

September 17, 2013

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 Dan Lee, Chris Ness, Jim Schneider, Sally Swanson and Mayor Randall Simonson. Staff present: City Administrator Kristina Handt, City Attorney Nick Vivian, City Planner Sherri Buss, City Engineer Ryan Goodman, Police Deputy Chris Majeski, Fire Chief Mike Hinz, and Deputy Clerk Brenda Eklund.

PUBLIC FORUM

No public comments were received.

APPROVAL OF AGENDA

Mayor Simonson noted two draft resolutions were added to the agenda as follows: Agenda Item 7.a)3) added draft Resolution No. 09-17-13-05 and Agenda Item 9.g) added draft Resolution No. 09-17-13-06.

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

CONSENT AGENDA

The following Consent Agenda was presented:

- a) Minutes
 - 1) August 20, 2013 Regular Meeting
 - 2) August 27, 2013 Special Council Meeting
 - 3) September 10, 2013 Work Session
- b) Treasurer's Report

Beginning Balance 08/01/2013	\$3,628,086.45
Receipts	+ <u>19,880.94</u>
Expenditures \$193,618.39	
Payroll <u>\$ 23,374.75</u>	- <u>216,993.14</u>
Adjustments: Safe Box	35.00
Ending Balance 08/31/2013	\$3,430,974.25
- c) Payment of Vouchers
- d) Approve EDA Bylaws and Initial Terms of Commissioners
- e) Approve Safe Assure Contract Renewal
- f) Approve Youth Services Bureau Service Agreement
- g) Approve Step Increase, Full-Time Maintenance Worker
- h) Approve Ordinance No. 145 Amending Council Bylaws
- i) Adopt Stormwater Management Plan

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

PLANNING COMMISSION

1) Conditional Use Permit to Allow a Garage Two Stories in Height at 19351 Parkview Avenue. Josh Lee of Gonyea Homes, Applicant (Resolution No. 09-17-13-01)

The Planning Commission held a public hearing on September 3rd regarding the request from Josh Lee of Gonyea Homes to construct a garage that is two stories in height on property at 19351 Parkview Avenue. Gonyea Homes is building a house and garage for Mark Roberts and Cecelia Placencia, who will own the property in the future. Planner Buss explained that the Development Code requires that accessory structures over one story in height obtain a Conditional Use Permit. The Planning Commission recommended approval of the CUP with conditions as written into a draft resolution, one of which stated that the second story is used for storage only.

Mayor Simonson stated that it's a good plan and he has no concerns. He agreed that it is better to build up and not out to add additional storage space.

Simonson, seconded by Ness, moved to adopt Resolution No. 09-17-13-01, Approving a Conditional Use Permit for 19351 Parkview Avenue North. The motion carried 5-0.

2) Variance to Construct an Accessory Structure Closer to the Road Right-of-Way than the Principal Building at 15450 220th Street. Kimberly Chisholm, Applicant. (Resolution No. 09-17-13-02)

The Planning Commission held a public hearing on September 3rd regarding Kimberly Chisholm's Variance application. A Variance is needed to construct a new 3-car garage closer to the right-of-way than her home at 15450 220th Street. Planner Buss explained that due to the steep slopes and septic location, the applicant proposes to locate the garage approximately 110-feet from the right-of-way. The Planning Commission recommended approval of the Variance by finding that the proposed location would avoid disturbing steep slopes and protect vegetation on the slopes, and that there are sufficient trees to screen the garage from view. Conditions of approval were written into a draft resolution.

Mayor Simonson commented that the Planning Commission did a good job dealing with the circumstances of the property.

Simonson, seconded by Swanson, moved to adopt Resolution No. 09-17-13-02, Approving a Variance for 15450 220th Street North. The motion carried 5-0.

3) Proposed Ordinance No. 143, Accessory Structures Ordinance Amendment

Planner Buss presented the Planning Commission's recommendations for changes to the Accessory Structures section of the Development Code. Based on frequent requests for and approvals of variances to exceed the total area of accessory structures allowed on properties, the Commission began a review of the standards in July and held a public hearing in August. The Commission recommended several changes to the Code based on its findings.

Buss explained that limiting the height of an accessory structure to one story and requiring a Conditional Use Permit for a second story was amended by the Commission. Although the intent was to inhibit creation of a space that could be used as a dwelling unit and to limit the

height, the Commissioners decided that there is value in allowing a second story to be used as storage or work space and it could reduce coverage by buildings on the site. Language in the draft ordinance under paragraph (3)(A) and (B) addresses these concerns by stating the accessory structures may not include a dwelling unit, and no residential accessory structure shall be taller than the principal structure on the lot.

The Commission also recommended increasing the number and square footage of accessory structures on lots 3 to 10 acres in size, which are the lots sizes that are frequently requesting variances. On lots 3 to less than 5 acres, area is increased from 2,000 to 2,500 square feet. On lots 5 to 10 acres, total square footage of residential accessory structures is increased from 2,500 to 3,000 square feet and one agricultural building is allowed (for a total of 3 structures at a maximum 4,000 square feet). To keep the requirements proportional, 2 ag building will be allowed on properties more than 10 acres up to 20 acres, for a total of 6,000 square feet.

Buss explained that the Commissioners felt that residents should be allowed an attached or detached garage, and therefore the draft ordinance will permit one detached garage up to 24'x36' to be excluded from the calculation of total square feet of accessory structures, as long as lot coverage is not exceeded.

Council member Schneider noted that he is in favor of allowing more size but has concerns about limiting the height of an accessory structure, and gave examples of a property with a rambler or earth home needing a building with enough height to store a motor home. He also questioned allowing an agricultural building on properties less than 10 acres which is not defined as ag land by the state definition. Ag buildings do not require a building permit and it's possible any type of building could go up. Schneider stated that he has encountered problems such as this through his job experience with Chisago County.

Mayor Simonson recommended that discussion of the accessory structure ordinance be tabled until the October 15 meeting in order to refine the language to address these concerns.

WASTEWATER ADVISORY COMMITTEE

New Committee Membership

Wastewater Committee Chair Ness explained that at their August 28 meeting, the Committee recommended the size of the committee be reduced from 10 to 7 members (one Council member and two representatives from each system). Upon reappointment or the appointment of a replacement, terms will be five years in length.

Simonson, seconded by Lee, moved to approve the appointments to the Wastewater Advisory Committee as recommended by the Committee:

- **Brad Bergo - five year term (expires February 1, 2018)**
- **Holly Kaufold - five year term (expires February 1, 2018)**
- **Dan Cartier - four year term (expires February 1, 2017)**
- **Doug Salmela - three year term (expires February 1, 2016)**
- **Wayne Schmidt - two year term (expires February 1, 2015)**
- **Chris Ness (as A/E Rep) - one year term (expires February 1, 2014)**

- **Jim Schneider (as Council rep) - concurrent with term on Council**
The motion carried 5-0.

BUILDING OFFICIAL

Building Official Keith Wille's report on building inspections was received. Nineteen permits were issued in August.

POLICE DEPARTMENT

Deputy Chris Majeski reported on police activity within the past month. He is investigating a report of credit card fraud, vandalism on 220th Street, a theft from the Cottages, and theft from a boat on Big Marine Lake. Majeski reported that police calls to the state park are down significantly from last year.

FIRE DEPARTMENT

Fire Chief Mike Hinz reported that the department responded to 18 calls in August; 9 fire and 9 EMS calls. The department responded to a mutual aid call to a house fire in Marine. The new fire engine is being built at Custom Fire with delivery expected at the end of the month. Seven of the new recruits have started EMT training twice a week at the fire hall, which will run to the end of the year.

CITY ENGINEER

City Engineer Ryan Goodman reported that a Web GIS system was presented to City staff on September 4th. City Administrator Handt stated the many benefits this tool provides for gathering data on city properties. Ryan is communicating with County staff concerning roadway improvements at the 97/Lofton intersection.

CITY ATTORNEY

City Attorney Nick Vivian reported that his firm has advised on city matters including the bond prepayment, a right-of-way agreement, and the Social Host Ordinance.

PUBLIC WORKS DIRECTOR

Public Works Director Tim Kieffer reported on public works activities. Repairs on the Sterling truck were done in house. Kieffer is working with the contractor to correct the soffit and fascia repairs to the Community Center.

CITY ADMINISTRATOR

City Administrator Handt reported that Tiller has begun preparation work at the Zavoral site. The Washington County HRA is pursuing FEMA funding to construct a severe weather shelter at The Cottages housing unit. The County Economic Development Workgroup will be meeting with the EDA next month for Scandia's input to county economic development.

PREPAYMENT AND REDEMPTION OF CERTAIN OUTSTANDING GENERAL OBLIGATION BUILDING CROSSOVER REFUNDING BONDS OF THE CITY **(RESOLUTION NO. 09-17-13-03)**

Administrator Handt explained the resolution to approve prepaying the fire hall/public works building bonds as discussed as part of the 2014 budget. The resolution approves paying all of the

bonds due in 2015 (\$110,000) and a portion of the bonds in 2014 (\$65,000). The call date of the bonds is December 1, 2013.

Simonson, seconded by Swanson, moved to adopt Resolution No. 09-17-13-03, A Resolution Providing for the Prepayment and Redemption of Certain Outstanding General Obligation Building Crossover Refunding Bonds of the City (Originally Issued by the Town of New Scandia). The motion carried 5-0.

EMERGENCY VEHICLE DESIGNATION FOR FIRE CHIEF TRUCK

The purchase of a Chief's vehicle has been in the CIP for several years. Fire Chief Hinz explained a proposal to designate his personal vehicle as an Authorized Emergency Vehicle as a less costly way for the City to obtain the benefit of the Fire Chief responding directly to calls. Hinz noted the advantages of arriving directly to the scene of an auto accident or structure fire and giving him time to assess the situation and formulate a plan of attack when fire and rescue crews do arrive.

Hinz described the MN State Patrol's application procedure. Additional liability coverage on the City's policy is needed, at a cost of approximately \$10 per year. LED lights could be purchased at a cost of no more than \$2,000 and would be installed by Hinz. These funds would come from the department's 2014 operating budget.

Council member Schneider asked if Hinz would be reimbursed for mileage. Hinz answered that mileage within the city limits is not reimbursed according to the city's policy. Mayor Simonson asked about the operating costs to maintain his personal vehicle. Hinz replied that the benefits of arriving first on scene outweigh the costs of a few oil changes which he would be responsible for.

The Council offered their appreciation to Hinz for using his personal vehicle in this manner.

Ness, seconded by Lee, moved to approve the submission and letter of support to designate Fire Chief Hinz's personal vehicle as an Authorized Emergency Vehicle. The motion carried 5-0.

RESOLUTION TO RESCIND SPEED LIMIT AUTHORIZATION (RESOLUTION NO. 09-17-13-04)

At their April meeting, the Council passed a resolution requesting speed studies on certain roadways, including the Bliss area. Administrator Handt explained that MnDOT responded with a recommendation to rescind previous speed authorizations issued for the Bliss roadways in 1974, at which time some sections were authorized as a 20 mph limit. In a 1992 speed study, a portion of those authorizations were rescinded but not all. Handt noted that by reverting to the state standard of 30 mph, it would save City funds because speed limit signs would not be required.

The Council asked Deputy Majeski if he approved of this, as some sections are narrow and winding. Majeski replied that he doesn't foresee problems; residents let drivers know that their

speeds are too fast in their neighborhood. Public Works Director Kieffer noted that removing the 20 mph signs makes the speeds consistent throughout the roadways in the Bliss.

Simonson, seconded by Swanson, moved to adopt Resolution No. 09-17-13-04, Requesting MN/DOT Rescind Speed Authorizations for Roads in the Bliss Development. The motion carried 5-0.

AUTHORIZE ADVERTISING AND INTERVIEWING FOR SEASONAL PUBLIC WORKS STAFFING

Public Works Director Kieffer requested authorization to advertise and interview part-time seasonal employees to help with snow plowing. Kieffer stated that he would like to hire at least three people for this position in order to have adequate staffing for snow events this winter. The pay rate would be the same as last season (\$14.28 to \$17.34/ hour).

Simonson, seconded by Ness, moved to authorize staff to advertise for on-call, part-time seasonal maintenance workers for snowplowing and delegate the interview process to staff. The motion carried 5-0.

ROAD RIGHT-OF-WAY ON 228TH STREET

Public Works Director Kieffer explained that Xcel Energy needs to run poles along the south side of 228th Street east of Lofton Avenue, but the City does not own any right-of-way along this roadway. Two large agricultural parcels owned by Roger Larson border the roadway.

A ROW Dedication Agreement was prepared in which Larson would donate the ROW to the City in exchange for having the City mow the ROW at least once each year and to allow the existing fence to remain within the ROW. City Attorney Vivian noted that the agreement allows for title issues to be resolved before it goes into effect.

Simonson, seconded by Lee, moved to approve the Right of Way Agreement with Roger Larson. The motion carried 5-0.

CONTRACTOR'S REQUEST FOR PAYMENT NO. 1, 2013 SEAL COAT PROJECT

City Engineer Goodman presented Payment Request No. 1 from Fahrner Asphalt Sealers for the 2013 Seal Coat Project. A second sweeping and restriping a double yellow solid line remains to be completed. Goodman reported that the project came in approximately \$10,000 under the bid price.

Simonson, seconded by Lee, moved to approve the Contractor's Request for Payment No. 1 in the amount of \$154,700.55 for the 2013 Seal Coat Project. The motion carried 5-0.

ORDINANCE NO. 144, SOCIAL HOST ORDINANCE

At the September 10th work session the Council heard a presentation from Rose Hauge and directed staff to place approval of a draft Social Host Ordinance on the Council agenda. Administrator Handt provided a summary of the ordinance that would make it unlawful to provide an environment where underage drinking takes place.

Mayor Simonson stated that anything to keep youth safe is a good thing, and the ordinance will help the Deputy do his job.

Simonson, seconded by Swanson, moved to adopt Ordinance No. 144, Establishing a Social Host Ordinance.

Council member Lee stated that he sees it as redundant law because if people are not obeying current laws to not provide alcohol to minors, they likely will not obey this one. Lee said that there could be legal expenses for the City if enforcement was challenged.

Ness stated that he believes it's a good idea and a deterrent to underage drinking.

Schneider said that he is on the fence, but supports it as a tool for the deputy.

Simonson called for a vote on the above motion. The motion carried 4-1, with Lee opposed.

RESOLUTION NO. 09-17-13-06

Attorney Vivian explained that approving a resolution to publish a summary of the Social Host Ordinance is not a vote on the merits of the ordinance, but a cost savings for the City to only publish a summary.

Simonson, seconded by Swanson, moved to adopt Resolution No. 09-17-13-06, Providing a Summary Publication of Ordinance No. 144, An Ordinance Establishing a Social Host Ordinance. The motion carried 5-0.

DRAFT FALL NEWSLETTER

Council reviewed a draft copy of the fall newsletter, to be sent to all Scandia residents in early October. Administrator Handt noted that a picture of Fire Chief Hinz will be added, along with notice of a winter survival workshop offered during Vinterfest by polar explorer Ann Bancroft.

Simonson, seconded by Ness, moved to approve the fall newsletter with the noted additions. The motion carried 5-0.

ADJOURNMENT

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

The meeting adjourned at 8:32 p.m.

Respectfully submitted,

Brenda Eklund
Deputy Clerk