

CITY OF ST. FRANCIS  
CITY COUNCIL AGENDA  
St. Francis Area Schools District Office 4115 Ambassador Blvd. NW  
June 6, 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 Joe Muehlbauer, Robert Bauer, Kevin Robinson, and Sarah Udvig

Also present: City Administrator Kate Thunstrom, Deputy City Administrator-City Clerk Jenni Wida, Deputy Administrator-Public Works Director Paul Carpenter, Accounting Tech-Deputy Clerk Natalie Santillo, Assistant City Attorney Dave Schaps (Barna, Guzy & Steffen), City Engineer Craig Jochum (Hakanson Associates, Inc.), City Planner Beth Richmond (HKGi), Fire Chief Dave Schmidt, Finance Director Darcy Mulvihill, and Police Chief Todd Schwieger.

**3. APPROVAL OF AGENDA**

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

Ayes: Udvig, Muehlbauer, Feldman, Bauer, Robinson

Nays: None

Motion carried 5-0

**4. CONSENT AGENDA**

- A. City Council Minutes - May 16, 2022
- B. Accept the Resignation of Firefighter Will Mangan
- C. Fire Department - Policy Update Section 1.3 Membership Openings
- D. PW/Police Record Clerk Job Description Update
- ~~E. Temporary Animal Control Service~~
- F. Police Officer Conditional Offer of Employment
- ~~G. City Building Pre-Architectural Services~~
- H. Turtle Ponds 4th Addition – Development Agreement
- I. Payment of Claims

Mayor Feldman removed item E and item G for clarification.

MOTION BY: BAUER SECOND: MUEHLBAUER APPROVING THE CONSENT

## AGENDA ITEMS A, B,C,D,F,H, I.

Ayes: Bauer, Udvig, Muehlbauer, Robinson, and Feldman

Nays: None

Motion carried 5-0

E. Temporary Animal Control Service

Mayor Feldman stated he wanted to bring this to attention for the record because they have been getting emails to Council about this issue from people who don't live in St. Francis. He stated for those who don't live in St. Francis and don't pay taxes to the City, he wanted to say 'MYOB' Mind Your Own Business a saying his mother had. He suggested they deal with problems in their cities and they will deal with the problems in St. Francis for the residents they were elected to serve. He stated that is how it works in this City. He suggested they MYOB and stay off social media pages and stop telling them what to do in St. Francis because they have no responsibility or right to do that. He stated they were told recently by North Metro Animal Care Facility that they can't do their service for the City anymore. He stated these were circumstances out of the City's control so they are no using a temporary service. He stated they have also put out an RFP (Request for Proposals) to get a new company and are going through that process now. In the meantime, Police Chief Todd Schwieger reached out to companies. He stated there aren't a lot of companies that do this so it is limited. They are working with Canine Country Club which will be a temporary facility which may turn out to be permanent if they follow all the guidelines and licenses and everything they need to do in going through the RFP process. He stated they will go through the process and decide what is best for only the St. Francis residents. He clarified they don't serve East Bethel, Zimmerman, or Oak Grove residents but only St. Francis residents who live in St. Francis and pay taxes. He wanted to make it clear for those who are on social media saying what St. Francis government should be doing. He stated they are elected to govern for St. Francis residents and not others. He asked Police Chief Todd Schwieger if it was correct that they said he had reached out to Canine Country Club about the licenses and are in the process of getting State licenses.

Police Chief Todd Schwieger replied yes they have an ID number already through the State and are just on a waiting list for the inspection.

Mayor Feldman wanted it on record and understood that Canine Country Club is in the process of getting a license which people on social media are claiming they don't have. He also stated in the proposal there is a five day waiting period and if the animal isn't picked up after five days it goes to the Humane Society in Coon Rapids. He wanted that to be clear as well because people have been saying differently. He stated if people wanted to know the truth about what is going on in City government they should call City government, not social media. He stated they will not find what they are looking for on social media but will find an answer in the City to the best of their ability as they vet the answer and give people the

best answer they can. He stated it may not be the answer people want but it will be a truthfully vetted answer. He stated he has said this for six, going on seven years. He stated Staff and Council adamantly do that. He asked for Council comment.

Udvig commented she agreed whole-heartedly with what the Mayor just said.

Bauer commented he agreed with what the Mayor said but asked to hear from legal counsel if they move forward and if the licenses aren't achieved, would the contracts be void.

Assistant City Attorney Dave Schaps replied correct, adding this is only a temporary agreement.

Councilmembers Muehlbauer and Robinson both commented they agreed with the Mayor.

Mayor Feldman asked Council to not respond to these emails, he puts them in his junk email, because they are just looking for more to put on social media and it is a waste of time. He stated they went through this before in 2019 from people who don't live in the City. He stated there were threats to the Councilmembers, himself included. He stated he and this Council wouldn't stand for that. He stated they have dealt with this for their residents they were elected to serve, not others. He asked that those who don't live in St. Francis not tell them how to do their government. He wanted that to be made clear and on the record. He thanked Schwieger for checking that out. He asked when the RFP process would be closed. Schwieger replied it closes June 10, 2022.

Mayor Feldman stated it closes June 10, 2022 so they will go through the process they normally do and vet out the new service. He stated he realized that animals are family members and they are going through the process.

#### G. City Building Pre-Architectural Services

Mayor Feldman stated he looked over the contract with Assistant City Attorney Dave Schaps and pulled out anything that has to do with construction because they are only working on the design phase to see if the building they are looking at will fit on the site they chose for this project. He wanted to make clear for the record, in the RFP proposal it states two rendering drawings, but in the AIA contract it does not say that. He wanted it understood that the two renderings are a part of package, anything above that is an additional cost. He wanted Council to understand that what was brought to the interview process about what they were going to do. He asked Council if this was good enough or if they wanted to put it in the AIA contract.

Schaps commented he thought it was legally sufficient, it is part of the RFP, it is

partial to the agreement.

Mayor Feldman repeated it is legally sufficient. He added, two renderings will be supplied per the bid. Schaps replied that is what the designers said they would provide.

Mayor Feldman added anything above that is additional cost. He asked if that was agreeable to Council. He stated this has been fully vetted by Schaps and himself and now it pertains to just the project they are doing. They are looking closely at the construction of the AIA contract and are looking at that thoroughly. He stated he was taking this on personally because at the Liquor Muni it was found out there were some issues and he will vet this one himself as he has done so far. He stated he wants to learn from mistakes and not repeat it.

MOTION BY: UDVIG SECOND: ROBINSON APPROVING THE CONSENT AGENDA ITEMS E, G.

Ayes: Bauer, Udvig, Muehlbauer, Robinson, and Feldman

Nays: None

Motion carried 5-0

**5. MEETING OPEN TO THE PUBLIC**

Mayor Feldman asked if anyone wanted to speak. No one came forward.

**6. SPECIAL BUSINESS – NONE**

**7. PUBLIC HEARINGS**

**A. River's Edge 6<sup>th</sup> Addition**

- 1) Resolution 2022-30 approving the vacation of the drainage and utility easement over Outlot B of the 5th Addition of the Rivers Edge subdivision
- 2) Resolution 2022-31 approving the final plat and plans of the 6th Addition of the Rivers Edge subdivision with conditions and findings of fact as presented by Staff

City Planner Beth Richmond presented the staff report and recommendation of approval of both the drainage and utility easement vacation and the final plat and plans for the 6<sup>th</sup> addition.

Mayor Feldman opened the Public Hearing at 6:11 p.m.

Andrew Wood, 3419 236<sup>th</sup> Lane, stated he is a representative of the Upper Rum River Watershed for the City of St. Francis. He stated he is there to oppose the vacation of the easement because it is an outlot that was promised to not be built on when residents bought the houses. He stated he received a letter six days ago stating they could contact City Planner Richmond if they wanted to come forward to oppose this. He stated he didn't think that was enough time and was asking for

that.

Mayor Feldman asked if others were in agreement. Mr. Wood replied, yes they are.

Mayor Feldman asked what the reason was. Mr. Wood replied it was an outlot which is how they bought it. He stated they looked at survey maps and were told it is an outlot and technically they didn't know and weren't told that the plat was going to change in the future and the easement vacated.

Mayor Feldman asked who told him that. Mr. Wood replied his realtor.

Mayor Feldman replied outlots are always in play for development, they are set aside because it doesn't fit the development or addition that it's in. He stated they are made for future expansion. They are set aside as it is and as a development comes into play, things change, that is what an outlot is. He stated he has run into this before, as he has just retired from building, he has run into this before with realtors who don't give or disclose full information because they want to make the sale. He stated it is kind of like drainage easements on the backside of houses where realtors say it is a big lot, but it is as long as it isn't flooded out. He stated it is a staunch point for underground storm water drainage, noting water will go the easiest way out so by just having drainage areas that are graded in a certain way are just a headache waiting for later on but with underground pipes it will go where you want it to go. That is why he thinks storm water pipes are a much better way to go but of course it is expensive for developments that is why they find a work around and do it.

Mr. Wood stated when he bought the house he had looked at the St. Francis survey map and it was not on there from saying it will be vacated in the near future.

Mayor Feldman asked if this goes through, and this developer has done really well here with this development, it is considered a responsible development which is in the sixth phase now, how would it effect Mr. Wood's property.

Mr. Wood replied when the road was regraded the bulldozers and excavators that came through shook a lot of foundations so windows are offset, his glass patio door was cracked and had to be replaced. People's pools are unlevel because of the vibrations. Also there are environmental reasons, animals that use that land and have dens back there, such as a fox.

Mayor Feldman replied there should be truth in lending, truth in borrowing, and truth in selling; they should put out the facts. He highlighted again the backyard drainage easement that adds land as long as it's dry but once it's wet, it is really a wet backyard which is sad. He asked for Council comment.

Robinson commented Mr. Wood stated he got the letter six days ago and they want full transparency. He stated two or three years ago, he had discussed drainage

issues with another property with City Administrator Thunstrom. In that instance, the realtor had promised one thing but when they saw it, there was three or four feet of water. He stated he has not been to see this current area. He would like the individuals to have more time to discuss it or Council during a Work Session. He asked Richmond if the question is to vacate it entirely.

Richmond referenced the map pointing out the location of Outlot B and stated it has always been planned for the 21 lots that is being proposed tonight. She stated at this point with the final plat, it is expected that the drainage easement will be vacated because that is how this development has been approved so far. She stated an extra easement has been put on there to ensure development doesn't happen until the final plat is through, at which time it will be developed per the approved preliminary plat.

Mr. Wood asked if that was made to be public and if so where. Richmond replied the preliminary plat went through a public process in 2018. She stated this is what Staff expected to see from this area.

Robinson asked if it was the case that it was expected except by the people who live nearby there. Richmond confirmed this stating this is what was approved in the preliminary plat.

Robinson asked how much of a hardship there would be to vet this out further with more neighbors coming forth. He also asked if it would make a difference in discussing it further. He stated the developer has done a good job with this development but the question has been raised by the residents and should be answered as best they can.

Mayor Feldman agreed but added that an outlot set aside will be developed. He stated it is like a couple of sites in St. Francis that are under development or will be developed and people are upset about things changing as the City grows. He stated the option is to buy the land that is for sale and keep it as you want it or when it is up for sale, it is going to be developed. He stated there are 124 acres on Basswood and if someone didn't want a development there they could have bought the land from the seller. He stated particularly people who are on the west side don't want a business park there, their option would have been to buy land and there wouldn't be a business park. They don't do that, therefore, it opens it up to development. He stated his point is that Outlot B was always discussed and always set aside with the notion that it would be developed. He stated what he didn't like was the six-day notice and the lack of information supplied by the realtors, noting that this is not going to be built up.

Mr. Wood replied he should tell that to Progressive because those were the realtors that sold them the house.

Muehlbauer commented he agreed with Richmond that this is how he expected

this to look from the process over the last few years. He asked Mr. Wood how long he has lived there. Mr. Wood replied 2019.

Muehlbauer asked where his house was on the map. Mr. Wood pointed it out.

Mayor Feldman asked if Mr. Wood was told he was next to an open field. Mr. Wood replied he was told it was an outlot that was not going to be developed. He stated because he is in construction, he looked it up and technically it is supposed to be disclosed at what point in the phase it is going to be built. From what he can see, it does not say anything on it and that is why he signed the papers.

Mayor Feldman stated he would like to see the developer's timeframe work as they want but of course the economy dictates what they are going to do and the access to money.

Bauer agreed with Muehlbauer that from many years of working on this, but he didn't like the six-day notice. He stated in looking at the road access point on each side it should be figured that something is going to go in there.

Mr. Wood replied when he moved there, the 237<sup>th</sup> road wasn't even there.

Udvig agreed, stating this is what she remembered as the plan and it was unfortunate that realtors don't tell the truth. She stated it occurs frequently that people come in saying realtors have promised things that are not true. She asked what happened with the notice.

City Administrator Thunstrom replied a lot of the information came back to the post office. These are mailed by state statute. They have to mail the notice within ten days so these were sent out over two weeks prior but there was a delay somewhere in the mail process.

Mayor Feldman replied yes what was seven days now takes 14 days. He stated basically the City sent them over two weeks ahead and it got delivered in six days which is a sad state of affairs for the postal system.

Mr. Wood replied he was allowed to voice his opinion.

Mayor Feldman replied he is glad Mr. Wood did and wished he could say they could change this. He stated this developer has been a responsible and reputable developer over the years and has worked well with the City. He stated there are builders they have to deal with. He stated being a builder there are a lot of things he wished he didn't see, the quality of the structures, the amount of money they charge for the structures. He wished people could see their house being built because then they would know if they would want to pay. He stated really there isn't anything they can do about this because this was staged a long time ago. He stated there was some time in the beginning but then it goes through the

development process which takes a long time. To Robinson's question if they discussed things more it wouldn't change things. He stated to realtors that full disclosure is the most important thing they can do. On drainage easements, on outlots, no one should tell anyone that this is never going to be built out. As far as development goes, in Andover and Ramsey, what was farm land is now built out. It's called growth. He stated he always says growth is a double edged sword, some will like it and some won't. There is always a price to pay for it. He stated in this particular case he was glad Mr. Wood came forth. He asked that the mailing time be changed to three weeks out to give a ten day notice because they know how the postal service works. He thanked Mr. Wood and wished he could tell him more. He stated they try to be flexible and as honest as possible here but at this stage, if this was an unscrupulous developer, he would have the Council look into it a lot more but being that this developer has been reputable all along and providing five wonderful additions to the City and put up some really nice developments. He stated he has seen some pretty bad developers in the past, he wasn't questioning the developer. He suggested Mr. Wood could reach out to the developer if he wanted but at this time to delay it and bring more people in wouldn't change things.

Mr. Wood replied he wanted his name in the record. Mayor Feldman replied absolutely.

There being no further public comment, he closed the Public Hearing at 6:27 p.m.

MOTION BY: MUEHLBAUER SECOND: BAUER APPROVING RESOLUTION 2022-30 APPROVING THE VACATION OF THE DRAINAGE AND UTILITY EASEMENT OVER OUTLOT B OR THE 5<sup>TH</sup> ADDITION OF THE RIVERS EDGE SUBDIVISION.

Ayes: Bauer, Udvig, Muehlbauer, Robinson, and Feldman

Nays: None

Motion carried 5-0

MOTION BY: ROBINSON SECOND: UDVVIG APPROVING RESOLUTION 2022-31 APPROVING THE FINAL PLAT AND PLANS OF THE 6<sup>TH</sup> ADDITION OF THE RIVERS EDGE SUBDIVISION WITH CONDITIONS AND FINDINGS OF FACT AS PRESENTED BY STAFF.

Ayes: Bauer, Udvig, Muehlbauer, Robinson, and Feldman

Nays: None

Motion carried 5-0

## **8. OLD BUSINESS – NONE**

## **9. NEW BUSINESS**

### **A. 2022 Street Rehabilitation Project**

#### **Resolution 2022-29 Accepting Bids and Awarding Contract**



City Engineer Craig Jochum gave a presentation on the 2022 Street Rehabilitation Project and bids.

Mayor Feldman stated when he hears the low bid, he asked if it is a qualified company. Jochum replied yes. Mayor Feldman continued he wants that emphasized more and more.

Mayor Feldman stated after going through what they went through with the Liquor Muni, low bid numbers and well qualified he could handle. He asked if Jochum was familiar with the company OMG Midwest Inc. dba Minnesota Paving and Materials. Jochum replied they are the original Hard Drive.

Mayor Feldman replied that made him feel better. He asked for Council comment. There were no further comments or questions from Council.

MOTION BY: UDVIG SECOND: BAUER APPROVING 2022 STREET REHABILITATION PROJECT, RESOLUTION 2022-29 ACCEPTING BIDS AND AWARDDING CONTRACT TO OMG MIDWEST INC. DBA MINNESOTA PAVING AND MATERIALS.

Ayes: Bauer, Udvig, Muehlbauer, Robinson, and Feldman

Nays: None

Motion carried 5-0

B. Ordinance 297 - Amendment to City Code Section 10-73-03 General Landscaping and Maintenance – 1st Reading

City Planner Beth Richmond gave a presentation on a Staff proposed amendment to City Code Section 10-73-03 in order to clarify elements that may be allowed in utility easements.

Mayor Feldman asked if there have been an inquiries about plantings like this in utility easements.

Richmond replied this has come out of a couple of recent development site plans where they wanted to put perimeter plantings around the parking lot. The City requires perimeter plantings around parking lots but trees aren't allowed in easements which are around the perimeter of the site. She stated it is hard to enforce when there are conflicting requirements.

Mayor Feldman read from the draft "Features may be placed in such easements by the owner, at the owner's risk of removal (without compensation) by the City or agencies that may have legal use of the easement." He stated full disclosure by the realtors is something he wished they would do more because he has been in houses in the last couple years of people with big back yards that have flooded out

in the spring with the thaw and realize they don't have much yard because it is like a pond. He has one that happens in his yard they call Lake Feldman. He hoped when they redo Poppy Street and get in culverts, the roundabouts and stormwater that should solve it. He stated he thought this is a good thing. It is simple but explains things well, gives flexibility but also guidelines. He asked for Council comment.

Bauer commented he is in favor of this but wanted to make sure the City is clear on what aspects could happen in their specific easement because every development is a little different. He wanted it clear when people request to put a fence in an easement.

Mayor Feldman replied that whatever is put on there is at the resident's own risk because the easement is owned by the City.

Udvig agreed with making sure that it is clear. She suggested putting something on Facebook to help get the word out because most realtors can't be trusted.

Mayor Feldman commented it also goes to the builder. When the lot is sold they should let people know how much is the drainage. The land is theirs as long as it is dry, when it is wet it's already apart of the development, it's already apart of the drain. He repeated he wished it could all be piped so they could direct water exactly where they want it. He stated he's talked to Public Works about this many time, water goes where it wants to go so unless pipes are used. Drainage easements are graded drainage, that is why it's called a drainage easement. He stated he understood the extra expense of piping would be exorbitant.

Muehlbauer liked the new version but wanted to stress things may be allowed doesn't mean it will be allowed everywhere. He also agreed with Bauer that when people come in that Staff stress the cost part of it so they are aware.

Robinson commented he liked the wording and felt it was good housekeeping. He thought it was more clear when before it was vague. He liked Udvig's idea of posting it initially. He asked if there were other avenues to broadcast notifications other than the newspaper.

Thunstrom replied that in addition to the newspaper using social media and the website are ways to boost it. She didn't know about getting rid of the newspaper.

City Attorney Dave Schaps replied there are avenues they could use but there has to be an official newspaper record.

Robinson commented the newspaper maybe gets five to ten percent and it is a different age that reads it. He felt it was a waste of City money and lacks coverage.

Schaps replied that is something that is complicated at the legislature. He knew of

a group that was doing an online newspaper but that only lasted a couple of years. Smaller newspapers have been going out of business so it has been falling on larger pioneer presses to take up the requirements. He stated it is something that is talked about at the legislature.

Robinson commented it was talked about but not acted upon. Schaps replied the newspaper association is very strong.

Mayor Feldman commented with the City Hall/Fire Station is bringing digital signage for that building so they could put things out like this. Robinson commented it would be like a digital billboard.

Mayor Feldman replied exactly. He has seen them in other cities and when people come to the building the public could see it. He stated it comes down to the responsibility of the public to read documents but it is hard to get them to even read the newsletter.

Robinson commented the public isn't the way they used to be, things are changing.

Mayor Feldman agreed. He added that is something to consider. He thanked Richmond for the clarification. He stated they should make people aware of it. He liked the flexibility of it, letting people be able to do something with the drainage easement within reason, to make it look nicer for them but doesn't effect the drainage of it. It is their yard but not their easement. He thought full disclosure would help a lot. It's better to be informed when you buy something.

MOTION BY: MUEHLBAUER SECOND: UDVIG APPROVING ORDINANCE 297 AMENDING CITY CODE SECTION 10-73-03 GENERAL LANDSCAPING AND MAINTENANCE- 1<sup>ST</sup> READING.

A roll call vote was performed:

Mayor Feldman	aye
Councilmember Udvig	aye
Councilmember Bauer	aye
Councilmember Muehlbauer	aye
Councilmember Robinson	aye
Motion carried 5-0	

C. Erkium Street Variance

Resolution 2022-32 approving the public street frontage variance request for XXX Erkium with conditions and findings of fact as presented by Staff

City Planner Beth Richmond gave a presentation on a variance request for Erkium Street.

Mayor Feldman asked Richmond when the cul-du-sac didn't go as far as it should have gone if she knew what year it was. Richmond replied she believed it was 2004.

Mayor Feldman asked if the owner was there. Richmond replied yes.

Mayor Feldman commented because there is all wetland there isn't much place to put the house and a road would be needed to get to the house. He stated he knew the developer on this, that did the cul-de-sac before, is not happy about that but he could only say that should never have been allowed in 2004, the cul-de-sac should have gone all the way. He asked the owner how long ago he bought the lot.

Mr. Baldwin, the owner, replied about three or four months ago.

Mayor Feldman commented he didn't have any problems with this at all. He thought it needed to be corrected from 2004 and should be corrected. The cul-de-sac should go and the road should be put in place. He stated he agreed with Planning and Zoning. He asked for Council comment.

Robinson commented he agreed with the Mayor. He commented the homeowner to the west could bring his own case forward.

Bauer asked if it could be a gravel driveway because it is City right-of-way.

Richmond replied they would expect the code requirements be followed for a residential driveway. A certain number of feet is required to be paved and from there it can be gravel.

Bauer wanted to make sure they are giving the right answers so they don't find out they need to pave it later.

Mayor Feldman asked if they were aware of that already. Richmond replied yes.

Mayor Feldman asked with this passing, when would construction start. Mr. Baldwin replied as soon as possible, they still have to go through building permit.

MOTION BY: ROBINSON SECOND: UDVIG APPROVING ERKIUM STREET VARIANCE RESOLUTION 2022-32 APPROVING THE PUBLIC STREET FRONTAGE VARIANCE REQUEST FOR XXX ERKIUM WITH CONDITIONS AND FINDINGS OF FACT AS PRESENTED BY STAFF.

Ayes: Bauer, Udvig, Muehlbauer, Robinson, and Feldman

Nays: None

Motion carried 5-0

D. St. Francis Dental Clinic Addition

Resolution 2022-33 approving the site plan for the St. Francis Dental Care expansion at 3715 Bridge St NW with conditions and findings of fact as presented by Staff.

City Planner Beth Richmond gave a presentation on the proposed St. Francis Dental Clinic Addition.

Mayor Feldman stated the City road being used for construction, he had no problem with as long as it is left in the shape it was before because they will need to that to do it. He asked if it was correct that even with the expansion of the parking in front they would still be shy of the spaces needed. Richmond replied yes.

Kurt Huether, the owner/ dentist at St. Francis Dental Care, 3715 Bridge Street, stated he has reviewed the City's 2040 Comprehensive Plan and believes the vision for expansion aligns with the City's plan. He stated the expansion is contingent on their ability to add parking for the increased traffic. He asked for consideration by the City to sell a portion of the north property to allow for expansion.

Mayor Feldman commented the perimeter of the property in the back is six plus total acres and asked if it was correct that only four or so were buildable. Richmond replied correct, there are some challenges because they were also trying to incorporate property to the north but there are some wetlands. They are still working on some surveys.

Mayor Feldman replied Dr. Huether is asking for about a third of an acre. Dr. Huether replied yes.

Mayor Feldman commented it is smaller than a city lot. He asked if it would effect the development. Richmond replied the challenge is they are expecting the road to connect with Ambassador that is going in to take away some of the development area but will allow a route for connection to a higher density lot. There would be two access points to the units. She stated they lost some of the property to that new road. To take that urban acre would eliminate housing units however that property wouldn't be available until the road is built. That is the extension to the north.

Mayor Feldman replied that isn't going to help with the addition now. He shared his thoughts that the eye sore and the problem is the storage area for the hardware store, which has been there since 1998 to 2002. It was supposed to be there five years, then gone but 20 years later it is still there. It is an eye sore to Bridge Street and the St. Francis Forward Plan and doesn't belong there and shouldn't have been allowed to be there as long as it has. He suggested getting that piece of land to expand parking, which would work best for Dr. Huether and the City at large, which is what Council bases decisions upon. He suggested Staff look at code

compliance issues on that site. He stated he has been thinking about this for the last six years and doesn't believe it belongs there and was stated by the owner it would only be there for five years but has been enabled to be there for 20 plus years. He thought there were some issues with the St. Francis Forward Plan and there isn't room for storage material on that street. He commended the doctor's business for being there for many years and not putting an addition on because he wants to move but because he wants to be there a lot longer. He stated they need adequate parking, that is a fact, even by City code. He suggested at this time the storage is discussed with the owner of the property and that something be done. The storage needs to be moved and maybe he will sell the land to Dr. Huether. The City can't allow storage to keep going on that site. The look of the St. Francis Forward plan and what they are trying to do with making a downtown retail site, commercial site on 47<sup>th</sup>. Getting the Rum River going with new construction with the Rum River Inn opening up and still there is an eye sore right in the middle of it all. He stated it isn't right to keep it going. He stated that the storage site doesn't make sense and when looking at the layout is really the best place for it.

Dr. Huether replied he would be willing to use the gravel that is there if Council would allow it and that would open up that whole parking lot for patients only. He stated he would pay for all the plowing and take care of it. He stated he had the snowplow person grade the road because there were potholes and washouts.

Mayor Feldman asked how many cars are there for employees now. Dr. Huether replied he has about ten employees there a day, so ten cars.

Mayor Feldman if they need to ten cars that would bring him close to the plan because he needs 27 cars, not 28. Dr. Huether replied he would still be low.

Mayor Feldman asked if spaces are being used for employees. Dr. Huether replied very few but yes they still have to do that. They are parking across the street and by the orthodontist. He stated he is plowing that also.

Mayor Feldman suggested on a temporary basis for a temporary use.

Thunstrom explained Bridge Street is a County road so they would have a thirty-day comment period from Anoka County. They can decide that, they would have to put strong agreements in place because this is a future street and is a parcel that is dedicated for future development. They need to think of the whole picture. She cautioned solving one problem while creating another. She stated the City doesn't allow gravel parking lots or streets in urban areas so they would be going outside many of the City codes.

Mayor Feldman stated the other temporary was negotiating on the storage facility and if that were obtained by Dr. Huether that other would be gone. Dr. Huether replied that is the ideal.

Mayor Feldman stated it is time for the storage area to go, the City has known it for six years and has talked about it many times before. Every time he drives down Bridge Street, he tries to look beyond it because it is disgusting and doesn't belong on Bridge Street. It was there for temporary but became permanent because all the other Councils looked the other way. He stated he knew the County had to come into play, but suggested if they did temporary and worked this out where the storage area is gone and Mr. Huether works with the owner, then that would become the permanent and he would give up the temporary.

Dr. Huether replied absolutely, he would do that.

Mayor Feldman asked if that made sense and gave some direction. He thought it was workable. He stated as long as Council looks the other way that storage is going to be there, it doesn't fit what the codes are today. He asked if he was right, that they would not allow that if it was brought up today. Thunstrom agreed they would not allow that if it was brought up today.

Mayor Feldman asked that it was not grandfathered in. It was supposed to be there for five years and then gone. Thunstrom replied she wasn't aware of any agreements were the City allowed it.

Mayor Feldman stated he would find the document and bring it to the attention of legal and Staff. He stated when he read the document there was a verbal agreement that said it would be gone in five years but it is still there. It will be there as long as they allow it to be there and they shouldn't allow it to be there. He stated they are looking at spending money on Bridge Street to bring traffic in and build it up and they don't need an eye sore there. He asked how this could be done in a way that they could do something.

Richmond replied she wasn't prepared to give a good solution tonight, given the coordination that has been discussed tonight but could certainly talk about it with the applicant, bring it to a Work Session, there are a lot of things they can do but she couldn't give a solution tonight.

Mayor Feldman asked if Dr. Huether understood that. Dr. Huether replied absolutely, he appreciated the flexibility.

Mayor Feldman commented Dr. Huether has been there a number of years, supplies a service to the residents, and has done it in a responsible way. He stated that will be taken into consideration. He stated he will give Richmond some time. He stated it could be done at a Work Session or brought to the next meeting, however she wanted to do it.

Thunstrom replied it is going to require some homework. She asked if the site plan approval was still needed tonight and if that is contingent on a parking solution. Richmond replied there is a condition that Staff proposed as a part of the site plan

approval that says they need to figure out construction access. She stated there needs to be construction materials and equipment that needs to be brought to the rear so that construction can take place.

Mayor Feldman replied there is no other way to do it; they have to use that road.

Thunstrom explained this approval is not contingent or dependent on the additional parking so they can move forward tonight and still move forward with the other condition, they are two separate issues.

Mayor Feldman asked for Council comment.

Bauer suggested another scenario. He stated the 2040 Plan is to pull everything to the street. He asked can County parking spots be open up in the back if the back can be turned into a paved parking lot. If they don't put the road in, they have to travel that piece of road, so then it would conform to parking. He asked how many spaces would be gained in the back and how many would be lost in the front. It would pull that building more into conformity with the 2040 Plan closer to the street. If they could get the other property, a breezeway would put another building closer to the street. He stated this could be pulled closer to the street and open avenues to the 2040 Plan and give Bridge Street the aesthetics they are trying to do. If this plan is approved now, they are saying for the next 50 years that building is going to sit further back from the 2040 Plan.

Mayor Feldman noted it is only an addition.

Bauer replied if the addition was done on the front side it's in conformity with the 2040 Plan with buildings closer to the front and parking in the rear. He stated he was for giving up that space so they can do parking in the back. He stated that is how he would like to see it going forward and asked how many spaces would be added.

Muehlbauer replied not much.

Mayor Feldman replied it is in line with the building that is next to it.

Bauer replied they can't look at the building next to it because that could change over time. He stated they either go in conformity with the 2040 Plan or watch all of Bridge Street and all the buildings away from the street.

Mayor Feldman asked for Dr. Huether's comment on that. Dr. Huether replied he would have to put Eric on that but he thought it would be a total tear down and redo if they had to do that.

Mayor Feldman replied he thought so and the business would have to be shut down. Dr. Huether agreed.



City Engineer Craig Jochum replied there is no legal access currently around the west or from the north.

Mayor Feldman replied he understood what Bauer was saying. He stated everything is on a case-by-case basis but it isn't feasible for Dr. Huether to do that, he'd have to rip the building down and redo it.

Richmond replied Bauer is making a good point and wasn't wrong that the St. Francis Forward Plan is looking to pull the buildings to the street but they are just talking about an addition to the building. She stated knowing how the building looks today and how the roadways work today it seems excessive to require complete, that isn't to be said in time if this building were to be torn down they would want the new one to be close to the street.

Mayor Feldman added that is what grandfathering is all about. He stated if you add something new to something old you have to bring the old to code. He stated it is like the zoning codes have changed. If you have an there is an acreage of land and there is a pole barn on it that pole barn has to be grandfathered in, but a new pole barn has to be according to the new zoning. This case is grandfathered in. He stated they put this new requirement in to the St. Francis Forward Plan in 2017 and 2018, they can't ask this gentleman to go ahead and change the structure to meet the new code because it will be costly for him and would be a risk for the business that should stay here.

Bauer stated he is for this but asked if it was feasible to push the building to the front and put parking in the back.

Dr. Huether replied Bauer assumed he would have access to Woodland but he would not and asked what would happen if a developer came in and said he didn't have access to that street. He thought there was an assumption being made that he would have access to that road.

Mayor Feldman repeated that the building was grandfathered in but if a change was made and this building was going to be rebuilt then it would go to the new St. Francis Forward Plan.

Udvig commented this is the best solution that they can move forward. After some more digging, she hoped they could come up with a workable solution. She stated she appreciated Dr. Huether's business.

Muehlbauer stated his only issue was with conformity. He understood that was a separate issue.

Richmond replied the piece that is not conforming is where the front is located. Where the addition is being added it is acceptable by the City codes to put a

building on that is why they started talking about the parking lot.

Muehlbauer commented the urban acre he thought agreed with Thunstrom that he didn't want to solve one problem while creating another.

Mayor Feldman replied the problem is that they don't want to short change the regular property for development. He asked for an third of an acre which is a sizeable amount of land, bigger than a City lot so that is something they are concerned about. If it was six acres of all buildable it would be a lot different, but is about four acres buildable so wetlands are wetlands.

Robinson asked if there would be any trouble with the County in allowing construction traffic in and out on an undocumented entryway. Assistant City Attorney Schaps replied right now they are working on an easement or access agreement to put in place the appropriate legal safeguards on it. It would just be for the construction to this project.

Robinson asked if there is any liability to the City for having building materials or equipment on the temporary usage outside the boundary and who covers that. Schaps replied that is what they are working on.

Robinson asked about the County easement and road access and if that is a two-part process. Schaps replied this would be for what is on the City's property.

Robinson agreed and added he was also concerned about coming off and on Bridge Street on the dirt path. Richmond replied because this property is on Bridge Street they sent it for review to the Anoka County Highway Department but there was no comment.

Robinson agreed with the Mayor that the neighbor hasn't been a good neighbor. He commented it was time to step up to the vision because some areas of St. Francis are kind of a dump but they are trying to make it not be. He thought something should be done about it.

MOTION BY: MUEHLBAUER SECOND: BAUER TO ADOPT RESOLUTION 2022-33 APPROVING THE SITE PLAN FOR THE ST. FRANCIS DENTAL CARE EXPANSION AT 3715 BRIDGE STREET NW WITH CONDITIONS AND FINDINGS OF FACT AS PRESENTED BY STAFF.

Further Discussion:

Mayor Feldman asked how this pertains to the use of the road. Thunstrom replied they will be back to Council with an access agreement. Mayor Feldman asked if right now they are just doing this. Thunstrom replied correct and they will continue to work on the parking.

Ayes: Bauer, Udvig, Muehlbauer, Robinson, and Feldman

Nays: None  
Motion carried 5-0

Mayor Feldman asked about the temporary situation for the parking to get some of the employees in the back with three spaces in the front until they can work on this other site that is the right way to go. He stated that is a private matter between Dr. Huether and the owner but for the City's end, he stated it is time to bring that storage into compliance for the City. In talking about the St. Francis Forward Plan, that doesn't belong here. He asked Richmond if that was correct. Richmond replied correct, storage isn't something they would look to see there. Mayor Feldman stated if it wasn't grandfathered in, he stated he would find the document for legal and Staff to say that it wasn't, then they can take it from there.

#### E. Software Purchase

Finance Director Darcy Mulvihill gave a presentation on the purchase of software for the City.

Mayor Feldman asked if the cities Columbia Heights, Delano, Dayton and Victoria all said they had used Banyon before and were having the same issues St. Francis was having. Mulvihill replied three of them had used Banyon before and all moved away from it for the same issues.

Mayor Feldman referenced page 168 in the packet and read "unlimited support is included in the annual service fee. Service fees are billed annually. After two years BS&A Software reserves the right to increase the amount of the service fee by no more than a yearly consumer price index." But look at the \$25,705 and then the \$3,500 that give you \$29,205 that is the annual fee they will pay. If they end up not using the software and go to cloud based that will save anywhere from almost \$3,000 a year in license fees.

Mulvihill replied if they went someplace else, there would be license fees also.

Mayor Feldman asked if it is incorporated in this. Mulvihill replied no, the CIP is not incorporated into this.

Mayor Feldman stated whatever software they replace it with has to do the same thing and be able to work with the CIP Plan. That is needed and should have been done years ago but wasn't. He stated there is a \$3,000 upkeep right now and asked if she was saying they would be getting another software program to replace that. Mulvihill replied yes, because they have the same issue of people accessing with the Microsoft App.

Mayor Feldman asked if cloud-based was the best way to go. Thunstrom replied it is, that is the way things are going the last couple of years. Cloud-based allows employees to access it no matter where they are or what system they are using.

She stated cloud-based is the future.

Mayor Feldman wanted Council to understand that there is a ten-year cycle for software and hardware so usually after a ten-year period of time software and hardware will be outdated and changes will have to be made. He stated it is a lot of money but it is being used from a variety of funds which is something that they would use legally and the timing is good for it. He asked if it was correct that this wouldn't go into effect until the third or fourth quarter of 2023.

Mulvihill replied they are estimating the first or second quarter of 2023.

Mayor Feldman stated this will take us to the next level. It will create some problems positive and negative and the negative is they have to increase their capability or implode which wasn't done before. Now they have the right people with the right expertise and they have to have the right equipment for them, the right tools for them, that is the software and hardware. He asked for Council comment.

Robinson asked Thunstrom for a recap on the money sent for Broadband, labor situation and now the software and how much is going to be. Thunstrom stated if she remembered correctly, they have over \$400,000 remaining. They had estimated high with the software package so there will be a savings that will go back to a project or infrastructure fund. The employment was \$50,000 and the broadband was \$150,000.

Robinson asked if will be any additional equipment will be needed. Mulvihill replied she didn't know of any right now.

Robinson asked if the planned software was a separate entity or package they would have to buy down the road or if that is something they are exploring. Mulvihill replied she is just exploring it and didn't know the actual cost.

Robinson asked if this has any police or fire value in the future that the Chiefs could use in their capacity. Mulvihill replied they would have logins so instead of requesting a report from her they could access budgets and invoices and make real-time decisions.

Robinson asked Thunstrom when the deadline they have to use the money by. Thunstrom replied it has to be committed by December 31, 2024, so once they sign into the contract, then they have committed the funds.

Robinson referenced the \$400,000 and asked if there was anything on the list that the City is looking at in the next six to 18 months. Thunstrom replied they have looked at the funds for a couple of different projects, including the City Hall/Fire Station but as far as Staff or equipment she didn't foresee any.

Robinson commented they could use some of the money down the road for infrastructure, necessities, or exploration as far as some of the trunk line.

Mayor Feldman commented the amounts for the other companies weren't included. BS&A is \$139,580 for the software, annual fees with the cloud would \$29,205. He outlined the amounts for the other companies and highlighted that BS&A is the best value. He stated they always get multiple bids on everything. He stated Staff did their homework and picked the right company for this project.

Bauer asked about doing a multiple year contract and if there would be any savings on the annual fees since they are using ARPA money. Mulvihill replied they didn't tell her anything about that but she thought this was a pretty standard agreement but she could ask.

Mayor Feldman did some math and stated they are going to give a good sum of money off, such as a 40% discount, he would say go for it but if they are only going to give \$1,000 off, he would say give them the \$295,205 and put the other money into other projects.

Bauer commented it was worth the question. Mulvihill replied she could ask the question.

Udvig commented she agreed with asking the question and thought Staff had done their homework.

MOTION BY: BAUER SECOND: ROBINSON TO ADOPT THE SOFTWARE PURCHASE FROM BS&A IN THE AMOUNT OF \$139,580 WITH ANNUAL FEES FOR A TOTAL OF \$290,205 AND MULVIHILL WILL CHECK ON A SUBSTANTIAL DISCOUNT ON A POSSIBLE THREE-YEAR TERM.

Ayes: Bauer, Udvig, Muehlbauer, Robinson, and Feldman

Nays: None

Motion carried 5-0

#### F. Labor Agreement - Patrol Officers 2022-2024

Assistant City Attorney Dave Schaps gave a presentation on the labor agreement for patrol officers for 2022-2024.

Mayor Feldman asked if they have approved the terms and red lined it, having gone through everything and approved it. Schaps confirmed this adding the next item is approving the Sergeants agreement which still has some language that needs to be worked out.

Mayor Feldman thanked Bauer, Staff and Council for working on this. He was glad Council was involved in it which he thought was the right thing to do. He thought

this was a good faith offer on the part of the Council and he was glad it was accepted. He asked for Council comment.

Muehlbauer commented he was glad they accepted it as well. He hoped the union understood and appreciated that most of the time 3% is given and inflation is only 2 to 2.5%.

Robinson also commended Bauer for his expertise and involvement on this and for bringing a unique skill set.

Bauer commented it was a good contract that felt good negotiating. He stated he appreciated the opportunity to think outside the box.

Udvig agreed that Bauer helped greatly on this. She was happy they were able to move forward.

Mayor Feldman commented it was sad that the labor agreement for the sergeants would be delayed until June 20, 2022 over two words.

MOTION BY: BAUER SECOND: UDVIG TO APPROVE THE LABOR AGREEMENT WITH THE PATROL OFFICERS 2022-2024 APPROVAL OF THE REDLINE CONTRACT.

Ayes: Bauer, Udvig, Muehlbauer, Robinson, and Feldman

Nays: None

Motion carried 5-0

G. Labor Agreement - Police Sergeants 2022-2024

MOTION BY: MUEHLBAUER SECOND: BAUER FOR A CONTINUANCE UNTIL THE JUNE 20,2022 MEETING.

Ayes: Bauer, Udvig, Muehlbauer, Robinson, and Feldman

Nays: None

Motion carried 5-0

**10. MEETING OPEN TO THE PUBLIC – NONE**

**11. REPORTS – NONE**

**12. COUNCIL MEMBER REPORTS**

Mayor Feldman welcomed Public Works Director Paul Carpenter to his new position. He stated the meetings can be relaxed at times and they try to have fun. He stated as Mayor he makes mistakes at times and gets corrected.

Udvig reported she attended Pioneer Days this weekend. She wanted to acknowledge the Boy Scouts for their job on the garbage. She stated she was able to be a mock judge for the Little Miss St. Francis candidates. She thought they were impressive. She congratulated the Miss St. Francis and felt they represented the City well. She stated she will work with the Chamber going forward.

Bauer reported he also attended Pioneer Days. He thanked the City and the volunteers. He thought the fireworks were phenomenal. He stated he wanted to see it grow again with a return of the parade and getting volunteers back. He announced the Bike Rodeo going on this Thursday.

Muehlbauer reported he attended the fireworks which was a good show.

Robinson commended the Chamber of Commerce for their advertising campaign on social media which looked great. He stated his wife volunteered and is doing some fundraising. He stated he had to work his day job but his son attended. He reported he attended the Planning and Zoning meeting a couple of weeks ago. He commented it was nice to see a full staff. He stated Thunstrom has done a good job on recruitment and the last two meetings the seats were filled. He reported he attended his last Citizen's Academy session and gave credit to the Police Chief and his crew for the awesome job, thoughtful planning behind it, and dedication.

Mayor Feldman reported he attended the Ambassador coronation on Saturday. He reported it is an excellent program. He stated Council needs to know what they do for the City because they do a lot. He stated in the six years he has been Mayor the Ambassador program has been respected with other ambassador programs. He stated it was nice to see people out enjoying the City and not having to go to other cities. He stated it is time to have events for the residents.

Mayor Feldman asked Police Chief Todd Schwieger about the retainer on canine which is \$350 a month and the cost goes to the owner. He asked if there was anything else besides that cost. Schwieger replied \$350 a month but other than that there shouldn't be anything else.

Mayor Feldman stated he thought there may be a response to what he said about social media earlier and encourage Council not to respond to. He stated Council will deal with issues for St. Francis. He commented that Robinson had stated years ago to the effect of instead of residents spending 30 minutes on social media they should give Council 15 minutes face-to-face which is truly the way to go. He encouraged people to come talk to them to get answers instead of social media. He stated the licenses will be above board, there is nothing back door being done in the City. Everything is open, transparent and they hide nothing. He stated the City is going in a good direction, there is a lot of work to be done. Hwy 47, Vista Prairie, and City Hall/Fire Station, are all big things to boost the City. He read an email from the Metropolitan Council 2021 Preliminary population estimates that the

City is now 8,292. They have grown about 1,500 people so they are going in the right direction. He repeated they have the Staff that is competent with their expertise to handle the growth and take advantage of it. He hoped the economy will last a little longer to be able to get some shovels in the ground and move forward. He reported he attended with Udvig, Carpenter, to see the park invitation that was sent out. He stated he was surprised they didn't get more people there but it was nice to see what Dale has done. Rivers Edge has five additions, going through a sixth so they have something really nice. He liked the developments and felt they were nicely built. He stated people are looking at lot prices and house prices being cheaper here and as more people work from home, St. Francis becomes more appetizing as far as moving out here. He stated they are starting to see that, but with that comes more services being required.

Mayor Feldman stated he looked forward to Carpenter being the new addition here in his new position to help out. He stated public safety is important here and he commended public safety. He stated he wouldn't wish it on anyone but if you have a heart attack, this is the town that is the safest place to have one. He highlighted Robinson's call for his wife. He referenced Poppy Street and stated he had called and emailed City Engineer Craig Jochum and had a conversation with him about Dan Erickson from MSA and the plow-friendly speed bumps are unfortunately out of the picture because of their stiff requirements. He stated he was told that they would work with the City on traffic calming measures to be in effect. Jochum stated he would reach out about that and hoped something could be done. He stated he had also reached out to Police Chief Todd Schwieger about having police on those roads. He stated he knew the police have a lot to do, which he didn't deny. He stated if residents see police on the road they aren't going to speed, especially at certain times a day, which will help out a lot. He stated it isn't just on Poppy Street, there are other streets too. If people know not to speed on those roads because they never know when the police are going to be there. He thought that was important to mention because once that mindset is established with people police won't have to be there as often because people will think police are going to be there, which keeps them on their toes. He gave the example of when he was in construction that they never knew when he was going to be there so they were kept on their toes.

### **13. UPCOMING EVENTS**

June 9, 2022 – Bike Rodeo

June 15, 2022 – Planning & Zoning Commission Meeting – 7:00 p.m.

June 20, 2022 – City Council Meeting – 6:00 p.m.

### **14. ADJOURNMENT**

There being no further business, Mayor Feldman adjourned the regular City Council at 8:06 p.m.