

September 4, 2007

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 councilmembers were present: Councilmembers Peter Crum, Michael Harnetty, Dolores Peterson, Donnette Yehle, Mayor Dennis Seefeldt. Staff present: Administrator Anne Hurlburt, City Attorney Dave Hebert, Deputy Clerk Brenda Eklund.

APPROVAL OF AGENDA

Mayor Seefeldt noted an addition to the agenda regarding parking of vehicles during the Taco Daze festivities on September 8th. **Michael Harnetty, seconded by Dolores Peterson, moved to approve the agenda as amended. The motion passed unanimously.**

RESOLUTION 09-04-07-01 : ORDERING PREPARATION OF ASSESSMENT ROLL

City Engineer Tom Peterson has calculated the final costs of the 2007 road improvement project. Of the total \$1,262,788.02 cost, \$351,870.89 is proposed to be assessed to benefitting property owners. An estimate of the assessment to property owners on collector streets now stands at \$1,205 per unit, and \$3,615 per unit for non-collector streets. The final amount is expected to be slightly higher once the final assessment roll is completed. City Attorney Hebert prepared a draft resolution which sets the interest rate on the assessments at 6% over 10 years. City Attorney Hebert explained that, as a guideline, the interest rate is set at least 2% over the current interest rate. The total interest cost on the bond issue that financed the project is 4.3371%. Mayor Seefeldt suggested setting the rate at 6.5%, as this should encourage property owners to pay off the assessment before certifying the payment to taxes. Consensus agreed that the 6.5% is a fair rate. Council suggested lowering the term from ten years to five as past assessments have been done. City Attorney Hebert explained that this is a comparatively larger assessment than past projects, and that the public hearing for the road project designated a ten year payment plan. **Michael Harnetty, seconded by Donnette Yehle, moved to adopt Resolution 09-04-07-01 Declaring Costs to be Assessed and Ordering Preparation of Proposed Assessment, with an amendment to designate an interest rate of 6.5%. The motion passed unanimously.**

REGULATORY SIGNAGE ON VARIOUS STREETS

MnDOT has recently completed traffic studies on various streets as requested by the Town Board in 2006. City Engineer Tom Peterson has obtained the following quotes for installation of the speed limit and warning signs on Mayberry Trail, Lofton Avenue, 228th and 230th Streets.

- Safety Signs \$2,001.00
- H & R Construction \$5,585.40

Councilmember Peterson asked why the public works department is not doing the sign installation as has been done in the past. Administrator Hurlburt explained that MnDOT's approval of the request was contingent on the submission of engineered plans. This is expected given the nature of the roads and number of signs necessary, and cost savings appear to be minimal. **Michael Harnetty, seconded by Pete Crum, moved to accept the quote from Safety Signs in the amount of \$2,001.00 for installation of regulatory and warning signs. Voting yes: Crum, Seefeldt, Harnetty, Yehle. Voting no: Peterson. Motion adopted.**

EMERALD ACRES -- PLAT EXTENSION REQUEST

Steve May, Scandia Development, LLC, has made a request to the council for an extension of preliminary plat approval for the Emerald Acres subdivision. Council agreed to add this discussion to the Planning Commission agenda.

PURCHASE OF PUBLIC WORKS TRUCK

Prior to the authorized purchase of the F-350 Ford pickup truck, Maintenance Supervisor John Morrison reviewed the available engine options and is recommending that the city not purchase the diesel engine version. Concerns of reliability, fuel economy and usage of the truck indicate that a 5.4L V8 engine would be a more suitable purchase. Elk River Ford will continue to honor the initial price quoted. The base price of a V8 gas engine is quoted as \$19,903 versus the diesel engine price of \$25,899. **Donnette Yehle, seconded by Dolores Peterson, moved to authorize the purchase of the 5.4 L V8 version of the F-350 truck at a price of \$25,381.80, including snowplow attachment and sales tax. The motion passed unanimously.**

PARKING ENFORCEMENT DURING TACO DAZE

Past years have shown potential problems of emergency vehicle access along 209th Street and near the Community Center due to the high number of parked vehicles blocking roadways and entrance points. Mayor Seefeldt suggested the posting of temporary “No Parking” signs to alleviate the congestion of parked cars. The Public Works staff will be directed to place these signs along the driveway curbs and on 209th Street, to emphasize the “No Parking” along the north side of 209th. Deputy Majeski will be on duty during Taco Daze and will also monitor vehicle parking.

The Planning Commission meeting was called to order at 7:30 p.m. The following members were present: Chairman Chris Ness, Christine Maefsky, James Malmquist, Kevin Nickelson and Peter Schwarz.

ORDINANCE 104 – DEFINITION OF BUILDING HEIGHT

As the current definition of Building Height as defined in Chapter 1, Section 2.1(29) is difficult to interpret and is different from the definition in the State Building Code, staff was directed to prepare an amendment having language more consistent with the state’s code. Administrator Hurlburt presented examples of height measurements utilizing the current and draft amendment language.

Chairman Ness opened the public hearing. *Pat Reicherts, 11133 189th Street*, commented that the easier the definition is to interpret, the better. As there were no additional comments, Chairman Ness closed the hearing to the public.

Commissioner Schwarz commented that the amendment is an improvement in language and that it would also be helpful to include a sketch along the sidebar of the definition showing an example of where measurements are taken. Commissioner Nickelson questioned why the

average of the peak is used. Administrator Hurlburt explained that it is a bulk issue; credit is given for pitch of the roofline. Commissioner Nickelson felt that although there are instances where this will allow for a taller structure, the language is an improvement. Clarification of the 25% grade issue was raised. Chairman Ness suggested that this can be addressed in future code discussions. Councilmember Peterson expressed her satisfaction with the draft ordinance. Mayor Seefeldt provided a photo of an example of a two-story walkout recently built in Scandia that appears excessively tall from a back view of the property. Mayor Seefeldt suggested that language addressing landscape screening should be mandatory in future code revisions. The Planning Commission unanimously recommended approval of the draft ordinance.

Dolores Peterson, seconded by Pete Crum, moved to accept the recommendation of the Planning Commission to adopt Ordinance 104 Amending Chapter 1, Section 2.1(29) of the Development Code Regarding the Definition of Building Height. The motion passed unanimously.

CONDITIONAL USE PERMIT AMENDMENT – BIG MARINE LAKE STORE

Pat Reicherts, owner of Big Marine Lake Store, located at 19261 Manning Trail, has applied for a conditional use permit amendment to allow an office use within the existing building. Mr. Reicherts explained his proposal to operate a mortgage business on the upper level of the store. He believes the space is appropriate for this type of business and adequate parking is available.

Administrator Hurlburt reviewed the Planner's findings stating that the proposed office use meets the CUP criteria. Scandia Building Official Steve Thorp has inspected the building and found it to meet all code requirements. The Planning staff included conditions under the original CUP granted in 2003 and also those listed by Washington County's Certificate of Compliance granted in 2004. Four additional conditions were added addressing code corrections, septic approval, parking and payment of all fees.

Chairman Ness opened the public hearing. *Mike White, 13310 188th Street*, asked if the Carnelian-Marine-St. Croix Watershed concerns have been resolved. Mr. Reicherts replied that the erosion control measures will be undertaken as soon as the ground freezes, as the Watershed recommended. As there were no additional comments, Chairman Ness closed the public hearing.

The Planning Commission discussed the erosion control measures and the need to add a condition stating that outstanding issues with the Watershed and the Washington Conservation District must be resolved by March 1, 2008. Mayor Seefeldt asked if the building must be handicap accessible. Building Official Thorp has confirmed with the state that, as the building is less than 3,000 square feet, handicapped access is not required. Commissioner Nickelson inquired about the wear coat application on the parking lot. Mr. Reicherts replied that this would be done as soon as funds become available. The Planning Commission unanimously recommended approval of granting the CUP amendment, with the addition of an erosion control deadline.

Dolores Peterson, seconded by Donnette Yehle, moved to accept the recommendation of the Planning Commission to approve Resolution 09-04-07-02 Granting a Conditional Use Permit for 19261 Manning Trail with an added condition to require all permit issues with the Watershed and the Soil and Water District be resolved by March 1, 2008. The motion passed unanimously.

VARIANCE, CONTINUED – BIG MARINE LAKE STORE

Pat Reicherts' variance application for installation of a second monument business sign at the Big Marine Lake Store was tabled at the August 7, 2007 meeting to allow for Mr. Reicherts to apply for an amendment to the store's original CUP which would allow a second business to operate out of the upper level of the store. Mr. Reicherts was granted approval for this business. Mr. Reicherts contends that attaching a sign to the storefront is not aesthetically pleasing in keeping with the historic character of the building, therefore constituting a hardship.

Administrator Hurlburt addressed the Planner's letter stating denial of the variance, in which a hardship cannot be justified. The Planner lists other options for signage which do not require a variance, such as reconfiguring the existing monument sign or to post the sign on the exterior of the building. Commissioner Nickelson stated the Planner's findings in which there are no grounds for a variance and that a decision should be made in keeping with the current ordinance. Councilmember Peterson asked if a sign could be added to the existing monument sign. Mr. Reicherts stated that the sign lacks sufficient space to do this. The Planning Commission unanimously recommended denial of the variance. Councilmember Peterson asked if the fee for the variance application could be waived as Mr. Reicherts should have been informed that it would be necessary to apply for a CUP amendment to allow for a second business. Administrator Hurlburt explained that multiple application fees are still necessary under this proposal.

Dennis Seefeldt, seconded by Pete Crum, moved to accept the recommendation of the Planning Commission to adopt Resolution 09-04-07-03 Denying the Variance Request for 19261 Manning Trail based on the following findings: 1) The subject property may be used in a reasonable manner for business purposes without a second monument sign; 2) There are no unique circumstances of the property that cause need for a second monument sign; 3) The regulations of the Ordinance allow other ways of placing signage for the second business, without a variance. The motion passed unanimously.

LANDMARK SURVEYING – SODERGREN PROPERTY

Bill Selb, Landmark Surveying, was present to discuss the procedure of dividing ownership of property owned by the Sodergren estate on Parrish Road. The Sodergrens wish to divide 83 acres in such a manner that the two new parcels would lie partially on both sides of Parrish Road. The road is not defined by an easement or right-of-way. City Attorney Hebert stated that this proposed division would essentially create four new lots and a plat submission would be

necessary. The surveyors do not agree with this and would like to carry out the division without a plat. A great deal of discussion between all parties resulted in a consensus to allow for the division by way of application of two minor subdivisions. The property north of Parrish Road could be divided by a minor subdivision, as would the parcel south of Parrish. Administrator Hurlburt advised that, for future development, park fees could be collected at the time a building permit is issued. Mayor Seefeldt proposed an agreement stating the conditions of the outbuildings on the original homestead be monitored and taken down at a point of disrepair.

WILLOWBROOK CHURCH

Chris Doehrmann, architect for Willowbrook Church, was present to discuss recent communication with the city regarding the anticipated CUP application for the building of the church on property located along the south shore of German Lake. A workshop with church representatives was held on August 16th involving City Council members Peterson and Yehle, Commissioners Maefsky and Nickelson, and staff members Hurlburt and Thorp. Definitions of the city's goals and expectations have been presented to the church's planners in an effort to assist in their design of the church.

Commissioner Maefsky provided excerpts from Scandia's current Comprehensive Plan in which expansion within the Village Center is encouraged. Maefsky stated that she is not comfortable with allowing a community focal point on the periphery of town. City Attorney Hebert advised that the Comp Plan does offer guidelines for development, but it is the Development Code that mandates. A place of worship is an allowed use within the Ag District, and with the adoption of Ordinance No. 102, now an allowed use within the Shoreland Overlay. Commissioner Ness stated that the Village Center does not adequately provide the necessary room for further development, and he is comfortable with the church's proposed location. Commissioner Malmquist stated his opinion that although he would like to preserve all open space, development cannot be stopped. He sees this as "one more nail in the coffin" in attempting to preserve rural character. Commissioner Schwarz stated that as the Village Center has no room to accommodate a structure this size, he sees the corner of Manning and Highway 97 as a prime location for future development. Schwarz stated that compared to a strip mall going in, a church could be considered "the lesser of two evils". Commissioner Maefsky reiterated her standing that this proposal works against the intent and vision of the Comp Plan; this sets up social and community expansion away from the Village Center. Commissioner Nickelson sees this proposal as promoting good growth and would not necessarily spawn further development within the immediate vicinity.

Councilmember Peterson stated that the Comp Plan is just a guideline; current zoning does allow for this church, which she feels would be a nice addition to the community. Councilmember Crum felt that churches do provide public good to the community in many ways; the church's plans have a more rural character than a housing development. Councilmember Yehle sees this as an allowed use in the Ag Zone; the Comp Plan contains good points, but is a guide only –

perhaps future ordinance revisions should be tailored to more closely follow this vision. Councilmember Harnetty sees this as a good addition to the city and is fine with the proposal at this point. Mayor Seefeldt stated that he sees a rural church as standing alone; as long as the layout and design minimally detract from the rural landscape, this is an appropriate proposal. Mayor Seefeldt did suggest that he would like to see the plan accommodate vehicle parking behind the structure. Mr. Doerhmann thanked the members for their feedback.

As an application for the building of the church has not yet been received, this discussion did not constitute approval. It was meant as a discussion to provide the church with guidance to the context of their plans.

EMERALD ACRES – EXTENSION OF PRELIMINARY PLAT

Steve May, Scandia Development LLC, has requested an extension of the preliminary plat approval for the Emerald Acres development. Section 6.2 (10) of the Development Code provides that the final plat shall be submitted within 180 days, or the approval of the preliminary plat shall be considered null and void, although the time limit may be extended if approved by the Council. The preliminary plat was approved on June 20, 2006. A 180-day extension was approved on December 19, 2006. This extension expired in June. The final plat has not yet been submitted. Mr. May was not present at this meeting.

Council and Commission discussed the fact that an extension would allow the original plan to proceed. In the past year, significant changes in the Development Code have been made, partly precipitated by the submission of this particular plat. These changes include adoption of a landscaping and tree preservation plan and new regulations for open space design subdivisions. Under state law, these ordinances could now be applied to this site if a new application were submitted. Wayne Moe, representative to the Comfort Lake-Forest Lake Watershed, stated the concern of potential negative impacts this development could have to Bone Lake. Consensus was to deny Mr. May's request for an extension, as the new ordinances should apply to this site.

Donnette Yehle, seconded by Pete Crum, moved to deny a request to extend the preliminary plat for the development known as Emerald Acres based on substantial changes in the Development Code and that one extension had previously been granted. The motion passed unanimously.

Dolores Peterson, seconded by Pete Crum, moved to adjourn.

The meeting adjourned at 10:30 p.m.

Respectfully submitted,

Brenda Eklund, Deputy Clerk