

May 21, 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, Assistant City Attorney Andrew Pratt, City Planner Sherri Buss, City Engineer Phil Gravel, Police Deputy Chris Majeski, Fire Chief Jim Finnegan, Maintenance Superintendent Tim Kieffer, Treasurer Colleen Firkus and Deputy Clerk Brenda Eklund.

### **PUBLIC FORUM**

No public comments were received.

### **APPROVAL OF AGENDA**

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

### **CONSENT AGENDA**

The following Consent Agenda was presented:

- a) Minutes
  - 1) April 16, 2013 Regular Meeting
  - 2) May 7, 2013 Special Meeting
  - 3) May 14, 2013 Work Session
- b) Treasurer's Report
- c) Payment of Vouchers
- d) Hire Tennis and Skateboarding Instructors for 2013 Summer Recreation Program
- e) Hire PT, Seasonal Maintenance Worker
- f) Appoint Ian Skarja as Fire Captain
- g) Resolution Amending Location of Warning Siren Near Big Marine Lake (*Resolution 05-21-13-05*)

Council member Lee commented that the pay rates for the seasonal worker and program instructors did not appear equitable based on their degree of responsibilities and tasks. Administrator Handt replied that these 2013 pay rates were set by Resolution No. 12-18-12-02. Revisions to the pay plan will be discussed at the next work session, and possible changes will be put in place going forward.

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

### **PUBLIC HEARING: RESOLUTION ENABLING THE ESTABLISHMENT OF THE ECONOMIC DEVELOPMENT AUTHORITY OF THE CITY OF SCANDIA, MN (RESOLUTION NO. 05-21-13-02)**

At their March 19, 2013 meeting, the Council set the date for a public hearing on the establishment of an Economic Development Authority for the City. Administrator Handt described the items in the resolution – a five-member Board consisting of two Council members, powers as given by state statute to economic development and housing and redevelopment

authority with the exception that the use of eminent domain requires Council approval, a budget process, and the ability to call for general obligation or revenue bonds (also requiring Council approval).

Mayor Simonson opened the public hearing at 7:05 p.m.

*John Lindell, 11240 218<sup>th</sup> Street:* Mr. Lindell stated his opposition to the creation of an EDA. He stated that there is no explanation of the benefits and costs, and it gives the appearance of subsidizing businesses. Lindell went on to state that business development is not a top priority of the community, as is in the Comprehensive Plan's vision for the preservation of rural spaces. It may be appropriate for larger cities, but not for Scandia.

*Tom Triplett, 19420 Newgate Avenue:* Mr. Triplett stated his support for an EDA. It allows for County resources to be utilized for advancing housing and city development. He said that the City Council would have the final authority on actions of the EDA.

There were no other comments and the hearing was closed at 7:09 p.m.

Attorney Pratt offered an explanation of an EDA's objectives and powers. Handt added that an EDA could benefit non-profit agencies, tourism and the Community Market, as is done in other communities. Handt noted that Section 3.04 of the resolution states that all actions of the EDA must be consistent with the comprehensive plan of the city. The start-up costs would be minimal, as insurance costs are based on expenditures.

Council member Swanson stated that an EDA is a way to promote slow, steady growth. The County is promoting jobs and growth and this is a way for Scandia to participate in that goal.

Council member Lee stated that an EDA is a tool to have in place for future opportunities. Council member Ness agreed that it is a way to be prepared for the future.

**Simonson, seconded by Swanson, moved to adopt Resolution No. 05-21-13-01, Enabling the Establishment of the Economic Development Authority of the City of Scandia, Minnesota, Pursuant to Minnesota Statutes, Section 469.090 through 469.1082, As Amended. The motion carried 5-0.**

Staff will advertise for applicants to serve on the EDA and arrange for Council interviews. Handt noted that the bylaws allow for members to be either residents of or own real property in the city.

## **PARK AND RECREATION COMMITTEE**

### ***Park System Signage Guidelines***

Committee Chair Greg Zauner presented Park System Signage Guidelines as recommended by the Committee at their May meeting. One of the goals of the Comp Plan is to have uniform park signage. These guidelines would be applied to future sign installation. Use of the city logo, brick or stone supports, and consistency with federal sign legibility standards are required components.

Zauner added that the guidelines allow for flexibility for signs that would be placed at rustic parks, such as Wind in the Pines. Council member Swanson stated the importance of matching the font style of existing signs when used for formal entrance monuments, to be consistent with what is currently in place. Swanson suggested an addendum of more specific features should be attached to the document in the future.

**Lee, seconded by Ness, moved to adopt the Park System Signage Guidelines as presented, with the understanding that an attachment of specific features will be added in the future. The motion carried 5-0.**

### **PLANNING COMMISSION**

***Variance from the Permitted Square Footage to Allow an Addition to an Existing Garage at 14790 Scandia Trail North. Matt and Jennifer Olson, Applicants. (Resolution No. 05-21-13-02)***

City Planner Sherri Buss presented an overview of the application from Matt and Jennifer Olson to construct an addition to their garage at 14790 Scandia Trail, which would exceed the permitted square footage for accessory structures on a lot less than one acre. The Planning Commission recommended approval of the request at their May 7 meeting.

Council member Ness stated that it makes sense to allow the addition. Mayor Simonson said that he sees no problems in allowing it, and read from the report that “the City has an interest in helping homeowners to maintain the neatness of their properties”. Council member Schneider also agreed, noting that it would be built behind the existing garage and is consistent with the neighborhood.

**Lee, seconded by Schneider, moved to adopt Resolution No. 05-21-13-02, Approving Variance for 14790 Scandia Trail North. The motion carried 5-0.**

***Amendment to the Development Code Pertaining to Swimming Pools. Jeff and Bea Melby, Applicants***

Planner Buss explained the Planning Commission’s recommendation to deny the Melby’s request to amend the Development Code to allow the use of automatic safety covers as an alternative to the Code’s fence requirement as it pertains to swimming pools. Buss described the lengthy discussions and comments from the public hearing in which they concluded that fences with a self-locking gate provide a higher level of safety for small children than pool covers alone. Nor did they want to rely on the Building Official’s decision to allow an automatic cover in place of a fence, as some communities do.

Mayor Simonson stated his concerns on the safety and reliability of pool covers. He felt that the fence requirement is best for pools in the community.

Council member Ness stated his agreement and said the ordinance should be left as it is written.

Council member Lee countered that the owners should hold the responsibility for the pool’s safety. Fences need maintenance through the years, and in some instances a pool cover could

provide even more protection from trespassers. Lee suggested that the ordinance be amended, but that the Building Official is not the determining authority. Language should state that the cover requires a building permit and it must meet ASTM standards. Buss noted that this would be similar to May Township's language, but remove "approved by the Town Building Official".

Council member Schneider stated that he would be fine with allowing pool covers. He said that in many instances it is the homeowner's insurance policy which dictates what safety measures need to be in place. He noted that ASTM standards are quite high and reliable.

Council member Swanson agreed that safety measures should be a personal responsibility and was in favor of amending the ordinance.

**Schneider, seconded by Lee, moved to direct staff to prepare a draft ordinance to allow either automatic safety covers which meet ASTM standards or a fence. The motion carried 3-2, with Ness and Simonson opposed.**

The Planning Commission will hold a public hearing on an amended ordinance pertaining to swimming pools at their July 2 meeting.

***Variance from the Minimum Lot Size to Allow Construction of a Single Family Dwelling at 13350 188<sup>th</sup> Street North. Jeff Balmer, Applicant on Behalf of Owners Jim and Sandi Continenza. (Resolution No. 05-21-13-03)***

Planner Buss provided an update to the Continenza's variance application. In February 2012, the owners allowed the review period to be extended indefinitely to complete necessary studies related to a connection to the Anderson/Erickson community wastewater system. Buss reported that the Wastewater Committee, after reviewing the results of an engineering study of the A/E system to determine capacity, recommended the Continenza's plans for the home on Lots 9 and 10 be revised to include no more than four bedrooms. The revised home plans were submitted on May 6; the footprint of the home did not change. Buss explained the staff's recommendation to require two separate connections to serve the existing home on Lot 8 and the proposed home on Lots 9 and 10.

Discussion of dedicating a 12-foot right-of-way along Lots 9 and 10 to the city, for the purpose of roadway maintenance, drainage and utilities, concluded with a condition that easement language be worked out that is acceptable to both the City and applicants.

The applicants also requested a two-year time extension to complete construction of the home. Buss stated that it would be reasonable to allow a time extension until December 31, 2015.

Council member Schneider recommended that the existing home on Lot 8 be connected to the community wastewater system immediately. Buss said that this could also be a condition of approval. Mr. Continenza agreed to a deadline of September 30, 2013.

**Lee, seconded by Schneider, moved to approve Resolution No. 05-21-13-03, Approving Variance for 13350 188<sup>th</sup> Street North, as amended with conditions on easement language, expiration to December 31, 2015, and connection of the existing home on Lot 8 to the community septic system by September 30, 2013. The motion carried 5-0.**

#### **WASTEWATER ADVISORY COMMITTEE**

##### ***Ordinance No. 140: An Ordinance Amending Ordinance No. 108 – Governing the “201” Community Sewage Treatment System***

Council member Ness reported on the Wastewater Advisory Committee’s recommendation of a connection policy to the 201 system. The current ordinance language will be amended to allow only properties that cannot support an on-site sewage treatment system to connect to the 201 system. In addition, properties will no longer share septic tanks. Separate connections will eliminate any future disagreements over shared maintenance costs and eliminate cross easements for parcels.

**Ness, seconded by Lee, moved to adopt Ordinance No. 140, Amending Ordinance No. 108: Governing the “201” community Sewage Treatment System. The motion carried 5-0.**

#### **BUILDING OFFICIAL**

The Council received Building Official Keith Wille’s report on building activity for the month of April. Eight permits were issued, with one new construction permit.

#### **POLICE DEPARTMENT**

Deputy Chris Majeski reported on police activity within the past month. A fraud case, found property, and parking complaints at the Log House Landing are being investigated.

#### **FIRE DEPARTMENT**

Fire Chief Jim Finnegan reported that the department responded to 21 calls in April – 8 fire related and 13 EMS related. Two of the donated warning sirens have been installed, with the third one at Big Marine Lake scheduled for later this week. The department co-hosted a talk on fall prevention at Elim’s senior luncheon which was well attended. The commercial washer system for uniforms and equipment has been installed at the firehall.

#### **STAFF REPORTS**

The Council received reports from Engineer Gravel, Assistant Attorney Pratt, Maintenance Superintendent Kieffer and City Administrator Handt.

#### **PRESENTATION OF 2012 AUDIT AND FINANCIAL STATEMENTS, CLIFTONLARSONALLEN, LLP**

John Lorenzini of CliftonLarsonAllen, presented the 2012 audit report on the City’s financial standing. Mr. Lorenzini reported a clean audit opinion and found no concerns. The City’s fund balance of 65% is at a good level and consistent with past years. The Uptown Sewer was moved to an Enterprise Fund in 2012 and will ultimately recover costs from the users.

**PETITION TO VACATE FIRST AVENUE**

In April, Ross Brunfelt presented a petition to the City with a request to vacate 1<sup>st</sup> Avenue, an unimproved platted street west of Olinda Trail between his business property and Greg Benson's. The Council met with residents on a site visit to this location the previous evening. Residents have concerns about the future use of the street. Consensus of the Council was to not proceed with a public hearing on a street vacation. Council member Swanson suggested the residents meet with the Park Committee with a request to amend the park plan, which designates this road as a future trail connection to Lilleskogen Park.

**SPECIAL EVENT PERMIT – SAND LAKE BIKE TRAIL RIDE (JUNE 1, 2013)**

Tom Triplett, representing the Friends of Scandia Parks and Trails, requested a Special Event Permit for a community bike ride on the Sand Lake bike route. Signs were installed last fall, and this will be an inaugural ride to bring awareness to the route. The ride will start and end at the Hay Lake picnic shelter, where the Scandia-Marine Lions will serve refreshments.

**Lee, seconded by Ness, moved to approve the Special Event Permit for the Sand Lake Bike Trail Ride, with conditions as recommended by staff. The motion carried 5-0.**

**RESIGNATION AND REPLACEMENT OF FIRE CHIEF FINNEGAN**

On April 24, 2013, Chief Finnegan submitted his letter of resignation from the Fire Department, effective June 1, 2013. Finnegan indicated that he would stay on as Chief until a successor is appointed. Staff recommended applications for the position be sought from current department members. Interviews would be conducted, with an appointment made at the June 18 Council meeting.

**Simonson, seconded by Lee, moved to accept the resignation of Chief Finnegan effective upon the appointment of a successor and advertise the vacancy to internal applicants for two weeks. The motion carried 5-0.**

Council members thanked Chief Finnegan for his 17 ½ years of dedicated service to the Scandia Fire and Rescue Department.

**APPOINTMENT OF PROBATIONARY FIREFIGHTERS**

**Simonson, seconded by Lee, moved to approve the hiring of Travis Loeffler, Josh Pearl and Jeremy Porter as probationary firefighters, subject to passing a drug test and medical evaluation. The motion carried 5-0.**

**PURCHASE OF LIFT FOR PUBLIC WORKS GARAGE**

Maintenance Superintendent Kieffer presented quotes for the purchase of a lift for the public works garage. Kieffer explained that maintenance tasks and repairs could be performed safer and more efficiently with a lift. The purchase had been designated in the 2013 budget at a cost of \$15,000.

**Simonson, seconded by Swanson, moved to approve the purchase and installation of a Rotary SPO15 Lift from Pump and Meter Service, Inc. at a cost of \$12, 825.56. The motion carried 3-2, with Lee and Schneider opposed.**

### **STREET SIGN POLICY**

Maintenance Superintendent Kieffer explained that the Federal Highway Administration requires every city to adopt a replacement policy for signs that do not meet reflectivity standards. Council reviewed the policy prepared by staff. Keiffer reported that replacement of street signs could begin in the seal coat area this year, depending on available funds.

**Lee, seconded by Swanson, moved to adopt the Public Street Sign Policy as presented. The motion carried 5-0.**

### **AWARD BIDS FOR ROAD MAINTENANCE**

#### ***Gravel Bid***

Maintenance Superintendent Kieffer has scheduled aggregate resurfacing of Old Marine Trail from 185<sup>th</sup> Street to the southern border and Parade Avenue. Contractor bids for the gravel were solicited, with one quote received from MJ Raleigh Trucking at a cost of \$7.90/ton, for a base bid of \$24,253. Council member Schneider stated that other avenues should be pursued in order to obtain better pricing, such as checking with local contractors.

**Simonson, seconded by Swanson, moved to award the Aggregate Road Surfacing Project to MJ Raleigh Trucking. The motion was defeated 2-3, with Lee, Ness and Schneider opposed.**

Staff will re-bid the project and report back at a future meeting.

#### ***Patching Bid***

Keiffer explained that the bituminous removal and patching work on roads included in the seal coat project were done as a separate bid in hopes of obtaining better pricing. Three bids were received, with TA Schifsky submitting the low bid. This company also did the patching work on city streets in 2012.

**Lee, seconded by Swanson, moved to award the Bituminous Patching bid to TA Schifsky & Sons at a cost of \$29,400. The motion carried 5-0.**

#### ***Dust Control***

Keiffer reported that Engineer Goodman, Bolton & Menk, solicited bids for application of calcium chloride to selected gravel roads. The low bid was received by Envirotech Services at a cost of \$0.89 per gallon. Keiffer recommended a second application if funds in the road maintenance budget are available later in the season.

**Lee, seconded by Ness, moved to award the 2013 Chloride Application for Dust Control to Envirotech Services at a base quote of \$19,891.50. The motion carried 5-0.**

### **REDUCTION IN LANDSCAPING LETTER OF CREDIT FOR TII GAVO DEVELOPMENT**

Tii Gavo Development has requested a reduction in the Letter of Credit being held for trees that were planted in 2010 and have met the two year monitoring requirements. Planner Buss reported that her inspection verified the requirements of Tii Gavo's landscaping plan have been met. Staff recommended that a surety for the prairie plantings be included in the remaining value of the

Letter of Credit, in the event the developer fails to maintain the prairie areas. The costs include a 25% contingency on the remaining tree planting, prairie installation and three year maintenance of the plantings.

**Simonson, seconded by Swanson, moved to approve a reduction in the Tii Gavø Landscaping Letter of Credit to \$90,750. The motion carried 5-0.**

**JOINT DUST CONTROL APPLICATIONS AND GRAVELING OF 180<sup>TH</sup> STREET WITH MAY TOWNSHIP**

In 2011 the Council agreed to share in the cost of dust control applications to 180<sup>th</sup> Street with May Township, at a rate of once each season. The Town of May Engineer has inquired about sharing the cost of two dust control applications each season along with half the cost of graveling the road.

Administrator Handt noted that costs of the gravel are not yet known. The City's Dust Control Policy generally designates one annual application to gravel roads.

**Lee, seconded by Simonson, moved to make no change to the existing agreement and continue to pay for one-half the cost of one dust control application. The motion carried 5-0.**

**ADJOURNMENT**

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

The meeting adjourned at 9:33 p.m.

Respectfully submitted,

Brenda Eklund  
*Deputy Clerk*