

May 16, 2017

A regular meeting of the Scandia City Council was held on the above date. Acting Mayor Jim Schneider called the meeting to order at 7:06 p.m. Following the Pledge of Allegiance, roll call was taken. The following council members were present: Council members Bob Hegland, Steve Kronmiller, Chris Ness, and Jim Schneider. Absent: Mayor Christine Maefsky. Staff present: City Administrator Neil Soltis, City Engineer Ryan Goodman, City Attorney Andy Pratt, Police Deputy Brandon Yetter, Fire Chief Mike Hinz, Public Works Director Adam Hawkinson and Deputy Clerk Brenda Eklund.

### **PUBLIC FORUM**

John Haus, 22729 St. Croix Trail, said that he continues to have problems with trespassers on his property coming from the City's Wind in the Pines Preserve. "No trespassing" signs were installed last year, but have been torn down and ignored he said. His fence has been vandalized and he's picked up garbage consistently. Haus asked that the Council take the initiative to find a solution to stop this problem, even to close the park if that's what it takes. Administrator Soltis said that he would address this matter in his report later in the meeting.

### **APPROVAL OF AGENDA**

**Ness, seconded by Hegland, moved to approve the agenda as presented. The motion carried 4-0.**

### **CONSENT AGENDA**

The following Consent Agenda was presented:

- a) Minutes
  - 1) April 18, 2017 Regular Meeting
  - 2) April 25, 2017 Public Comment session
  - 3) May 3, 2017 Work Session
- b) Treasurer's Report

Beginning Balance 4/1/2017	\$2,993,212.86
Receipts	\$69,770.77
Expenditures \$80,518.11	
Payroll <u>\$26,932.60</u>	<u>\$(107,450.71)</u>
Ending Balance 4/30/2017	\$2,955,532.92
- c) Application for Excluded Raffle Permit, Gammelgarden Museum, Running of the Meatballs, September 9, 2017
- d) Lakes Center 2016 report and thank you for funding
- e) Appointment of Councilmember Kronmiller as City Council representative to the Forest Lake Cable Commission

**Hegland, seconded by Kronmiller, moved to approve the Consent Agenda as presented. The motion carried 4-0.**

### **PARKS AND RECREATION COMMITTEE**

Parks and Rec Committee Chair Ryan Jinks presented the Committee's recommendation to offer yoga classes twice a week this summer with instructors from the Yoga Hus in Forest Lake. Classes would be held outdoors on Saturday mornings on the tennis court and Wednesday afternoon at the Farmers Market, and move into the Community Center if inclement weather. The Yoga Hus would handle registrations with 20% of the fee revenue going to the City.

**Hegland, seconded by Ness, moved to approve yoga classes for the summer months through an agreement with the Yoga Hus. The motion carried 4-0.**

### **PLANNING COMMISSION**

*Amend the Conditional Use Permit for the Big Marine Lake Liquor Store to allow for an expansion to operate as a Bar/Restaurant with Lodging at 19261 Manning Trail. Patrick and Patricia Reicherts, Applicants (Resolution No. 05-16-17-01)*

Planner Buss presented the Planning Commission's recommendation to approve an amendment to an existing CUP to allow expansion of the uses at the Big Marine Lake Liquor store to include a bar/restaurant and up to 5 lodging units. Buss explained that the applicant added the lodging use on the date of the Planning Commission meeting, and conditions were added at that meeting to address this use. A resolution with 24 conditions of approval was presented. Conditions address the requirements for a County septic permit, detailed drainage, grading, building and parking plans that meet ordinance requirements before a building permit is issued, issuance of a Watershed permit, and review of the final building plans from the Planning Commission to determine that it meets the Design Guidelines requirements. In addition, a privacy fence must be constructed along the property line to the south, and no outdoor amplified music would be allowed unless a Special Event Permit is approved by the City.

Council member Schneider asked about the lodging proposal. Planner Buss said that up to 5 sleeping units would occupy the expanded upper level. This was accepted as a concept plan with the notion that final plans must meet conditions of the ordinance.

Joe Reinhardt, 18884 Layton Avenue, spoke to the Council about the proposal, and said there are problems with rentals in the Bliss neighborhood already. He asked where the lodgers would be coming from, and said that this use seems to have slipped in at the last minute. He also questioned the hours of operation of the business, and had concerns about increased traffic at the intersection.

Pat Reicherts, applicant, said that lodgers would be staying for a single night or weekend, and be associated with overflow from the nearby Vets Camp and guests of the new wedding venue on Highway 97. Planner Buss explained that the business would need a state license for lodging which would regulate the length of stay and number allowed per room. Council member Ness asked if the City could add restrictions, and Buss said that a condition could be added to the permit to limit guests to short-term stays. Reicherts added that County staff told him a lodging use would be beneficial to the septic system to balance out the high strength use of the restaurant.

Katie Reinhardt, 18884 Layton Avenue, addressed the Council with concerns about potential negative impacts a bar could have in the neighborhood by bringing in out-of-towners who are not

aligned with the vision of Scandia's values. She said the Council has an obligation to protect families and they should re-evaluate the need for a bar and lodging here.

Council member Kronmiller said that licensing requirements should be looked into so the City knows the details of the business, as he has some concerns about the parking lot and lighting; but added that he generally supports the expanded uses. He said the City needs restaurants and lodging to attract visitors and there are limited places where they can go in Scandia.

Planner Buss explained that the Planning Commission will review the design guidelines aspect, and the parking lot design will go to the City Engineer and Watershed for the approved drainage plan. If the parking lot needs to be reduced in size to meet these requirements, then the number of seats in the restaurant or rental units will be reduced accordingly. The lighting on the building and parking lot must also meet the ordinance for light levels, to be analyzed by staff before approval. Administrator Soltis noted that lodging in the Rural Commercial District is an allowed use. Buss explained that the current CUP specifies that any change in use requires a new CUP to make sure any impacts are addressed and the public has an opportunity to comment on expanded uses.

Council member Ness said that he attended the Planning Commission meeting and this is a good idea, but he has hesitations that lodging was thrown in at the last minute.

Council member Hegland said that Scandia is trying to attract businesses and they should be delighted with this proposal. There are conditions in place to address impacts he said. Mr. Reicherts said that the upper level is currently an apartment, and his plan to expand the building fits a lodging use which Scandia needs. Council member Kronmiller said that conditions are put in the permit so the business does not become a nuisance, and the City has actions it can take if the business doesn't meet them.

Council member Schneider said there are no findings to deny the CUP and he doesn't want to restrict businesses, although he agreed that lodging seems to have been a last minute idea.

To address a comment that the business has outstanding requirements of its current permit such as blacktopping the parking lot, Planner Buss stated that there are no violations. Buss advised that a condition could be added to require lodging to be short-term stays.

**Hegland, seconded by Kronmiller, moved to approve Resolution No. 05-16-17-01, Approving an Amended Conditional Use Permit for the Big Marine Lake Store located at 19261 Manning Trail North, with an added condition to require short-term lodging stays. The motion carried 4-0.**

#### **WASTEWATER ADVISORY COMMITTEE**

The minutes of the April 26, 2017 Wastewater Committee meeting were presented. There were no questions.

### **BUILDING OFFICIAL**

The building activity report from Building Official Chuck Preisler was presented. In April, 24 permits were issued with a valuation of \$912,365.00. Administrator Solits noted that year-to-date permits and valuations are ahead as compared to a year ago.

### **POLICE DEPARTMENT**

Police Deputy Brandon Yetter reported that 2 warrant arrests were made, one for attempted kidnapping, and that there was an attempted burglary on Pilar Road.

### **FIRE DEPARTMENT**

Fire Chief Mike Hinz reported that candidates are being interviewed for the department, and the dive team was involved with a search in Bayport.

### **CITY ENGINEER**

City Engineer Ryan Goodman reported that Washington County will include the resurfacing of County Road 3 with next year's project to resurface County Road 52. Goodman will attend the County's Capital Improvement Plan meeting on June 6<sup>th</sup>.

### **DIRECTOR OF PUBLIC WORKS**

Public Works Director Adam Hawkinson reported that he has applied for a 3M grant for reflective signage. Pilar, Paris and Perkins have been amended with 300 tons of gravel, dust control is scheduled for next week dependent on the weather, and the 201 sewer pumps have been repaired. Council member Kronmiller asked about the survey results on dust control. Hawkinson said he received a few comments with all but one in favor of continuing the application on Pilar Road.

### **CITY ADMINISTRATOR**

City Administrator Neil Soltis reported that the footings for the Vets Memorial monuments have been inspected, and work at the site is progressing. The Parks and Rec Committee will be reviewing the landscape plan for the Memorial at a future meeting.

Due to the trespassing complaints and incidents at Wind in the Pines, Soltis asked the Council to consider the removal of "nature park" signs along Highway 95 near the park entrance. This may reduce the visitors who enter the park thinking it is an access to the river despite the notice in the parking lot. Soltis also recommended that a trail barrier be constructed with fallen trees at the eastern park boundary to discourage hikers from entering private property, a task the Public Works crew could do. Deputy Yetter stated that has done extensive extra patrols here and has cited people in the park for littering, trespassing, narcotics, fires, drinking, and vandalism. Yetter estimated that 90% of those cited are from out of town and most use the trail through the park to trespass on private property to get to the river and railroad bridge. He has contacted the DNR which owns the adjacent Falls Creek SNA to assist with signage for property boundaries. PRC Chair Jinks suggested that the Parks Committee discuss possible solutions to these problems to deter a decision to close the park. Council member Kronmiller said that removing the road signs would be a good start. Council member Schneider added that signs and fences could help but they seem to be getting destroyed.

**Kronmiller, seconded by Ness, moved to request MnDOT to remove the “Nature Park” identification signs along Highway 95 and to direct the Parks and Rec Committee to discuss options for reducing the illegal activity at Wind in the Pines.**

**Schneider, seconded by Ness, moved to amend the motion with an addition to direct the Public Works Department to block the trail with deadfall as a way to obstruct trespassing onto private property. The motion carried 4-0.**

**A vote was taken on the amended Kronmiller/Ness motion. The motion carried 4-0.**

Administrator Soltis further reported that the landscaping at the Highway 97/Manning solar garden will occur in June. The Metropolitan Council has estimated Scandia’s 2016 population at 3,945 – an increase of 11 from the 2010 census.

**PRESENTATION OF 2016 AUDIT REPORT BY SCHLENNER, WENNER & CO.**

Ryan Schmidt, audit manager with Schlenner, Wenner & Co. auditing firm, was present to summarize the city’s 2016 financial records audit. He stated that the city received a “clean opinion” meaning no issues or misstatements were encountered and the city is in good financial standing. The year ended with a \$25,000 increase in the fund balance at \$1,771,828. Revenues and expenditures were close to budgeted amounts with higher than anticipated building permit revenue and underspending in the Public Works Department. The sewer funds ended with operating losses primarily due to depreciation costs. Schmidt ended with a comparison to similar communities to show Scandia’s low expenditure per capita and tax levy.

**HIRING PART-TIME PARKS EMPLOYEE**

PW Director Hawkinson requested the re-hiring of Christina Mazzucco-Lemke for grounds maintenance during the summer season at a rate of \$11.25/hour, not to exceed 67 working days. This would be the third season Ms. Mazzucco-Lemke has been employed in this position.

**Ness, seconded by Schneider, moved to approve the hiring of Christina Mazzucco-Lemke for Part-Time Grounds Maintenance at a rate of \$11.25/hour. The motion carried 4-0.**

**REPAIRS TO SOUTH BALLFIELD BACKSTOP**

PW Director Hawkinson provided photos of the leaning backstop at the south ballfield in which the posts have heaved out of the ground creating an unsafe situation. Due to the height of the fence and the expertise needed to do the repairs, Hawkinson secured outside bids for the project. Century Fence was the lowest bidder to either reset the corner posts and use the existing backstop at \$5,095.00 or install a new backstop at \$6,335.00. Council member Ness remarked that resetting the posts seemed an excessive cost. Hawkinson explained that this is mainly due to the need for specialized lift truck and crane equipment. Council discussed that replacing the fence wasn’t much more of a cost, and Hawkinson estimated the existing fence to be 15-20 years old. Administrator Soltis stated that funds could come from the Capital Improvement Fund, which is sufficiently funded.

**Ness, seconded by Hegland, moved to accept the quote of \$6,335.00 from Century Fence to replace the backstop with funding to come from the Capital Improvement Fund. The motion carried 3-1, with Kronmiller opposed.**

### **PROPOSALS FOR SPRAY PATCHING**

Since the awards for crack sealing and seal coating came in under budgeted amounts, PW Director Hawkinson proposed additional funds be used for spray patching larger cracks and depressions to prepare roads for sealcoating for this year and next. Two companies submitted proposals for the work, and Hawkinson recommended that both be awarded patching segments to allow for evaluating the process, quality, and productivity for future patching in the city. Engineer Goodman agreed that spray patching using a truck-mounted spray injector is a low cost repair to roads to better prepare for future seal coating.

Council discussed the bid proposals based on quantity of material and time commitment. RCM Specialties bid a cost of \$3,325 for spray patching Pickett and Pomroy. Fahrner bid \$4,000 for 8 hours of time to spray patch 205<sup>th</sup> Street. Hawkinson said that the contractors would be directed to other roads as material and time permits. Council member Ness said that bid proposals seem to leave uncertainty that the contractor will fulfill the scope of the work.

**Kronmiller, seconded by Hegland, moved to award the spray patch project to both RCM Specialties and Fahrner at their bid proposals of \$3,325 and \$4,000 respectively. The motion carried 3-1, with Ness opposed.**

### **2017 BITUMINOUS PATCHING PROJECT**

Engineer Goodman presented the following quotes received on May 11, 2017 for the 2017 Bituminous Patching Project:

<b><u>Contractor</u></b>	<b><u>Total</u></b>
Northwest Asphalt	\$56,833.50
T.A. Schifsky & Sons, Inc.	\$61,137.00
Prefer Paving, Inc.	\$62,675.00
Astech Corp	\$69,000.00
Midwest Asphalt Corporation	\$69,875.00
North Valley, Inc.	\$78,740.41
Allied Blacktop Company	\$86,275.00

Goodman recommended low bidder Northwest Asphalt be awarded the project.

**Hegland, seconded by Ness, moved to award the 2017 Bituminous Patching Project to Northwest Asphalt at a cost of \$56,833.50. The motion carried 4-0.**

### **MODIFICATIONS TO BOLTON & MENK COMPREHENSIVE PLANNING PROPOSAL**

Administrator Soltis explained that at the April 20<sup>th</sup> Comprehensive Plan Steering Committee meeting, the Committee requested that one additional meeting be set with the consultant to review the draft of the plan before the public hearing. It was also recommended that the Council review the visions and goals in advance of drafting the plan in order to ensure that the Council

supports the concept and to minimize any issues that may require redrafting the plan. Bolton & Menk proposed an additional fee of \$1,900 per meeting.

Council member Hegland said he had a problem with additional meetings and that it appeared that the Steering Committee was being controlled by one individual. He said that more meetings would only serve to expand the plan and the cost, and that the proposal was awarded with the goal of simplifying the current overly complicated plan. He stated that any additional money committed to the Comp Plan would be a mistake by the Council.

Steering Committee members Dan Lee and Dominik Mitchell spoke in favor of a scheduling an additional meeting as being a productive and valuable part of the process to best prepare the document for presentation to the public. Both stated that the Committee is not dominated by one, but rather all members contribute equally to discussions and decisions. In answer to a question if the Steering Committee could meet on its own, Bolton & Menk Engineer Ryan Goodman replied that the Committee can meet on its own without the consultant present.

Council member Hegland stated his apology if he was misconstrued regarding a Committee member, and said that Bolton & Menk was contracted to prepare the Comp Plan based on the process that they submitted that provide for a certain number of meetings and that is what they should do without adding a dime to the cost.

Administrator Soltis noted that the timeline of the process with the draft ready by February, 2018, the Planning Commission public hearing in April, 2018, and submittal for review before July, 2018 does not provide much time for additional meetings or significant changes to the plan. He noted that the role of the Steering Committee is to provide high level guidance and recommendations, with the Planning Commission finalizing the details of the plan before a recommendation to the Council. Council discussed the information available to the public throughout the process and the opportunities for input at the open house and public hearing, and noted that the information can be reviewed at their regular meetings rather than special meetings with the consultant.

The Bolton & Menk proposal provided for an on-line survey; however, Soltis recommended that the Council consider using a survey that is mailed in order to reach all residents and to get sufficient responses so the results are statistically valid. In discussion of conducting a survey to all residents, either on-line or mailed out, it was determined that mailing a paper survey to all residents would be the best approach to reaching the highest number of people. Bolton & Menk estimated that the additional cost would be roughly \$600 if the processing were to be done by City staff, similar to the newsletters that are mailed out.

**Kronmiller, seconded by Hegland, moved to utilize staff to mail paper surveys to all Scandia households using City staff to process the mailings at an approximate additional cost of \$600. The motion carried 4-0.**

**Schneider, seconded by Hegland, moved to not schedule additional meetings with Bolton & Menk. The motion carried 4-0.**

**ADOPTION OF A VOLUNTEER POLICY**

At their last Work Session, Council reviewed a draft Volunteer Policy which would provide guidance and direction to staff and volunteers for projects undertaken on behalf of the City. Attorney Pratt explained that he added language in the waiver form to reflect the notice that must be given when collecting private information. Council member Schneider noted that this policy has been reviewed several times.

**Ness, seconded by Kronmiller, moved to adopt Volunteer Policy and Procedures for the City of Scandia as presented. The motion carried 4-0.**

**ADOPTION OF LOCAL CONTROL RESOLUTION NO. 05-16-17-02**

Administrator Soltis explained that the League of MN Cities is encouraging cities to adopt a resolution supporting local decision-making authority. The League provided a listing of bills introduced into the legislature this session which would place restrictions on actions by cities and may hamper the ability of local officials to respond to health, safety and welfare concerns in their communities. Soltis said that 59 cities have passed such resolutions. Council member Kronmiller said that he would be in favor since cities need local control and it affects everybody.

**Ness, seconded by Hegland, moved to approve Resolution No. 05-16-17-02, Supporting Local Decision-Making Authority. The motion carried 4-0.**

**ADJOURNMENT**

**Ness, seconded by Kronmiller, moved to adjourn the meeting. The motion carried 4-0.**

The meeting adjourned at 9:26 p.m.

Respectfully submitted,

Brenda Eklund  
Deputy Clerk