

February 16, 2016

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 Bob Hegland, Dan Lee, Chris Ness, Jim Schneider and Mayor Randall Simonson. Staff present: City Administrator Neil Soltis, City Planner Sherri Buss, City Engineer Ryan Goodman, City Attorney Andy Pratt, Police Deputy Brandon Yetter, Fire Chief Mike Hinz, Public Works Director Dave Williams and Deputy Clerk Brenda Eklund.

PUBLIC FORUM

There were no public comments.

RECOGNITION OF EMPLOYEES, BOARD AND COMMISSION MEMBERS

Retiring Volunteer Firefighters Debbie Peterson and Erich Kertzcher were recognized for their many years of dedicated service on the Fire Department. Outgoing Planning Commissioner Jan Hogle and Parks and Recreation Committee members Alex Bildeaux and Matt Rasmussen were recognized for their service to the community.

APPROVAL OF AGENDA

Hegland, 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) January 19, 2016 Regular Meeting
 - 2) February 1, 2016 Special Meeting
 - 3) February 3, 2016 Work Session
- b) Treasurer's Report

Beginning Balance 01/01/2016	\$3,257,774.10
Receipts	95,640.89
Expenditures \$131,324.59	
Payroll <u>\$30,323.93</u>	(161,648.52)
Adjustments: Bank Charge	(29.25)
State Surcharges 4th Qtr. 2015	(1,035.26)
HSA Deduction made in Feb. <u>2.00</u>	
Ending Balance 1/31/2016	\$3,190,703.96
- c) Payment of Vouchers
- d) Special Event Permit – Minnesota Ironman Bike event
- e) Application for Excluded or Exempt Lawful Gambling Permit, Scandia Women's Softball (March 18 and November 18, 2016)
- f) Application for Excluded Raffle Permit, Scandia Elementary PTO (April 8, 2016)
- g) Firefighter Pay Increase and Certification Bonus – Firefighter Josh Pearl
- h) Approval of Planning Commission Chair and Vice Chair

- i) Accept donation from Lions Club for Community Center Wi-Fi Router (Resolution No. 02-16-16-01)

Council member Ness questioned the installation cost for the donated router, and recommended a volunteer be lined up instead. The Council was in consensus to accept the donation on the basis of no installation costs.

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

PARKS AND RECREATION COMMITTEE

Parks and Rec Committee Chair Ryan Jinks presented the 2015 Annual Report as a review of the past year's accomplishments. The parking lot and curb cutouts at Lilleskogen Park were completed, and the park was designated as the site of a future Veterans Memorial. The Committee recommended approval for a Pollinator Planting Project, and youth winter and summer recreation programming was offered. Goals for 2016 include continued improvements at Lilleskogen Park, ballpark bleachers, and more focused Vinterfest planning.

PLANNING COMMISSION

Interim Use Permit and Variance for a Commercial Kennel at 16080 Scandia Trail North. Lee and Barbara Booth, Applicants (Resolution No. 02-16-16-02)

Planner Buss presented the Planning Commission's recommendation to approve an Interim Use Permit and Variance from the required well setback for a commercial kennel located at 16080 Scandia Trail North. A resolution with findings and conditions was prepared. Among the conditions are waste management procedures and a process for inspection of the site. The applicants may house up to 20 adult Yorkshire terriers and up to 5 litters of puppies per year. All kennel activities shall be confined to the house and deck area.

Council member Schneider asked if neighbors had any concerns. Buss stated that both those in favor and those with concerns spoke at the public hearing.

Ness, seconded by Lee, moved to adopt Resolution No. 02-16-16-02, Approving an Interim Use Permit and Variance for a Commercial Kennel at 16080 Scandia Trail North. The motion carried 5-0.

Ordinance No. 167: Amending the Development Code Regarding Non-Conforming Structures

Planner Buss presented the Planning Commission's recommendation to approve an amendment to Chapter 1, Section 13.3 of the Development Code regarding non-conforming structures. Buss explained that the language amendments clarify the definitions for replacement, restoration, alterations and expansion, and will make the process for approval of building replacements that meet Development Code requirements shorter and less costly.

Simonson, seconded by Schneider, moved to adopt Ordinance No. 167, amending the Development Code regarding non-conforming structures as presented. The motion carried 5-0.

Summary Publication of Ordinance No. 167: Resolution No. 02-16-16-03

Ness, seconded by Lee, moved to adopt Resolution No. 02-16-16-03, Providing for the Summary Publication of Ordinance No. 167. The motion carried 5-0.

Ordinance No. 168: Amending the Development Code Regarding Subsurface Septic Systems

Planner Buss presented the Planning Commission's recommendation to approve an amendment to Chapter 2, Section 3.1 of the Development Code regarding subsurface septic systems. Buss stated that the amendment adopts the County's septic ordinance and clarifies that the County will handle variances that relate to technical requirements of septic systems, and the City will handle those variances related to setbacks and zoning.

Simonson, seconded by Hegland, moved to adopt Ordinance No. 168, amending the Development Code regarding septic systems. The motion carried 5-0.

Summary Publication of Ordinance No. 168: Resolution No. 02-16-16-04

Ness, seconded by Lee, moved to adopt Resolution No. 02-16-16-04, Providing for the Summary Publication of Ordinance No. 168. The motion carried 5-0.

Ordinance No. 169: Amending the Development Code Regarding Uses in the Village Mixed Use A and B Districts

Planner Buss presented the Planning Commission's recommendation to approve amendments to Chapter 2, Sections 2.8 and 2.9 of the Development Code. Buss explained that the amendments reduce the number of uses that require Conditional Use Permits in the Village Zoning Districts and moves them to permitted uses, which lessens time and cost for businesses seeking to locate or expand in Scandia. Craft breweries and car wash uses were added, while cemeteries were removed.

Council member Schneider suggested that the term "permitted" be replaced with "allowed" to eliminate confusion that a permit is not needed for the business. Schneider also proposed that chiropractic clinics be added to the list of allowed uses, as medical and dental offices exist as approved uses. Mayor Simonson recommended that physical therapy be included as a type of medical office. Buss noted these are good changes and the Council was in consensus to the modifications.

Simonson, seconded by Ness, moved to adopt Ordinance No 169 as amended. The motion carried 5-0.

Summary Publication of Ordinance No. 169: Resolution No. 02-16-16-05

Simonson, seconded by Ness, moved to adopt Resolution No. 02-16-16-05, Providing for the Summary Publication of Ordinance No. 169. The motion carried 5-0.

BUILDING OFFICIAL

Building Official Chuck Preisler's building activity report was received. Nine permits were issued in January at a valuation of \$409,215.

POLICE DEPARTMENT

Deputy Yetter reported that there were no police incidences during the Vinterfest celebration. Scam reports have increased, mail tampering is being investigated, and residents are receiving notice that they should not be plowing snow across the roadways.

FIRE DEPARTMENT

Fire Chief Hinz reported that there were 10 calls in January – 2 fire and 8 EMS related. The department is pushing for new recruits as members are reaching retirement. The annual Fireball is scheduled for February 27th at the Community Center.

CITY ENGINEER

City Engineer Goodman announced that he will be attending the February 18th meeting of the NE Metro Water Summit in Hugo, related to the DNR's implementation plan on the White Bear Lake settlement. Council member Ness will also attend and was asked to provide an update at the next Council work session.

CITY ATTORNEY

City Attorney Pratt explained that he is available to provide a training session for public officials which could cover economic development, finance, code enforcement, land use, legislative updates and open meeting law. The 20-30 minute presentation could be scheduled for a future work session.

DIRECTOR OF PUBLIC WORKS

In addition to his written report, Public Works Director Williams stated that he was impressed with the community involvement during the recent Vinterfest celebration.

CITY ADMINISTRATOR

City Administrator Soltis reported that the County HRA is planning to rebid the Oakhill Cottages' storm shelter project using plans for a FEMA approved precast structure. Frontier Communications has received grant funds to improve broadband internet speeds within Scandia. Potential community solar gardens are in the process of submitting applications. The solar panels on the firehall are partially installed and should be completed by March. The auditors will be on-site and working with staff the first week of March.

ANNUAL OPERATING PERMIT FOR ZAVORAL MINE (RESOLUTION NO. 02-16-16-06)

Planner Buss provided an evaluation of Tiller Corporation's application for renewal of the Annual Operating Permit (AOP) for sand and gravel mining at their Zavoral Mine site. There were no compliance issues within the past year and air, noise, traffic and groundwater standards were not exceeded. Tiller is on schedule to complete mining operations in 2016 and will continue with reclamation activities. Buss reported that 511,870 tons of material was removed from the site in the past year, primarily during the winter and fall months.

The Washington Conservation District determined that no additional wetland boundary monitoring is required at the site and Buss stated that this condition was removed in the 2016

AOP. Traffic monitoring at the Lofton Avenue intersection also concluded that a 14-hour video log would only be required if there are issues or complaints.

On recommendation from the Sheriff's Department, a condition was added that no trespassing and no parking signs shall be installed at the fenced entrance to the site to diminish trespassers and avoid potential injuries.

Buss concluded the staff report with a recommendation to approve the AOP with 37 conditions prepared in a resolution.

Christina Morrison, Tiller Corporation, addressed the Council and introduced Mike Caron, Kirsten Pauly and Jason Husveth. Morrison reported that hauling and mining at the site is essentially completed as of this month with exceptional quality of the material. A total of 1.1 million tons of material were recovered, which correlated closely to the 1.2 million tons anticipated at the onset. Morrison stated that reclamation activities will continue throughout the year, and there is potential that an additional 10,000 tons of material may be recovered this year.

Simonson, seconded by Hegland, moved to adopt Resolution No. 02-16-16-06, Approving the Annual Operating Permit of Tiller Corporation for the Zavoral Mine and Reclamation Project. The motion carried 5-0.

ANNUAL OPERATING PERMIT FOR SCANDIA MINE (RESOLUTION NO. 02-16-16-07)

Planner Buss provided an evaluation of Tiller Corporation's application for renewal of the Annual Operating Permit (AOP) for sand and gravel mining and processing at their Scandia Mine site. The City received a complaint regarding berming and screening on the north side of the mine – a resident stated that material piles were visible from his property. Administrator Soltis provided photos he had taken from the property owner's backyard which showed trucks adding to the stockpiled material and visible above the existing conifer berm. Tiller provided a written response that it is impractical to provide a 100% screen and reasonable efforts have been made to minimize visual impacts to the extent practical. The stockpiling activity will be coming to an end and any additional add-rock will be placed laterally on the site.

Buss explained that a wetland impact had occurred years ago on the mining area owned by Dresel. The wetland area was delineated but the follow up to mitigate the impact had never been carried out and a deadline never established. Tiller has a plan to mitigate through a strategy of "wetland banking credits" at a ratio of 2.5:1. Buss stated that this was made a condition of the AOP.

Buss concluded the staff report with a recommendation to approve the AOP with 11 conditions prepared in a resolution, and asked the Council for direction to address the screening complaint.

Council member Hegland noted that it appears to be more easily seen in the winter and temporary in nature according to the schedule, therefore a nonissue at this point. Mike Caron,

Tiller Corporation, stated that the stockpile will not grow vertically beyond where it is now. Mayor Simonson said that Tiller has made attempts to minimize visual impacts and has a plan to not increase its height.

Simonson, seconded by Hegland, moved to adopt Resolution No. 02-16-16-07, Approving Annual Operating Permit of Tiller Corporation for the Scandia Mine Site. The motion carried 5-0.

TILLER SCANDIA MINE WETLAND REPLACEMENT PLAN

Jed Chesnut, Washington Conservation District, presented Tiller's application for the Scandia Mine Wetland Replacement Plan. A wetland impact had occurred on the mining area previously owned by Dresel prior to 2008, and follow up to mitigate the impact had never been carried out. Chesnut reported that Tiller will complete the compensatory mitigation through the purchase of wetland banking credits at a ratio of 2.5:1, for a replacement area of 5,072.5 square feet. Chesnut stated that replacement of the wetland at the site is not practical and wetland bank credits will be purchased from an account in Freeborn County, as no credits are available in Washington County at this time.

Simonson, seconded by Hegland, moved to approve Tiller Corporation's Wetland Replacement Plan as presented. The motion carried 5-0.

POLLINATOR FRIENDLY RESOLUTION (RESOLUTION NO. 02-16-16-08)

As discussed at the February 3rd Work Session, staff revised the resolution that designates the City as pollinator friendly; the statement that the City would prepare an annual progress report was replaced with language that the City endeavor to communicate its efforts to enhance pollinator habitats to the public.

Council was in consensus that it is a good idea for Scandia to join the Minnesota cities that have declared to be pollinator friendly.

Simonson, seconded by Lee, moved to approve Resolution No. 02-16-16-08, to Participate and Endorse Local Pollinator Friendly Efforts. The motion carried 5-0.

Pam Arnold, local beekeeper at 16560 220th Street, addressed the Council with appreciation that the City is taking steps to protect and enhance habitats for bees. Arnold noted that in addition to neonicotinoid pesticides, pyrethroid insecticides commonly used for mosquito control, are also toxic to bees.

SOLAR POWER PURCHASE AGREEMENT WITH NOVEL ENERGY SOLUTIONS

Administrator Soltis explained that Novel Energy Solutions is in the process of installing solar panels on the Firehall/Public Works rooftop. An agreement to formally accept the terms was reviewed by legal staff and recommended for approval. Under the 20-year term, the City will receive a 15% discount on electrical usage at the building, with the option to purchase the system

at year 6, 10 and at the end of the term. Soltis estimated annual savings of \$3,000 once the panels are operational.

ST. CROIX FESTIVAL THEATRE REQUEST – COMMUNITY CENTER USE

Heather Rutledge, St. Croix Festival Theatre, has requested a reduced rental rate for staging a production of the “Grapes of Wrath” at the Community Center. Nine shows, along with additional days for tech set-up, are scheduled in April. Rutledge explained that because of the length of the run, the \$150/day rate (the non-profit rate) is a burden for the Theatre; she proposed an alternative payment of \$50 per day along with a \$1 per ticket sold. Administrator Soltis noted that there is a benefit to bringing in a large number of people to Scandia and an opportunity to recover most of the full fee. Mayor Simonson said that this is a successful theatre with a large following and an opportunity to showcase Scandia and offer support to the local businesses.

Simonson, seconded by Lee, moved to accept the reduced rental fee of \$50/day along with \$1 per ticket sold. The motion carried 5-0.

GEOTECHNICAL SERVICES FOR LOG HOUSE LANDING BOAT RAMP PROJECT

City Engineer Goodman presented quotes for soil boring work at the Log House Landing boat launch. The results of analyzing subsurface materials will facilitate the design for the improvement project.

<u>Contractor</u>	<u>Quote</u>
Northern Technologies, Inc. (NTI)	\$2,250.00
American Engineering Testing, Inc. (AET)	\$2,900.00
Braun Intertec	\$4,091.50

Goodman recommended NTI be awarded the work.

Simonson, seconded by Hegland, moved award the geotechnical services work for the Log House Landing Boat Ramp Project to NTI. The motion carried 5-0.

Staff noted that this cost will be shared 50/50 with the Carnelian-Marine Watershed in accordance with the project agreement.

ADJOURNMENT

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

The meeting adjourned at 8:40 p.m.

Respectfully submitted,

Brenda Eklund
Deputy Clerk