

CITY OF ST. FRANCIS  
CITY COUNCIL AGENDA

St. Francis Area Schools District Office 4115 Ambassador Blvd. NW

January 16, 2024

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 Joe Muehlbauer.

**2. ROLL CALL**

Members Present: Mayor Joe Muehlbauer, Councilmembers Robert Bauer, Kevin Robinson, and Crystal Kreklow.

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

**3. APPROVAL OF AGENDA**

MOTION BY: ROBINSON SECOND: KREKLOW APPROVING THE REGULAR CITY COUNCIL AGENDA

Ayes: Bauer, Kreklow, Robinson, and Mayor Muehlbauer.

Nays: None

Motion carries: 4-0

**4. CONSENT AGENDA**

- A. City Council Minutes - January 2, 2024
- B. Stahl Construction – Pay Applications No. 4 – Labor & Material
- C. Acknowledgement to Conduct Excluded Bingo
- D. Police Department Policy Manual
- E. Clear Gov Digital Budget Book purchase
- F. Programmable Logic Controller Replacement
- G. WWTP Biosolids Removal Contract
- H. URRWMO 2025 Budget Ratification
- I. Vacation Rate – Paul Carpenter
- J. Police Department Administrative Assistant Position
- K. Change Orders – City Hall / Fire Station Project
- L. Hiring Part-Time Firefighters
- M. Authorization to Hire Part-time Captains and Lieutenants
- N. Police Department Donation
- O. Police Department Policy Manual

- P. Surplus Property  
*Resolution 2024-03 Declaring Surplus Property*
- Q. Payment of Claims.

MOTION BY: BAUER SECOND: KREKLOW APPROVING THE REGULAR CITY COUNCIL CONSENT AGENDA

Ayes: Bauer, Kreklow, Robinson, and Mayor Muehlbauer.  
Nays: None  
Motion carries: 4-0

**5. MEETING OPEN TO THE PUBLIC**

Mayor Muehlbauer asked City Clerk Wida if they had anyone wanting to speak. She said they did not.

**6. SPECIAL BUSINESS - NONE**

**7. PUBLIC HEARINGS - NONE**

**8. OLD BUSINESS - NONE**

**9. NEW BUSINESS**

A. 2023 Code Revisions – First Reading

Ordinance 325 Modifying Divisions 2, 3, 4, 6, 7, 8, and 9 of the Zoning Code

Ordinance 326 Modifying Chapter 11 Subdivisions in the City Code

City Planner Richmond reviewed the Staff report in regard to code revisions for the Zoning Code and Subdivisions. She shared the Planning Commission recommended approval of the Zoning Code amendments.

Robinson shared he attended the Planning Commission meeting where this was discussed. He asked if there is more that needs to be discussed for the sacred settlements as far as sewer and water requirements. He asked if this type of housing is also transitional and not permanent. Richmond explained that the housing itself would be permanent in place. She shared the regulations from the State Statute, including those that address sewer and water.

Robinson asked if a religious institution were to take on these sacred settlements if they would then have to take on the burden of the added infrastructure. Richmond said yes.

MOTION BY: KREKLOW SECOND: BAUER ADOPTING ORDINANCE 325 MODIFYING DIVISIONS 2, 3, 4, 6, 7, 8, AND 9 OF THE ZONING CODE.

A roll call vote was performed:  
Mayor Muehlbauer            aye  
Councilmember Robinson   aye

Councilmember Bauer aye  
Councilmember Kreklow aye

Motion carried 4-0

MOTION BY: BAUER SECOND: ROBINSON ADOPTING ORDINANCE 326  
MODIFYING CHAPTER 11 SUBDIVISIONS IN THE CITY CODE.

A roll call vote was performed:

Mayor Muehlbauer aye  
Councilmember Robinson aye  
Councilmember Bauer aye  
Councilmember Kreklow aye

Motion carried 4-0

B. Educational Facility Zoning Ordinance Amendment – First Reading  
Ordinance 327 Amending the Zoning Code to allow educational facilities in the  
B-1 District

Richmond reviewed the Staff report concerning an amendment to the Zoning Code for educational facilities in the B-1 District. She shared the Planning Commission's recommendation of approval.

Bauer stated that if they open the B-1 District up to one specific applicant, then they could have a lot of other types of applicants come into the B-1 District, which could take over the integrity of what Bridge Street is supposed to be. He asked if it would be possible to just rezone this specific lot rather than the whole B-1 District. Richmond explained that she would not recommend this based on the way the corridor has been designed and they would not want to 'spot zone' a piece of land.

Bauer stated he does not want to see the B-1 District and Bridge Street degraded. He noted he would not be supportive of allowing this use in the B-1 District.

Robinson asked how this would impact the Rum River Inn if it should be used again. He asked if there would be a distance requirement from an education building to a location that sells alcohol. Baumgardner explained that liquor licenses are distributed by the City under the rules of the State; however, the distance requirements are determined by the City. She said the City Code requires at least 300 feet between the front door of a primary or a secondary school and the front door of an establishment with a liquor license. She noted the amendment is specifically for an educational facility which is designed for students over the age of 18 as this would not impact the City's liquor license requirements. She added that this building would not be classified as a school but rather an educational facility.

Robinson asked if the students at this facility would be over 21 or between the ages

of 18 to 22. Baumgardner said it would be for students between the ages of 18 and 22.

Robinson asked what hardships this would cause if the Council did not pass this ordinance. Chris Lindquist and Deb Parson, 4115 Ambassador Boulevard, came forward and shared that their current student count in the facility is in the low 20s; however, allowing students to stay in the program until they are 22 will cause the attendance to jump into the 30s.

Robinson asked if they were able to transition this program to the new requested building, what would fill the void in the current building. Ms. Parson explained they have a behavioral program on the other side of the current building that has outgrown its space and would take over the existing location.

Robinson asked about the timeline of moving into this building. Mr. Lindquist shared they would like to be in the building by the start of the 2024-2025 school year and would then like a year to work on opening a coffee or merchandise shop for pedestrian traffic.

Robinson asked if the students would be the ones working in the coffee or merchandise shop. Ms. Parson said yes. Mr. Lindquist added that they have already done some work on the front end with their DECA program which already has a merchandise store open in the schools.

Robinson asked if there was an enterprise within the facility if they would be open on weekends as well. Mr. Lindquist stated that being open on the weekends would be a challenge for them as the students would need to be supervised and have adults ready to assist. He noted staffing would be an issue. He added that they would have an opportunity for an online store.

Robinson suggested that they could sublease the corner spot to a private enterprise with the idea that they would employ some of the students. Mr. Lindquist added that they could also offer the job up to some of the high school students as an employment opportunity. He stated there are options.

Mr. Lindquist explained the traffic impacts. He shared the bus drop offs would take place off of Butterfield Drive and not off of Bridge Street. He noted that once the students are on site, there would not be a whole lot of traffic flow throughout the day. He shared they also have a vision of introducing these students to working in the community and they could help clean up businesses or areas of Bridge Street.

Mayor Muehlbauer agreed with Bauer that he does not like that this change would affect the entire B-1 District. He asked why these space needs were not more addressed with the bonding a few years ago. Mr. Lindquist shared that there is no way they could have foreseen the unfunded mandates that came from the State. He said he wished they could have addressed this during bonding.

Mayor Muehlbauer shared other concerns with Bridge Street being guided by the Code and having specific standards. He said he loves the concept and idea of this; however, he is jaded by previous instances where they have had contracts that lasted so long that they were forced into a code violation issue. He stated he would not want to put anyone in a position to take away an IUP, especially from a special needs' facility. He added that his concerns also have to deal with the guiding of Bridge Street and how they intended the accessibility to be within the current standards. He said that he finds it hard to believe that they would be able to meet these concerns with the traffic and the parking that this building would create.

Mayor Muehlbauer noted that an ordinance needs four votes to pass and with only four members of the Council present and two seeming to be against this, he is not sure how they should proceed. City Attorney Schaps stated they can motion to continue this discussion to the next meeting when the whole Council would be present. He added they could also make a motion and if it were to fail it would act as a denial.

Councilmember Robinson stated the B-1 District has been this way for a long time and this building used to belong to ISD-15. He asked if this was overlaid into the B-1 District. Richmond explained that this site is guided in the Comprehensive Plan for public use. She shared that in the B-1 District, schools are not allowed. She noted that before when ISD-15 owned the building it was already an established use and now that it has sat vacant, they need to determine what it should be in the future.

Baumgardner added that this is proposed as an interim use which means that any person who comes forward with an educational facility idea would also have to come forward with a separate application for an interim use permit that would go through the normal process of having a public hearing and being reviewed by the Council before it was allowed. She noted that interim use permits do not have a lot of discretion from the Council and Planning Commission.

Richmond reiterated that this site is guided for public use while the rest of the B-1 District is guided for commercial use.

Kreklow noted they would be able to address any other similar applications that come forward on a case-by-case basis. She added that this site is currently vacant and allowing an education institution to use the building it will give the area life. She noted that this may attract others to come to the community. She explained there are other vacant buildings in the downtown area that are eyesores and when potential businesses or families come through downtown they are met with these empty buildings. She said that anything that they can put in will boost the image of the City. She added that she is in full support of this special education facility as she has a special needs son who could have greatly benefited from this program if it were offered through his school.

Mayor Muehlbauer shared that he can see both sides of this argument. He agreed that this would bring life into the City. He said that he struggles to just allow anything in the City just to have something there.

Bauer asked if they allowed this in the B-1 District if the Council would still have the ability to control the other B-1 areas and not let this go awry. Mayor Muehlbauer explained that if they approve the rezoning request, they would need to have findings of facts of why the other applicants would not be able to go into the B-1 District.

Richmond explained that if this does move forward then the applicants would come forward with an IUP application that the Council would be able to review. She added that they could put in additional standards for this kind of IUP if they wanted to.

Bauer stated he is okay with this specific building being used as the applicant is requesting; however, it is the fact that it would open up the entire B-1 District that is concerning to him.

Richmond stated that if they were to just rezone this one area they would still have to apply this to whatever district they rezone it to.

Baumgardner noted that depending on how this was rezoned it could remove the standards that the B-1 District has. She explained if they did rezone this building then there would not be any requirements for this building to have a store or another commercial component. She shared there is an entire section of the code that addresses the Bridge Street design standards to avoid certain concerns that the Council has discussed.

Robinson asked if they would be able to get a commitment from the applicant concerning the commercial aspect as a part of the IUP. Baumgardner stated she does not think they would be able to require this within the IUP as IUPs are timing based rather than having certain commitments. She suggested terms of the IUP that the uses of the building would have to start concurrently to start the operation of the facility and the retail component at the same time.

Mayor Muehlbauer asked if the retail space would fit in with the space they require. Ms. Parson stated the retail space is already a part of their design.

Mayor Muehlbauer reiterated that the City had a contract in the past with a business on Bridge Street and for many years the building sat. He asked if the applicants would be able to gather more information over the next two weeks to bring back forward to the Council.

Bauer shared his biggest concern is that they would be opening up the B-1 District,

including buildings that are already built.

Richmond explained that in the Comprehensive Plan, if there is land that is guided for public use, that would be a place where one of the facilities would fit; however, if the land was guided for commercial, it would not fit. She noted that there are no other sites along Bridge Street that are guided for public use.

MOTION BY: BAUER SECOND: ROBINSON TO CONTINUE THIS ITEM TO THE NEXT COUNCIL MEETING.

Ayes: Bauer, Kreklow, Robinson, and Mayor Muehlbauer.

Nays: None

Motion carries: 4-0

## **10. MEETING OPEN TO THE PUBLIC - NONE**

## **11. REPORTS**

### **A. Fire Department Monthly Report - December**

Fire Chief Schmidt reviewed the Fire Department month report for December 2023 highlighting the average response time of 10 minutes and 35 seconds, which they will continue to manage. He noted they have fully implemented the new records management system. He added that there were 63 runs in the month for a total of 750 runs for all of 2023, which is an increase over 2022. He shared that the average number of firefighters responding to calls was 6.1 for the month which is very encouraging. He noted there 50 EMS calls and 13 fire calls for the month. He reviewed the variance usage and noted two ambulance response times over 20 minutes. He shared there were a total of six fire inspections for the month, three new inspections and three re-inspections.

The Council thanked Schmidt for his great report and asked him to thank his firefighters for their hard work, especially in the temporary facility.

### **B. Community Development 2023 Annual Report**

Baumgardner reviewed the Community Development report for the year of 2023. She reviewed the economic development initiatives of Patriot Parkway, the Bridge Street redevelopment, and the City Hall Fire Station. She discussed innovations and marketing efforts, including participating in many networking events across the metro area. She added that the City hosted an event for the local businesses on the Employee Sick and Safe Leave policy from the State. She also noted the Farmer's Market which kicked off this year. She reviewed the land use development, including residential developments. She explained that the median home value in the City increased by 3% over the last year. She also discussed the new residential developments of the Bluffs at Rum River, Eagle Point, Rivers Edge, Turtle Ponds, and Serenity at Seelye Brook. She reviewed the commercial development projects of AutoZone, the City Hall Fire Station, Dollar General, the dental office expansion, and the Minnetonka Game and Fish Club. She shared that

the Planning Commission met eight times over 2023 and they worked through 11 different code updates and developments. She added that the Planning Commission now has a full commission; however, the Chair of the commission is no longer on the commission. She shared that building department revenues increased slightly over 2022. She discussed code enforcement, which decreased for 2023 to 66 notices sent and only seven citations issued; however, these were large code enforcement cases. She reviewed the administrative projects, including the software transition to BS&A.

The Council thanked Baumgardner for her thorough report and thanked her and her Staff for the hard work this year.

Bauer asked if the property owner at University Avenue has been meeting their requirements cleaning up their property and submitting photos as discussed. Baumgardner said they have submitted four or five photos and are working on cleaning up the property.

Kreklow asked if police calls have continued at this property. Police Chief Schwieger said they have been called out to this site periodically and he is not sure if the calls have slowed down.

Robinson asked about the legal issues that are happening at 3765, 3757, and 3771 Bridge Street. Schnapps discussed the judicially landmark survey process. He explained that they are getting these properties ready so they are marketable and can be sold to a developer. He said all the information has been submitted to the County and they are waiting on the County to go through the titles before they can sign off on this.

Robinson asked if they have title insurance and if it helps pay for things like this. Thunstrom explained that this area is unique. She stated that downtown is platted as an auditor's plat and not a plat like you would see in a subdivisions. She noted this is not covered by title insurance.

Robinson asked if anything had been heard from the 155 acres on 229th Avenue and Raven Street. Baumgardner shared that they have spoken with developers who were interested in this parcel. She shared they have not fully approved a project on this site; however, it sounds like it will be some larger acreage lots.

Robinson asked about the wireless broadband infrastructure and if there was an update from the County on this. Baumgardner explained that the County has not provided much information or updates about this.

## **12. COUNCIL MEMBER REPORTS**

The Council shared the meetings and events they attended over the last few weeks.



Robinson shared he has spoken with the new Bottle Shop Manager Joe Pfeifer and hopes to visit the Bottle Shop soon to check it out. He added that the Area Chamber of Commerce is having their casino night on the 26th.

**13. UPCOMING EVENTS**

January 2 - New City Hall Hours in effect  
January 22 - Charter Commission Meeting @ 6:30 pm  
February 5 - City Council Meeting @ 6:00 pm  
February 19 - City Offices Closed in observance of President's Day  
February 20 - City Council Meeting @ 6:00 pm  
February 21 - Planning Commission Meeting @ 7:00 pm  
January 29th - February 1st (7:00 am to 3:00 pm) - Recycling Event at Public Works - Appliance and & Motor Oil Drop-Off

**14. ADJOURNMENT**

MOTION BY: ROBINSON SECOND: BAUER TO ADJOURN THE MEETING.

Ayes: Bauer, Kreklow, Robinson, and Mayor Muehlbauer.

Nays: None

Motion carries: 4-0

There being no further business, Mayor Muehlbauer adjourned the regular City Council at 7:34 p.m.

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Jennifer Wida, City Clerk