

February 21, 2012

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 Connie Amos, Chris Ness, Jim Schneider, Sally Swanson and Mayor Randall Simonson. Staff present: City Administrator Anne Hurlburt, City Attorney Tom Miller, City Engineer Ryan Goodman, City Planner Sherri Buss, Police Deputy Chris Majeski, Fire Chief Jim Finnegan, Treasurer Colleen Firkus and Deputy Clerk Brenda Eklund.

### **APPROVAL OF AGENDA**

Mayor Simonson requested that the Fire Department report be moved up in the order of the meeting. There were no objections. **Simonson, seconded by Ness, moved to approve the amended agenda. The motion carried 5-0.**

### **PUBLIC FORUM**

Roger Thomasen, 14757 Oren Road, addressed the council with his dilemma to construct an agricultural building for his farm equipment. Mr. Thomasen farms approximately 350 acres, but the standards for accessory structures do not permit him to build the size building that he needs for storage of his equipment on the 40-acre parcel in his ownership. Mr. Thomasen stated that he could pursue a variance, but there is no guarantee that it would be approved. Mr. Thomasen requested the council consider the limitations the ordinance has on the square-footage of buildings used for agricultural purposes. Mr. Thomasen provided copies of ordinances from surrounding communities that indicated that the size of his proposed storage building would be allowed. The council will discuss this issue at their work session meeting on March 13, 2012.

### **FIRE DEPARTMENT**

Fire Chief Jim Finnegan reported that the department responded to thirteen calls in January, five which were fire related and eight rescue calls. The Lakeview ambulance service continues to be stationed at the fire hall. A final decision has not yet been made by the EMSRB on the licensing of the service. The fire department will be conducting school bus extrication training jointly with the Forest Lake fire department. An education training grant was received for this class. The annual Fire Ball fundraising event will be held at the Community Center on February 25, 2012.

### ***Amendments to Fire Department Operational Policy and Firefighter Position Descriptions and Authorize Advertisement for Probationary Firefighters***

At the February 14 Council work session, the Fire Chiefs discussed their recommended changes to the department's operational policy and job descriptions. The changes included reducing the probationary period to 12 months, and requiring an eight-minute response time to the fire station. A timeline for the recruitment process was reviewed, with new volunteer firefighters being appointed at the May 15 Council meeting. **Ness, seconded by Amos, moved to approve the amendments to the Fire Department Operational Policy and Firefighter position descriptions, and authorize advertising and recruiting for Probationary Firefighters. The motion carried 5-0.**

**RECOGNITION OF RETIRING FIREFIGHTERS KENT SWENSON AND GREG JOHNSON**

On behalf of the City Council, Mayor Simonson presented framed certificates of appreciation to retiring Volunteer Firefighters Kent Swenson (24 years of service) and Greg Johnson (23 years of service). The meeting was briefly recessed for a cake and coffee reception.

**APPROVAL OF THE CONSENT AGENDA**

The following Consent Agenda was presented:

- a) Minutes
  - 1) January 17, 2012 Regular Meeting
  - 2) February 14, 2012 Work Session
- b) Treasurer's Report

Beginning Balance 01/01/2012	\$2,689,028.98
Receipts	+ <u>29,022.20</u>
Expenditures \$104,070.00	
Payroll <u>33,497.30</u>	- 137,567.30
Adjustments: Sales Use Tax	- <u>41.00</u>
Ending Balance 01/31/2012	\$2,580,442.88
- c) Payment of Vouchers
- d) 2012 Pay Equity Report
- e) Special Event Permit, Meister's Bar and Grill (May 19, 2012)
- f) Application for Excluded or Exempt Lawful Gambling Permit, Scandia Women's Softball (March 30 and November 16, 2012)

**Ness, seconded by Amos, moved to approve the Consent Agenda as presented.**

Mayor Simonson noted his concern regarding Meister's Special Event Permit which will include a motorcycle run on May 19, 2012. Mayor Simonson asked owner Scot Taylor to communicate safety and speed limit compliance to the participants. Mr. Taylor stated that he will do his best to enforce lawfulness.

**Council voted 5-0 to approve the Consent Agenda as presented.**

**PARK AND RECREATION COMMITTEE**

***Appointment of Chair and Vice Chair for 2012***

At their February 6 meeting, the Committee voted Alex Bildeaux as Chair and Mike White as Vice Chair for 2012. **Ness, seconded by Schneider, moved to approve the Park and Recreation Committee's selection of Alex Bildeaux as Chairperson and Mike White as Vice Chairperson for 2012. The motion carried 5-0.**

***Appointment of Park and Recreation Committee Member Nancy Hall-Morris***

Nancy Hall-Morris has submitted an application to fill a vacancy on the Park and Recreation Committee. The term will end on February 1, 2014. Council member Swanson noted that the Committee now has a full roster of seven members. **Simonson, seconded by Swanson, moved**

**to appoint Nancy Hall-Morris to fill an unexpired term on the Park and Recreation Committee, ending in 2014. The motion carried 5-0.**

### ***Community Market***

Council member Swanson, liaison to the Park Committee, reported on the decision to expand the Community Market for 2012. The Market will be held on Wednesdays from 4:00 p.m. to 8:00 p.m. from June through September, plus an “October Fall Festival”. A logo and poster has been designed to promote the Market. The Committee recommended the vendor rates be set at \$15 per night, with a maximum of \$45 for the season. **Simonson, seconded by Swanson, moved to approve the vendor fees as recommended by the Park and Recreation Committee. The motion carried 5-0.**

### **BUILDING OFFICIAL**

The Council received Building Official Keith Wille’s report for the month of January. There were no questions.

### **POLICE DEPARTMENT**

Police Deputy Chris Majeski reported that he is investigating cases of fraud, a theft, and two dog bite cases.

### **CITY ENGINEER**

#### ***Anderson-Erickson Wastewater System Study***

City Engineer Ryan Goodman presented a status report on the study of the possible expansion of the Anderson-Erickson portion of the 201 Wastewater Treatment System. The final report should be completed by early March. The study was initiated in response to an application for a variance to allow construction of a new home on Big Marine Lake. The new home and a home next door would both need new sewer service. Initial findings conclude that unless long-term upgrades and repairs are carried out, additional connections are not recommended. City Engineer Goodman noted that there are at least 9 seasonal properties connected to the system that could become year-round, thus increasing the flow to the system. The full report should be available by the March 13 Council work session, at which time conclusions and potential upgrade options and costs will be discussed.

### **CITY ATTORNEY**

City Attorney Tom Miller summarized the matters in which he has provided legal services for the City to the present date. The Council accepted the report.

### **CITY ADMINISTRATOR**

#### ***February 28 Special Meeting on Zavoral Mining and Reclamation Project DEIS (Draft Environmental Impact Statement)***

City Administrator Hurlburt reviewed the draft agenda for the February 28 Special Council meeting at which the Council will be asked to approve the release of the Zavoral Mining and Reclamation Project Draft EIS for the formal public review and comment period. City Administrator Hurlburt reminded the Council that it is important that questions be taken only as they pertain to the review process and not in regard to the adequacy of the study. Formal

comments will be accepted for a 60-day period beginning on March 19, 2012. A public information meeting is scheduled for the Planning Commission meeting on April 3, 2012. Every comment will be recorded in detail at this meeting. The release of the final version of the EIS is dependent on the time needed to address all comments.

**APPROVAL OF 2012 OPERATING BUDGET, FOREST LAKE CABLE COMMISSION  
(RESOLUTION NO. 02-21-12-01)**

The Forest Lake Cable Commission's 2012 budget was reviewed according to the Joint Powers Agreement, which Scandia is part of. **Simonson, seconded by Ness, moved to adopt Resolution No. 02-21-12-01, Approving 2012 Budget of Forest Lake Cable Commission. The motion carried 5-0.**

**ANNUAL OPERATING PERMITS (AOP) FOR GRAVEL MINING AND PROCESSING  
Bracht Bros., Inc, 185<sup>th</sup> Street (Resolution No. 02-21-12-02)**

Bracht Bros., Inc. has applied for an Annual Operators Permit for its existing sand and gravel mine located on the north side of 185<sup>th</sup> Street, east of Oakgreen and west of Old Marine Trail. The site is 40 acres in size, with mining conducted on approximately 25 of these acres.

City Planner Sherri Buss summarized the staff report which evaluated the operating conditions of the past season. The operation is in compliance with the conditions of the Conditional Use Permit (CUP). Very little active mining was done in 2011 and the operation is generally in the reclamation phase. Natalie Fitzpatrick, Applicant, indicated that activities this season will focus on removing stockpiled material and completing reclamation of the site.

This year's AOP includes a staff recommendation that Bracht shall provide for all applications of dust control to approximately 600 feet along 185<sup>th</sup> Street. Last year the Council determined that the City would cover the cost of the first application, and any subsequent dust control applications would be the responsibility of Bracht. Historically, Bracht has paid for dust control along a portion of 185<sup>th</sup> Street. One application of calcium chloride dust suppressant was applied in 2011, and there were no complaints to warrant a second application.

**Simonson, seconded by Amos, moved to adopt Resolution No. 02-21-12-02, Approving Annual Operating Permit Application of Bracht Bros., Inc. for Sand and Gravel Mining.**

Council discussed the terms of the resolution. Council member Ness asked for an estimate of mining activity for the 2012 season. Kristen Pauly, Sunde Engineering, replied that Bracht intends to operate at a similar capacity as 2011, which averaged about 3 truck loads per day from the site. Ms. Pauly requested that the same dust control conditions as 2011 be approved for this season due to the minimal truck activity. Ms. Fitzpatrick agreed that it would be fair to have the City apply the first dust control application as there is more residential traffic along the road than gravel trucks hauling material. Council member Schnieder stated that it would be reasonable to approve the same dust control conditions as last year. Council member Ness agreed with this position.

**Schneider, seconded by Ness, moved to amend the Simonson/Amos motion to modify Resolution No. 02-21-12-02 to state that the City would provide for the first application of dust control and Bracht would be responsible for subsequent applications if needed. The motion carried 4-1, with Simonson opposed.**

**Council voted to adopt Resolution No. 02-21-12-02 as amended. The motion carried 5-0.**

***Tiller Corporation, 22303 Manning Avenue (Resolution No. 02-21-12-03)***

Tiller Corporation has applied for an Annual Operating Permit (AOP) for an existing sand and gravel mine located on Manning Avenue near 225<sup>th</sup> Street. The operation includes mining, processing and an asphalt hot-mix plant on approximately 435 acres.

City Planner Sherri Buss summarized the staff report which evaluated the operating conditions of the past season. The Applicant is in compliance with the conditions of the Conditional Use Permits for both the Tiller site and the adjacent Dresel site which Tiller purchased in 2009. No processing activity occurred at the site in 2011; however the 2012 production schedule includes full processing activity. Mining into the groundwater began at the site in 2009. Excavation depth to date is approximately 15 feet into the groundwater table, with no groundwater mining occurring in 2011.

City Planner Buss noted a few aspects of the trucking operations that received complaints during the past year. Trucks were using engine braking along the TH 97 and Lofton Avenue route. Tiller was notified that Scandia prohibits engine braking and Tiller informed the independent truck operators that they would be dismissed if Tiller witnessed this action. Due to a complaint during extended operating hours last summer, future requests for extended hours will be accompanied by a truck haul route. In February 2012, complaints about uncovered loads and spilling were received by the City. Tiller was notified that haul trucks are required to be covered. Conditions were written into the AOP to address these complaints.

Mike Caron, Tiller Corporation, requested that language in Condition 3 be modified to read that "Haul loads shall be secured according to state requirements". Mr. Caron explained Minnesota Statute 169.81 pertaining to the securing of loads. Depending on the configuration of the truck and the level of the haul material, not all loads need to be secured by a tarp. Mr. Caron acknowledged that the independent contractors may be resistant to covering all loads as long as they are compliant to state law, and that they are working with their loaders to ensure compliance. Deputy Majeski stated that he recently issued warnings to truck operators that were in violation, and noted that not all trucks he stopped were going to the Tiller Mine.

Staff recommended approval the AOP with the revised language in Condition 3.

**Simonson, seconded by Amos, moved to approve Resolution No. 02-21-12-03 Approving Annual Operating Permit for Tiller Corporation for Sand and Gravel Mining Operation, with revised language in Condition 3. The motion carried 5-0.**

**REQUEST FOR WAIVER OF COMMUNITY CENTER RENTAL FEES, JENNIFER STERNER**

Jennifer Sterner, 1132 Sunset Bay, Woodbury MN, has reserved the Community Center for March 31 at the non-resident rate of \$475. The scheduled event will be a benefit fundraiser for her mother-in-law's medical costs for a kidney transplant. Ms. Sterner addressed the Council with a request that the rental fee be waived and refunded in order to maximize the funds available to assist Pat Sterner. The Community Center Rental Policy does not allow for any waiver for this type of charitable event. City Attorney Miller advised that waiving the fee for this event could be considered a gift or donation, which the city is not allowed to make.

Ms. Sterner asked if the family could provide some type of service to the community in lieu of the rental fee. The Council discussed a service in lieu of payment, but concluded that it would be difficult to estimate an equivalent value and having volunteers do physical labor on city property becomes a liability issue.

City Administrator Hurlburt recommended that the family substitute a Scandia resident as the contract renter so that the resident rate of \$200 could be applied. Ms. Sterner thanked the Council for their consideration of her request, and will inquire about a substitute renter.

**AGREEMENT WITH WASHINGTON COUNTY FOR OPERATION AND MAINTENANCE FOR THE 201 COLLECTOR SYSTEM**

A revised contract with Washington County for operation and maintenance of the 201 community collector sewer system has been prepared which contains indemnity language acceptable to both the City and County. As the County will be phasing out their role and the city will be taking over the operation of the Anderson-Erickson portion, the agreement allows for a 30-day notice of termination. Staff recommended approval of the agreement. **Ness, seconded by Swanson, moved to approve the Community Wastewater Treatment System Operation and Maintenance Agreement with Washington County. The motion carried 5-0.**

**ZONING REGULATIONS CONCERNING ADVERTISING SIGNS FOR COMMUNITY EVENTS**

Council member Swanson requested a discussion about the current regulations governing advertising signs for community events. Swanson was concerned that rules are too restrictive for advertising for events such as the seasonal Community Market. Signs of this type are allowed to be in place for no more than 10 days preceding the event. No more than 3 signs advertising the same event are permitted. City Administrator Hurlburt stated that the entire season of the Community Market could be interpreted as one event. City Attorney Miller confirmed that this is a supportable determination. Council agreed that this is reasonable and that three sign locations should be adequate. No changes to the current zoning code were recommended.

**AGREEMENT WITH BOLTON & MENK, INC. FOR PROFESSIONAL SERVICES, UPTOWN WASTEWATER SYSTEM IMPROVEMENTS**

Bolton & Menk completed the Uptown Wastewater System Master Plan in 2011 and identified a number of improvements which are included in the 2012 budget. An agreement to allow Bolton

& Menk to perform the services of the project was reviewed. Brian Malm was identified as the Project Manager. Staff recommended approval of the agreement. **Ness, seconded by Swanson, moved to approve an Agreement for Professional Services with Bolton & Menk for the Uptown Wastewater System Improvements Project. The motion carried 5-0.**

**ADOPT GASB 54 FUND BALANCE POLICY (RESOLUTION NO. 02-21-12-04)**

The Government Accounting Standard Board (GASB) released Statement “54” which requires more structured classifications for reporting fund balances. GASB 54 does not change how the City conducts financial business. It is related to how fund balances are presented in the annual financial statements. **Simonson, seconded by Amos, moved to adopt Resolution No. 02-21-12-04 Establishing Fund Balance Policies as Required by GASB 54. The motion carried 5-0.**

**AMENDMENT TO PERSONNEL POLICY (RESOLUTION NO. 02-21-12-05)**

The Council amended the Fire Department Operational Policy to reduce the probationary period for new firefighters from 24 to 12 months. A corresponding change to the city’s Personnel Policy was required. **Simonson, seconded by Amos, moved to adopt Resolution No. 02-21-12-05 Amending the Personnel Policy of the City of Scandia. The motion carried 5-0.**

**ESTABLISHMENT OF WASTEWATER ADVISORY COMMITTEE**

At the February 14 Council work session, the Council approved the creation of an advisory committee for wastewater issues. Council discussed the specific make-up of the group and agreed on the following appointments:

- 3 Council members (Ness, Schneider, Swanson)
- 2 citizens with technical expertise related to medium or large size SSTS
- 2 residential user representatives of the 201 system
- 2 business or institutional user representatives of the Uptown System
- 1 Planning Commission representative
- Ex-officio staff members to include City Engineer, Maintenance Superintendent, and City Administrator

Council agreed that the mission of the committee is to advise the City Council on matters regarding the “201” and “Uptown” wastewater systems including long-range and short-range planning for operations, maintenance, improvement, expansion and financing.

Staff will begin to advertise for members of the committee.

**REQUEST FOR RIGHT OF ENTRY AUTHORIZATION FOR WATERCRAFT INSPECTIONS, MINNESOTA DEPARTMENT OF NATURAL RESOURCES**

The DNR has requested authorization for watercraft inspections related to aquatic invasive species at the Goose Lake and St. Croix River/Log House Landing accesses. **Simonson, seconded by Ness, moved to authorize the Mayor and Administrator to sign the Right of Entry Agreement with the Minnesota DNR. The motion carried 5-0.**

**ADJOURNMENT**

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

The meeting adjourned at 9:10 p.m.

Respectfully submitted,

Brenda Eklund  
*Deputy Clerk*