

November 18, 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, City Engineer Ryan Goodman, Deputy Chris Majeski, Fire Chief Mike Hinz and Deputy Clerk Brenda Eklund.

**PUBLIC FORUM**

Janie O'Connor, 14602 Oakhill Lane, representing the Butterfly Committee of the Friends of Scandia Parks and Trails, requested that action be taken on the Planning Commission's motion to provide \$22,000 to Lilleskogen Park for construction of the parking lot/curb and gutter in the 2015 budget, to be sourced from the General Fund.

**APPROVAL OF AGENDA**

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

**CONSENT AGENDA**

The following Consent Agenda was presented:

- a) Minutes
  - 1) October 21, 2014 Regular Meeting
  - 2) November 12, 2014 Work Session
- b) Treasurer's Report

Beginning Balance 10/01/2014	\$2,906,867.24
Receipts	+ <u>43,324.95</u>
Expenditures \$108,761.50	
Payroll <u>\$ 27,925.53</u>	- 136,687.03
Adjustments: transfer charges recorded	8.00
stop payment	<u>104.50</u>
Ending Balance 10/31/2014	\$2,813,408.66
- c) Payment of Vouchers
- d) Accept Letter of Resignation, Greg White, Scandia Fire and Rescue
- e) Approve 2015 Tobacco License Renewals: AJL Enterprises dba Scandia Olde Towne Liquor, Big Marine Lake Liquor, Big Marine Lake Store, Todd's Home Center
- f) Approve 2015 Liquor License Renewals: AJL Enterprises, Inc. dba Scandia Olde Towne Liquor (Off-Sale), Big Marine Lake Liquor Store (Off-Sale), The Scandia Creamery (On-Sale/Sunday On-Sale Intoxicating)
- g) Ordinance No. 155: An Ordinance Regulating the Operation of Watercraft on Bone Lake
- h) Summary Publication of Ordinance No. 155 (*Resolution No. 11-18-14-02*)
- i) Select Account HSA Agreement
- j) Approve Forest Lake Cable Commission 2015 Budget (*Resolution No. 11-18-14-03*)
- k) Pay Increase, Travis Loeffler, EMT Certification

Administrator Handt corrected 5.k) to state that Loeffler's pay will be increased from \$10.00 to \$12.00 per hour.

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

**PUBLIC HEARING: CERTIFICATION OF UNPAID CHARGES FOR 201 SEWER SYSTEM FOR COLLECTION WITH PROPERTY TAXES (RESOLUTION NO. 11-18-14-01)**

A public hearing was held for the purpose of certifying unpaid 201 sewer payments for collection with property taxes. Notice of the hearing was sent to 21 account holders with delinquent charges. There were no delinquent accounts on the Uptown System. Mayor Simonson opened the public hearing. There were no comments and the hearing was closed.

**Ness, seconded by Lee, moved to adopt Resolution No. 11-18-14-01, Certifying Unpaid Charges for 201 Community Sewage Treatment for Collection with Property Taxes. The motion carried 5-0.**

Property owners have until December 1<sup>st</sup> to pay the outstanding charges without interest. Any remaining unpaid charges will be certified to Washington County and billed to the property tax statement for collection in 2015, at 12% interest.

**PARKS AND RECREATION COMMITTEE**

***Scanley Cup Fireworks Application***

Parks Chair Greg Zauner presented an application for a fireworks display on the Saturday evening of Vinterfest, February 7, 2015 from Corey Roberts, as part of his Scanley Cup hockey tournament. Mr. Roberts is working with Mark Glasow, a pyrotechnic operator certified by the State Fire Marshal. A site location is not yet determined. Administrator Handt recommended that the applicants work with Fire Chief Hinz to identify an appropriate location which meets the state fire code's safety requirements. This was included as a condition of approval, along with providing a certificate of insurance which names the City as an additional insured, and payment of the application fee.

**Lee, seconded by Swanson, moved to approve a fireworks display permit for Roberts and Glasow, with conditions as discussed. The motion carried 5-0.**

***Agreement with Kathryn Herman to provide Skating Lessons***

The Council reviewed the program agreement with Kathryn Herman to provide a Learn to Skate program and a Vinterfest 2015 Ice Performance Program beginning in January 2015. Registration fees will be divided 80/20 between Ms. Herman and the City.

**Lee, seconded by Swanson, moved to approve the agreement with Kathryn Herman for skating programs this season. The motion carried 5-0.**

### ***Skating Programming***

The Council reviewed the winter skating programs and promotional flyer as approved by the Parks Committee. As was done last year, Pleasure Skating will be supervised by Matt Rasmussen and Dana Wojtowicz and structured Learn to Skate classes will be taught by Katy Herman. Herman will also teach a choreographed Vinterfest 2015 Ice Performance as a new offering.

**Simonson, seconded by Swanson, moved to approve the skating programs and the skating program flyer as presented. The motion carried 5-0.**

### **PLANNING COMMISSION**

#### ***Ordinance No. 157: An Ordinance Amending Ordinance No. 122, The Scandia Development Code, Chapter 2, Section 3.0 Regarding Development Standards***

Planner Sherri Buss presented the Planning Commission's recommendation for approval of Ordinance No. 157, which amends the standards for historic buildings and structures. The amendment was created to address issues that arose this year with zoning applications to provide incentives for preservation of historic structures and the appearance of historic properties. Buss explained the changes that would permit historic buildings and structures to exceed the height standards in the code and would permit the City to grant exceptions to the number, total area, and placement of accessory structures in order to preserve historic buildings and structures.

Buss described other clean up changes that were included in the ordinance amendment. The table that specifies number and area of accessory structures was revised to make acreage breaks more clear, and language was added to clarify requirements for detached accessory structures on corner lots.

Council member Lee questioned if this would allow for the historic buildings to be open for public viewing. Buss stated that this is not a requirement since the buildings will be on private property. City Attorney Vivian agreed that this could not be the intent of the ordinance.

Lee asked if the ordinance would apply only to buildings which exist in Scandia, or could a property owner relocate any building that could be described as historic, like a chicken coop. Buss stated that the ordinance could be altered so that it would only be applicable to historic structures which currently are located in Scandia.

Council member Schneider questioned if standards such as matching the color of the primary residence and having overhang and fascia on the building would apply. Buss explained that this is a requirement on properties of 4 acres or less, but design guidelines would dictate the appearance of the building. Administrator Handt asked if this ordinance should only be allowed on 4 acres or more. Schneider said no, it's the obtrusiveness of the building that he would be concerned about, along with allowing exemptions in all zoning districts.

Both Schneider and Lee said that they are in favor of preserving structures such as the Hilltop Water Tower as the Rodsjos are proposing, but the ordinance changes could have unknown consequences and needs clarification. Lee said that he wouldn't want property owners hunting

for old buildings just so they can add extra storage space to their property. Council member Swanson agreed the buildings should be historic to Scandia.

**Schneider, seconded by Lee, moved to discuss Ordinance No. 157 at the next Council Work Session. The motion carried 5-0.**

***Ordinance No. 158: An Ordinance Amending Ordinance No. 122, The Scandia Development Code, Chapter One, Regarding Administration***

Planner Sherri Buss presented the Planning Commission's recommendation for approval of Ordinance No. 158, which would add a new Section 15.0 to the Development Code, Chapter One, to permit administrative exceptions for lots that are close to, but do not meet the ordinance requirements for some approvals, such as for livestock or accessory structures. A parcel could deviate up to 5% from the minimum lot size. Buss explained that this would not apply to subdivisions. The process allows for an Administrative Permit to be issued if certain criteria are met.

Council member Schneider stated he has always considered a 4.75-acre lot to be allowed the uses of a 5-acre lot, and is in favor of this ordinance.

**Lee, seconded by Schneider, moved to adopt Ordinance No. 158, which amends the Development Code to permit Administrative Exceptions. The motion carried 5-0.**

***Summary Publication of Ordinance No. 158 (Resolution No. 11-18-14-05)***

**Lee, seconded by Ness, moved to approve Resolution No. 11-18-14-05, Providing for the Summary Publication of Ordinance No. 158. The motion carried 5-0.**

***Variance to Construct an Accessory Structure Closer to the ROW at 21450 Pomroy Avenue. Paul and Susan Rodsjo, Applicants. (Resolution No. 11-18-14-06)***

Planner Buss presented the Planning Commission's recommendation to approve a variance to locate an accessory structure closer to the road right-of-way than the primary structure at 21450 Pomroy Avenue. Relocating the Hilltop Water Barn to the Rodsjo property also required a variance from the 35-foot maximum height since the structure is over 50 feet tall. Buss explained that a variance could not be granted for the height since this is not related to a physical characteristic of the property. The Commission proposed amending the development code to exempt historic buildings and structures from the height requirement to encourage their preservation. Based on the tabled Ordinance No. 157 amendment earlier in the meeting, Buss advised the Council that they could approve the variance for the location and the Rodsjos could proceed after the Council further considers the amendment.

Council member Ness asked about the height of the barn relative to the house. Sue Rodsjo explained that the tops of the buildings will be at similar elevations since the barn will be built at a site which is about 10 feet lower than the house site.

**Ness, seconded by Lee, moved to approve Resolution No. 11-18-14-06, Approving a Variance for 21450 Pomroy Avenue North. The motion carried 5-0.**

Attorney Vivian advised that the applicants should submit a formal letter of withdrawal for the variance request to exceed the maximum height. Buss stated that the 120-day review ends on January 14, 2015; Council will need to take action on the ordinance amendment within this time limit and Buss will monitor the process within these legal requirements.

## **ECONOMIC DEVELOPMENT AUTHORITY**

### ***Annual Report***

A written report was provided to summarize the EDA accomplishments of its first year and included the goals and projects for 2015. EDA President Swanson reported that they had an active year and recently held successful listening sessions with local businesses. EDA member Lee stated that they plan to propose an expansion to a 7-member Board to invite more involvement and input into the EDA's decision making process.

Swanson described the Small Business Saturday promotion that they are publicizing with local businesses for November 29<sup>th</sup>.

## **BUILDING OFFICIAL**

The October building activity report was received from Building Official Chad Payment. Twenty-seven permits were issued in October.

## **POLICE DEPARTMENT**

Deputy Chris Majeski reported that he is investigating stolen hunting equipment on Mayberry Trail and theft of two vehicles on Manning Trail.

## **FIRE DEPARTMENT**

Fire Chief Mike Hinz reported that the department responded to fifteen calls in October. There were good turnouts for the Open House and Halloween events last month.

## **CITY ENGINEER**

City Engineer Ryan Goodman reported that he is attending the Log House Landing Committee meetings and will soon begin planning for the 2015 sealcoat projects.

## **DIRECTOR OF PUBLIC WORKS**

Public Works Director Tim Kieffer provided the activity report for his department. The replacement pumps and control panels for the 201 system are working well.

## **CITY ADMINISTRATOR**

City Administrator Kristina Handt reported on elections, the recent EDA meetings with local businesses, and that the City received an appreciation certificate from the American Red Cross for its designation of the Community Center as an emergency shelter.

## **TREE TRIMMING POLICY**

Many residents were in attendance to voice their concerns about recent brush clearing activity and the City's tree trimming policy.

Dave Bakke, 23080 Melanie Trail, was concerned that the City would be clearing trees within 33 feet from the center line of the roadways -- big beautiful trees build the character of Scandia and he asked that the policy be amended to only trim trees within 8 feet of the edge of the pavement. He stated that Stillwater's policy allows for clearing within 6 feet for roads without sidewalks.

John Carney, 23370 Melanie Trail, read a letter from Margie Schmidt, president of the Bone Lake Association, that she is heartsick about the policy which doesn't fit the beauty of Scandia. She said the City should not be cutting down healthy trees and the equipment being used is mangling the trees.

Beryl Halldorson, 23620 Melanie Trail, read excerpts from ordinances for tree preservation and goals for rural character and asked that the policy be reconsidered. She provided photos of recent brush clearing along her street and described the damage as mangled trees; wide roads and bare ditches do not preserve the rural district. She suggested that a 2 foot allowance for clearing should be sufficient since signs and mailboxes are at this distance. She suggested that a task force be formed to research how to go about revising the policy. She concluded by saying why spend money to do what is not necessary.

John McKinnon, 22513 Nolan Avenue, stated that it is critical that ditches be cleared in the event that drivers veer off the road due to speeding. He said that roads are in different conditions throughout Scandia and each area of the neighborhood should be evaluated to keep the roads safe for driving, as safety is key.

Cindy Johnson, 18599 Langley Avenue, said that it should not be a black and white, one size fits all policy. Reasonable judgments should be made with each roadway. She stated that not all roads run down the centerline and the City should beware of encroaching on private property.

Chris Lang, 22730 Penfield Avenue, said that trees add to the charm of Scandia; the City should evaluate an area for trimming based on what's growing there and listen to input from the property owners.

Dale Setterholm, 20909 Lofton Avenue, said that it would be useful to hear the reasons for tree trimming and what it accomplishes. He doesn't see an improvement to the roads, only a detriment. To clear the roadways because of fast driving is the wrong solution.

Betsy Sandstrom, 12937 Mayberry Trail, said that there are 2 rows of 40-foot pine trees along their property line that would have to come down according to the policy. She thought these were planted by the Township years ago as a snow break and the trees add to the wildlife and beauty of the acreage. She said that 205<sup>th</sup> Street is a mess since the brush cutter went through and the City should listen to the people.

Beryl Halldorson added that her previous residence did not have ditch maintenance for many years and there was never a drainage problem.

Joan Doolittle, 15415 Pilar Road, said that the substructure of the trees is very important to hold the road bed. The trees support other elements of nature and should not be removed. She suggested a group be formed to advise the City.

Richard Doolittle, 15415 Pilar Road, said the tree canopy adds to their beautiful gravel road and he is pleased with the recent maintenance done along Pilar. He suggested the road be designated as a rustic road to protect the trees. He added that Xcel will not clear cut under power lines when requested and said that wide ditches would encourage ATV's and snowmobiles and their damage.

Curt Hadland, 15828 Pilar Road, said that he was a member of a tree preservation and rural landscape committee during the township years and suggested a committee be reformed to address action on rural values. He said the policy is vague with no guidelines on tree preservation which staff could refer to when cutting trees. He said buckthorn should be controlled in the right manner and there is a threat of spreading oak wilt with the way trimming is now being done. Clearing ditches invites noxious and invasive weed growth. Better guidelines should be created as part of the policy.

Laura Grunzinger, 22187 Penfield, said that clear cutting trees would be horrendous and harm the aesthetics of the rural roads. Residents need to be informed of tree clearing along their property.

Kathryn Lewis, Quinnell Avenue, said that buckthorn is a big problem in Scandia. She would be in favor of selectively taking trees out but not clear cutting where is doesn't need to be.

Administrator Handt addressed the purpose of the tree trimming policy of clearing brush in the right-of-way to maintain safe roads and protect the integrity of the roads. She noted the misinformation that roadways would be clear cut 33 feet in all instances; trees are selectively removed when leaning over the roadway, or are dead or dying. Handt stated that Public Works Director Kieffer is a Certified Tree Inspector and qualified to remove trees.

Kieffer also explained that it's not intended to clear the entire right-of-way. Changing the policy to allow for a limit to 8 feet from the pavement edge would not be enough if trees are hanging over the road and hitting the plow trucks. He said that after a heavy snowfall, his truck could not get through Pilar Road last year due to overhanging trees. He is concentrating on the roads which need maintenance to prevent flooding in the ditches and to provide better clearance. The flail mower has been used this fall as brush clearing and that tree removal would be done over the winter months. He said that he is working with the residents as best he can.

Council member Lee stated that the residents have made serious points. He agreed that the flail mower is too aggressive when used for trimming the trees and recommended that the flail mower be used on the ground only. The upper limbs should be hand cut and a tree service used to take down the larger limbs and trees. He noted that this would be a slower process, but the mangled look is not the look for Scandia. He said that Kieffer is qualified to make appropriate decisions on tree trimming and should not be micromanaged.

Council member Schneider said that he is not a fan of the flail mower when used to cut back trees, but some clearing needs to be done as a place to put snow and for emergency vehicle access. He recommended that property owners maintain their ditches and remove buckthorn.

Council member Swanson agreed with the council members' comments and said the policy should allow for flexibility. It is a problem when trees are too close and cause damage to the road. Some additions could be made to the policy so as to maintain the rural atmosphere of the roadways.

Council member Ness said that there is a problem when poor drainage causes road damage – Melanie Trail was recently rebuilt due to this. The City needs to continue to correct ditching and he thinks that Kieffer can work with individual property owners on right-of-way maintenance. The policy is not a one size fits all; tree trimming is necessary but it can be done better.

Kieffer stated that the method going forward will be to keep the flail mower on the ground and hand cut limbs where necessary.

Mayor Simonson asked if the Council thinks it necessary to amend the tree trimming policy. Lee said no, the policy is sound but the method needs to change. Simonson stated that there could be future review and discussion at a work session to explore other options with the policy.

**VACATE PARTS OF 2<sup>ND</sup> STREET (RESOLUTION NO. 11-18-14-07)**

At the September public hearing to vacate a portion of 2<sup>nd</sup> Street in the Revision of Vasa Plat, there was concern that a garage of one of the property owners was located within the unopened, public street. Attorney Vivian has worked with the Conleys to amend their initial request to eliminate the encroachment issue. Vivian recommended the lawful vacation of the portion of 2<sup>nd</sup> Street lying north of Columbus Street and immediately adjacent to Lots 4, 5, 6, 7 & 8 in the Revision of Vasa as a reasonable solution and avoids the issue of the garage in the ROW.

**Swanson, seconded by Schneider, moved to approve Resolution No. 11-18-14-07, Vacating Parts of 2<sup>nd</sup> Street in the Revision of Vasa.**

Council member Lee stated that he is not in favor of vacating city land. Council member Ness said that the city long ago vacated an easement to the river and this piece of land is useless for city purposes.

**The above motion carried 4-1, with Lee opposed.**

**SEASONAL ICE RINK ATTENDANTS/WARMING HOUSE HOURS OF OPERATION**

Administrator Handt reported that no applications were received by the deadline for seasonal ice rink attendants. Ice Rink Manager John Beattie and returning Attendant Gunny Stoltz could staff the rink but warming house hours would need to be reduced.

Council member Swanson suggested posting the position at the high school, Elim Church and the Scandia Store to get the word out since students are not seeing it on the website or newspaper ad.

Council member Ness asked if the Ice Rink Maintenance Worker could also staff the warming house as needed. Handt will ask if he would agree to take on more hours. Flyers will be made up and distributed at the recommended locations to continue to advertise the rink attendant position.

#### **HIRE ICE RINK MAINTENANCE WORKER**

Handt reported that one application was received for the Ice Rink Maintenance Worker position after the second posting. Staff interviewed Ben Johnson and he is enthusiastic about the job.

**Simonson, seconded by Ness, moved to approve the hiring of Ben Johnson as Ice Rink Maintenance Worker at a rate of \$10/hour, subject to passing a background check and drug test. The motion carried 5-0.**

#### **AGREEMENT FOR SUBSURFACE SEWAGE TREATMENT SYSTEM INSPECTION SERVICES**

The contract with Washington County for septic system permitting and inspection services expires at the end of the year. Council reviewed the new contract which would extend the agreement for two years. Administrator Handt explained that a one-year contract was approved last year with the possibility of bringing the service in house. Stillwater and Dellwood are the only communities in the County that do their own inspections and permitting.

Council member Schneider stated that this is an issue of revenue for the city. The training and work load could be extensive for the staff to take on at this point, but contracting with a licensed inspector and splitting the revenue may make sense rather than continuing to pay the County for this service. He suggested staff contact Stillwater and Dellwood about their inspection processes.

Council was in consensus to enter into a one-year contract with the County and look at options in greater detail in the next few months for taking it over in 2016.

**Simonson, seconded by Ness, moved to approve a one-year contract with Washington County for SSTS Inspection Services, through December 31, 2015. The motion carried 5-0.**

#### **ADJOURNMENT**

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

The meeting adjourned at 9:16 p.m.

Respectfully submitted,

Brenda Eklund  
Deputy Clerk