Robinson asked Jochum if the Oak Grove residents would also be getting a letter or if they will be doing their own meeting. Jochum replied it was talked about several years ago, they could be invited.

Robinson commented they wouldn't be assessed so it is really immaterial. He noted that St. Francis paid for the right-of-way and asked why some residents have

\$0 assessed to them. Jochum replied they are Oak Grove residents, they are just included.

Bauer referenced the Oak Grove assessment which is zero, but it is listed for storm water/sewer assessment and says owner zero, City \$17,807. He asked if that is coming out of the Oak Grove's portion of funds. Jochum confirmed this.

Bauer also asked how the Oak Ridge townhome association not assessed. Jochum replied he would double check it but believed individual homes are being assessed, not the association.

Udvig commented if Oak Grove is agreeable, she felt it should get done before Oak Grove changes their mind.

Mayor Feldman asked Jochum if the issue with the easement was taken care of with the bank. Jochum replied they are ready to sign it but he wanted to make sure the project was going forward.

Mayor Feldman asked that a date for the neighborhood hearing be set and asked Jochum when it should be done. Jochum replied opening bids start April 5, 2022 so something later in February or early March.

Mayor Feldman suggested March 2, 2022 before Council approves plans and specs.

There was consensus to hold a neighborhood meeting Wednesday, March 2, 2022, at 5:30 p.m. in the Community Room.

Mayor Feldman asked if mailings would go out. Jochum confirmed this.

Robinson asked if there were any visual aids he could bring to the meeting. Jochum confirmed this.

Mayor Feldman asked staff to get information out about the meeting so people will get it and he doesn't have to hear there was no meeting on it because they are going to have a meeting on it.

MOTION BY: BAUER SECOND: MUEHLBAUER TO ADOPT RESOLUTION 2022-09 RECEIVING REPORT AND ORDERING PLANS AND SPECIFICATION FOR THE POPPY STREET AND 229<sup>TH</sup> LANE RECONSTRUCTION AND WATERMAIN IMPROVEMENT PROJECT.

A roll call vote was performed:

Councilmember Muehlbauer	aye
Councilmember Udvig	aye

Councilmember Bauer	aye
Mayor Feldman	aye
Councilmember Robinson	aye

Motion carried.

E. Proposal for City Administrator Search Process- BGS

Assistant City Attorney Dave Schaps stated that the City Administrator has tendered his resignation. He reviewed the staff report and proposal by BGS for the search process.

Mayor Feldman commented that Schaps did this process when Joe Kohlmann was hired. Schaps confirmed this. Mayor Feldman asked what process would be gone through if they don't do this. Schaps replied they could hire a group that specializes in executive searches which lasts 90 days but going with BGS would be much faster.

Robinson commented this has been done in the past and asked why the firm should be picked over someone else. Schaps replied there are a couple reasons. 1. Cost, because they are in-house, have done this before, and is coming in under what an executive search firm would likely come in for; 2. In terms of expertise, his past career was the Assistant City Administrator of Oakdale so he has familiarity of who is out there in the business. Schaps stated it is a process they are very comfortable with, they know the community and Council, and can make the price more competitive because they can do it fast.

Muehlbauer commented that being cost effective is a good thing. He stated he likes Schaps and trusts his judgement.

Udvig commented she supported going with BGS.

MOTION BY: ROBINSON SECOND: MUEHLBAUER TO ACCEPT THE PROPOSAL FOR CITY ADMINISTRATOR SEARCH PROCESS WITH BGS.

A roll call vote was performed:

Mayor Feldman	aye
Councilmember Muehlbauer	aye
Councilmember Robinson	aye
Councilmember Bauer	aye
Councilmember Udvig	aye

Motion carried.

10. MEETING OPEN TO THE PUBLIC – NONE

## 11. **REPORTS**

### A. Police Department Annual Report

Police Chief Todd Schwieger presented a brief overview of the Police Department Annual Report. He highlighted the Department personnel and roles, noting the body worn camera initiative began in December 2021, and statics. He noted that assaults and DWI, medical and domestic situations had increased. He also commented on the Toward Zero Deaths Initiative, which he reported has continued to trend in the wrong direction.

Mayor Feldman thanked Schwieger and commented it was a very thorough report. He referenced page 16 of the report and commented that he is amazed at the number of DWI's, that people have not learned not to drink and drive. He commented that from 2020 to 2021 it was up 46 more, almost double. He encouraged people to stay home. Schwieger replied one contributing factor during the peak of COVID in 2020 to keep exposure down they cut back their initiative but it is an issue.

Mayor Feldman commented that he reads about it in the off-week memos and it is insane. He suggested people get an Uber, walk, stay at home, go to the LiquorMuni to drink at home, and be safe. He stated it doesn't pay to go out drinking and driving. He referenced page 17 of the report and commented that medicals are up, which goes along with the EMS reports. He also commented on domestic situations and stated that is concerning to him.

Schwieger replied they do a lot of mediation and not all of them result in arrest but some do. A lot of times there are contributing factors such as alcohol and recently, the economy which creates stress for people.

Mayor Feldman commented those were his concerning areas and repeated it was a thorough report.

Muehlbauer commented it was a good report, as usual. He stated he had attended the Citizen's Academy, which was awesome and encouraged Council members who didn't attend last year to do that this year. He stated they give really good perspective and is a fun experience. He hoped there would be more citizen and Council involvement.

Mayor Feldman referenced page 26 and asked who in the picture doing a kick. Robinson replied it was him.

Udvig commented that the Police Department does a good job. She stated for the residents, the Police Department has different decals that residents can get and put up to alert emergency personnel if the home has a special need or medical condition. She encouraged residents to get one, if needed. Udvig commented that she liked the fast response times. She has heard from people who are stopped

that the officers are respectful and if people are compliant, there is not an issue. She stated the officers do a good job, are respectful, and responsible. She wanted residents to know that if people are breaking the law they are responsible, not the officer who caught them doing it.

Bauer commented it was a great report. He liked the last part and encouraged residents to look through the packets because it humanizes law enforcement. He stated that the pictures show that the officers care about the community. He asked Schwieger to give them the Council's thanks.

Robinson agreed that the packet visuals were awesome and the community involvement was exceptional. He commented that there are seven reserves and that that is pretty cool. Schwieger replied that is low, usually there are closer to ten. He stated the reserves they have, have been with them for quite some time and be an asset.

Robinson asked if they are compensated or volunteer. Schwieger replied they are volunteer but there are some events that the City gets reimbursed for.

Robinson commented on the DUI's and asked if people are still passing through. Schwieger replied that the majority of DUI's are not people living in St. Francis.

Robinson asked about meth production. Schwieger replied he hasn't seen it in recent years.

Robinson asked if there have any concerns that have arisen in the City that Council should be aware of. Schwieger replied speed, DWI's, and finding ways to get ahead of that. He also mentioned finding qualified officer candidates when needed.

Robinson commented on the number of stops being higher than the number of citations and stated it shows that officers are more interested in education than in writing citations. He referenced firearms sales and asked about people going to a sporting goods store for purchase. Schwieger replied if someone goes to a federally-licensed firearms dealer, they are going to need a permit to purchase which is issued through the local law enforcement. To carry a loaded firearm, a permit to carry is need which is done through the Sheriff's office. Schwieger noted the store also has to do their own checks.

## **12. COUNCIL MEMBER REPORTS**

Muehlbauer thanked the Staff and Council for accommodating him remotely again. He referenced the Green Valley Development and stated for the record that for him, he didn't have a finding of fact to deny them given that the PUD was approved months ago. He referenced City Planner Beth Richmond's question relating to a finding of fact, and asked if that was something the Councilmembers that voted against it would have to give to the Mayor.

Community Development Director Kate Thunstrom replied she and Richmond had discussed that if it failed tonight, it would be brought back to the next meeting. Staff did need reasons for denial from the Council and the reasons need to come from either the Comp Plan or Zoning Code in which they failed the project for.

Mayor Feldman stated that for the Councilmembers who were against it, that is their homework. They have to explain their vote.

Muehlbauer suggested that the Councilmembers contact Staff. He stated he wants to make sure the details were taken care of and procedure followed.

Udvig reported that the Chamber of Commerce is working on Pioneer Days. She stated there is a community meeting on February 16, 2022 at Patriot Lanes and it is open to all community members. She is planning to attend on behalf of the City and as a resident. Udvig encouraged the residents to help with that. She noted that Pioneer Days is scheduled for June 3-5, 2022. She asked residents and Council who have resources to attend the meeting or contact the Chamber to help bring Pioneer Days back.

Bauer thanked all the residents who had contacted him about Green Valley.

Robinson stated reasons for his denial of Ordinance 287 for rezoning was because he didn't feel it fit out there yet. He stated in the 2040 Comp Plan, under Agricultural, maximum density one to ten acres, says "future land uses in the development shall maintain and embrace the rural character as an essential element if subdivided. Rural not urban planning and surfacing shall apply to these areas. The City may allow the use of density bonuses if applicable if the applicant or property owners show that their proposal meets additional conservation design." He stated he didn't feel it met that design. He didn't feel the cluster homes belonged out there or met the flow out there. He stated he didn't agree with the wetland credit. As far as the preliminary plat, he felt that a lot of concessions were made. In other areas, it makes sense but not in that area because there isn't anything else like it. He stated that with the variances, even though it can be done doesn't mean it should be done. He stated he supports growth when it is done properly. He had concerns from the time there was a split vote in Planning Commission, which he is the liaison for. He stated the developers weren't there for the first few meetings, which he felt were important.

Mayor Feldman reported he is still working with Weber to sort out the final bills for the LiquorMuni. He stated that John, Crystal, Kate, and Lisa are working with him on promotions for it, which is the most important part now. They are going to be working on upgrading the digital signs and he has some meetings coming up with a company that is looking at that right now and another company. He stated that promotion is key now that we have expanded and highlighting the changes. He stated that delays were due to health issues on both sides.

Mayor Feldman referenced an email that Police Chief Todd Schwieger sent the Council and stated he is very proud to be the Mayor of a town where if one has an ailment, before the ambulance gets there, the percentage of survival is a very high percentage, noting what Schwieger and Fire Chief Dave Schmidt bring and in working together. He stated he can't commend them enough and is very proud to know and be confident that if someone is having an issue and an ambulance is called, before that ambulance gets there, the right care has been given to them and their rate of survival is very high. In those minutes that count before the ambulance gets there. He stated he would like to see someday where every town gets their own ambulance service but that is not going to happen in a short time, if ever, because of cost. He stated it always comes down to dollar amount. If the Council read the email that was sent as he did, he called both Chiefs. He stated he is very proud of them. He noted that public safety is two-thirds of the budget, not just on DUI's, house checks, domestics and all that; it comes down to when the call comes in, residents can be confident that someone is going to be there and is going to give the service and what is needed to stay alive before the ambulance gets there. He thanked them for their service. He also commented that Schwieger's community service since he started has been great.

Mayor Feldman continued that working at a small-town level and having people not be afraid of police is a very big thing. He just read an article about a shooting in Minneapolis last Wednesday of a 22-year-old who was shot in his own home. He has said if police officers were interviewed better, trained better, had unions not protecting, have police departments not defunded, but working better. He stated that Schwieger has done an excellent job at bringing the police one-on-one. St. Francis residents aren't afraid of the police because the police work with them and are community oriented. That is because of Schwieger's leadership. He continued, that Schmidt's leadership with EMS ability at the Fire Station and the Fire Fighter staff today is commendable. Mayor Feldman stated Schmidt has really put St. Francis on the map. He stated he had a heart attack in Ramsey and he knows those minutes count very much. He thanked them.

Mayor Feldman thanked the Community Development Staff for their patience in dealing with the Council, noting he can see it isn't easy. He stated that the distance from being in the audience to the Council may only be 25 or 30 feet but the decisions that are made up here are not easy decisions. He wanted the public to know that. It's not easy deciding what is best for the City at large versus your neighborhoods or our neighborhoods. He stated he doesn't deal Poppy Street because he lives on it; he deal it because it is a street that has to be done on a construction basis and what is best for the City. When he became Mayor in St. Francis, he used to come to meetings dealing with speeding on Poppy Street, as a resident. Now as Mayor, he has gotten more speed signs, more solar signs, and worked with the police on it because he cares about all the streets like Poppy Street and all the speeding going on, not just Poppy Street. He noted that when you are on the Council, you give up the right as an individual and deal with all the residents

that you represent. He stated this job is not easy.

Mayor Feldman stated, as he has before, if anyone has an issue the Council will look into it, will vet it, but at the end of the day, it will be a decision based on what is best for the City at large. It is a tough decision to make and progress is a double edged sword; some will like it and some won't. This City is growing and in growing pains, this is what happens. There will be some development down the road that they will have the same issues with, it will always be something but we have to look at the bigger broader picture of the City, that's our job. That's what we were elected to do.

Mayor Feldman addressed City Administrator Joe Kohlmann, and wished him the best. He stated Kohlmann has contributed to getting the City to where it has been since 2015. He wished Kohlmann all the best and added he will be missed. He hoped someone could be found who is an equivalent to Kohlmann, if not better. He hoped that could be done the first time and not a two-person process. Mayor Feldman again thanked Kohlmann for his service adding he has been an intricate part in making the city better than what it was when they came in. He applauded Kohlmann. Mayor Feldman stated Community Development Director Kate Thunstrom will be taking over the Interim City Administrator job until the permanent person is hired.

Mayor Feldman thanked everyone for their patience during these times. He stated it is hard to give people time to talk and listen to everyone. He repeated the decisions being made are hard. He stated people always think this job is easy, but it's not easy. It would be easy if no work was done but when working like they do at a work session and things done behind the scenes, it is a lot of work.

Mayor Feldman addressed those who may be watching online and urged them to not go to social media to solve their problems but instead to talk to City Staff, an individual Council Member, or the Council as a whole. He asked that people give them the opportunity to look at their issue or concern. He stated they may not get the answer they want but they will get a truly vetted, discussed answer that can be counted on. He wished that people would stay off social media because they won't get a remedy, they may get more disgusted or misinformed but you will not get a solution.

### **13. UPCOMING EVENTS**

February 16, 2022 – Planning Commission Meeting – 7:00 p.m.

February 21, 2022 – City Offices closed in observance of President's Day


February 22, 2022 – City Council Meeting – 6:00 p.m.

March 7, 2022 – City Council Meeting – 6:00 p.m.

### **12. ADJOURNMENT**

There being no further business, Mayor Feldman adjourned the regular City Council at 8:18 p.m.



A handwritten signature in cursive script, reading "Jennifer Wida".

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Jennifer Wida, City Clerk