

May 19, 2009

A regular meeting of the Scandia City Council was held on the above date. Mayor Seefeldt called the meeting to order at 7:00 p.m. The following council members were present: Council members Connie Amos, Pete Crum, John Lindell, Dolores Peterson and Mayor Dennis Seefeldt. Staff present: Administrator Anne Hurlburt, City Attorney Dave Hebert, City Planner Sherri Buss and Deputy Clerk Brenda Eklund.

PUBLIC FORUM

Stephen Anderson, recent appointment as William O'Brien State Park Manager, introduced himself to the Council and offered to work with the City on any pertinent issues concerning the Park.

APPROVAL OF AGENDA

There were several additions to the agenda: 8.b)3) Appointment of Jeff Beibl as Fire Department Training Captain; 9.e) Donation of park tables; 9.f) Council member Lindell's discussion concerning variance requirements. **Peterson, seconded by Amos, moved to approve the agenda as amended. The motion passed unanimously.**

APPROVAL OF CONSENT AGENDA

The following consent agenda was presented:

- a) Minutes
 - 1) April 6, Special Meeting, Board of Appeal and Equalization
 - 2) April 21, 2009 Special Meeting, Board of Appeal and Equalization Continuation
 - 3) April 21, 2009 Regular Meeting
 - 4) May 5, 2009 Special Meeting
 - 5) May 5, 2009 Meeting with Planning Commission
- b) Treasurer's Report

Beginning Balance 04/01/09		\$1,129,613.75
Receipts		+ <u>35,566.89</u>
Expenditures	\$85,677.56	
Payroll	<u>18,723.91</u>	- <u>104,401.47</u>
Ending Balance 04/30/09		\$1,060,779.17
- c) Payment of Vouchers
- d) Approve Hiring of Temporary/Seasonal Personnel
 - 1) Tennis Instructor
 - 2) Seasonal Parks and Grounds Maintenance Worker
- e) Approve Recommendations of Fire Department Study Committee
 - 1) Ordinance No. 117 Establishing the Scandia Fire and Rescue Department
 - 2) Position Descriptions (Chief, Assistant Chief, Captain and Firefighter)
 - 3) Fire Department Compensation (Resolution No. 05-19-09-01)
 - 4) Expense Policy (Resolution No. 05-19-09-02)
 - 5) Delegation of Authority for Emergency Response (Resolution No. 05-19-09-03)
- f) Approve Certificate of Compliance for Timothy & Julina Hosler, 22300 Olinda Trail (Resolution No. 05-19-09-04)

g) Appointment to the Design Standards Committee

Mayor Seefeldt added a condition to Resolution No. 05-19-09-04 to state that no oak trees be cut between April 15 and July 15 to reduce the possibility of spreading Oak Wilt disease.

Crum, seconded by Peterson, moved to approve the Consent Agenda as amended. The motion passed unanimously.

POLICE DEPARTMENT

Deputy Chris Majeski reported on the past month's police activity. Deputy Majeski presented plans for National Night Out being held on August 4. As was done last year, he will coordinate the event on the Community Center grounds, along with participation from the Fire Department. The event will run from 6:00 p.m. to 7:30 p.m. **Peterson, seconded by Amos, authorized Deputy Majeski and Fire Chief Finnegan to proceed with plans for National Night Out. The motion passed unanimously.**

FIRE DEPARTMENT

Fire Chief Jim Finnegan reported on the successful well testing at the Tiller gravel pit and low angle rescue training using recently purchased harness equipment.

Resignation of Volunteer Assistant Fire Chief Yehle

Assistant Fire Chief Steve Yehle has submitted his resignation from his position as Volunteer Assistant Fire Chief effective June 1, 2009 and from the Department effective July 1, 2009 due to medical reasons. **Peterson, seconded by Crum, moved to accept the resignation of Volunteer Assistant Fire Chief Steve Yehle from the Department. The motion passed unanimously.**

Appointment of Bill Havener as Volunteer Assistant Fire Chief

Fire Chief Finnegan has recommended the appointment of Bill Havener as Volunteer Assistant Fire Chief effective June 1, 2009 for a term ending March 1, 2011. **Peterson, seconded by Seefeldt, moved to appoint Bill Havener as Volunteer Assistant Fire Chief. The motion passed unanimously.**

Appointment of Jeff Beibl as Fire Captain

Fire Chief Finnegan has recommended the appointment of Jeff Beibl as Fire Captain to fill the position vacated by Bill Havener, effective June 1, 2009. **Peterson, seconded by Amos, moved to appoint Jeff Beibl as Volunteer Fire Captain. The motion passed unanimously.**

BUILDING/CODE ENFORCEMENT OFFICIAL

Building/Code Enforcement Official Steve Thorp submitted a written report on building and zoning activity within the past month.

CITY ADMINISTRATOR

Meister's Bar and Grill CUP – 2009 Events

The amended Conditional Use Permit for Meister's Bar and Grill, 14808 Oakhill Road, required the business to report outdoor events that may affect parking, traffic, noise and other issues that

concern the health and safety of the neighborhood. Scot Taylor, owner, submitted a list of their events for 2009.

Council expressed concerns about the Wrestling Event scheduled for May 30 and the indication that live music may be held any weekend from May to October, running until midnight. Council directed staff to send a letter to Mr. Taylor expressing disappointment about not attending the council meeting and also directing the business to hire additional security, preferably two off-duty sheriff deputies, to maintain order on the evening of the wrestling event. Mayor Seefeldt noted that the scheduled wrestling event is a significant change from the type of events that they have held in the past.

Council directed staff to begin researching an events ordinance which could govern these types of outdoor activities.

Eligibility for Community Development Block Grant Program

In 2000, Scandia entered into an agreement with Washington County which allows the County to receive federal Community Development Block Grant and HOME Investment Partnership Program funds on behalf of Scandia. These funds are used for activities primarily benefiting low- and moderate-income residents of the County. Remaining in the program allows Scandia's population to be counted when the allocation of funds is made, and would allow the funds to be used in Scandia for an eligible project. There is no obligation on behalf of the City to participate. Consensus of the council was to continue to participate in the program.

REQUEST FOR PROPOSALS FOR CONSULTING SERVICES, ZAVORAL MINING AND RECLAMATION PROJECT EIS (ENVIRONMENTAL IMPACT STATEMENT)

On March 3, the Council concluded that an Environmental Impact Statement is needed to determine Tiller Corporation's Zavoral Mining and Reclamation Project's potential for environmental impacts.

City Planner Sherri Buss presented a draft Request for Proposals (RFP) for consulting services for the preparation of the EIS for the Zavoral Project. A mandatory pre-proposal meeting will be held with all interested firms on June 3 at the Scandia City Hall. All RFP responses are due by June 19, and award of the contract is tentatively scheduled for the July 21 or August 4 Council meeting. It is anticipated that preparation of the EIS will take approximately one year to complete. Mike Caron, Tiller Corporation, stated that the consultant should have the opportunity to work with Tiller to use any existing data to the extent that it is available or applicable.

Crum, seconded by Peterson, moved to approve the issuance of the Request for Proposals for consulting services for preparation of the EIS. The motion passed unanimously.

REQUEST TO TRANSFER THE ANNUAL OPERATORS PERMIT FROM DRESEL CONTRACTING TO TILLER CORPORATION (RESOLUTION 05-19-09-05)

Tiller Corporation has recently acquired the Dresel mining site, which is located adjacent to Tiller's existing gravel and mining operation located on 218th Street. They have requested that the AOP issued to Dresel for the 2009 season be transferred to Tiller. The AOP would continue to be subject to the requirements of the CUP for the Dresel site. **Peterson, seconded by Crum,**

moved to adopt Resolution 05-19-09-05 Approving Transfer of the Annual Operating Permit for Sand and Gravel Mining and Processing from Dresel Contracting Inc. to Tiller Corporation. The motion passed unanimously.

AMENDMENTS TO THE 2009 BUDGET

The Council met on May 5 to discuss reductions in the 2009 budget due to the anticipated loss of the state's Market Value Homestead Credit, which could be a loss of up to \$64,000. Expenditure reductions and revenue increases were identified resulting in a net reduction of \$83,703 in property tax levy support. Council member Lindell stated that he would have preferred to see a real cost savings measure, rather than using estimates of budget numbers to determine lowered expenditures.

A draft resolution was presented to the Council for possible adoption, but consensus was to delay any formal amendment until more information on the extent of the MVHC reduction is available.

DISCUSSION OF LEGISLATION CONCERNING THE REQUIREMENTS OF A LEGAL NEWSPAPER

Council member Peterson presented a report on recent actions at the close of the legislative session which would lower the circulation requirements of a legal newspaper to 400 households. It is still necessary for the paper to maintain an office within the municipality's county, or the adjoining county within Minnesota. Council member Peterson directed City Attorney Hebert to contact a representative of the Minnesota Newspaper Association concerning this issue.

ACCEPT DONATION OF PICNIC TABLES

On behalf of LaRive Condominium, Scandia resident Diane Herman has offered the donation of six metal, commercial-type picnic tables to the City. The City will be responsible for moving the tables from their current location in Minneapolis. The Parks Committee will discuss the final location for the tables at their June meeting. **Peterson, seconded by Amos, moved to accept the donation of six picnic tables from LaRive Condominium, Minneapolis. The motion passed unanimously.**

DISCUSSION OF VARIANCE REQUIREMENTS

Council member Lindell felt that it is important to review the potential liability that a City may be subject to in granting a variance request. Council member Lindell felt that issuing a variance based on a hardship unique to the property could be a dangerous concept that may not hold up in court. Discussion among the Council and City Attorney Hebert came to the conclusion that the City is properly documenting facts and findings according to state statute and criteria.

Peterson, seconded by Amos, moved to adjourn the meeting.

The meeting adjourned at 8:20 p.m.

Respectfully submitted,

Brenda Eklund
Deputy Clerk