

February 6, 2008

A regular meeting of the Scandia City Council was held on the above date. Mayor Seefeldt called the meeting to order at 7:02 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**

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

### **EXCLUDED GAMBLING PERMIT – SCANDIA WOMEN’S SOFTBALL**

Scandia Women’s Softball has submitted an application for an Excluded or Exempt Lawful Gambling Permit to conduct Ham Bingo and Turkey Bingo at the Scandia Community Center in 2008. The organization and the event meet all the requirements of the city’s ordinance.

**Councilmember Crum, seconded by Councilmember Peterson, moved to approve the Scandia Women’s Softball Excluded Gambling Permit for two events in 2008. The motion passed unanimously.**

### **RESOLUTION 02-06-08-01 : DANIEL AND RENEE LEE, 19703 OLINDA TRAIL**

Daniel and Renee Lee, 19703 Olinda Trail, have submitted an application for a certificate of compliance to allow for the cutting of trees and the placement of a fence. As their property lies within the Shoreland Overlay District of Hay Lake, a certificate of compliance is required prior to the removal of trees and also the construction of a fence. Mr. Lee did cut down 13 trees larger than 6” in diameter that were dead or diseased before he knew of the City’s requirement for the Certificate. The proposed fence does meet the code requirements except that it will be constructed out of white vinyl. Per Section 9.5(C) 1. , a fence may be up to 6 feet in height, provided it is a wire strand or wood rail fence. City Attorney Hebert advised council that the proposed fence does meet the spirit of the ordinance in all intents and purposes, and may be allowed by issuance of a Certificate of Compliance. An ordinance amendment to allow vinyl fences will be forthcoming. **Councilmember Peterson, seconded by Councilmember Yehle, moved to approve Resolution 02-06-08-01 Certificate of Compliance for 19703 Olinda Trail. The motion passed unanimously.**

### **RESOLUTION 02-06-08-02 : AMENDMENT TO PERSONNEL POLICY**

Following the January 15, 2008 council meeting, Administrator Hurlburt was directed to revise the personnel policy regarding overtime pay. Currently the policy does not include holidays, PTO, comp time as hours work when calculating overtime pay in a 40-hour workweek. It also ensures time and one-half pay for any hours worked on a holiday, and allows the employee to take the holiday time on another day. Administrator Hurlburt presented a draft resolution amending the personnel policy to allow paid holidays and up to 4 hours of compensatory time off in one workweek to count towards “hours worked” for the purpose of calculating overtime compensation, and to remove language allowing an employee working on a holiday to take that time off on an alternate date. Councilmember Peterson stated that in her research of surrounding municipalities, many do include holidays, PTO and comp time as hours worked. Councilmember Crum stated that as the Maintenance Supervisor sets his own hours, this appears to be a conflict

of interest. By calculating 40 hours worked in one week, the overtime budget can be kept more steady and predictable. Councilmember Harnetty felt that this was a good compromise. Councilmember Yehle suggested an increase up to eight hours of comp time towards hours worked in one week. **Councilmember Harnetty, seconded by Councilmember Crum, moved to approve Resolution 02-06-08-02 Establishing Employee Leave, Work Hours and Overtime Policies. Voting yes: Crum, Harnetty, Seefeldt. Voting no: Peterson, Yehle. Motion passed 3-2.**

**ORDINANCE NO. 108 AND 109 : 201 COMMUNITY SEWAGE TREATMENT SYSTEM**

Direction was given at the January 15, 2008 meeting to prepare draft ordinances which establish requirements and user charges for the operation and administration of the community sewage treatment system constructed with “201” grant assistance and owned and operated by the city. This will repeal and replace Ordinance No. 24, which has become outdated. The draft ordinances were reviewed by the City Attorney and by Pete Ganzel, Washington County Department of Public Health, who operates the system for the city. A letter will be included with the first billing statement to explain the flat rate user fee, which will now be collected on a quarterly basis. A recommended connection fee of \$4,250 was established based on the increase in the Construction Cost Index since 2003, when the fee was \$3,500. Councilmember Harnetty questioned if a lump sum payment incentive should be offered. City Attorney Hebert advised that utility billings are generally not handled in this manner. There is a “disincentive” to pay late, by way of a late payment fee and an interest rate charge detailed in Ordinance No.109. **Councilmember Peterson, seconded by Mayor Seefeldt, moved to adopt Ordinance No. 108 Governing the “201” Community Sewage Treatment System. The motion passed unanimously.**

**Councilmember Yehle, seconded by Councilmember Crum, moved to adopt Ordinance No. 109 Establishing User Charges and Connection Fees for the “201” Community Sewage Treatment System. The motion passed unanimously.**

*The Planning Commission meeting was called to order at 7:34 p.m. The following were present: Commission Chair Chris Ness, Commissioners Christine Maefsky, James Malmquist, Peter Schwarz and TKDA Senior Planner Sherri Buss. Commissioner Kevin Nickelson excused himself from the table as he is involved in the CUP application for Willowbrook Church.*

**WILLOWBROOK COMMUNITY CHURCH – CUP APPLICATION**

Willowbrook Community Church has requested a Conditional Use Permit for construction of a Place of Worship on a 40.5 acre site located west of 11262 Scandia Trail. The site plan shows two structures, the main church facility of approximately 25,000 square feet and a separate 2,400 square foot youth facility. The main auditorium would seat 500 people. The parking lot proposes 215 spaces. Future expansion areas for the church and parking lot also appear on the plan.

City Planner Sherri Buss presented her report. Planner Buss summarized the process that the City has taken with the applicant thus far, such as discussing goals for the site design. The City has communicated that the structure should be consistent with the Comprehensive Plan by maintaining the rural character of the community and by making the development look like it belongs in the existing landscape. The applicant did include some elements that are consistent with rural architectural forms (gable roofs, red color and paned window design), although the large parking lot in the front of the building is not typical of rural churches and gives the site a suburban appearance. As an example, Planner Buss showed pictures of the Stillwater Public Works building in which the parking lot is located to the rear of the facility and the facade resembles a cluster of rural buildings. Additional pictures were viewed of newly constructed churches that had preferred design elements, and a church near Lake Elmo Avenue and Highway 36 that had an undesirable lighting scheme. Missing from the application is submission of a fully detailed landscaping plan, a lighting plan, a required Watershed permit, and MNDOT's review of the driveway entrance. Planner Buss recommended that the application be tabled to allow the applicant to redesign the site layout to better respond to the City's direction, and to complete the other application requirements. The review period can be extended an additional 60 days, to May 17, 2008.

Chris Doehrmann, design architect, and Chad Goehring, representative of Willowbrook Church, presented their submittal. Mr. Goehring stated the vision the church has of connecting with the local community (hosting community events, providing public hiking trails) and sees a positive benefit to both the City and Willowbrook. Although the applicant asked the City for feedback on early design concepts, the church does not see itself as a rural and historical church, but more of a modern, inviting structure; thus the use of glass facade, as a "window to the community". Mr. Doehrmann felt the design achieves the goal of connecting with the rural landscape and yet stays within the church's goals. The use of berms and landscape islands was an attempt to satisfy the screening of the parking lot and break up the expanse. They also felt the site would have minimal filling and disturbance by the placement of the lot to the front of the building.

Chairman Ness opened the floor to public comments. *Kevin Nickelson, 11262 Scandia Trail*, provided comments from the adjoining property owners Duane and Sally Lawrence, 10860 213<sup>th</sup> Street, in which they requested landscape screening along the northern property line. This is a requirement of the landscape plan.

*Alex Bildeaux, 21473 Manning Trail*, stated his concerns of noise levels, lighting and what type of events will be held on the grounds. Mr. Goehring responded that the church does not plan on outdoor events as part of their activity plan and will be sensitive to the surrounding property owners.

*Trent Nickelson, 11081 Scandia Trail*, stated that he felt the layout and design of the building appeared rural and had no problem with the parking lot in the front. Mr. Nickelson would rather see that the view from the rear of the building towards German Lake is preserved. Mr. Nickelson

felt that there are a high number of cars traveling along Highway 97, and that it is difficult to get around the fact that cars are a part of the landscape.

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

Commissioner Schwarz questioned if the building height of approximately 45 feet at the peak was allowed. Planner Buss determined that this is consistent with the building code, as it is measured at the midway point of the gable.

Councilmember Peterson stated her disapproval of the design of the Stillwater Public Works building and explained that basing the red color as a rural element is not critical, as the red Gammelgarden building was designed to replicate a Swedish museum. Councilmember Peterson approved of the parking lot placed in the front of the building.

Commissioner Maefsky explained the value the public places on maintaining a rural view along Highway 97 and felt that the applicants should make more of an effort to not obstruct this view by the building's close proximity to the road. Commissioner Maefsky would like to see the parking lot redistributed away from a shopping mall look and to more of a prairie appearance. She would like to find a balance for the neighbors (noise concerns), the landscape/lake and the design.

*Kevin Nickelson* stated that the great number of cars traveling along Highway 97 makes for an inherently noisy environment for those that live nearby, and that the noise issue from the church should not be significant.

Commissioner Malmquist felt this to be both a land use and a visual issue. By way of a text amendment, a house of worship is allowed on this property. There is no getting around the fact that a big building will be placed in a beautiful field; this isn't necessarily bad, but different. The decision cannot be based on meshing philosophical intent within the Comp Plan.

Councilmember Crum asked if an access can be granted off of Manning Trail or 213<sup>th</sup> Street. Administrator Hurlburt explained that the ordinance's intent is to have access off of an arterial so that traffic is not routed through neighborhood streets.

Councilmember Harnetty stated that as the land is going to be used and that development is not an illegal activity, the statement that "ruining the view shed by allowing a church" is not valid. It may be the responsibility of the council to strongly influence the look of the community, but taking on the role of dictating the architectural design is a slippery slope.

Commissioner Maefsky explained that while growth is good, preserving community character is one of the roles of the Planning Commission. She felt that new construction should enhance the character of the community.

Mr. Doerhmann interjected that he feels the design criteria is met and the subjective preferences stated can change with the members of the council.

Mayor Seefeldt commented that while the church's vision is admirable, this seems to be a combination of the rights of the landowners and developers versus the public's input on having this structure fit into the property and making it the least obtrusive through design, lighting, landscape, etc. There should be a thorough analysis of future expansion and the site must be prepared in the correct way early on to prepare for this. Whereas he is not highly critical of the plan, Mayor Seefeldt would like to see the structure moved further back onto the property and a reconfiguration of the parking lot. These would be welcome changes.

Councilmember Yehle felt that the design does blend into the surrounding properties, but perhaps the obtrusiveness may be minimized by layout and landscaping. The developer has provided a style that fits in, but the council members are not architects.

Chairman Ness asked for a survey of all members as to their stand on the parking lot issue. Commissioner Schwarz: The lot cannot be hidden entirely but can be improved upon by splitting it up. Commissioner Malmquist: Would like to see it broken up. Chairman Ness: Moved towards the back of the structure. Commissioner Maefsky: Moved to the back of the structure. Councilmember Yehle: Swing towards the back, analyze the grade. Councilmember Harnetty: Church needs to create the space somewhere on the lot. Mayor Seefeldt: Reconfigure. Councilmember Peterson: Towards the side would be preferable. Councilmember Crum: The church needs to do the best with what the site allows; changing the parking lot will change the scheme of the building's design. Can berms be the solution?

Mr. Doehrmann stated that the layout is done in a way that also works to serve the congregation. By changing the placement of the parking lot, architectural issues become a problem. The church's entrance is now designed to be a welcoming environment and prefers not to have people entering through a back door. The 10 foot separations in the parking lot, the berms and landscape buffers were added in an effort to mitigate concerns.

City Planner Buss commented that final acceptance of this plan will set a precedence. What fits into the community is a very important decision. Every site has challenges and finding the correct balance is crucial.

Councilmember Harnetty wanted it understood that the church is welcome in the community and their patience is appreciated. The council is trying to look forward and visualize the future in what seems like a clumsy process.

The consensus of the group was to meet in a workshop setting with the architect and church to review alternative sketches and landscaping ideas. Knowing what can and cannot work within

the constraints of the lot will be valuable when bringing this back for discussion. A Notice of a Special Meeting with Willowbrook Church and members of the Planning Commission and City Council for February 12, 2008 at 1:00 pm will be posted.

The Planning Commission unanimously approved of tabling the CUP request for Willowbrook Church and extending the review period to May 17, 2008.

**COMMISSIONER SCHWARZ – HIGHWAY 97 TASK FORCE**

Commissioner Schwarz requested that the City Council officially relieve him of his position on the Highway 97 Task Force. **Councilmember Yehle, seconded by Councilmember Harnetty, moved to approve Commissioner Schwarz's request to no longer serve on the Highway 97 Task Force. The motion passed unanimously.** Mayor Seefeldt commended Commissioner Schwarz for his years of service on the committee.

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

The meeting adjourned at 10:03 p.m.

Respectfully submitted,

Brenda Eklund  
Deputy Clerk