

CITY OF ST. FRANCIS
CITY COUNCIL AGENDA

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

October 16, 2023

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, Crystal Kreklow, and Sarah Udvig.

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.), and Police Chief Todd Schwieger,

3. APPROVAL OF AGENDA

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

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

Nays: None

Motion carries: 5-0

4. CONSENT AGENDA

- A. City Council Minutes - October 2, 2023
- B. Update Assistant Bottle Shop Manager Position Profile
- C. Contingent Offer for Bottle Shop Manager
- D. State of Minnesota Grant Agreement
- E. Conditional Offer of Employment
- F. Resignation- Firefighter Lucas Phelps
- G. Resignation- Liquor Store Clerk, Kim Sweet
- H. Well # 3 Rehabilitation
- I. Elections – Tallying Write-In Votes
Resolution 2023-49 for counting write-in votes for local elective office
- J. Stahl Construction – Pay Application No. 1 – Labor & Material
- K. Payment of Claims

MOTION BY: BAUER SECOND: UDVIG APPROVING THE REGULAR CITY COUNCIL AGENDA

Ayes: Bauer, Kreklow, Udvig, Robinson, and Mayor Muehlbauer.
Nays: None
Motion carries: 5-0

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

- A. Minnetonka Game & Fish Club Ordinance Amendment – 2nd Reading
Ordinance 323 modifying section 10-65-02 Gun Club in the zoning code - Second Reading
Resolution 2023-61 Authorizing the summary publication of ordinance 323, amending section 10-65-02 Gun Club in the zoning code
City Planner Richmond reviewed the Staff report in regard to the Minnetonka Game & Fish Club's requested ordinance amendments.

MOTION BY: BAUER SECOND: ROBINSON APPROVING ORDINANCE 323 MODIFYING SECTION 10-65-02 GUN CLUB IN THE ZONING CODE - SECOND READING.

A roll call vote was performed:

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

Motion carried 5-0

MOTION BY: UDVIG SECOND: KREKLOW APPROVING RESOLUTION 2023-61 AUTHORIZING THE SUMMARY OF PUBLICATION OF ORDINANCE 323, AMENDING SECTION 10-65-02 GUN CLUB IN THE ZONING CODE.

Ayes: Bauer, Kreklow, Udvig, Robinson, and Mayor Muehlbauer.
Nays: None
Motion carries: 5-0

9. NEW BUSINESS

- A. Nuisance Abatement - 23462 University Ave NW
Assistant City Attorney Schaps reviewed the Staff report concerning a potential nuisance abatement process at 23462 University Avenue. He discussed the

abatement process.

Robinson asked if this property is a rental property as the property owner's primary address is in Ramsey. Richmond stated that it is Staff's understanding that this is a rental property. She added that the homeowner is also being cited for renting this property without a rental license.

Robinson asked if the property owner and the tenant are both receiving notices. Richmond said yes.

Robinson shared that this is a very disappointing circumstance and he has driven by this property to see how truly terrible the state of the property is. He noted that he would like to move forward with this with the most impactful and least expensive process. He asked if they could bring in a prosecutor at this point. Schaps said yes; however, that could draw out the process.

Robinson asked if there has been any police action taken at this property. Police Chief Schwieger said yes.

Richmond explained the three options that are in front of the Council, which are to continue the citation process that Staff is currently doing, abating the property, or prosecution.

Kreklow asked about the size and scope of this and if it is acres of abandoned cars or just a massive amount of cars and junk on the property. Schaps stated that it is his understanding that it is just the amount of cars and junk.

Kreklow asked about violation #5 for business use of property. Richmond explained that this property is zoned rural residential so home occupations are allowed; however, the property owners would not be compliant with either a home occupation permit or a home extended business due to primary use of the home not seeming to be residential.

Kreklow asked what kind of business they are running. Richmond stated that it is Staff's understanding that they are running a scrap yard; however, this has not been proven.

Bauer noted that he is glad that this was sent certified mail so that Staff knows that the property owner signed for and accepted the letters. He noted that he would like there to be a face-to-face interaction before spending the time and money to abate this property.

Udvig asked about the RV on the property. Richmond explained that the RV is another item in the citation as they have not explicitly verified. She noted that in two of the police reports that have happened within the last year, the police have seen people coming and going from the RV as if they were living in it.

Udvig asked about the phone number that is on the sign and how the number calls. Richmond stated that the voicemail inbox is for a personal phone number line.

Udvig asked if voicemails have been left for this number. Richmond said yes.

Mayor Muehlbauer asked if the Code Compliance Officer found this or if it was a complaint from a neighbor. Richmond stated that it came to the Community Development Team from the Police Department. She noted that they have worked with some of the neighbors to allow Staff access to their properties for photos to be taken of the property, at which time the neighbors voiced a verbal complaint.

Mayor Muehlbauer shared that he is all for property rights; however, in this case it is different. He stated that he would like to address this sooner rather than later. He noted that he does have an issue with assuming this is a business with no proof from the occupants. He stated that he would like to see something done out here right away.

Schaps explained that they are currently asking the Council to approve providing a more formal notice and an abatement order to the property owner and the next step would then be for the Council to consider moving forward with the enforcement and abatement process. He noted that the property owner will still have time to respond and come into compliance.

Mayor Muehlbauer asked how long the property owner has to respond to appeal the abatement order. Schaps stated that if the Council approves the abatement order at the next Council meeting the property owner would have 20 days to appeal this.

Kreklow asked if they move forward with the potential abatement if there is a way to get the certified mail letter served by the Sheriff's Office. Schaps stated that they would have a third party courier deliver the letter and report back on who signed for the mail.

Robinson asked if law enforcement rather than a third party courier could deliver the letter. Schwieger stated that the Police Department can serve court subpoenas; however, it is typically done in their own jurisdiction.

Robinson asked if Code Enforcement could serve the letter. Schwieger stated that he would be open to a discussion around figuring out if that was possible.

The rest of the Council suggested sticking with the standard practice for delivering the letter.

Schaps stated that Staff is happy to work with this property owner.

MOTION BY: BAUER SECOND: KREKLOW TO DIRECT STAFF TO PROVIDE NOTICE TO THE PROPERTY OWNER AT 23462 UNIVERSITY AVENUE OF A NUISANCE FINDINGS OF FACT CONCLUSION AND ABATEMENT ORDER TO BE HEARD AND CONSIDERED BY THE CITY COUNCIL AT THEIR NOVEMBER 6, 2023 COUNCIL MEETING.

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

Nays: None

Motion carries: 5-0

B. Hwy 47 Proposals for Regional and HSIP Funding

City Administrator Thunstrom reviewed the Staff report concerning the proposals for regional and HSIP funding for Highway 47.

Mayor Muehlbauer asked about the funding for the Ambassador roundabout since it is a County project and asked if the City still needs to figure out this project's funding. Thunstrom explained that they would be applying for these grants for all four intersections in the corridor. She noted that the HSIP funding would only apply to two of the corridors.

Mayor Muehlbauer asked if the southernmost roundabout is also considered a County project. Thunstrom said yes.

Bauer expressed his concerns with numbers in the packet, including charges from WSB for the tasks. Thunstrom explained that the first three tasks were approved with the contract last fall. She noted that they are now moving on to the fourth and fifth tasks and that they will be discussing this more during the work session. She stated that these fees are for the grant applications.

Bauer asked if there is any buy in from WSB to give a discount price if no grants are received. Thunstrom explained that this is just the risk of grant applications. She noted that the fees are for paying WSB's staff to write the grant applications. She added that there would be no discounts for WSB if the State does not award the grant.

Udvig stated that this has to be fixed with or without the grants as this is what the residents want. She added that they need to apply for these grants and pay WSB to write them if they want a chance to get them.

Kreklow shared that she had come forward to the Council not long ago asking for there to be a roundabout at Ambassador and Highway 47 as she lives in this area and has seen many accidents occur. She noted that this corridor is a crisis for the community.

Robinson agreed with the other Councilmembers that this project needs to be done and that the money needs to be spent if they want to have a chance with any grants. He asked how much has already been spent with WSB. Thunstrom stated

that MnDOT covered the first \$100,000 with all of the work that was done up to the corridors of commerce application. She noted that they have only spent \$2,900 out of pocket.

Robinson asked where the funding for the \$17,000 is coming from. Thunstrom shared that they can use street funds for this.

Robinson noted that the safety of the community is the priority.

Mayor Muehlbauer asked about the potential grant dollars that could be received. Thunstrom stated the maximum that could be received in HSIP funding is \$2,000,000 an intersection and the corridors of commerce was \$7,000,000. She added that there is still \$2,500,000 sitting in the pavement reconstruction fund and, due to delays, they have lost all excess funds at Pederson.

Mayor Muehlbauer agreed that something has to be done at these intersections and said that they need to trust the experts at MnDOT.

Bauer added that he would like WSB to include the support from this region in the legislature. He stated that he would like their representatives to get behind the City to get help to pay for this project.

Thunstrom explained that she has had extensive conversations with Anoka County who is currently discussing this with their transportation committee for cost sharing. She added that this will be discussed further at the next work session. She noted that they also need to look at how they will pay for the final design.

MOTION BY: UDVIG SECOND: ROBINSON APPROVING THE PROPOSED SCOPE OF WORK FOR THE REGIONAL AND HSIP FUNDING APPLICATIONS.

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

Nays: None

Motion carries: 5-0

10. MEETING OPEN TO THE PUBLIC – NONE

11. REPORTS

A. Fire Department Monthly Report - September

Fire Chief Schmidt reviewed the Fire Department report for September, highlighting response times of an 8 minutes and 19 seconds average and added that it has not been determined if the increase in response times has to do with the location of the new facility. He noted that there was an increase in calls for the month for a total of 62 calls for service. He shared that the number of firefighters responding to each call was stable for the month with an average of 5.2 responding to each call. He stated that there were 9 fire calls and 53 EMS calls for the month. He noted that there were 4 ambulance response times over 20 minutes. He explained that he met with the ambulance supervisor for the area and shared that

15 new employees were hired last quarter while they lost 22 employees. He shared that there were 6 total fire inspections for the month with 5 inspections and 1 re-inspection.

Robinson asked how many trips have been made in and out of the gate and how things were going with that. Schmidt stated that the gate has produced some minor delays but they are getting settled in with this. He noted that they are watching their response times to see if this becomes problematic.

Robinson asked if they have used the heat in the new facility yet. Schmidt said yes and shared that everything seems to be working well at this facility.

Robinson asked for some information on the partnerships with Bethel and Nowthen. Schmidt stated that they are continuing to work through a proposal for Bethel and will be meeting with them again in November. He added that Nowthen is working on a one year contract extension.

Robinson asked if Bethel has started to see the amicable value in this partnership. Schmidt stated that Bethel is aware that they need a partner in this; however, the tension comes from the cost.

Mayor Muehlbauer noted that there were no COVID reports on the variance usage. Schmidt explained that they are no longer required to report the COVID calls that they respond to.

The Council thanked Schmidt for his report and for the hard work and flexibility from him and his staff.

B. Police Department - 3rd Quarter Report

Schwieger reviewed the Police Departments quarter three report. He noted that this quarter was busy with community events, including Cone with a Cop, National Night Out, the Stay Safe at Home program, and the Coffee with a Cop event. He thanked his staff for their involvement with these events. He highlighted that there was an increase in calls for service, both reportable and non-reportable. He noted that there was an increase in trespassing, disorderly offense, civil issues, and open vehicle and garage doors. He added that the number of offenses that were referred to investigations did decrease this quarter. He shared that the officers performed predatory offender compliance checks through the quarter. He explained that traffic enforcement continues to be a priority and 603 vehicles were stopped during the third quarter. He discussed the Towards Zero Deaths initiative, which included speed, DWI, Move Over Law, and seatbelt enforcement waves. He noted that State-wide fatalities are down as compared to last year at this time. He discussed the upcoming events for the Police Department. He shared that St. Francis was named the 19th safest city in Minnesota.

The Council thanked Schmidt and his staff for their work and community

involvement.

12. COUNCIL MEMBER REPORTS

Kreklow shared that she met with all of the department heads which was very helpful for her to understand what they all do. She stated that she is looking forward to continuing to learn more.

Mayor Muehlbauer shared that he attended the Bethel Fire Department meeting and that that did not make as much progress as he would have hoped to.

Public Works Director Carpenter shared that they will be having the Trick or Treat event on the 24th and that they hope to have a lot of children and families come out to the event. He noted that it should be a very fun event.

13. UPCOMING EVENTS

October 17 - City Council Work Session - 5:00 p.m.

October 23-27 - Street Sweeping

October 24 - Public Works Trick or Treat Event - 5:00 p.m.

14. ADJOURNMENT

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

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

Nays: None

Motion carries: 5-0

There being no further business, Mayor Muehlbauer adjourned the regular City Council at 7:18 p.m.

Jennifer Wida, City Clerk