

May 6, 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 Michael Harnetty, Dolores Peterson, Mayor Dennis Seefeldt, Donnette Yehle. Councilmember Pete Crum joined the meeting at 7:45 p.m. Staff present: Administrator Anne Hurlburt, City Attorney Dave Hebert, Building Official Steve Thorp, Deputy Clerk Brenda Eklund.

### **APPROVAL OF THE AGENDA**

**Councilmember Yehle, seconded by Councilmember Peterson, moved to approve the agenda as presented. The motion passed unanimously.**

### **LAWFUL GAMBLING PREMISES PERMIT, FOREST LAKE ATHLETIC ASSOCIATION – RESOLUTION 05-06-08-01**

The Forest Lake Athletic Association has submitted an application for continuing their lawful gambling operation at Prospects. This is FLAA's first application to the City since adoption of Ordinance No. 100 on March 6, 2007. FLAA has submitted all required documentation and have been found to meet the qualifications of the ordinance. **Councilmember Peterson, seconded by Councilmember Yehle, moved to adopt Resolution 05-06-08-01 Approving a Lawful Gambling Premises Permit for the Forest Lake Athletic Association. The motion passed unanimously.**

### **UTILITY PERMIT FOR EXCEL ENERGY**

An emergency repair for replacement of an underground electrical service line at 23679 Meadowbrook Avenue was recently approved by City Engineer Tom Peterson. As work was done in the right-of-way, it is necessary for Xcel Energy to secure a utility permit from the City. **Councilmember Peterson, seconded by Mayor Seefeldt, moved to approve the Utility Permit for Excel Energy, contingent upon payment of the required \$50.00 fee. The motion passed unanimously.**

### **PARK AND RECREATION COMMITTEE – FRIENDS OF THE PARK**

Park and Recreation Committee members Karen Schik and Tom Triplett presented information on establishing a 501(c)3 non-profit group to be known as "Friends of the Parks", or something similarly named. This volunteer organization would function independently of the city and be eligible for funding not available to government agencies. The principle motivation is to generate funds and gather volunteer workers for projects supported by the Park and Recreation Committee. Mr. Triplett proposes that a minimum of 100 people be committed to this group and will then proceed with the application for tax-exempt status with the IRS. MN Parks and Trails Association has offered assistance with this application. Consensus of the council considered this to be a good idea and registered no objections to the proposal.

### **PUBLIC WORKS SALT/STORAGE STRUCTURE**

In 2007, the Capital Improvements Committee recommended construction of a covered shelter to allow for storage of a salt mix that is currently transported from the Washington County storage garage on an as-needed basis. A concrete slab adjacent to the Public Works/Fire Department

building was installed in 2001 for the storage of salt on site. Building Official Steve Thorp reported on structures that could be built over this slab. A wood building would require walls about 20 feet in height and would exceed a cost of \$50,000. Mr. Thorp presented quotes for a fabric covered structure commonly used for this purpose. A Cover-All building installed by Greystone Construction fits within the \$20,000 budgeted for this project. Councilmember Peterson voiced her opposition to this proposal, stating that this hoop style building is not allowed under the current accessory structure ordinance, and that the visibility of this would be an eyesore next to the Public Works/Fire Department building. Peterson stated that the Council should wait to levy the extra money to build it right. Councilmember Yehle was in agreement with the undesirable appearance of a fabric covered shelter and requested additional options be researched and compared. Councilmember Harnetty felt that he could support the style of a hoop building if there is a positive economic payback. Administrator Hurlburt relayed that the Capital Improvements Committee strongly felt that on-site storage of salt does result in cost and labor savings, given that time is not spent on travel to the County garage during a snow event when the trucks could be out plowing snow. Staff was directed to gather cost and needs/benefits information for alternate buildings and report back at a future meeting.

#### **SCANDIA-MARINE LIONS REQUEST TO DISPLAY FLAG**

The Scandia-Marine Lions Club has requested permission to display a flag on the walls of the Community Center. The flag, flown on a mission in Iraq, was a gift to the Club. Councilmember Peterson thought the Heritage Room would be a more appropriate setting for display rather than in the large hall. Consensus of the council approved displaying the flag in a case, along with the accompanying certificate, in the Heritage Room.

*The Planning Commission meeting was called to order at 7:40 p.m. The following were present: Commission Chair Chris Ness, Commissioners Tom Krinke, Christine Maefsky, Susan Rodsjo, Peter Schwarz and TKDA Planner Richard Thompson.*

#### **DAVID & WYNESS HOLMBERG – REQUEST TO REZONE PROPERTY (RESOLUTION 05-06-08-02/ ORDINANCE NO. 111)**

Applicants David and Wynness Holmberg have requested that their property at 21300 Olinda Trail be rezoned from General Business (GB) to Single Family Estate (SFE) to allow for construction of a new attached garage for the existing home, which is a non-conforming use under the current commercial zoning.

Planner Richard Thompson presented an evaluation of the request. The property formerly included a commercial greenhouse, which has since been removed. The Planning Staff recommends approval of the request as the current use of property is residential, rezoning is consistent with adjacent properties (no spot zoning), and the request conforms with the Comprehensive Plan which supports residential use in the village center.

Chairman Ness opened the public hearing.

- Mike White, 13310 188<sup>th</sup> Street, supports the rezone, stating that removing the existing garage and building a new attached garage is an improvement to the property.

As there were no other comments, Chairman Ness closed the hearing.

Commissioner Schwarz questioned how this zoning would affect the new proposed Comprehensive Plan. Administrator Hurlburt advised that this would not be a conflict as the proposed Village Center Mixed Use allows for residential and commercial zoning.

The Planning Commission recommended to the City Council to approve both Resolution 05-06-08-02 and Ordinance No. 111 to change the designation of 21300 Olinda Trail from General Business to Single Family Estate.

**Councilmember Peterson, seconded by Councilmember Harnetty, moved to accept the recommendation of the Planning Commission to approve Resolution 05-06-08-02 and Ordinance No. 111 To Change the Designation of 21300 Olinda Trail from General Business to Single Family Estate. The motion passed unanimously.**

### **GRAVEL MINING CONDITIONAL USE PERMITS – CONTINUATION OF PUBLIC HEARINGS**

Public hearings were opened on March 5, 2008 to consider new Conditional Use Permits for three mining operations: Bracht Bros., Inc., Dresel Contracting, Inc. and Tiller Corporation. The review period ends June 12, 2008 for all three applications. TKDA Planner Richard Thompson presented the concluded reports for each application. David Hume, a hydrogeologist with Leggette, Brashears & Graham, Inc., who were retained to review groundwater issues, also presented reports for each mining operation. All applicants were present, as was Kirsten Pauly, Sunde Engineering, representing the engineering firm which prepared the CUP applications.

### **BRACHT BROS., INC – CONDITIONAL USE PERMIT**

The key issue regarding Bracht Pit appeared to be the installation of observation wells to better determine the depth to the water table surface and the direction of the groundwater flow. Frequent monitoring of water levels and comparison to precipitation records will be a requirement of the Annual Operating Permit to establish seasonal variations and long-term trends. LBG recommends that Bracht install a monitoring well adjacent to the production well to measure the depth to surface water. A down-gradient well must also be installed along the east property line. This well configuration will be useful in establishing the hydraulic gradient of the water table across the site. The groundwater samples must be collected on a monthly basis and tested for contamination of diesel range organics (DRO) and gasoline range organics (GRO) if gasoline is to be used on the site. The Planning Commission requested a copy of the depth to water table reports as they become available. The excavation depth limit of three feet above the water table was established, as this conforms to the Carnelian-Marine-St. Croix Watershed's permit.

Chairman Ness asked for public comments.

- Mike White, 13310 188<sup>th</sup> Street, stated that the data from the DNR's groundwater monitoring well near Big Marine Lake may not be comparable to the Bracht site, as the elevation near the lake measures 940 feet above mean sea level versus 915 feet amsl at the gravel pit.

As there were no other comments, Chairman Ness closed the public hearing.

The Planning Commission further discussed hours of operation and reclamation plans. Planner Thompson will further revise the recommendations based on these comments. An additional meeting will be forthcoming with the applicants, representatives of the city and the Planning staff to establish all final conditions.

The Planning Commission moved to recommend to the City Council approval of a Conditional Use Permit for the Bracht Bros. Mining Operation with modifications and revisions as outlined in Planner Thompson's report.

The City Council postponed any action until a final resolution is presented to the City Council at their next meeting.

#### **DRESEL CONTRACTING, INC. – CONDITIONAL USE PERMIT**

Key groundwater issues must be addressed by the installation of three monitoring wells, one of these being a shared well with Tiller in the northwest corner of the property. The configuration of the recommended wells will better determine the ground-water flow direction and ground-water fluctuations across the site. The depth to water table readings must be measured from all wells on a monthly basis for at least the first year, to determine excavation limits and to test for any contamination. Wells of surrounding property owners within ½-mile of the site must be identified.

Chairman Ness asked for public comments.

- John Lindell, 11240 218<sup>th</sup> Street, asked how groundwater flow will be determined. *Mr. Hume, LBG:* Readings from a minimum of three observation wells will determine gradient flow. Mr. Lindell asked how the two wetlands on the site will be handled. *Planner Thompson:* The wetlands will be delineated and buffer requirements of the Car-Mar-St. Croix Watershed will be followed as a condition of the permit. Mr. Lindell noted that many potholes on 218<sup>th</sup> Street and Lofton Avenue have been identified.
- Mike White, 13310 188<sup>th</sup> Street, noted that the Washington Conservation District monitors a well within the vicinity of the Dresel pit, and may supply pertinent data to the consultants.

As there were no other comments, Chairman Ness closed the public hearing.

Discussion of the hours of operation, reclamation plan and elevations continued. Revisions will be made and presented in a final resolution. A condition to keep 218<sup>th</sup> Street free of gravel debris will become a condition of the Annual Operators Permit.

The Planning Commission moved to recommend to the City Council approval of a Conditional Use Permit for the Dresel Contracting Mining and Processing Operation with modifications and revisions as outlined in Planner Thompson's report.

The City Council postponed any action until a final resolution is presented to the City Council at their next meeting.

### **TILLER CORPORATION – CONDITIONAL USE PERMIT**

Tiller's proposal to excavate into the groundwater using a dragline is being introduced with this permit application. A 50-acre lake in the central portion of the site is noted on the reclamation plan. LBG's review of this proposal has found no detrimental effects in allowing the withdrawal of gravel below the water table. German Lake has been identified as a perched lake, meaning it is not hydraulically connected to the underlying water table aquifer. A total of three observation wells will be installed to monitor water-table levels and presence of any contamination products.

Chairman Ness asked for public comments.

- John Lindell, 11240 218<sup>th</sup> Street, commented on a number of issues. 1) That additional screening (berms, trees) be extended along the Stevenson property line; 2) Require an Environmental Assessment Worksheet (EAW) in an effort to analyze the impacts of mining into the water table; 3) Questions outlined in a previous letter were not adequately addressed; 4) Concerns of contamination to the drinking water and to German Lake through operation of the asphalt plant.

As there were no other comments, Chairman Ness closed the public hearing.

In discussion among the Planning Commission, it was agreed that it is critical to establish a defined monitoring plan. Before withdrawal of gravel below the water table begins, a minimum of three months of data readings must be analyzed by the consulting hydrogeologist. Baseline conditions must first be established, then analyzed for trends during the extraction of material below the water table. In answer to a question of requiring an EAW, Mr. Hume commented that extensive studies are in place with multiple agencies above and beyond what is necessary. To require a completely new EAW should not be a condition of approval at this time.

Commissioners Rodsjo and Krinke expressed their reservations of allowing mining into the water table. Commissioner Krinke proposed a six-month moratorium until additional data is reviewed.

The Planning Commission moved to recommend to the City Council to approve the Conditional Use Permit for the Tiller Corporation Mining and Processing Operation with revised conditions as outlined in Planner Thompson's report, specifically that extraction of material below the water table be delayed a minimum of three months in order to evaluate the baseline readings, and then proceed provided there are no significant issues as determined by the consulting hydrogeologist.

The City Council postponed any action until a final resolution is presented to the City Council at their next meeting.

**Councilmember Peterson, seconded by Councilmember Yehle, moved to adjourn the meeting.**

The meeting adjourned at 11:35 p.m.

Respectfully submitted,

Brenda Eklund  
Deputy Clerk