

March 15, 2011

A regular meeting of the Scandia City Council was held on the above date. Mayor Simonson 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, Chris Ness, Jim Schneider, Sally Swanson and Mayor Randall Simonson. Staff present: City Administrator Anne Hurlburt, City Attorney Dave Hebert, City Planner Sherri Buss, Building Official/Maintenance Supervisor Steve Thorp, Fire Chief Jim Finnegan, Police Deputy Chris Majeski, and Treasurer Colleen Firkus. Deputy Clerk Brenda Eklund was absent.

### **PUBLIC FORUM**

Mayor Simonson opened the floor to public comments. John Lindell, 11240 218<sup>th</sup> Street, commented on the Tiller Annual Operation Permit application. Mr. Lindell noted that the City of Scandia gave Tiller permission in its 2008 permit to mine below the groundwater, which was a change from the County's policy. Mr. Lindell requested that the statement on #19 of the application about plant expansion be removed, asking where did the authority for plant expansion come from and was it missed by staff.

### **APPROVAL OF THE AGENDA**

**Ness, seconded by Swanson, moved to approve the agenda as presented. Swanson, seconded by Ness, moved to add item 5.h. to the agenda for approval of the Lions Temporary On-Sale Liquor License for their chicken dinner fund-raiser. The motion carried 5-0 to approve the agenda as amended.**

### **CONSENT AGENDA**

The following Consent Agenda was presented:

- a) Minutes
  - 1) February 15, 2011 Regular Meeting
  - 2) March 8, 2011 Work Session
- b) Treasurer's Report
- c) Payment of Vouchers
- d) Special Event Permit, Meister's Bar and Grill (Eater Egg Hunt on April 23, 2011)
- e) Special Event Permit, Meister's Bar and Grill (Wrestling Event on May 22, 2011)
- f) Hire Seasonal Parks Maintenance Worker and Approve Related 2011 Budget Amendments (*Resolution No. 03-15-11-01*)
- g) Approve "No Parking" Signs on Lake Lane (*Resolution No. 03-15-11-02*)
- h) Approve Temporary On-Sale Liquor License, Scandia Marine Lions Club (April 30, 2011)

**Ness, second by Swanson, moved to approve the Consent Agenda. The motion carried 5-0.**

### **PARK AND RECREATION COMMITTEE**

**Ness, second by Swanson, moved to appoint Mike White as the Park and Recreation Committee representative to the Capital Improvements Committee. The motion carried 5-0.**

**Simonson, second by Swanson, moved to approve the 2011 Summer Recreation Program. The motion carried 5-0.**

**Simonson, second by Swanson, moved to approve the proposal for design services by SRF to proceed with the design of the parking lot at Lilleskogen Park.** Schneider questioned the need for engineering services for a parking lot. Swanson and others stated it was necessary due to the wetland and being on a County road. **The motion passed 5-0.**

#### **PLANNING COMMISSION**

**Simonson, second by Swanson, moved to approve the Planning Commission's recommendations to appoint Christine Maefsky as Chair, Tom Krinke as Vice-Chair of the Planning Commission, and Steve Philippi as a representative to the Capital Improvements Committee. The motion passed 5-0.**

#### **POLICE DEPARTMENT**

Deputy Chris Majeski reported on police activity within the past month. Majeski said the date of National Night Out event was set for August 2. Swanson offered her help.

#### **FIRE DEPARTMENT**

Fire Chief Jim Finnegan reported that there were 15 calls in February, two of them being fire related, 12 being medical calls, and one dive related call when a car went through the ice in Forest Lake. The department is having a bench built in memory of John Morrison. They are planning a dedication on April 30<sup>th</sup> in conjunction with the Lions Spring Chicken Dinner fundraiser and would like the City Council to attend the dedication. Chief Finnegan asked any City Council members that will be attending the upcoming house burn to come up to the Fire Hall Friday night to be outfitted in turnout gear. Finnegan also indicated they did not need help with plowing around the houses that are to be burned as the ground is now too soft.

#### **BUILDING OFFICIAL/MAINTENANCE SUPERVISOR**

Building Official/Maintenance Supervisor Steve Thorp reported on building activity and zoning issues. Thorp noted that the new Ford F250 plow truck struck a snow covered rock in the road right-of-way and was repaired. Objects in the road right-of-way will be addressed with residents this summer. The worst potholes and dips are now being marked and will be filled once the asphalt plants start up. A second round of collection samples will be taken from the Elim parking lot lift tank as required by the Health Dept. Many questions have been fielded regarding FIRM maps that FEMA established for flood zones.

#### **CITY ADMINISTRATOR**

Administrator Hurlburt presented and asked for feedback on a draft of the City's spring newsletter. No changes were suggested. The newsletter will be mailed approximately April 1.

#### **WASHINGTON COUNTY EXTENSION SERVICE 4H FUNDING REQUEST**

Dan Dolan, President Washington County Agricultural Society, Chair Washington County Save 4H Strategy Committee, requested funding for the County Extension Services 4H program for 2012 due to cuts in funding made by the County. The Agricultural Society owns and operates the Fair grounds and the 4H program uses 8 of the 12 Fair buildings. Their strategy is to have one-third paid by the County, one-third from recurring revenue from 4H fund raisers, and one-third from non-recurring revenue. They would like to start a foundation to fund 4H in perpetuity. Mr.

Dolan pointed out that state statutes have been changed to allow townships and cities to make donations to 4H as they are a county extension service. City attorney Hebert noted that while it may be legal, it is his opinion that it is not the role of the city to make charitable gifts; taxpayers should decide for themselves which charities they wish to fund. Mayor Simonson suggested that the local Scandia-Marine Lions would be open to a request for funding based on a recent conversation he has had with a club member. Simonson suggested that the Council discuss the request further at their next work session.

### **SRC RECYCLING CONTRACT**

Rick Prah of SRC, Inc. presented data on the pounds of recycling collected in Scandia for the past two years. The data showed a 3% increase. Prah asked the Council to consider, instead of an annual “Heavy Metal” collection day at the community center in the spring, that residents could bring their items directly to SRC’s yard in Wyoming over a week and receive a 10% discount. This would help reduce the costs to SRC and make recycling large items more economical. It was noted that the convenience of having a local drop-off event keeps large items out of the ditches for city workers to cleanup. **Simonson, second by Swanson, moved to approve extending the recycling agreement with SRC. The motion passed 5-0.**

### **ANNUAL OPERATING PERMIT (AOP) FOR BRACHT BROS.**

City Planner Buss presented a review of the application for the Bracht Bros. AOP for their sand and gravel mine located on 185<sup>th</sup> St. Compliance with the Conditional Use Permit is checked twice a year by the city’s building official. No complaints or issues were noted. Plans for the coming year are for reclamation and removing stockpiled material. The applicant is requesting a change in the dust control condition, but staff recommends keeping it the same as in the 2010 AOP. The depth of excavation needs to be clarified at 918 feet. Also, submission of a Contingency Response Plan is still outstanding. The reclamation plan is consistent with what has been submitted and staff recommends approving the AOP with conditions.

Kirsten Pauley, Engineer for Bracht, said some stockpile on site may be sold this year, but the volume of trucks would be less than three per day. Pauley also indicated they can change the elevation to 918 feet and submit a Contingency Response Plan. **Simonson, seconded by Amos, moved to adopt Resolution 03-15-11-03 to approve the AOP for Bracht Bros. with the conditions listed therein. The motion passed 5-0.**

### **ANNUAL OPERATING PERMIT (AOP) FOR TILLER CORP.**

City Planner Buss presented a review of the AOP application for Tiller Corporation’s sand and gravel mine located on Manning Ave. Compliance with two conditional use permits—one for the Tiller mine and one for the former Dresel mine, which has been combined with the Tiller operation—are being checked yearly by the city’s building official. No complaints or issues were noted. An EAW found no problems, so excavation is allowed below the water table. Buss noted that 708,000 gallons of water were used last year and they are allowed up to 2 million gallons. Less material was moved in 2010 than 2009. Fall water level data was not recorded so it needs to be done this spring. The City received no complaints on extended hours that were granted last year.

City Planner Buss raised two issues with the reclamation plan: 1) not enough specific activities were listed on the application, and 2) whether it complies with the ordinance which asks for reclamation to occur concurrently and proportionally with mining. The area marked for reclamation is significantly less than the active mining area. Buss suggested either a condition requiring the areas to be brought into proportion, or that Tiller should submit a letter explaining how they are meeting the proportionality requirement. Buss said the Council needs to decide how to deal with the issue of "proportionality."

Tiller engineer Pauley stated that reclamation is an ongoing process and materials that are mined and not sold are used in the reclamation process. Stripping, the initial phase of mining, generates reclamation activity. There is no stripping activity planned for this year. It depends on demand. They may not mine at all if there is sufficient stockpile to meet demand. As new areas are stripped, then material becomes available for reclamation.

Swanson asked how much area is mined compared to reclaimed. Pauley said she has those numbers, but not with her and can send them to the Council.

Ness asked about Lindell's concern for expansion of plant operations. Pauley said there are no plans for expansion of plant operations, and that the statement in the application about plant expansion was a description of the ordinance requirements carried forward since 2007. Buss indicated Tiller would need a new or amended CUP to expand plant operations.

Mike Caron said in 20 years of operation they have had five to six stripping projects. The topsoil has been used to build berms and for reclamation. Since stripping occurs every three to seven years, it is impossible to reclaim the same amount as stripped; it has to happen over time.

Swanson asked about the Letter of Credit amount to cover reclamation. Caron indicated there is \$300,000 between both mines.

Schneider said it seemed impossible to reclaim proportionally and concurrently. Buss indicated Proportionality could be defined as overall on a site over time, not year-to-year proportions. Caron indicated a time frame would be affected by sales. Staff was directed to reword Condition 4 in the draft resolution to require that proportionality of mining and reclamation be demonstrated over time, not annually. Action on the AOP was postponed to the April 19 meeting.

#### **ADJOURNMENT**

**Swanson, second by Ness, moved to adjourn the meeting. The motion carried 5-0.**

The meeting adjourned at 9:00 p.m.

Respectfully submitted,

Colleen Firkus  
Treasurer