

March 5, 2008

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. The following council members were present: Council members Pete Crum, Michael Harnetty, Dolores Peterson, Donnette Yehle, Mayor Dennis Seefeldt. Staff present: Administrator Anne Hurlburt, City Attorney Dave Hebert, Building Official Steve Thorp, Deputy Clerk Brenda Eklund.

APPROVAL OF AGENDA

Mayor Seefeldt added a discussion of a vacancy on the Carnelian-Marine-St. Croix Watershed to the agenda. **Councilmember Yehle, seconded by Councilmember Peterson, moved to approve the agenda as amended. The motion passed unanimously.**

SPRING CITY NEWSLETTER

Administrator Hurlburt presented a draft copy of the city's newsletter. Topics include a Comprehensive Plan update, 2008 election dates, reminders of property maintenance issues, permits, signs, etc. An insert on the summer recreation programs will also be included. Councilmember Harnetty asked to have the language regarding the focus groups clarified to indicate that these groups are only a part of the Comprehensive Plan update and not the final product. The newsletter will go to the printers by mid-March and be mailed to all Scandia residents by April 1st.

PARK AND RECREATION COMMITTEE INTERVIEWS

The vacancy on the Park and Recreation Committee as discussed at the February 19, 2008 Council meeting has been advertised as having a March 12, 2008 application deadline. A special meeting to interview applicants will be scheduled for 6:00 p.m. on March 18th, prior to the start of the regular council meeting.

CARNELIAN-MARINE-ST. CROIX WATERSHED VACANCY

Due to health reasons, Scandia resident Douglas Pratt has submitted his resignation from the Carnelian-Marine-St. Croix Watershed Board of Managers. Washington County Board will set the process to fill this vacancy, although the city can forward a recommendation to the County Board. Staff was directed to announce information concerning this vacancy on the website.

The Planning Commission meeting was called to order at 7:30 p.m. The following were present: Commission Chair Chris Ness, Commissioners Tom Krinke, Christine Maefsky, Susan Rodsjo, Peter Schwarz and TKDA Planners Richard Thompson and Sherri Buss.

PUBLIC HEARINGS ON SAND AND GRAVEL MINING CUP APPLICATIONS

Three existing sand and gravel mining operations have submitted Conditional Use Permit applications to the City. Planner Richard Thompson presented an overview of this application process. Prior to the incorporation of the City of Scandia, sand and gravel mining was regulated by Washington County, with New Scandia Township requiring an annual mining permit. Following incorporation, the City assumed authority for all planning and zoning matters and adopted an updated Mining Ordinance No. 103 in August 2007. The new ordinance established a process by which the City would issue a new CUP for each existing mining operation. This CUP

will run with the land. Each year, an Annual Operator's Permit will be issued to ensure compliance with the CUP and ordinance. The City's Planners are currently reviewing the applications. It is necessary to continue the reviews by the full 120 days (to June 12, 2008) allowed by state law to gather additional technical expertise to fully evaluate some aspects of the applications. The Planning Commission opened the public hearings to gather public testimony and questions in order to further review the applications.

BRACHT BROS. – CUP FOR GRAVEL MINING AND PROCESSING OPERATION

Kirsten Pauly, Sunde Engineering, presented the application for Bracht Bros, Inc. Bracht Bros. currently operates a sand and gravel extraction site located on 185th Street in Scandia. Twenty-five acres of the 40-acre site is mined. It is estimated that 10-15 years of mining activity remain at the site. They propose no change in the extent of operations from those approved in the previous County permit.

The Planning Commission inquired as to the Reclamation Plan for the site. An explanation of the slope elevations was given by Ms. Pauly. Commissioner Schwarz questioned if the reclamation plan will be suitable for future residential development.

Commission Chair Ness opened the hearing to the public.

- Judy Rydeen, 14633 Oakhill Court and past adjacent property owner, asked how ground water monitoring is currently being done, as the Rydeens believe their well may have been polluted years ago. *Planner Thompson:* A monitoring well is required for this site. A hydro-geologist will assist with the evaluation and make recommendations to protect surrounding groundwater. Natalie Fitzpatrick, Bracht Bros., stated that she knew of no past pollution issues.
- Bill Voedisch, 14625 Old Guslander Trail, inquired as to intent of mining into the adjacent 40-acre parcel. *Ms. Pauly:* There are no plans to pursue this. Mr. Voedisch stated the importance of requiring the operators to “reclaim the property as they go” rather than at the end of the mining operation. *Planner Thompson:* On-going reclamation is the intent of the ordinance.
- Larry Engstrom, 14040 185th Street, asked for details of the reclamation plan. *Ms. Pauly:* Restoration will be to a 4:1 slope using on-site materials. The “hole” will not be filled in completely, but stabilized. Mr. Engstrom asked how dust control will be handled. *Planner Thompson:* The applicant is responsible for controlling dust. Additional language can be written into the CUP to address this issue.
- John Zajac, 14018 185th Street, voiced his safety issue concern regarding the truck traffic along 185th Street. Mr. Zajac would like to see speed limit and caution signs in place. Administrator Hurlburt stated that the city's consultants will evaluate this request for signage.

Chairman Ness noted that the public hearing will continue to the April 1, 2008 Planning Commission meeting, at which time additional information will be provided.

DRESEL CONTRACTING, INC. – CUP FOR A GRAVEL MINING AND PROCESSING OPERATION

Kirsten Pauly, Sunde Engineering, presented the application for Dresel Contracting. Dresel currently operates a mining and aggregate processing site located on 218th Street, west of Lofton Avenue, in Scandia. Recycling of concrete and asphalt also occurs on the site. The total site encompasses 57 acres, of which 35 acres are proposed for active mining. It is estimated that up to one million cubic yards of aggregate reserves remain at the site. Dresel proposes to excavate to a depth of 920'. Soil borings identify the water table at an average elevation of 919'. As the northern boundary is shared with Tiller Corporation, a groundwater monitoring well is proposed to be located on the north end of the property. This well would function as a down-gradient well for Dresel and an up-gradient well for Tiller. Ms. Pauly stated the operation would remain as status quo.

Commission Chair Ness opened the hearing to the public.

- Christine Stevens, 11364 218th Street, inquired as to late-night activity she observed within the site last summer. Applicant Josh Dresel was not aware of work within the pit after normal operating hours. Ms. Pauly advised distributing contact numbers to surrounding property owners so that they may immediately report their concerns. Planner Thompson: This condition could be built into the Annual Operators Permit.
- John Lindell, 11240 218th Street, inquired about the two wetlands shown in the Reclamation Plan. To his knowledge these wetlands on the western portion have been excavated and/or drained. *Planner Thompson*: The condition of these wetlands will be evaluated.

Chairman Ness noted that the public hearing will continue to the April 1, 2008 Planning Commission meeting, at which time additional information will be provided.

TILLER CORPORATION – CUP FOR A MINING AND PROCESSING OPERATION

Kirsten Pauly, Sunde Engineering, presented the application for Tiller Corporation. Tiller currently operates a sand and gravel extraction site located at 22303 Manning Trail. The site includes several parcels, totaling 395 acres. Mining and reclamation is proposed on 155 of these acres. Permitted activities include mining and processing aggregate, the production of hot-mix asphalt, and the recycling of concrete and asphalt products. It is estimated that 20-30 years of mining activity remain at the site, depending on market demand. Tiller indicates that due to the variable nature of the deposit, it is proposed to mine into the groundwater for the first time under the new permit. This activity has been described in previous mining plans, but has not yet been implemented. Ms. Pauly stated that mining below the water table is currently an approved practice at various mines within the metro area, and will not be unique to this site. No dewatering

process will occur on this site. Groundwater monitoring will be conducted on an annual basis at the three wells on the site, with plans to install three additional monitoring wells.

The Planning Commission discussed the application. Commissioner Ness asked about the proposed depth of mining. Mike Caron, Tiller Corporation: Forty-five feet would be the maximum depth to remove material. A lake would form at an elevation of 916'. Commissioners Krinke and Rodsjo inquired as to the how chemicals related to the hot-mix process are monitored. Mr. Caron: The parts washer solvent is included in the Spill Prevention Control Plan required by the state; the local fire department has notice of materials on site; various other permits require reporting. Commissioner Rodsjo inquired how the asphalt/mining activity is divided. Mr. Caron: It is about a 50/50 split of activity, although it can vary. Mayor Seefeldt voiced a concern of trucks on the roads during evening hours in the late fall. The trucks could be a hazard due to poor lighting on the trucks themselves. A consideration of operation hours in Nov/Dec should be given in the AOP.

Commission Chair Ness opened the hearing to the public.

- Perry Ingram, 22355 Kirk Court, inquired about general statistics of the operation. Is usage consistent with the City's road plan? *Mr. Caron:* Truck traffic is not expected to change greatly; 2007 was an atypical year regarding truck traffic (higher than average). The main access routes travel along County and State roads. Does washing the product on-site concentrate any minerals within one location? *Mr. Caron:* The clay/silt sediment is collected and used in reclamation activities, but has not been tested. Mr. Caron indicated that the composition could be evaluated, but he felt that it was just the natural soils being washed off.
- Pat Wilke, 21757 Manning Trail, commented that emission odors from the asphalt operation have gotten worse during the past few years. The truck traffic and air quality are concerns for her.
- Harry Vecchiollo, 10421 230th Street, inquired on the depth of the water table. *Ms. Pauly:* The bedrock is at a depth of 140-220 feet, under which is the confined aquifer. How are test wells monitored? *Mr. Caron:* Currently using one water table monitoring well, two others for groundwater monitoring. Tiller proposes to add three additional wells. The samples are tested by independent firms which forward the results to the state and city.
- Lewis Gramer, 11345 2287th Street, relayed information he obtained regarding mining below the water table. His conclusion was that as long as an individual's well is tapped into the confined aquifer, there is no threat of contamination by Tiller's proposal. The State Department of Health can typify the depth of each individual well in the surrounding area. An evaluation will be conducted by the City regarding the records of those wells within one-half mile of the site prior to the issuance of the CUP.
- Pam Miller, 21895 Manning Trail, was concerned about the high speed of the truck traffic. Ms. Miller made four calls to the Sheriff's Department last summer to report excessive speed. *Mike Caron:* A call should also be made to Tiller with the truck

identification; Tiller will take action against the driver. Repeat offenders will be not allowed to use the gravel pit.

- John Lindell, 11240 218th Street, voiced his most significant concern being that of groundwater protection. Mr. Lindell would like the City to require an Environmental Assessment Worksheet as he feels there are advances in testing since that last EAW was completed in 1999.

Commissioner Maefsky questioned Tiller as to what additional agencies oversee the mining/asphalt operation. *Ms. Pauly*: Minnesota Pollution Control Agency monitors air emissions, stormwater run-off, noise standards; Department of Natural Resources issues a water appropriation permit; Federal agency (part of Homeland Security) is provided a Spill Prevention Plan regarding on-site chemicals; Car-Mar Watershed, Comfort Lake/Forest Lake Watershed and the Soil and Water District monitor surface water issues; MnSHA monitors worker safety; Washington County receives reports on hazardous waste. *Commissioner Maefsky to Mr. Lindell*: Do you think this is not enough regarding regulations? *Mr. Lindell*: These issues should be further studied and given a new look as analysis standards and tools may have been updated since the last EAW in 1999.

Chairman Ness noted that the public hearing will continue to the April 1, 2008 Planning Commission meeting, at which time additional information will be provided.

Site visits of all the gravel operations will be conducted as soon as the weather is conducive.

FLOODPLAIN MANAGEMENT REGULATIONS – ORDINANCE NO. 110

Administrator Hurlburt presented the draft ordinance of floodplain regulations which must be adopted by the City in order to continue to participate in the National Flood Insurance Program. Previous to incorporation, Scandia operated under Washington County's Code. The draft ordinance was prepared using a model recommended by the DNR. Carnelian-Marine-St. Croix Watershed and the DNR reviewed the draft ordinance and requested slight changes to language. Administrator Hurlburt reviewed these changes with the Planning Commission and Council.

Chair Ness opened the hearing to the public. No comments were given and the hearing closed. The Planning Commission recommended approval of draft Ordinance 110 with the recommended changes.

Councilmember Peterson, seconded by Councilmember Yehle, moved to accept the recommendation of the Planning Commission to adopt draft Ordinance 110, Chapter 6 of the Development Code Pertaining to Floodplain Management Regulations with the recommended changes. The motion passed unanimously.

Councilmember Peterson, seconded by Councilmember Crum, moved to adopt Resolution 03-05-08-01, Approving the Title and Summary of the Floodplain Management Regulations. The motion passed unanimously.

Councilmember Yehle, seconded by Mayor Seefeldt, moved to adopt Resolution 03-05-08-02, To Apply to Participate in the National Flood Insurance Program. The motion passed unanimously.

SELECTION OF CHAIR AND VICE-CHAIR FOR 2008

The Planning Commission appointed Chris Ness as Chair and Christine Maefsky as Vice-Chair.

Councilmember Crum, seconded by Councilmember Peterson, moved to approve the appointment of Chris Ness as Chairman and Christine Maefsky as Vice-Chair for a one-year term. The motion passed unanimously.

REVIEW CITY OF MARINE'S COMPREHESIVE PLAN

By law, the City of Marine submitted its Comprehensive Plan to Scandia on February 6, 2008 for review. They have requested comments as soon as possible, as they intend to submit the plan to the Metropolitan Council by April 1, 2008. Administrator Hurlburt reported that the plan appears to have little impact on Scandia's planning, other than a strategy in the Transportation Plan section. Marine proposes an alternative traffic pattern west of the City's boundaries in an effort to reduce north/south traffic through Marine. As this could affect Scandia, Administrator Hurlburt presented a draft letter commenting on this approach. This letter would also be copied to the Met Council. The Planning Commission approved of sending these comments.

Councilmember Yehle, seconded by Councilmember Peterson, moved to submit comments regarding the transportation strategy to the City of Marine. The motion passed unanimously.

WILLOWBROOK COMMUNITY CHURCH -- RESOLUTION 03-08-05-03

Review of the Willowbrook Church Conditional Use Permit for a Place of Worship on a 40.5 acre parcel located west of 11262 Scandia Trail was continued from February 6, 2008. The Applicant met in a Special Meeting with the Council and Planning Commission on February 12, 2008 to discuss alternative site plan layouts and landscaping ideas. Representatives of the church agreed to consider revisions to the site plan which would move the building and parking lot 50 feet to the north and to add additional planting areas. It was felt that the additional 50 feet would allow room for a more natural landscape plan and would minimize the obtrusiveness of the structure along Highway 97. This was a compromise, arrived at in lieu of redesigning the site plan to place the parking lot to the rear and/or side of the building. On February 22nd, a letter was received from Mn DOT requesting that the driveway entrance be relocated due to inadequate

sight distance. Architect Chris Doehrmann submitted a revised plan showing the access relocated to the east. No additional information about landscaping or lighting was presented.

Mayor Seefeldt introduced a resolution which summarizes the City's position and gives direction to the applicant in a way to specifically formalize an approval of design. An excerpt of the resolution reads:

- a. The building and parking lot shall be moved 50 feet north of the location shown on the plan received on January 11, 2008 and the grading and drainage plans shall be revised accordingly.
- b. A screening and landscape plan shall be submitted, meeting all of the requirements of Chapter 2, Section 9.12 of the Development Code, including preparation by a qualified Landscape Architect and itemization of size, number and species of all plant materials. In addition to the specific standards of the ordinance, the following guidance is given:
 - Additional planting islands shall be included within the parking lot to minimize the expanse of asphalt, as discussed at the February 12 meeting.
 - Plant materials chosen should be native species and no invasive species shall be included.
 - Formal plantings should be minimized in order to reflect vegetation patterns more typical of rural areas.
 - Any berms or landforms used to provide screening for the parking lot, and for the surrounding uses, should be as natural in appearance as possible. Fences should be avoided unless they enhance the natural appearance of the screening and are consistent with the architecture of the building and surrounding rural character.
 - Restoration of native prairie and savanna areas, or other plant communities that are native to the Scandia area, should be included in the design.
- c. A lighting plan shall be submitted, meeting all of the requirements of Chapter 2, Section 9.8 of the Development Code including the performance standards applicable to residential/agricultural districts. The lighting plan shall include information on the time(s) of day during which the lighting will be used and how it will be controlled to avoid a negative impact on adjacent properties and scenic views in the surrounding area.

Commissioner Maefsky felt that while the resolution is helpful in giving direction, the precedence setting nature of the request to allow a prominent structure outside of the Village Center runs counter to the direction of the Comprehensive Plan. Commissioner Maefsky stated that she cannot support allowing the suburban-style parking lot layout to the front of the building and believes the structure glaringly distracts from the open rural look the community wants.

Commissioners Krinke and Rodsjo felt this was a reasonable compromise and the resolution clarifies what the City is requesting. Commissioner Rodsjo felt that the glass front does not give

the building rural character and made suggestions of alternate materials. A further defined landscape plan will be needed.

Commissioner Schwarz commented on the February 12th meeting in which it was concluded that moving the parking lot behind the building was not workable. Moving the building back 50 feet is an acceptable compromise.

Chair Ness felt that this resolution can break the gridlock of the situation and will move the proposal along.

The Planning Commission recommended approval of the resolution.

Councilmember Harnetty, seconded by Mayor Seefeldt, moved to accept the recommendation of the Planning Commission to adopt Resolution 03-05-08-03 Summarizing the Position on the Application by Willowbrook Church for a Conditional Use Permit. The motion passed unanimously.

The deadline for review of the CUP is May 17, 2008 and can be extended by request of the applicant. It was recommended to Chris Doehrmann and Pastor Reis that a subcommittee meet with the church to review landscape and lighting plans prior to presentation at a future Planning Commission meeting.

Councilmember Yehle, seconded by Councilmember Peterson, moved to adjourn.

The meeting adjourned at 10:37 p.m.

Respectfully submitted,

Brenda Eklund
Deputy Clerk