

October 21, 2014

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, Public Works Director Tim Kieffer, City Attorney Nick Vivian, City Planner Sherri Buss, Bolton & Menk Engineer Katie Warner, Fire Chief Mike Hinz and Deputy Clerk Brenda Eklund.

**PUBLIC FORUM**

Tom Triplett addressed the Council with a request that they consider an audio amplification system for the Board Chambers as it is difficult to hear Council discussions for those with diminished hearing.

**APPROVAL OF AGENDA**

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

**CONSENT AGENDA**

The following Consent Agenda was presented:

- a) Minutes
  - 1) September 16, 2014 Special Meeting
  - 2) September 16, 2014 Regular Meeting
  - 3) September 23, 2014 Special Meeting
  - 4) October 1, 2014 Work Session
- b) Treasurer's Report

Beginning Balance 09/01/2014	\$3,086,221.33
Receipts	+ <u>27,448.55</u>
Expenditures \$181,967.91	
Payroll + <u>24,857.98</u>	-\$206,825.89
Adjustments: adjustments recorded	- <u>23.25</u>
Ending Balance 9/30/2014	\$2,906,820.74
- c) Payment of Vouchers
- d) Step Increase, Deputy Clerk
- e) Step Increase, Office Assistant
- f) Employee Health Insurance Plan and City Contributions for 2015 (*Resolution 10-21-14-01*)
- g) Renewal of Joint Powers Agreement between Washington County and City of Scandia for Code RED Services
- h) 2014 Seal Coat Project – Contractor's Request for Payment No. 2 & Final

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

## **PARKS AND RECREATION COMMITTEE**

### ***Scanley Cup Proceeds***

Park and Recreation Committee Chair Greg Zauner reported that the Committee approved Corey Roberts request to divide the net proceeds of the Scanley Cup hockey tournament between the City (to be used for ice rink improvements) and the Lions Veterans Memorial Fund.

Administrator Handt explained that if a part of the proceeds go to an outside organization, it will be necessary for the City to charge for ice time, use of the Zamboni, and staff time for maintenance of the rink during the hockey tournament. These costs are estimated to be \$1,800 to \$2,000. The City Attorney would draft an agreement outlining these terms.

Council member Swanson asked if the Parks budget has funds dedicated to Vinterfest. Chair Zauner answered that \$600 is allocated, primarily for Vinterfest advertising.

Chair Zauner described the other activities planned for Vinterfest which include a proposed luminaire ski and gathering on Friday evening (February 6), live reindeer at Lilleskogen Park, a Lions pancake breakfast on Saturday morning (February 7) with local businesses interested in supplying various food venues through the weekend. The Committee will be discussing a skating performance and other details at their November meeting.

**Lee, seconded by Ness, moved to accept the Park Committee recommendation to allow net proceeds from the Scanley Cup adult hockey tournament be split 50-50 between the City to benefit the ice rink and Roberts to benefit the Veterans Memorial Fund and to direct the City Attorney to prepare the agreement. The motion carried 5-0.**

## **PLANNING COMMISSION**

### ***Minor Subdivision at 21020 Meadowbrook Avenue. Mary Kay Ruddy, Applicant (Resolution No. 10-21-14-02)***

City Planner Sherri Buss presented the recommendation from the Planning Commission to approve a Minor Subdivision at 21020 Meadowbrook Avenue for Mary Kay Ruddy. Buss explained that creation of two lots, a 5.0-acre and a 31.4-acre lot, from the existing 36.4-acre parcel meets the standards of the Development Code and Comprehensive Plan. Conditions for approval were incorporated into a resolution, including payment of the \$3,000 park fee and requirement that the driveway access for the 5- acre lot is on Meadowbrook Avenue.

**Simonson, seconded by Schneider, moved to adopt Resolution No. 10-21-14-02, Approving a Minor Subdivision for 21020 Meadowbrook Avenue North. The motion carried 5-0.**

### ***Variance from the County's Subsurface Sewage Treatment Ordinance at 12160 196<sup>th</sup> Street. Ron and Vicki Helms, Applicants (Resolution No. 10-21-14-03)***

City Planner Sherri Buss presented the recommendation from the Planning Commission to approve a Variance from the requirements of the County's Subsurface Sewage Treatment Ordinance to replace an existing holding tank with a new holding tank, and to locate the tank within the required 20-foot setback from the side lot line, on Ron and Vicki Helms's seasonal property at 12160 196<sup>th</sup> Street within the shoreland of Big Marine Lake.

Buss stated that the Planning Commission struggled over the condition that the Helms' three parcels be combined to create a single 1.86-acre parcel, as the Helms objected to this condition on grounds that the City did not have the authority to do this and that replacement of the holding tank did not meet the definition of development. Buss provided the City Attorney's finding that state law permits the City to require that non-conforming lots be combined as a condition of approving a variance as it is reasonably related to the application. Buss explained that the Commissioners concluded that the condition should remain since it is the City's goal to reduce the number of nonconforming lots within the shoreland. If the lots were not combined, they could be sold and several more homes developed on the small lots. The Commissioners noted that the Helms could wait for Washington County to update the septic ordinance in order to replace the system next year, at which point a variance would not be needed.

**Simonson, seconded by Ness, moved to adopt Resolution No. 10-21-14-03 as presented.**

Ron and Vicki Helms addressed the Council regarding their disagreement that the lots be combined by explaining that replacement of the existing metal tank with a cement tank is allowed within the building code. They explained that the separate lots were registered with the state at great expense just six months ago.

Council member Schneider asked why they are replacing the tank. Mr. Helms answered that they are unsure of the condition of the metal tank and are taking proactive environmental measures.

City Attorney Vivian stated that the City did not have grounds to object to the registration and land title summons of the parcels when given notice earlier this year. Vivian noted a 1985 decision by New Scandia Township that required the parcels be combined as a condition to allow for an accessory structure to be built on the property, which was never carried out. He advised that there is precedence and past practice of the City to combine nonconforming lots and replacing the system is considered improvement to the property.

Vicki Helms stated that a portion of the road was vacated after the 1985 ruling at which point a variance from road setback was not necessary.

Council member Swanson stated that she could see the reasoning that replacement is not considered development, but there is the policy to combine nonconforming lots and this has been a condition for approvals in the past.

Council member Lee noted that it is good that they are replacing a failing tank and there may be other opportunities in the future where the City could require that the lots be combined.

Council member Schneider asked for clarification about replacement within the shoreland and how it is related to this application. Buss explained this is a variance from the County's septic ordinance and not related to locating the holding tank within the shoreland. Buss stated that they do have the option of waiting for the County to update their ordinance to allow holding tanks on seasonal, low use properties.

**Mayor Simonson called for a roll call vote on the motion to adopt Resolution No. 10-21-14-03, Approving a Variance for 12160 196<sup>th</sup> Street as presented with the condition that the parcels be combined into a single parcel before a building permit would be issued for the holding tank. Ness – yes; Swanson – yes; Schneider – no; Lee – no; Simonson – yes. The motion carried 3-2.**

### **BUILDING OFFICIAL**

The September building activity report was received from Building Official Chad Payment. Sixteen permits were issued last month.

### **POLICE DEPARTMENT**

Deputy Chris Majeski reported on a lawnmower and trailer theft which occurred at a residence on Manning Trail. Traffic complaints have been on the rise.

### **FIRE DEPARTMENT**

Fire Chief Mike Hinz reported that the department responded to eight calls in September – 1 fire and 7 rescue calls. The newest recruits are attending the FF I and II training at the firehall through the end of the year. Volunteer Firefighter John Hagen recently became EMT certified. Hinz stated that the Open House was well attended.

### **CITY ENGINEER**

Katie Warner, Bolton & Menk, provided City Engineer Ryan Goodman's report. The 2014 sealcoat project has been completed and approved for final payment. MPCA permit renewal for the Bliss system is being completed. Goodman is reviewing the County's 2015-2019 Capital Improvement Plan. Comments are being received through November 24<sup>th</sup>.

### **CITY ATTORNEY**

City Attorney Nick Vivian is reviewing the property issues regarding the vacation petition of 2<sup>nd</sup> Street and will be meeting with the Conley's this week. It may be possible to revise the petition as a way to address the property issues.

### **DIRECTOR OF PUBLIC WORKS**

Director of Public Works Tim Kieffer provided a written report on public works activities in the past month. Street sign replacements are being completed; the Lilleskogen butterfly garden was prepped for planting; and Kieffer is working on a biosolids application plan for MPCA permitting of the 201 system.

### **CITY ADMINISTRATOR**

City Administrator Kristina Handt reported that the City has increased its Green Step Cities rating due to an update on the fire department's cost savings through intergovernmental agreements. One complaint was received that machinery was parked at the entrance of the Zavoral mine. Handt is compiling an annual report for the EDA and organizing meetings with local businesses, hosted by the EDA next month. The recent sale of the Ford dump truck and plow netted \$11,400.

**LOG HOUSE LANDING IMPROVEMENTS SPECIAL COMMITTEE**  
**APPOINTMENTS AND DUTIES**

Eight applications were submitted to fill the three public member appointments to the Log House Landing Improvements Special Committee. Mayor Simonson called for nominations.

**Schneider, seconded by Lee, moved to appoint Ray Burris to the Committee. The motion carried 5-0.**

**Lee, seconded by Swanson, moved to appoint Pam Plowman Smith to the Committee. The motion carried 5-0.**

**Swanson moved to appoint Peter Warner. The motion failed for lack of a second.**

**Ness, seconded by Lee, moved to appoint David Hebert to the Committee. The motion carried 5-0.**

**Simonson, seconded by Lee, moved to appoint members to the Committee as recommended in the staff report: City Council – Sally Swanson; Watershed – Kristin Tuenge and Steve Kronmiller; Planning Commission – Christine Maefsky and Steve Philippi; St. Croix River Association – Don Hansen; Public members as appointed above – Burris, Plowman-Smith, Hebert. The motion carried 5-0.**

Council representative Swanson addressed the timeline of the Committee's work. Discussion on being able to present their recommendation in time for the Planning Commission's CIP hearing on November 5<sup>th</sup> and then to the City Council on November 12<sup>th</sup> indicated that the Committee may need to extend the timeline beyond what was recommended by the City Engineer. The initial meeting of the Committee will be scheduled for the final week of October and a full meeting schedule and scope of work will be determined at that time.

The Council was in consensus that City Engineer Goodman and Public Works Director Kieffer attend the Committee meetings.

**2015 LMCIT INSURANCE RENEWAL**

Administrator Handt explained the implications of the statutory limits on tort liability.

**Simonson, seconded by Ness, moved to not waive the tort liability limits for insurance coverage in 2015. The motion carried 5-0.**

**HIRING AND ADVERTISING FOR SEASONAL ICE RINK STAFFING**

Administrator Handt reported that no applications were received for the Ice Rink Maintenance Worker position. John Beattie has agreed to return as the Skating Supervisor at \$11.32/hour. Gunny Stolts would be available to return as an Ice Rink Attendant at \$8.00/hour. Staff recommended that three new attendants be hired to staff the rink this season.

**Simonson, seconded by Ness, moved to authorize staff to advertise for Ice Rink Attendants and complete the interview process; and approve hiring John Beattie as Skating Supervisor (\$11.32/hr) and Gunny Stolts as Ice Rink Attendant (\$8.00/hr). The motion carried 5-0.**

Handt questioned how the Ice Rink Maintenance Worker position should be filled. Council suggested staff continue to advertise the position and make plans for Public Works staff to perform the ice rink tasks by adjusting their schedules to work weekends without accruing overtime hours.

**RESOLUTION IN SUPPORT OF BORDER TO BORDER BROADBAND DEVELOPMENT GRANT APPLICATION (RESOLUTION NO. 10-21-14-04)**

Administrator Handt explained that Midcontinent is preparing an application for grant funds to include projects in Scandia, Forest Lake and Columbus. The project areas included for Scandia are in the area of Wyldewood Acres, Natures Walk, and Pomroy to 220<sup>th</sup> Street to Parrish. If approved, funding for the cable expansion would be split 50% by Midcontinent and 50% by grant funds.

**Lee, seconded by Swanson, moved to adopt Resolution No. 10-21-14-04, a Resolution in Support of Border to Border Broadband Development Grant Application. The motion carried 5-0.**

**HIRE SEASONAL PART-TIME, ON-CALL MAINTENANCE STAFF FOR SNOW REMOVAL**

Administrator Handt reported that no applications were received for the PT, On-Call Maintenance Worker position; however staff contacted Clarence Seefert and Bruce Swenson who had plowed for the City last year and they have agreed to return. Staff asked Lynn Brandenburg, summer maintenance worker, and he agreed to be available this winter season.

**Simonson, seconded by Lee, moved to approve hiring Clarence Seefert and Bruce Swenson at \$17.34/hr and Lynn Brandenburg at \$14.28/hr as Part-Time, On-Call Maintenance Workers. The motion carried 5-0.**

**ADJOURNMENT**

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

The meeting adjourned at 8:47 p.m.

Respectfully submitted,

Brenda Eklund  
Deputy Clerk