

March 16, 2010

A regular meeting of the Scandia City Council was held on the above date. Mayor Seefeldt called the meeting to order at 7:00 p.m. Following the Pledge of Allegiance, roll call was taken. The following council members were present: Council members Connie Amos, Pete Crum, John Lindell, Dolores Peterson and Mayor Dennis Seefeldt. Staff present: City Administrator Anne Hurlburt, City Attorney Dave Hebert, City Planner Sherri Buss, Building/Code Enforcement Official Steve Thorp, Treasurer Colleen Firkus, Deputy Clerk Brenda Eklund, Fire Chief Jim Finnegan and Police Deputy Chris Majeski.

**PUBLIC FORUM**

On behalf of the City Council, Mayor Seefeldt presented framed certificates of appreciation to retiring fire department members Robert Johnson and Dennis Kendrick. The men were honored for their many years of service with Scandia Fire and Rescue, each contributing over twenty-two years in the department. The council meeting was temporarily recessed for a coffee and cake reception.

**APPROVAL OF AGENDA**

**Peterson, second by Crum, moved to approve the agenda as presented. The motion passed unanimously.**

**APPROVAL OF CONSENT AGENDA**

The following consent agenda was presented:

- a) Minutes
  - 1) February 16, 2010 Regular Meeting
  - 2) February 17, 2010 Special Meeting
  - 3) February 23, 2010 Special Meeting with Planning Commission
  - 4) March 2, 2010 Meeting with Planning Commission
- b) Treasurer's Report

Beginning Balance 02/01/10		\$1,673,280.12
Receipts		+ <u>28,130.65</u>
Expenditures	179,704.87	
Payroll	<u>26,912.10</u>	- <u>206,616.97</u>
Ending Balance 02/28/10		\$1,494,793.80
- c) Payment of Vouchers
- d) Accept Donation from Scandia Eldercare, Inc. for 2010 Open Gym Program (*Resolution No. 03-16-10-01*)
- e) Accept Donation from Elim Women of ELCA (*Resolution No. 03-16-10-02*)
- f) Approve Certificate of Compliance for Amy Olmsted DBA Anyo Salon, 14750 Oakhill Rd. (*Resolution No. 03-16-10-03*)

**Peterson, second by Amos, moved to approve the Consent Agenda as presented. The motion passed unanimously.**

### **PARK AND RECREATION COMMITTEE**

Sally Swanson, Vice-Chair of the Park and Recreation Committee, reported on the preliminary list of recreation programs which will be offered this summer. Programming will be similar to past years', including a joint agreement with Camp Lakamaga for staffing and facilities. A program insert will be included in the spring newsletter mailing.

### **POLICE DEPARTMENT**

Deputy Chris Majeski reported on the past month's police activities. No break-ins or burglaries were reported. Traffic violations have been steady.

### **FIRE DEPARTMENT**

Fire Chief Jim Finnegan reported that the department responded to twenty-one calls in February. All firefighters have completed Hazardous Materials Operation certification.

#### ***Fire Department Operational Policy***

The Committee to Review Fire Department Governance has reviewed the final operational policy and has recommended approval by the council. The policy is a product of a year-long review and update of governance documents and job descriptions. **Amos, second by Lindell, moved to approve the Fire Department Operational Policy. The motion passed unanimously.**

### **BUILDING/CODE ENFORCEMENT OFFICIAL**

Building/Code Enforcement Official Steve Thorp presented building and code enforcement activity within the past month. The Tii Gavo subdivision was given a September 30, 2010 deadline to complete the construction phase, exclusive of landscaping requirements. The MPCA permit of the 201 collector system for the Bliss Addition near Big Marine Lake was recently reissued.

### **CITY ADMINISTRATOR**

#### ***Spring Newsletter***

City Administrator Anne Hurlburt presented a preliminary list of topics to be included in the spring newsletter. News items will include the 2010 elections, Development Code update, status of the Zavoral mining site EIS, and a community events calendar. The summer recreation program brochure will be included as an insert. Council member Lindell suggested a reminder of code requirements relating to exterior storage, dogs, permits, etc. Council will have an opportunity to review a draft prior to the citywide mailing in early April.

### **AD FOR BIDS, FIRE RESCUE APPARATUS**

Council met in a special meeting on February 17 to review the truck specifications for the build-out for the replacement of Fire Rescue Truck 5179. The chassis was purchased in late 2009. City Attorney Hebert reviewed the final version and found it to be in order. Bids will be opened on April 29 and scheduled to be awarded at the May 4 council meeting. **Amos, second by Peterson, moved to approve the Fire Rescue Truck specifications and order an advertisement for bids. The motion passed unanimously.**

**SPECIAL EVENT PERMIT – MEISTER’S BAR AND GRILL WRESTLING EVENT**

Scot Taylor, owner of Meister’s Bar and Grill, has made application for a special event permit to conduct an outdoor wrestling event on May 22, 2010. Mr. Taylor has submitted all the necessary information to meet the ordinance requirements. Staff recommended a list of conditions be attached to the permit relating to utility locates, vendor permits and signage. **Peterson, second by Amos, moved to approve a Special Event Permit for Meister’s Wrestling Event to be held on May 22, 2010 at 14808 Oakhill Road, with conditions as attached to the permit. The motion passed unanimously.**

**BRACHT BROS. MINING ANNUAL OPERATING PERMIT**  
**(RESOLUTION NO. 03-16-10-04)**

City Planner Sherri Buss reviewed the Annual Operator’s Permit application for the Bracht Bros. Inc. sand and gravel mining operation located on the north side of 185<sup>th</sup> Street. Planner Buss has found the operation to be in compliance with the Conditional Use Permit and the mining ordinance.

Dave Hume, consulting hydrologist with LBG, reported on the groundwater analyses. A third monitoring well was installed in 2009 to verify that flow in the water table aquifer is from west to east. Diesel range organics (DRO) testing showed no detection in the groundwater samples. LBG recommended that production well records from 2009 and in all future applications be provided so that groundwater level trends can be monitored at the site.

Production in 2009 was down significantly due to low demand for gravel products. Reclamation activity in 2010 will continue in the Phase 2 area, and move into the Phase 3 reclamation area.

Kristen Pauly, Sunde Engineering, addressed the dust control plan. Natalie Fitzgerald, Bracht Bros., previously addressed this issue at the December 2009 council meeting, and it was determined that options would be discussed during the AOP process. In the past two years, the City has had dust control applied to 185<sup>th</sup> Street on the gravel road from Olinda Trail east to the pit entrance, a distance of 2,600 feet. Bracht is responsible for the entire cost of the dust control application. Ms. Fitzgerald is proposing starting the application not at Olinda, but 586 feet further east, due to the absence of any houses along this stretch. The City had received complaints of dust from trucks hauling on 185<sup>th</sup> Street.

The City’s Dust Control Policy was recently revised by removing the requirement that residents pay \$65.00 to the City to have dust control product applied to 300 feet of their road frontage. Administrator Hurlburt explained that the practice of collecting payment and applying the material in an equitable way became an onerous process. Council member Crum proposed that Bracht also be allowed one application of dust control at no charge, as residents are subsidized for dust control. If subsequent applications become necessary during the season, it would then be the responsibility of Bracht to provide payment. Crum explained that they do pay property taxes and other traffic also travels on 185<sup>th</sup> Street. Council member Peterson expressed her agreement with this position.

Mayor Seefeldt also agreed, and outlined the benefits of applying dust control for the purposes of road maintenance. Council member Lindell suggested that the City determine the distance and frequency of dust control and set a capped amount that Bracht would pay.

**Lindell, second by Amos, moved to approve Resolution No. 03-16-10-04, Approving an Annual Operating Permit Application of Bracht Bros., Inc. for Sand and Gravel Mining and Processing, with conditions as outlined in the resolution. The dust control plan provides that Bracht shall provide for the second and any subsequent dust control applications from the “trucks hauling” sign near the mine site to approximately 586 feet east of Olinda Trail, if determined necessary by the City. The motion passed unanimously.**

**TILLER CORPORATION MINING ANNUAL OPERATING PERMIT**  
**(RESOLUTION NO. 03-16-10-05)**

City Planner Sherri Buss reviewed the Annual Operator’s Permit application for the Tiller Corporation sand and gravel mining operation located at 22303 Manning Trail. This includes the adjacent site formerly operated by Dresel Contracting on 218<sup>th</sup> Street, west of Lofton. The AOP must comply with the CUP issued for the former Dresel site. Planner Buss has found the operation to be in compliance with the Conditional Use Permits and the mining ordinance.

Mining into the groundwater began in 2009 at a depth of approximately 20 feet. Processing was not conducted on the site in 2009, but is expected to be occurring in the summer of 2010.

Consulting hydrologist Dave Hume, LBG, found that recent and proposed 2010 activities are in compliance with groundwater requirements. Diesel Range Organics (DRO’s) were not detected in any water samples.

Building/Code Official Steve Thorp reported that site inspections had met all requirements.

Council member Lindell asked about well testing procedures. Mr. Hume explained that PACE, an independent lab, collects and analyzes water samples following protocol as outlined by the state. The samples are collected at least three times during the mining season.

Kirsten Pauly, Sunde Engineering, explained the incident of DRO presence which was detected in a sample taken from a monitoring well in 2008. The DRO was detected in a new monitoring well that may have been contaminated by well drilling equipment, a not uncommon occurrence with a new well. Subsequent testing determined that this was a single event and not a spill issue.

Lisa Schlingerman, 20661 Quint Avenue, questioned the purpose of mining below the water table. Mike Caron, Tiller Corporation, explained that it is a common practice in mining to acquire aggregate resources needed to achieve the proper blend of material. Tiller utilizes this practice at other sites throughout the state. The dragline method is always used, rather than dewatering (a lowering of the water table). Groundwater monitoring plans were reviewed and evaluated in the Environmental Assessment Worksheets completed for the Tiller site in 1987 and 1999.

Council member Peterson relayed a concern from a resident on Lofton Avenue about hours of operation. Mr. Caron stated that trucks may drive into the pit before 7:00 a.m., but are not loaded until the operation is allowed to begin at 7:00 a.m.

Council member Lindell commented that his property is adjacent to the south boundary and questioned why there was a fifty-foot gap in the berm construction. Could trees be added as additional screening? Mr. Caron stated that berm construction is dependent on stockpiling operations. Berms are the preferred screening method and the area will be looked at this summer.

**Peterson, second by Amos, moved to adopt Resolution No. 03-16-10-05, Approving the Annual Operating Permit Application of Tiller Corporation for Sand and Gravel Mining and Processing, with conditions as outlined in the resolution. The motion passed unanimously.**

**PERSONNEL POLICY UPDATE (RESOLUTION NO. 03-16-10-06)**

Administrator Hurlburt presented the final version of the updated Personnel Policy. The policy has been reviewed by the Human Resources Committee and by regular city employees. The document does not include drug and alcohol policies, or a computer use policy. These will be presented at a later date. **Crum, second by Peterson, moved to approve Resolution No. 03-16-10-06, Adopting the Personnel Policy for the City of Scandia. The motion passed unanimously.**

**OFFICE COPIER LEASE AGREEMENT WITH LOFFLER BUSINESS SYSTEMS**

The City currently contracts with Loffler Business Systems for copier use and maintenance. This agreement runs through November 2011. Loffler has offered to update the present copier with a newer model. Loffler would buy out the current lease and requested that the City enter into another five-year lease agreement, at a rate of \$323.00 per month. A quote was received from Metro Sales for a comparable copier and lease terms. Loffler offered the lower monthly cost for copier use and maintenance. Council member Lindell commented that he would like to know the retail cost of the copier, which was not known. **Peterson, second by Crum, moved to approve a five-year lease agreement with Loffler Companies for use and maintenance of the office copier. The motion passed unanimously.**

**Peterson, second by Crum, moved to adjourn the meeting. The motion passed unanimously.**

The meeting adjourned at 8:35 p.m.

Respectfully submitted,

Brenda Eklund  
*Deputy Clerk*