

June 19, 2012

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 Tom Miller, City Planner Sherri Buss, City Engineer Phil Gravel, Fire Chief Jim Finnegan, Maintenance Supervisor Tim Kieffer, Treasurer Colleen Firkus and Deputy Clerk Brenda Eklund.

PUBLIC FORUM

Gail Dietrich, 20525 St. Croix Trail, addressed the Council with a concern she has regarding a driveway permit which was issued for access onto 205th Street. Ms. Dietrich explained that she worked with New Scandia Township officials on the Ekdahl Estates cluster development about 12 years ago, and that paved driveways are a requirement of the homeowners' covenants. Ms. Dietrich's complaint was that the newly installed gravel driveway should have been required to be paved and that the neighboring property owners should have been given notice of the driveway installation. City Administrator Hurlburt explained that the property on which the driveway permit was issued is adjacent to 205th Street but is not part of the Ekdahl Estates development. Hurlburt also explained that the City's ordinances do not require paved driveway surfaces or notification to surrounding property owners. Ms. Dietrich questioned why a secondary driveway permit could be issued as the property owner's primary driveway is on St. Croix Trail. Hurlburt answered that the zoning ordinance does not limit the number of access driveways for a property. Dietrich presented the development's street engineering plans and stated that these standards should have been taken into consideration before approving the driveway permit. Council member Ness asked if her objective is to require the property owner to pave the gravel driveway. Dietrich replied that yes, the first section of the driveway which crosses the easement of the development should conform to the engineering standards so that all driveways have a uniform appearance. Hurlburt explained that the driveway crosses a dedicated public right-of-way and is not part of the development's property. Mayor Simonson suggested City Attorney Miller review the permit. Miller advised that the City must follow the zoning ordinances and cannot enforce private covenants. Dietrich stated that she is upset and disappointed because she felt that the City is turning its back on the Ekdahl Estates development.

Neal Hanson, 23255 Lofton Court, spoke before the Council regarding the enforcement of a "No Parking" segment on a city's easement which he uses as an access driveway to his property. He explained the easement as an unopened road. Mr. Hanson stated that he requested the City post the easement as "No Parking" because his neighbor was using it as an access to her property and then parking vehicles on the easement. The City did post "No Parking" signs one year ago. Mr. Hanson stated that the neighbor is ignoring the signs and he is concerned that erosion caused by parking on the access is affecting drainage into Bone Lake and harming the water quality. Mayor Simonson suggested he call the Sheriff's Department to report the parking violation. Mr. Hanson stated that the neighbor may approach the City with a request to be given parking privileges on the easement. Mr. Hanson requested that the signs stay as they are. Mayor Simonson stated that the "No Parking" signs were the best solution and will be maintained as such.

Dale Johansen, 15679 Pilar Road, and Gerry Drewlo, 15699 Pilar Road, spoke at the Public Forum with a complaint about the animal operation run by Bob Pilz, 15801 Pilar Road. They requested that the City do something about the exotic animals which he keeps on his 8-acre property and is advertising as the "Cock-a-doodle Zoo". Ms. Drewlo provided pictures of sheds that he recently added and said that she is bothered by the loose animals and smell of manure. Mr. Johansen added that Pilz regularly burns materials such as meat and plastic packaging which give off a toxic smell. Mr. Johansen asked that the City do something to resolve the violations. City Administrator Hurlburt stated that Pilz has a long-standing history of code violations and has ignored the City's efforts to get his property into compliance. Hurlburt advised that at the Council's request, stronger legal action could be pursued. The Council was in consensus that staff work with the City Attorney, Prosecutor, Sheriff's Department and other agencies to begin enforcement actions.

APPROVAL OF AGENDA

Ness, seconded by Amos, moved to approve the agenda as presented. The motion carried 5-0.

CONSENT AGENDA

The following Consent Agenda was presented:

1. Approval of Consent Agenda

a) Minutes

- 1) May 15, 2012 Regular Meeting
- 2) May 29, 2012 Special Meeting

b) Treasurer's Report

Beginning Balance 05/01/2012	\$2,021,079.47
Receipts	+ 43,322.80
Expenditures \$106,755.55	
Payroll <u>21,092.45</u>	- <u>127,848.00</u>
Adjustments: Quarterly Bldg Permit	
Surcharge payment adj.	- <u>60.00</u>
Ending Balance 05/31/2012	\$1,936,494.27

- c) Payment of Vouchers
- d) Approve Hiring of Part-Time/ Seasonal Maintenance Worker, Public Works
- e) Approve Step Increase, Full-Time Maintenance Worker
- f) Approve Application for Excluded or Exempt Lawful Gambling Permit, Gammelgården Museum "Running of the Meatballs" (September 8, 2012)
- g) Approve 2012-2013 Recycling Grant Agreement with Washington County
- h) Approve Hiring of Part-Time/ Seasonal Parks and Grounds Maintenance Worker
- i) Approve Utility Permit, Rachel Contracting Inc. (Bone Lake Inlet and Outlet Structures)

Ness, seconded by Amos, moved to approve the Consent Agenda as presented. The motion carried 5-0.

PARK AND RECREATION COMMITTEE

Amendments to Bylaws

Park and Recreation Chair Alex Bildeaux reported that the Committee reviewed the amended bylaws at their June meeting and have recommended approval. At their May 15 meeting, Council had agreed to the Committee's request that the position of a voluntary Recording Secretary be eliminated and that the City provides staff support to prepare minutes and agenda materials.

Ness, seconded by Amos, moved to approve the amended Bylaws of the Park and Recreation Committee as recommended by the Committee. The motion carried 5-0.

Recommendations Concerning Yard Waste Composting

In April, the City received a request to consider opening a public compost site. The Council referred the issue to the Park and Recreation Committee. Chair Bildeaux reported that the Committee determined that operating a site would be expensive, and that the city does not own suitable property on which to locate a composting site. The Committee did recommend that a registry be established on the website that could connect residents with compostable materials to others in need of the materials. Mayor Simonson commented that this is a good solution which could meet the needs of the community. **Simonson, seconded by Ness, moved to accept the recommendation of the Park and Recreation Committee to implement a yard waste registry with information on the city's website. The motion carried 5-0.**

PLANNING COMMISSION

Ordinance No. 131, Amending Ordinance No. 122, the City of Scandia Development Code, Chapter 2, Section 3.2 (Accessory Structures)

City Administrator Hurlburt explained the ordinance revising the standards on accessory structures under consideration before the Council. The Planning Commission held a public hearing at its May 1, 2012 meeting on a proposed ordinance to allow unlimited number and size of agricultural buildings on lots of 30 acres or greater. After some discussion, the Commission revised the draft ordinance to allow unlimited number and size of agricultural buildings on parcels 20 acres or greater. At its June 5 meeting, the Commission made the recommendation to approve the ordinance with this new standard and that also allows one agricultural building (in addition to the two non-ag buildings now allowed) up to a total of 5,000 square feet, on parcels between 10 and 20 acres. The current limitations on non-agricultural accessory structures were retained.

Simonson, seconded by Schneider, moved to accept the recommendations of the Planning Commission to adopt Ordinance No. 131 regarding accessory structures. The motion carried 5-0.

Update of Local Water Management Plan Chapter of Scandia Comprehensive Plan (Resolution No. 06-19-12-01)

City Planner Buss presented the recommendation from the Planning Commission following the public hearing on the update of the Local Water Management Plan held at its June 5 meeting. The City is required to update the LWMP to be consistent with the three watershed districts covering Scandia, by September 2012. The Planning Commission recommended the Council authorize sending the draft Local Water Management Plan to the necessary reviewing agencies. This will begin the formal review period as required by law. Buss explained that after the 60-day

review period, the Planning Commission will review the agency comments and proposed revisions at its September 4 meeting, and the plan may then come before the Council for adoption at its September 18 meeting.

Simonson, seconded by Swanson, moved to adopt Resolution No. 06-19-12-01, Approving 2012 Local Water Management Plan Update for Submission to the Metropolitan Council and Water Management Organizations. The motion carried 5-0.

BUILDING OFFICIAL

Building Official Keith Wille provided a summary of building activity for the month of May. Seven permits were issued.

POLICE DEPARTMENT

The Council received the monthly report on police calls and citations. City Administrator Hurlburt announced that plans are being made for National Night Out, to be held on August 7.

FIRE DEPARTMENT

Fire Chief Finnegan reported that the department responded to eight fire calls and seven medical calls in May. Six new recruits joined the department on June 2. Finnegan is looking into offering a joint Firefighter I class with Forest Lake this fall.

CITY ENGINEER

Award Bid, 2012 Seal Coat and Bituminous Patching Project

City Engineer Phil Gravel reported that two bids were received for the seal coat and patching project:

	<u>Contractor</u>	<u>Base Bid</u>	<u>Trap Rock</u>	<u>Granite</u>
Low	Allied Blacktop Company	\$175,293.00	\$56,000.00	\$43,200.00
#2	Fahrner Asphalt Sealers LLC	\$234,019.50	\$45,952.00	\$67,328.00

Gravel recommended the Council award the project to Allied Blacktop Company, the low bidder. Mayor Simonson asked if there are any performance differences between granite and trap rock. Gravel indicated that either material would perform equally well. City Administrator Hurlburt added that granite has been used in recent seal coating projects.

Gravel noted that the patching quantity for the project will be lowered as the Public Works crew completes patching in-house. The contractor will be cooperative in reducing their bid unit pricing for patching. The savings will be available for other contractual road maintenance work.

Simonson, seconded by Swanson, moved to award the bid for the 2012 Seal Coat and Bituminous Patching Project to Allied Blacktop Company at a total bid price of \$218,493.00. The motion carried 5-0.

CITY ATTORNEY

City Attorney Tom Miller provided a summary of legal services recently provided to the City.

MAINTENANCE SUPERINTENDENT

Maintenance Superintendent Tim Kieffer reported on the Public Works Department's activities since he began his position on May 14. City Administrator Hurlburt recognized his many accomplishments within the past few weeks.

CITY ADMINISTRATOR

Zavoral Mining and Reclamation Project – Schedule for Final EIS Environmental Impact Statement)

City Administrator Hurlburt presented an update on the schedule for the Zavoral Mining and Reclamation Project Final EIS. The comment period on the Draft EIS ended on May 18, 2012. The city received 68 separate letters and e-mails which have been posted on the website. The City's consultant for this project, AECOM, is preparing responses to all substantive comments consistent with the scoping decision. This document, known as the Final EIS, is expected to be ready for City Council review by July 13, 2012. Hurlburt recommended the Council schedule a special meeting to determine the release of the Final EIS. Mayor Simonson suggested the Council be allowed a few weeks to review the final document and the Council chose to schedule a special meeting on Wednesday, August 8 at 7:00 p.m. for this purpose.

Hurlburt explained that notice of availability of the Final EIS would then be published in the EQB Monitor on August 20, with the comment period recommended to close on September 10. The next step in the process would be for the Council to make a decision on the adequacy of the EIS. The Council set a special meeting date of Tuesday, September 25, 2012 at 7:00 p.m. for this proposed decision.

Amendment to Consulting Agreement with AECOM Technical Services, Inc. for Zavoral Mining and Reclamation Project EIS

City Administrator Hurlburt presented a request from AECOM Technical Services for an amendment to their consulting services for the Zavoral Mining and Reclamation Project EIS. The contract budget has been exceeded due to the complexity and number of comments on both the preliminary draft reviewed by the PAC and on the Draft EIS. AECOM has requested an amendment of \$53,853.00 due to the additional time and expenses needed to prepare the final EIS. All of the costs will be paid for by the proposer, Tiller Corporation, which offered no objections. **Simonson, seconded by Amos, moved to approve an amendment to the consulting agreement with AECOM for preparation of the Zavoral Mining and Reclamation Project EIS. The motion carried 5-0.**

WASTEWATER OPERATIONS AGREEMENT WITH ECOCHECK FOR ANDERSON-ERICKSON COLLECTOR AND UPTOWN SEWER SYSTEMS

The city's engineering consultants, Stantec, solicited quotes from service providers to perform system operations, maintenance and monitoring of the Anderson-Erickson Collector and Uptown sewer systems. Permits issued by Washington County require that a licensed service provider be obtained by the City. Proposals were received from two firms.

Natural System Utilities (EcoCheck) offered the lowest price for basic services at approximately \$6,888 per year. Services not included, such as pumping, repairs and emergency services, will be

billed separately. The Council reviewed the contract agreement, which included recommended revisions by City Attorney Miller.

Council member Schneider noted that staff should take over the operations of both systems as soon as possible. City Administrator Hurlburt noted that working with EcoCheck will be a good transition for staff to eventually take over the operations. It will take at least one year for staff to be licensed and for the City to acquire the necessary equipment. Hurlburt added that 2013 budget planning will include these costs.

Simonson, seconded by Ness, moved to approve the agreement with EcoCheck for operation of the Anderson-Erickson Collector and Uptown sewer systems. The motion carried 5-0.

Washington County will be given a 30-day written notice to terminate the agreement for operation and maintenance of the Anderson-Erickson system, but will continue to cover the maintenance and operation of the Bliss Collector portion of the “201”. Hurlburt explained that the Bliss system operates under a permit from the MPCA and has different operational requirements.

AGENDA FOR JULY 10, 2012 WORK SESSION

Due to the number of special meetings of the City Council within the next two months, the Council was in consensus to cancel the scheduled July 10, 2012 Work Session.

ADJOURNMENT

Ness, seconded by Amos, moved to adjourn the meeting. The motion carried 5-0.

The meeting adjourned at 8:37 p.m.

Respectfully submitted,

Brenda Eklund
Deputy Clerk