

October 19, 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, Dolores Peterson and Mayor Dennis Seefeldt. Staff present: City Administrator Anne Hurlburt, City Attorney Dave Hebert, City Planner Sherri Buss, Building Official/Maintenance Supervisor Official Steve Thorp, Fire Chief Jim Finnegan, Police Deputy Chris Majeski, Treasurer Colleen Firkus and Deputy Clerk Brenda Eklund.

PUBLIC FORUM

Recognition of Retiring Firefighter Chuck Preisler

Mayor Seefeldt presented Chuck Preisler with a certificate of appreciation upon his retirement from the Scandia Fire and Rescue Department. Mr. Priesler was graciously thanked for his twenty-two years as a volunteer firefighter. The council briefly recessed the meeting to take part in a coffee and cake reception.

The meeting reconvened at 7:17 p.m.

Gary Gillespie, 20290 Olinda Trail, expressed his concern over a letter he had written to Building Official Thorp regarding the splitting of his fifty-acre parcel. The new parcel would not meet minimum road frontage requirements, and would necessitate a shared driveway. This issue was discussed at the public hearing of the new development code held on October 5, without Mr. Gillespie's knowledge. The language to allow for an exception to subdivide a parcel of 20 acres or greater with no public road frontage, which is in the current code, was considered to be phased out of the new development code. Mr. Gillespie felt that this exception should remain in place for unique, land-locked situations. Mayor Seefeldt, joined by Council member Peterson, agreed to revisit this issue at the continued public hearing on November 3. In the meantime, Mr. Gillespie was advised to make a formal application for this lot split.

Dean Barr and Kathy Bystrom presented information regarding the upcoming Forest Lake School District operating levy and bond, which will be on the November 2 general election ballot.

APPROVAL OF AGENDA

Mayor Seefeldt noted an addition to the agenda, Item 8)b)2) regarding an appointment of fire department officers. **Peterson, second by Amos, moved to approve the agenda as amended. The motion carried 4-0.**

APPROVAL OF CONSENT AGENDA

The following consent agenda was presented:

- a) Minutes
 - 1) September 21, 2010 Regular Meeting
 - 2) October 5, 2010 Meeting with the Planning Commission

b) Treasurer's Report		
Beginning Balance 09/01/10		\$2,033,096.35
Receipts		+ <u>16,403.26</u>
Expenditures	\$355,884.77	
Payroll	<u>25,127.50</u>	- <u>381,012.27</u>
Adjustments: Bldg. Permits Surcharge will be in Oct. payment batch.		- <u>404.46</u>
Ending Balance 09/30/10		\$1,668,082.88
c) Payment of Vouchers		
d) Seasonal Ice Rink Staffing		
e) Seasonal Public Works Staffing		
f) Renew Contract with SafeAssure Consultants		

Crum, second by Peterson, moved to approve the Consent Agenda as presented. The motion carried 4-0.

PARK AND RECREATION COMMITTEE

Changes to the Ice Rink Reservation Policy

Park and Recreation Committee Chair Alex Bildeaux presented a recommendation from the Parks Committee to increase the rental rate of the ice skating rink for hockey teams from the current \$100 for the season, to \$200, plus tax. It was also recommended that the policy be changed to include a \$50 per hour charge for single-use reservations on the weekends. One-time reservations on weekdays would remain free of charge. **Peterson, second by Amos, moved to approve the revised Ice Rink Reservation Policy as recommended by the Parks Committee.**

Council member Crum felt that a 100% increase is too steep of an initial increase, and recommended a 25% or 50% increase to be more reasonable. Crum stated that it would be better to gradually implement an increase of the reservation fee.

The motion was revised to approve an increase to \$150 plus tax for seasonal rental of ice time. The motion carried 4-0.

Implementing a weekend reservation fee of \$50 per hour was discussed. It was the consensus to drop this from the recommended policy, and not allow ice time to be reserved on the weekends. Council members Crum and Peterson stated that weekend hours should remain open for pleasure and hockey skaters.

Crum, second by Peterson, moved to not allow weekend reservations of the ice rink. The motion carried 4-0.

SHIP Community Partners Project Grant Application

Upon a recommendation from the Parks Committee, staff submitted a pre-application for grant funds available through the Statewide Health Improvement Program (SHIP) for a project to prepare a Trails Master Plan. The plan would identify trail corridors for bicycles and pedestrians linking key destinations in the community. Final applications are due by October 29. It is likely that the city will be awarded a grant in the amount of \$3,920. The grant funds would be used to

hire the city's consulting planner to work with the Parks Committee and the Friends of Scandia Parks and Trails to develop a Master Plan and Trails Map, and a brochure for residents and visitors. **Seefeldt, second by Amos, moved to authorize application for a SHIP grant in the amount of \$3,920 for preparation of a Trails Master Plan. The motion carried 4-0.**

Report on 2010 Summer Recreation Program

Laurie Monson, Parks and Recreation Coordinator, presented a summary report on the 2010 Summer Recreation program. The city partnered with Camp Lakamaga and offered a total of 24 classes, with 9 of the classes cancelled due to low enrollment. A total of 105 children participated in the programs. **Peterson, second by Seefeldt, moved to receive the 2010 Summer Recreation Program Report. The motion carried 4-0.**

PLANNING COMMISSION

Daniel and Judy Booren, Minor Subdivision, 11522 Mayberry Trail (Resolution 10-19-10-01)

At their October 5 meeting, the Planning Commission recommended approval of a minor subdivision for Daniel and Judy Booren to split a 78.9-acre parcel into three parcels. A condition indicating the remaining development potential of Parcel C was added, and the condition regarding dedication of easements was modified to add the roadway easement for Mayberry Trail. A correction to the legal description was also necessary. The Council postponed action on the resolution on October 5 so that recommended changes could be made. **Peterson, second by Crum, moved to adopt Resolution 10-19-10-01, Approving a Minor Subdivision for 78.9 Acres into Three Lots, Located at 11522 Mayberry Trail North. The motion carried 4-0.**

POLICE DEPARTMENT

Deputy Chris Majeski reported on police activity within the past month. There were three recent cases of thefts and burglaries. Suspects have been identified.

FIRE DEPARTMENT

Fire Chief Jim Finnegan reported that the department responded to fifteen calls in September, eleven which were rescue calls. A training burn was conducted on October 16 which went very well. The department is hosting an auto extrication class in November through Jefferson Fire Safety.

Accept Donation from Scandia Fire Relief Association (Resolution 10-19-10-02)

The Relief Association has purchased the following equipment with proceeds from the annual Fire Ball: two 2000-watt Honda generators (\$2,110.36) and one 27-inch Tempest blower (\$3,046.30). **Crum, second by Peterson, moved to accept the fire equipment donation from the Scandia Fire Relief Association. The motion carried 4-0.**

Approve Appointment of John Larson to Fire Captain Position

Fire Chief Finnegan has appointed John Larson to fill the position of Fire Captain, effective for a term beginning November 1, 2010 to October 31, 2012. Captain Jeff Beibl is stepping down from this position at the end of October. **Peterson, second by Amos, moved to approve the appointment of John Larson to the position of Fire Captain, replacing Jeff Beibl. The motion carried 4-0.**

BUILDING OFFICIAL/MAINTENANCE SUPERVISOR

Building Official/Maintenance Supervisor Steve Thorp reported that three new construction permits are in the process of being issued. The renovation of Scandia Plaza is scheduled to begin soon. The Maintenance Department has filled and graded the boat landings, hosted a Chainsaw Training seminar, and will be hauling in gravel on Pilar Road, 197th Street and 205th Street this month.

CITY ADMINISTRATOR

Amendment to Personnel Policy (Resolution 10-19-10-03)

City Administrator Hurlburt presented a resolution to amend Section 6(d) of the Personnel Policy that would increase the allowance for clothing and footwear purchases for full-time public works employees from \$150 per year to \$300 per year. A \$150 allowance would be added for regular (year-round) employees. Safety footwear and clothing is a requirement of workers in this department. Hurlburt reported that surrounding communities have a clothing allowance of \$700-\$800 typically. The amendment also changes the deadline for submitting reimbursement requests from July 1 to December 1.

Council member Amos stated that she felt this allowance was too high of an amount, and asked what the allowance is used towards. Administrator Hurlburt replied that this allowance will insure that the workers have the safety footwear and work clothing they need to protect their feet and hands. It would add an increase of \$450 to the yearly clothing budget line item.

Crum, second by Peterson, moved to adopt Resolution 10-19-10-03, Amending the Personnel Policy of the City of Scandia. The motion carried 3-1, with Amos voting against the motion.

Disposal of Surplus Fire Rescue Equipment

Administrator Hurlburt presented several options for the disposal of the 1990 Chevrolet Cheyenne one-ton rescue truck, which was replaced with a new rescue truck this summer. It was determined that it cannot be converted to another use, and should be sold to free up storage space. Staff recommended using IQBid.com as an auction site for the sale of the truck. They have a local representative to handle the entire auction process and have received good reviews. IQBid.com will provide additional targeted marketing which should result in a higher sale price to recover the commission. **Peterson, second by Crum, moved to authorize staff to dispose of the old Fire Rescue Truck 5179 utilizing IQBid.com as an auction service. The motion carried 4-0.**

REQUEST FOR SPEED LIMIT STUDY, 185TH STREET

Larry Engstrom, 14040 185th Street, submitted a petition for a speed limit study, signed by residents of all homes fronting the 1.25 mile gravel road. The petition requested a 25 mph speed limit. Staff obtained records from MnDOT documenting that in 2003 the Township was authorized to post a 45 mph speed limit for the entire length of the roadway. The signs were never posted and there are no records indicating why.

City Engineer Paul Hornby reviewed this matter and offered a few possibilities. A new MnDOT review could result in a determination that the statutory 55 mph speed limit is appropriate and

revoke the 45 mph authorization. He also advised that the lowest local speed limit possible would be 30 mph, given that Scandia does not meet the criteria for posting local streets with a 25 mph limit.

Peterson, second by Amos, moved to submit a request to MnDOT for a speed limit study on 185th Street. The motion carried 4-0.

CITY COUNCIL VACANCY

At its September 21 meeting, the City Council declared a vacancy on the Council and directed staff to advertise for applicants. Eight applications were received by the October 15 deadline. Consensus was to schedule interviews for all applicants on October 27, beginning at 6:30 p.m.

Mayor Seefeldt read the names of the applicants: Cynthia Boyce, Tom Brambilla, Daniel R. Lee, Susan Rodsjo, Steve Philippi, Jim “Moose” Malmquist, Chris Ness and Peter Schwarz.

Tentatively, the Council is expected to make the appointment at a meeting in November, at a date yet to be determined.

DRAFT ORDINANCE, CALLING FOR A SPECIAL ELECTION

The Council has taken steps to fill the vacancy resulting from the resignation of John Lindell. A council member will be appointed to serve until such time a successor may be chosen by election. Because of the timing of the vacancy, a special election is not required.

At its September 21 meeting, the City Council directed City Attorney Hebert to draft an ordinance that if adopted would call for a special election to be held to fill the current vacancy on the council. Administrator Hurlburt provided a timeline of dates, dependent on when an ordinance may be adopted, which included dates of filing and other milestones in the process of holding an election. The earliest an election could be held would be on February 1, 2011.

Staff met with Washington County Elections staff to discuss a potential Joint Powers Agreement that would be needed to administer a special election. The County offered two options, one being that the County would hire, train and supervise the election judges. The total expense estimates ranged from \$3,395 to \$5,003, not including staff time costs.

Staff also researched voter turnouts at previous Scandia elections with City Council or Town Board seats on the ballot. This information was presented in the agenda report. No stand-alone special elections to fill vacancies were held in the past twenty years. The County reported that no stand-alone special elections had been held in the past ten years to fill county or municipal seats. Several vacancies have been filled at special elections held in conjunction with general elections.

Council member Peterson felt that the expenses were overstated. She had calculated a cost estimate of \$2,082, assuming that the election judges would volunteer their time. Peterson stated that the staff time cost (salary and benefits) should not be part of the cost estimate. Peterson declared that she had heard from many citizens who were in favor of holding a special election,

and she felt she owed it to the people to advocate for a special election to fill the remaining two years of Lindell's term.

Peterson, second by Amos, moved to adopt draft Ordinance No. 12X, Providing for a Special Election to fill a Vacancy.

Council discussed the draft ordinance and the background data which was requested.

Council member Amos stated that the people of Scandia deserve an election.

Council member Crum replied that historically, special elections draw a low voter turnout, and a good cross-section of voters is not represented. It's usually a special interest group that participates in a special election issue. Crum stated that there must be a good reason that the County does not have record of special elections being held at times other than general elections. Crum found no compelling reason to change the past practice of an appointment to fill the remaining term of a vacancy. He felt that there is a very well qualified list of applicants that will be interviewed.

Council member Peterson responded that there is no reason that Scandia couldn't be the first municipality to conduct a special election for a council seat. She had heard from residents who were still upset that a vote was not held to decide on the incorporation of New Scandia Township.

Mayor Seefeldt pointed out that the law is clear – an appointment will be made, and holding a special election is not a requirement. The Town Board made five appointments to fill terms since 1990. Mayor Seefeldt gave examples of surrounding cities and County vacancies which were filled by appointments, and if needed, a special election was held at the time of a general election. Mayor Seefeldt felt that the amount of time and money to hold a stand-alone special election would be a waste. Mayor Seefeldt had not gotten any feedback from residents asking for a special election.

Administrator Hurlburt was asked to take a roll call vote on the motion. Peterson – yes. Amos – yes. Crum – no. Seefeldt – no. Motion failed 2-2.

Crum, second by Peterson, moved to adjourn the meeting. The motion carried 4-0.

The meeting adjourned at 8:40 p.m.

Respectfully submitted,

Brenda Eklund
Deputy Clerk