

March 21, 2017

A regular meeting of the Scandia City Council was held on the above date. Mayor Maefsky 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, Chris Ness, Steve Kronmiller, Jim Schneider and Mayor Christine Maefsky. Staff present: City Administrator Neil Soltis, City Planner Sherri Buss, City Engineer Ryan Goodman, City Attorney Andy Pratt, Police Deputy Brandon Yetter, Public Works Director Adam Hawkinson and Deputy Clerk Brenda Eklund.

PUBLIC FORUM

Kim and Matt Burke said they wanted to speak about dust control, and were informed that discussion on dust control is Agenda Item 9.c) and they could make comments at that time.

APPROVAL OF AGENDA

Ness, seconded by Kronmiller, moved to approve the agenda as presented.

Council member Schneider said he noticed that the items listed on the agenda differ from what is in the meeting packet, giving as an example Agenda Item 9.e) Communication Policy having a sub-item 9.e)1) in the meeting packet as a document referencing the Log House Landing. Administrator Soltis clarified that the Log House Landing document is included as an example for the discussion of a communication policy only and is not an action item.

A vote was taken on the above motion. The motion carried 5-0.

CONSENT AGENDA

The following Consent Agenda was presented:

a) Minutes

- 1) February 21, 2017 Regular Meeting
- 2) February 21, 2017 Special meeting
- 3) March 1, 2017 Work Session

b) Treasurer's Report

Beginning Balance 2/1/2017	\$3,240,342.49
Receipts	\$24,170.79
Expenditures \$180,442.95	
Payroll <u>\$25,044.89</u>	\$(205,487.84)
Adjustments: HSA Deduction	\$(2.00)
State Surcharges 4th Qtr 2016	\$816.77
Sales & Use Tax 2016	\$20.00
Correct receipt	<u>\$0.08</u>
Ending Balance 2/28/2017	\$3,059,860.29

c) Payment of Vouchers

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

PARKS AND RECREATION COMMITTEE

Program Agreement with Girl Scouts of MN and WI River Valleys for Summer Recreation Programs

Parks and Recreation Committee Chair Ryan Jinks stated that the Committee has recommended a continued partnership with Camp Lakamaga for summer recreation programs for youth. Council was in consensus to approve the agreement as presented, with cost sharing the program revenue as 80% to the Girl Scout Council and 20% to the City.

Appointment of Parks and Recreation Committee Chair and Vice Chair

At their March 6th meeting, the Parks and Recreation Committee voted Ryan Jinks as Chairperson and Terry Gorham as Vice Chairperson.

Schneider, seconded by Hegland, moved to approve Jinks as Chair and Gorham as Vice Chair of the PRC for 2017. The motion carried 5-0.

PLANNING COMMISSION

Variances for 23271 Lofton Court North. Joe Ackerman, Applicant (Resolution No. 03-21-17-01)

Planner Buss presented the recommendation from the Planning Commission's March 7th meeting to approve variances to permit construction of a single-family dwelling that is 78' from the Ordinary High Water Level of Bone Lake and 15' from the top of the bluff at 23271 Lofton Court.

Planner Buss explained that the applicant was approved for similar variances in 2009, but the home was not constructed and the variance expired. With this application, Ackerman proposed moving the house 18' closer to the lake to accommodate a septic system on the road side of the lot that meets County Ordinance requirements. Upon review, it was determined that the house could meet the 78' setback and still have space for an approved septic system and backup. A revised survey showing this setback was received on March 10th and reviewed by Buss. Buss explained that the deck along the lakeside was increased significantly on the 2017 plans, and the applicant fulfilled the request to reduce its size and design as to what was approved on the 2009 plans.

A resolution for approval with findings and 8 conditions was presented. Conditions included submission of a grading plan to address the County's recommendations, a Watershed Permit with shoreline buffer, and an escrow deposit to guarantee removal of an existing garage when construction of the site is completed.

Council member Schneider questioned the setback of nearby homes. Buss stated that surrounding properties have homes 75' to 85' from the lake, and this approval will maintain consistency with the neighborhood.

Ness, seconded by Schneider, moved to approve Resolution No. 03-21-17-01, Approving a Variance for 23271 Lofton Court North. The motion carried 5-0.

BUILDING OFFICIAL

Building Official Chuck Preisler's building activity report was received. In February, 14 permits were issued at a valuation of \$809,591.60.

POLICE DEPARTMENT

Police Deputy Brandon Yetter reported that he has been conducting traffic control along Highway 97 in response to complaints that commuters are speeding. Yetter said he has been accompanied by a recruit in-training for the past few weeks.

FIRE DEPARTMENT

The fire department activity report was received. There were 17 calls in February; 4 fire related and 13 medical.

CITY ENGINEER

City Engineer Ryan Goodman provided the engineering report. He had met with staff to review and develop road projects for the 2018-2022 Capital Improvement Plan.

CITY ATTORNEY

City Attorney Andy Pratt reported that he is following legislative action that may affect cities. Arguments for a Wisconsin land use case related to using zoning to force the consolidation of lots were recently heard by the U.S. Supreme Court.

DIRECTOR OF PUBLIC WORKS

Public Works Director Adam Hawkinson reported that the crew responded to tree removal in the right-of-way due to high winds earlier in the month. He said he would like to work on dead tree removal throughout the year as part of a forest management plan. Hawkinson said he would like to provide resident communication about mailbox placement, since mailboxes that were damaged during snowplow operations this winter were all outside of height requirements. Building maintenance continues, with 45 burned out fluorescent lights replaced in the Community Center and office area. In answer to an inquiry on replacement to LED lighting, Administrator Soltis replied that the payback period in energy savings for switching the Community Center lights to LED would not be favorable due to the limited use of most areas in the building.

ADMINISTRATOR'S REPORT

Administrator Soltis reported that the auditors completed their work on 2016 finance records on March 6 and 7 which went quite well. The year ended with a \$25,496 General Fund surplus. In preparation for the Board of Appeals on April 10th, Soltis provided a chart of valuation trends since 2013 with most properties showing increases of 0.1-5% in valuation and with many having no change. The first meeting of the Comprehensive Plan Steering Committee was held on March 9th, with the next meeting scheduled for April 20th.

Mayor Maefsky suggested that the materials found on the City's website regarding the Comprehensive Plan process should also be added to the Bolton & Menk site. Soltis offered to work with the consultant to simplify the process of finding information. Maefsky had questions

on the bills before the state legislature that could affect Scandia, and Soltis will continue to follow and report on them.

AWARD BID FOR THE 2017 CRACK FILLING PROJECT

Last month the City approved the plans for the 2017 Crack Filling Project. City Engineer Goodman presented the following quote summary:

<u>Company</u>	<u>Total</u>
Astech Corp.	\$32,200.00
Allied Blacktop Company	\$33,800.00
Gopher State Sealcoat, Inc.	\$34,000.00
Fahrner Asphalt Sealers, LLC	\$53,400.00

Goodman recommended awarding the project to the lowest bidder, Astech Corp.

Schneider, seconded by Hegland, moved to award the 2017 Crack Filling Project to Astech Corp. in the amount of \$32,200.00. The motion carried 5-0.

PLANS AND SPECIFICATIONS FOR THE 2017 SEAL COATING PROJECT

Last month the City authorized the preparation of plans for the 2017 Seal Coat Project, which has been completed. City Engineer Goodman requested authorization for advertising for bids, with a bid opening date of April 12th and possible award at the April 18th Council meeting.

Ness, seconded by Schneider, moved to approve the 2017 Seal Coat Project plans, specifications and authorize advertisement for bids. The motion carried 5-0.

Goodman stated that if bid amounts come in under the \$200,000 budgeted for the crack filling and seal coat projects, more roads can be added to the projects.

DUST CONTROL FOR 2017

Public Works Director Hawkinson reported on proposals received for dust control based on modifying the project to provide for late spring and late summer applications of calcium chloride applied at a lower concentration than previous years. The lowest proposal received was submitted by NSI at a cost of \$0.894 per gallon.

Kim and Matt Burke, 22810 Perkins Avenue, stated their opposition to dust control. They said the product is very damaging to their vehicles and gets tracked into their house, especially during the first two weeks of the application. They would like to see the practice of applying annual dust control ended on their road, including Pilar Road. They noted the runoff can be harmful to vegetation and waterways.

Council member Schneider said that comments on dust control come from both sides – some residents along gravel roads request more applications throughout the season. Engineer Goodman noted that applying lower concentrations will result in a less thick product on the roadway, and they could possibly forgo the second treatment. Hawkinson explained that the length of time for the product to settle into the road is slower under dry conditions and low traffic

volume. Hawkinson said he would work with the contractors to optimize the absorption rate as dependent on weather conditions – the best time would be after a rain event.

Council member Kronmiller asked if there is a plan for paving the remaining gravel roads, but was told the cost is beyond what can be budgeted for and road assessments to the property owners would be quite high. Kronmiller suggested that alternatives to asphalt and gravel be researched.

Mayor Maefsky directed the Burkes to survey the residents along Pilar Road and the adjoining gravel roads for their views on dust control, and present this to the City. There was discussion on delaying a decision to award the bid to NSI until more information from the neighborhood is collected, but Administrator Soltis advised that the bid can be awarded to lock in the price and get on the contractor's schedule, with time to decide to remove roads before the first application in May.

Kronmiller, seconded by Hegland, moved to award the dust control bid to NSI but the City should wait to apply until hearing a response from the neighbors. Ness added a friendly amendment to apply just the first application only. The motion carried 5-0.

REPLACEMENT OF THE 2009 JOHN DEERE TRACTOR/MOWER

Public Works Director Hawkinson presented quotes for the replacement of the 2009 John Deere lawn tractor/mower that is in the 2017 budget at a replacement cost of \$30,000. He explained that the machine needs continued repairs and has an electrical problem which has had it in the shop a number of times. Hawkinson explained the benefits of upgrading the existing equipment to 4-wheel drive and adding a broom attachment.

Hawkinson presented 8 options and recommended the purchase of a 2015 Toro 360 demo unit with the broom attachment with 160 hours at a net cost after trade-in of \$34,725. Further discussion on purchasing a used versus new mower concluded that the Kubota F3990 model, which was quoted at \$29,130 after trade-in plus \$3,370.64 for the broom attachment was the preferred option. Both Council members Ness and Schneider said that they would like to delay the purchase, but the repair costs on the John Deere could continue and lead to a lower trade-in value.

Ness, seconded by Hegland, moved to approve the purchase of a Kubota F3990 with broom attachment at a net cost of \$32,500.46 after trade-in. The motion carried 5-0.

DISCUSSION ON CITY COMMUNICATION POLICY

Administrator Soltis explained that staff has provided the content for publication in the semi-annual city newsletter and the information posted on the city's website. In preparation of the spring newsletter, articles have been submitted by Mayor Maefsky and Council member Kronmiller, with follow-up content to be posted on the website. Soltis said that this raises the issue of who can submit content for the city's information tools and who makes the decisions as to the nature of the content and what is published. Soltis offered language from the MN League of Cities to offer guidance. The League's memo stated that a website should be the official voice

of the city for general information about the city, and typically website content development is delegated to staff. A League research attorney provided language from the City of Red Wing's communication and media policy which states that information should reflect the consensus opinion of the City Council or Administrator's interpretation of the City's policy and should not reflect the personal views of a city employee.

Council member Schneider said that the newsletter is not a platform for one-sided and personal views and said that it is wrong to make the Log House Landing, the topic of Kronmiller's submitted article, an issue again. Schneider said that this was resolved in 2015 based on the recommendation from the LHL Committee and questioned the legality of reconsidering the topic by a Council member who did not vote in favor of the project. Schneider added that the newsletter content should be left to staff to write about news events and meetings, with final review by the Council as it has been traditionally done.

Council member Kronmiller said the Mayor asked him to put together his thoughts on the Landing issue that was voted on in February in preparation for a public meeting tentatively scheduled for April 25th. He said that did not intend the article to be one-sided, just a statement of facts to encourage the public to come out and give their opinions on the future of the Log House Landing.

Mayor Maefsky said that it is important that the Council be clear on what is correct for the newsletter, but staff doesn't have to solely write the material. She said that she wanted to use the newsletter as a tool to reach out to all citizens about the meeting on the Landing. She said that she was not aware that previous mayors did not write articles for the newsletters as is her intention. Council member Hegland stated that what is written becomes the city's official position.

Discussion continued, and Administrator Soltis suggested that a policy could state that if one member generates content for the newsletter or website, there should be consensus of all members on representing the intention of the City and speaking as one voice. Only then should the content be published. All were in agreement to proceed with adding this language to a communications policy for review at a future work session.

DISCUSSION ON THE DRAFT OF THE SPRING NEWSLETTER

Staff prepared two versions of the spring newsletter; one using content provided by Mayor Maefsky and Council member Kronmiller, and the other which allocates more space to the Comprehensive Plan and information on the public input process for the Log House Landing prepared by staff. The newsletter will also contain an insert for the summer recreation programs.

Council member Schneider questioned the purpose of the Log House Landing article in the newsletter, as he thinks there may be legalities of holding a public meeting on an issue that has already been voted on. Mayor Maefsky said that the newsletter gets in every home and outreach would be limited if not published here. Schneider said it's too controversial and the article is not needed.

Discussion resolved to eliminate the Log House Landing article, use Mayor Maefsky's message on the front cover, and fill page 2 with the Comprehensive Plan update article from the staff draft version. Council member Schneider asked that the reference to the Log House Landing be removed from Maefsky's article. The April 25th public meeting date for the Log House Landing will remain on the community calendar, although the Council will discuss legal counsel's findings on the legality of bringing this issue back for discussion at the next work session.

Kronmiller, seconded by Hegland, moved to approve the spring newsletter with the changes as discussed. The motion carried 3-2, with Ness and Schneider opposed.

DISCUSSION ON RECOGNITION DAY FOR NATIONAL SERVICE

Mayor Maefsky reported that she had been contacted by the Senior Corps recommending that the City participate in Mayor and County Recognition Day for National Service for the purpose of honoring Marlys Ostrand for her 17 years as the Director of the Scandia Food Shelf program. The official recognition date is April 4, 2017, and Maefsky suggested a press release be sent to the local newspapers. Council was in consensus to recognize Ostrand for her many years of volunteer service.

ADJOURNMENT

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

The meeting adjourned at 8:41 p.m.

Respectfully submitted,

Brenda Eklund
Deputy Clerk