

November 19, 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, Office Assistant/Recreation Program Coordinator Judi Negus and Deputy Clerk Brenda Eklund.

PUBLIC FORUM

Scot Taylor, 14808 Oakhill Road and owner of Meisters Bar & Grill, stated that he would like to see small local business owners like himself have more involvement in the planning and implementation of community events. He stated that it's important to support small businesses in town. Taylor said that they would like to be part of future communications.

Tom Triplett, Scandia-Marine Lions President, stated that the organization has dropped the beer garden proposal from the Vinterfest Hockey Tournament, and the club continues to be supportive of local businesses.

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) October 15, 2013 Regular Meeting
 - 2) October 22, 2013 Special Meeting
 - 3) November 6, 2013 Work Session Meeting
- b) Treasurer's Report

Beginning Balance 10/01/2013	\$2,816,304.49
Receipts	+ <u>38,084.84</u>
Expenditures \$364,053.91	
Payroll <u>24,714.35</u>	- 388,768.26
Adjustments: Safe Box	<u>-35.00</u>
Ending Balance 10/31/2013	\$2,465,586.06
- c) Payment of Vouchers
- d) Ordinance No. 147: Ordinance Granting a Franchise to Midcontinent Communications
- e) Summary Publication of Ordinance No. 147 (*Resolution No. 11-19-13-01*)
- f) Amendment to Kitchen Rental Agreement with Fine Time Products (*Resolution No. 11-19-13-06*)
- g) Street Special Assessment Policy
- h) Red Cross Shelter Agreement
- i) Update Ice Rink Maintenance Worker Job Description
- j) Update Street Maintenance Worker, Part-Time Seasonal, On-Call Job Description
- k) Contractor's Request for Final Payment, 2013 Seal Coat Project

- l) TiiGavo Construction Letter of Credit Closeout
- m) Sale of Fire Dept Rescue Trailer through Govdeals
- n) Approve 2014 Tobacco License Renewals: AJL Enterprises dba Scandia Olde Towne Liquor, Big Marine Lake Store, Big Marine Lake Liquor Store and Todd's Home Center
- o) Approve 2014 Liquor License Renewals: AJL Enterprises, Inc. dba Scandia Olde Towne Liquor (Off-Sale), The Scandia Creamery (On-Sale/Sunday On-Sale Intoxicating) and Big Marine Lake Liquor Store (Off-Sale)

Mayor Simonson announced that Anne Hurlburt's term on the Cable Commission was ending and she is not interested in reappointment to the Commission. Simonson acknowledged Hurlburt's dedicated work to the City and Cable Commission and thanked her for her years of service.

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

PUBLIC HEARING: CERTIFICATION OF UNPAID CHARGES FOR 201 SEWER SYSTEM FOR COLLECTION WITH PROPERTY TAXES (RESOLUTION NO. 11-19-13-02)

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 fifteen account holders with delinquent charges on November 1. Mayor Simonson opened the public hearing. There were no comments and the hearing was closed.

Simonson, seconded by Swanson, moved to adopt Resolution No. 11-19-13-02, Certifying Unpaid Charges for 201 Community Sewage Treatment for Collection with Property Taxes. The motion carried 5-0.

Property owners have until December 1st 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 2014, at 12% interest.

PARK AND RECREATION COMMITTEE

Administrator Handt reported that planning for Vinterfest is underway; donations will be collected for Lilleskogen Park. Prep work has begun at the Lilleskogen parking lot to prepare for the donation of excavation work and sand and gravel materials in the next few weeks. Handt relayed the Lion's plans to host a triathlon event in July 2014 in which they are proposing to close the Log House Landing for a period of time. The Council had no concerns on closing the landing from Friday evening until noon on Saturday for the event. Handt stated that a Special Event Permit application for the triathlon will come before the Council at a future meeting.

Special Event Permit, Roberts Funeral Home and Scandia Marine Lions, Scanley Cup Tournament, Jan 31 – Feb 1, 2014

Corey Roberts of Roberts Family Funeral Home and Rich Burton from the Scandia-Marine Lions Club appeared before the Council to present a Special Event Permit application for a hockey tournament to be held at the ice rink during Vinterfest (Jan. 31 to Feb. 1, 2014). Mr.

Roberts explained that 8 to 10 teams will participate, with all proceeds being donated to the City for ice rink improvements. The Lions Club will share in the fundraising by selling hot dogs, pop, coffee and hot chocolate on Saturday. Council member Lee asked if there could be local businesses involved in the event. Mr. Roberts said that he would be open to this. Handt suggested the Council keep in mind the fundraising component of the event.

Simonson, seconded by Ness, moved to approve the Special Event Permit for the Scanley Cup Hockey Tournament with the following conditions: 1) The event shall be held as described in the application received on October 25, 2013 as provided by the conditions of approval. 2) The location of any tents, stakes, signs etc. at the Scandia Community Center shall be approved in advance by the City. Event organizers shall request any utility locates that may be required. 3) Event organizers shall provide and install netting or some other barrier around the area where pucks will be shot on the pleasure rink for the slap shot contest. 4) Event organizers to provide portable AV system, if desired for slap shot contest. 5) All participants must sign liability waiver and return to City to participating in event. 6) Any vendors present on the site shall possess a sales and use tax permit if required by Minnesota law. 7) A Certificate of Insurance from the Lions naming the City of Scandia as an additional insured shall be submitted to the City no later than January 1, 2014. The motion carried 5-0.

Agreement with Katy Herman to Provide Skating Lessons

The Parks Committee has recommended a new winter recreational program called Learn to Skate be offered this winter. Rec Program Coordinator Negus explained that it will be a structured class taught by Katy Herman, Skating Director of Cutting Edge Skating Association in Forest Lake. Herman will receive 80% of the registration fees as compensation.

Lee, seconded by Ness, moved to approve the Program Agreement with Katy Herman for the Learn to Skate Program. The motion carried 5-0.

PLANNING COMMISSION

Variance to Allow a Detached Accessory Structure Closer to the Road than the Principal Structure at 21535 Pomroy Avenue. David and Carol Schwinghammer, Applicants
(Resolution No. 11-19-13-03)

At their November 5th meeting, the Planning Commission recommended approval of a variance for a pole barn to be built closer to the road right-of-way than the house at 21535 Pomroy Avenue with conditions as written into a resolution. Planner Buss explained that several neighbors objected to the proposed red color of the barn and the visibility of the structure during leaf-off conditions. The Planning Commission added conditions that the applicants must plant conifers to screen the north and west sides of the building, and that the exterior color must resemble the existing color on the home which blends with the surrounding woods better than the red color originally proposed.

Mayor Simonson stated that he would like to strike the condition that the applicants must use an exterior color on the pole barn that matches the color of the house. He explained that red is a

traditional barn color used in rural communities like Scandia and that the building is styled to look like a barn.

Council member Ness disagreed and stated that there is no added expense or inconvenience for the applicants to change to a neutral color for the sake of the neighbor's objections.

Council member Swanson stated that she understands the neighbors' concerns but sides with the Mayor's position that red is a traditional barn color, and has issues with making the applicants choose a different color. Swanson noted that there are no restrictive covenants in the development regarding pole barns.

Council member Lee agreed that a red barn fits the rural ambience and would be complimentary to the reddish-brown cedar home.

Council member Schneider agreed, and stated that the color of the pole barn shouldn't be an issue since the property is over four acres and meets the ordinance section regarding building type and materials.

Simonson, seconded by Swanson, moved to eliminate condition #4 of Resolution No. 11-19-13-03 which states that the exterior color on the pole barn must resemble the present color of the house. The motion carried 4-1, with Ness opposed.

Simonson, seconded by Swanson, moved to approve Resolution No. 11-19-13-13 as amended with the removal of Condition #4. The motion carried 5-0.

Ordinance No. 146 Rural Event Facility Ordinance

City Planner Buss summarized the Rural Event Facility Ordinance as recommended for approval by the Planning Commission at their November 5th meeting. The definition states that the facility operates on a for-profit basis for gatherings such as weddings, dances, festivals or picnics on private property but does not allow for activities that include the discharge of firearms, motorized vehicle competitions or other events incompatible with the community's rural character.

The facility would operate by approval of an Interim Use Permit. An Annual Operators Permit would allow for an annual review to address concerns and to add conditions for the operation of the facility. A number of standards are contained in the ordinance, including that events must cease by 10 PM and guests shall be off the site by 10:30 PM. Sound amplification of the ceremony only is permitted. No other sound associated with the event, such as parties or celebrations, may be amplified.

Council member Lee asked if an auction would need approval by this ordinance. Buss explained that not for an occasional auction, but if it operated as a for-profit facility on a regular basis it would. Lee asked how orchards and pumpkin patches are defined within the ordinance. Administrator Handt noted that these are considered agritourism and are allowed in certain parts of the city.

Council member Schneider questioned the “no music” standard and stated that it did not make sense for parties. Planning Commission Chair Christine Maefsky explained that as a major new use in a rural residential setting, the possibility of amplified music every weekend could be an issue for surrounding property owners. Buss explained that this was modeled after Stillwater Township’s ordinance to limit outdoor amplified sound and its negative impacts on neighbors.

Lee stated that these are guidelines to begin with and changes may evolve. The spirit of the law is to give properties a venue to operate a business. Ness agreed that standards can be revisited as facilities begin operating.

Schneider questioned the structural stability of old barns and buildings being used for commercial purposes with a change in occupancy. Fire hazards, exit strategies, and structural integrity should all be examined. Buss noted that this is a good point, and suggested that detailed plans be reviewed by the Building Inspector and Fire Chief to see that they are safe. Attorney Vivian recommended that Paragraph 6(K) include language that the facility must pass inspections and compliance checks by the Building Official and Fire Inspector.

Lee, seconded by Ness, moved to adopt Ordinance No. 146, Adding Section 4.32 to Chapter 2 of the Development Code Regarding Rural Event Facility, as amended with language to Paragraph 6(K) requiring inspections by the Building Official and Fire Inspector. The motion carried 5-0.

Summary Publication for Ordinance No. 146

Schneider, seconded by Lee, moved to approve Resolution No. 11-19-13-04, Providing for the Summary Publication of Ordinance No. 146. The motion carried 5-0.

Planning Commission Request for Paper Copies of Some Meeting Materials

Planning Commission Chair Maefsky presented a resolution unanimously approved by the Planning Commission at their November 5th meeting requesting paper copies of some meeting materials. Maefsky explained the difficulties the members are having with the paperless meeting packets, especially on site visits. They are requesting selected items be made available to them such as planner reports, surveys and ordinance amendments.

Mayor Simonson explained the Council’s decision to adopt guidelines for electronic communication which allows for greater accessibility to documents, cost savings and addresses environmental concerns.

Council member Ness recognized that planner’s reports are important to have on site visits, and recommended that one site plan/survey be provided for the members to share. Council member Swanson agreed and stated that not all members may have the availability to print these documents to have with them at the site visits. There are expectations due to the nature of what they do. Administrator Handt suggested the members share the public copy of the surveys and site plans which can be picked up in the office along with their packet.

Simonson, seconded by Ness, moved to amend the Guidelines for Paperless Meeting Packets to provide paper copies of City Planner reports. Paper copies will not be mailed but available for pickup at City offices. The motion carried 5-0.

POLICE DEPARTMENT

Police Deputy Chris Majeski reported on a case of mailbox vandalism, theft of decorative fire hydrants and that dumping complaints are on the rise.

FIRE DEPARTMENT

Fire Chief Mike Hinz reported that the department responded to four fire and nineteen emergency calls last month. The old Engine 5180 recently sold on the Govdeals auction site for \$5,900. A house burn for training the new recruits is being scheduled for December in St. Croix Falls.

CITY ENGINEER

City Engineer Ryan Goodman reported the DNR grant application for the Log House Landing improvements has been submitted and will be announced in April 2014. Goodman noted projects in the County's 2014-2018 CIP that are near Scandia: Big Marine Park Reserve Entrance and Big Marine North Maintenance Shop.

CITY ATTORNEY

City Attorney Nick Vivian explained that he has been working with staff on a number of items including the street assessment policy, Lilleskogen improvements and the shelter agreement with the County.

PUBLIC WORKS DIRECTOR

Public Works Director Tim Kieffer reported that new street signs have been installed along the roads that were seal coated this summer. Several hockey boards have been replaced on the ice rink. The Zamboni has been repaired and is ready for the season. The Letter of Credit is being closed out on the Tii Gavo subdivision. Kieffer is working with the contractor for ventilation repairs to the Community Center roof.

CITY ADMINISTRATOR

City Administrator Handt reported that she is following up on noise complaints regarding the Zavoral mine, but has found no violations. Mayor Simonson and Council member Swanson also noted that they have made site visits to the mine and found there to be no issues.

Handt has publicized the openings on various Committees and projected that appointments could be made in January. A code violation on Quint Avenue is being investigated along with outside agencies. Letters are going out this week to residents in the Bliss area to address exterior storage problems. They will have one month to comply before violations are documented.

RESOLUTION AUTHORIZING EXECUTION OF SUBGRANT AGREEMENT-STORM SHELTER GRANT APPLICATION (RESOLUTION NO. 11-19-13-05)

Administrator Handt explained the County's plan to construct two storm shelters at the Cottages which will be funded by a 75/25 FEMA grant being executed by the Washington County HRA. The project requires no expenditure of city funds. Bill Lightner, Project Manager, was present to answer any questions.

Swanson, seconded by Lee, moved to approve Resolution No. 11-19-13-05, Authorizing Execution of Sub-grant Agreement. The motion carried 5-0.

HIRE SEASONAL ICE RINK ATTENDANTS

Four applicants were interviewed by staff on November 7th for the positions of Ice Rink Attendant. Staff recommended three of the applicants be hired for the 2013-14 season. A higher rate of pay was offered to a returning attendant.

Simonson, seconded by Schneider, moved to approve the hiring of the following Ice Rink Attendants: Garret Swanson (\$7.75/hr), Jacob Colling (\$7.25/hr) and Danielle Cusick (\$7.25/hr). The motion carried 4-0, with Swanson abstaining from the vote as a relative to Garret Swanson.

HIRE SEASONAL ICE RINK MAINTENANCE WORKER

Two applicants were interviewed by staff on November 8th for the position of Ice Rink Maintenance Worker. Staff recommended that Forrest Tibbetts be hired as he has been working in the City parks the last two summers and has experience maintaining an ice rink at the St. Croix Valley Rec Center in Stillwater.

Lee, seconded by Swanson, moved to approve the hiring of Forrest Tibbetts as Ice Rink Maintenance Worker at a rate of \$11.75/hr. The motion carried 5-0.

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

Seven applications were received for the part-time, on-call maintenance workers and staff conducted interviews on October 9 and 11. Four applicants were recommended for hiring for the 2013-14 season. The higher rate of pay was offered to those drivers with a commercial license.

Lee, seconded by Ness, moved to approve hiring the following PT, On-Call Maintenance Workers: Clarence Seefert (\$17.34/hr), Bruce Swenson (\$17.34/hr), Brian Jahnke (\$17.34/hr), and Matthew Schneider (\$14.28/hr). The motion carried 5-0.

AGREEMENT FOR SUBSURFACE SEWAGE TREATMENT SYSTEM INSPECTION SERVICES

Administrator Handt explained that the contract with Washington County to provide septic system permitting and inspection services will expire on December 31, 2013. Handt recommended that the City continue to contract with the County due to the additional requirements and duties that staff is unable to take on at this time. Handt noted that the expense

of extra training and staff to complete the requirements would outweigh the fees collected. Kieffer projected that the department could take this over at a future point, but not at this time.

Council member Ness agreed to continue with a one-year contract and revisit this each year. Council member Schneider stated that the permit fees being collected by the County could be going to the City and staff should prepare for this. Council member Swanson agreed and recommended the Wastewater Advisory Committee discuss this.

Ness, seconded by Swanson, moved to approve the Agreement for Subsurface Sewage Treatment System Inspection Services with Washington County effective January 1 to December 31, 2014. The motion carried 5-0.

ADJOURNMENT

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

The meeting adjourned at 9:11 p.m.

Respectfully submitted,

Brenda Eklund
Deputy Clerk