

June 16, 2020

A regular meeting of the Scandia City Council was held on the above date with modifications. Due to the health advisory issued by the State regarding the COVID-19 outbreak, to avoid public gatherings and limit social contact, the meeting was conducted over a virtual meeting platform. All council members and staff who joined the meeting remotely could hear each other and contribute to discussions. City Administrator Cammilleri and City Clerk Eklund were present in the Council Chambers. Cammilleri was the presenter and displayed the meeting materials for participants to view on their remote screens.

Mayor Christine Maefsky called the meeting to order at 7:00 p.m. Roll call was taken. The following were participants to the meeting: Council members Jerry Cusick, Steve Kronmiller, Chris Ness, Patti Ray and Mayor Christine Maefsky. Staff participating: City Administrator Ken Cammilleri, City Planners Merritt Clapp-Smith and Evan Monson, City Engineer Ryan Goodman, Fire Chief Mike Hinz, City Attorney Eric Sherburne, Public Works Director Adam Hawkinson, and City Clerk Brenda Eklund.

### **PUBLIC FORUM**

#### ***Scandia Good Neighbor Proclamation***

Mayor Maefsky presented a Good Neighbor Proclamation to Lisa Philippi, an active volunteer with Cycling Scandia.

#### ***Accept donation from Bone Lake Association for purchase of a memorial bench placed at Bone Lake Park in honor of Beryl Halldorson***

Council member Ray described the memorial bench placed at Bone Lake Park in honor of Beryl Halldorson, in appreciation for her generosity and tireless work to improve the lake's water quality, as well as the kindness she exhibited to all.

There were no other public comments.

### **APPROVAL OF AGENDA**

Mayor Maefsky announced that agenda item 6.a.1) Early Bird Migrating Project would be moved to the July 1<sup>st</sup> Work Session. City Administrator Ken Cammilleri stated that consent agenda item 5.d) Accepting donation for the Wojtowicz Skate Park would be tabled to a future meeting.

**Ray, seconded by Ness, moved to approve the agenda as amended. Motion carried 5-0 by a roll call vote.**

### **CONSENT AGENDA**

The following Consent Agenda was presented:

- a) Minutes
  - 1) May 19, 2020 Regular Meeting
  - 2) June 3, 2020 Work Session
- b) Treasurer's Report
- c) Payment of Vouchers
- d) ~~Resolution No. 2020-16 accepting donations for the Wojtowicz Skate Park~~ **tabled**

e) Resolution No. 2020-17 appointing election judges for primary and general elections

**Ray, seconded by Ness, moved to approve the Consent Agenda as amended. Motion carried 5-0 by a roll call vote.**

### **PARK AND RECREATION COMMITTEE**

Park and Recreation Committee Chair Terry Gorham summarized the June 1<sup>st</sup> PRC meeting: local author Debra Smith will be writing a progressive story for the Lilleskogen Storywalk, to be installed by July 1<sup>st</sup>. Mayor Maefsky requested that a discussion for marketing the story be added to the next work session.

### **PLANNING COMMISSION**

***Public Hearing and Consideration of Amended Interim Use Permit and Variance for Redeemed Farm Rural Event Facility at 12680 Scandia Trail North. Jeffrey Gacek, Applicant. Resolution No. 2020-18***

Due to the applicant's notice of withdrawal, then reversal right before the June 2<sup>nd</sup> Planning Commission meeting at which a public hearing was conducted, the City Council again held a public hearing for Gacek's application to allow public comments to be heard.

Planner Clapp-Smith presented the recommendation from the Planning Commission to approve an Amended Interim User Permit and Variance for the Rural Event Facility Redeemed Farm operating at 12680 Scandia Trail North. Mr. Gacek is requesting the IUP be amended to allow more than one event per day, triggering a variance from the standards for a rural event facility that limits events to one per day. Due to large events being significantly impacted by Covid-19, Mr. Gacek proposed a shift from one large event to up to four small events per day, each attended by fewer guests. Findings of approval were described: the change in size and frequency of events does not increase the intensity of the activity, the redistribution of events will reduce noise and traffic volumes, and the practical difficulties posed by Covid-19 on large events are not caused by the landowner but are unique to the property with this type of business. A resolution of approval was presented with conditions, including that the change in maximum number of events per day from one to four be permitted until the IUP is up for renewal in October 2021, at which time the applicant may re-apply.

Mayor Maefsky opened the public hearing at 7:25 p.m.

*Tim Husnik, 21460 Meadowbrook Avenue* stated he lives across the road and is okay with the applicant's request, noting that Gacek has more than met the conditions placed on his operating permit. Husnik recommended a moratorium be placed on the property so that no future buildings may be constructed. He noted that the most recent building, which was not part of the original IUP, appears to put the property over the allowed limit for accessory structures. Husnik described the bright lighting from the new stable as seen from his property and asked that the neighbors be allowed to provide feedback on operations when the permit is next renewed.

*Paul and Camile Schwope* asked how the limits on number of events and guests will be monitored because there could be potential for noise all day long. Administrator Camilleri said

the City will monitor noise in conjunction with the Sheriff's Department and neighbors should call if they have concerns while events are happening.

*Joanne Benick, 12400 213<sup>th</sup> Street*, stated her traffic concerns for vehicles at the Highway 97/Meadowbrook Avenue intersection. Benick said their primary issue is the sound of bass notes from music being played in the evening.

*Mark Porubcansky, member of the Scandia EDA*, said that the EDA is a strong supporter of their business which brings in visitors and opportunities for other businesses in Scandia. He supports and is in favor of the request.

*Travis Loeffler, member of the Scandia Planning Commission*, described Redeemed Farm's operations as exemplary from its beginnings in 2016, saying the Gaceks made concessions for surrounding property owners' concerns during the permitting process and have gone above and beyond meeting the conditions of screening, noise reduction, capacity and hours of operation. The restored farmstead is picturesque and a perfect model of how Scandia's rural character is portrayed. Loeffler said the Gaceks are supporters of the local community and operate a respectful business by doing things right the past four years.

*Jeff Gacek, applicant*, thanked the speakers for their support. Gacek explained that he is allowed up to 200 guests per event but caps the limit at 175, hires a deputy for each event, and monitors all sounds along property lines with a decibel reader. Sounds have never exceeded 50 decibels, averaging 40-44 decibels, well below the upper limit of 60-65 decibels. The barn windows and doors are sealed to limit any sounds from events being held. Gacek said he invested in landscaping beyond what was required for screening. He is proposing micro-weddings in 2-hour blocks of time in order to keep the business viable because large one-day events are changing as a result of the Covid-19 health pandemic. Music and parties, other than a ceremonial father-daughter dance, would not be an offering of small micro-weddings that would end by 8pm. Regarding the lighting from the new barn, dimmers have been installed, and events end by 10pm in the summer when sunset is later in the evening. Events are not held year-round but rather May-October. Gacek asked for the City's support of his proposal for smaller events in a single day that will be less impactful and could be a viable option for long-term industry changes.

There were no further comments and Mayor Maefsky closed the hearing at 8:04pm.

Council members voiced their support and noted that the business is well run and brings visitors to Scandia. Council member Ness questioned Gacek if he would hold more than one event at a time. Julie Gacek said no, only one event at a time would be hosted at the site with a 2-hour window between each event. Ness recommended this statement of no concurrent events be added to the conditions.

Council discussed the IUP's expiration in October 2021; Gacek explained that weddings are booked up to two years in advance and he wouldn't want to be in fault of his operating permit. Staff advised that the Planning Commission could study a code revision to allow rural event centers to operate with a conditional use permit before this existing permit ends. Gacek could

then apply for a CUP that would not have a termination date, but rather operate with an annual license.

**Kronmiller, seconded by Ray, moved to approve Resolution No. 2020-18, Approving Variance and Interim Use Permit Amendment for Redeemed Farm Rural Event Facility located at 12680 Scandia Trail North with an amendment to Condition #1 that only one event may be scheduled at a time. Motion carried 5-0 by roll call vote.**

**Kronmiller, seconded by Ray, moved to direct the Planning Commission to prepare an amendment to the zoning code for rural event facilities as an allowable use with a CUP, and to remove the annual operating permit requirements. Motion carried 5-0 by roll call vote.**

*Conditional Use Permit for Better Place Forests, to operate a conservation memorial forest on 112-acres at Lakamaga Trail North. Liam McNally, Applicant. Resolution No. 2020-19*  
Planner Clapp-Smith presented the recommendation from the Planning Commission to approve a Conditional Use Permit to establish a conservation memorial forest on 112 acres of property along Lakamaga Trail. Liam McNally, representative of Better Place Forests, participated in the meeting. The proposal was reviewed as most similar to a cemetery use as defined in the code because a memorial forest, where cremains are mixed with forest soil, is not specifically defined in the zoning code. There would be no burials on the property. A resolution with findings and conditions was presented. Findings included that conservation of forested land is consistent with the goals of the comprehensive plan and the proposed activities would have minimal impact to the public.

City Attorney Sherburne questioned how placement of cremains will comply with being setback 50 feet from wells, a requirement for cemetery uses. McNally explained that scattering of ashes is not considered interment, but they will comply with this setback for the well that will serve the visitor center.

Mayor Maefsky stated her concerns that it's assumed the property will be placed in a land trust for perpetual conservation, but the resolution for the CUP does not state this explicitly. The business is purchasing the property in phases, but what is the guarantee that the entire 112 acres will be used as a conservation forest and not sold for future development. Maefsky said she was troubled by a statement made at the Planning Commission meeting that some acreage may be split off and sold to adjoining property owners. McNally explained that it is their full intent to place the property with a land trust but an agreement is not yet signed. However, the use itself is a conservation effort he said.

Council was in agreement that there are still parts of the application that need clarity, such as how to limit future use. Staff considered exploring an ordinance amendment to add a definition to the zoning code for this type of memorial activity.

**Ness, seconded by Kronmiller, moved to table the application for a Conditional Use Permit for Better Place Forests, to a future meeting. Motion carried 5-0 by a roll call vote.**

***Variance at 12730 182nd Street North for setback from the lake to reconstruct a residential structure. Peter Goers, Applicant. Resolution No. 2020-20***

Planner Evan Monson, newly hired staff with TKDA, presented the Planning Commission's recommendation to approve a variance to reconstruct a nonconforming structure at 12730 182<sup>nd</sup> Street. The existing house is within the 100' setback from Big Marine Lake and the addition of a second story and garage requires variances due to the cost of alterations being in excess of 50% of the appraised value of the existing home (Development Code, Chapter 1, Section 13.3 Nonconforming Buildings and Structures). A resolution with findings and conditions of approval was presented.

**Ray, seconded by Kronmiller, moved to approve Resolution No. 2020-20, Approving Variances for 12730 182<sup>nd</sup> Street as presented. Motion carried 5-0 by a roll call vote.**

***Conditional Use Permit to operate a Winery at 20168 St. Croix Trail North. Greg and Andrea Sandager, Applicants. Resolution No. 2020-21***

Planner Clapp-Smith presented the recommendation from the Planning Commission to approve a Conditional Use Permit to establish a winery/cidery on 80 acres with entry at 20168 St. Croix Trail. Applicants Greg and Andrea Sandager participated in the meeting. A resolution with findings of approval and conditions was presented.

Condition #3 regarding large events was further discussed. Staff concluded with language to limit large planned events with up to 200 attendees to no more than 6 per year. If this is exceeded, the owners must apply to operate a Rural Event Facility.

**Cusick, seconded by Ness, moved to approve Resolution No. 2020-21 with an amendment to Condition #3 that the property is limited to no more than six planned events per year with up to 200 people attending the event. Motion carried 5-0 by roll call vote.**

***Variance from a wetland setback to replace a septic system at 23820 Lofton Avenue. Gary Markgraf, Applicant. Resolution No. 2020-22***

Planner Monson presented the Planning Commission's recommendation to approve a variance from a wetland setback to replace a failing septic system at 23820 Lofton Avenue. A resolution with findings and conditions was presented. The location of the new septic system 50' from a wetland (75' required) is the greatest setback possible given the soil conditions, well location and wetland locations.

**Cusick, seconded by Ness, moved to approve Resolution No. 2020-22, Approving a Variance for 23820 Lofton Court as presented. Motion carried 5-0 by a roll call vote.**

**SCANDIA INTERNET ACTION COMMITTEE**

Internet Action Committee member Patti Ray reported on the June 11<sup>th</sup> meeting. Midco has added a map to their website for details on this year's expansion project, a ribbon cutting ceremony is being planned for August to promote the expanded broadband service, and the committee will assist with communicating internet information on the city's website.

### **TOURISM COMMITTEE**

Carrie Mitchell reported that at their June 10<sup>th</sup> meeting, the Tourism Committee provided input on park signage and on the new website design. The next meeting is scheduled for July 14<sup>th</sup> at 9am.

### **BUILDING OFFICIAL**

The May building activity report was received. Last month 17 permits were issued at a valuation of \$486,286.00. Council member Ray was concerned that 2020 building revenue is significantly less than 2019. Administrator Cammilleri explained that the City's budget is in good shape; the building department revenue is not a significant source to be concerned about.

### **POLICE DEPARTMENT**

The May incident and citation reports were received. The Council had no questions.

### **FIRE DEPARTMENT**

Fire Chief Mike Hinz reported that the department responded to 12 calls in May; 6 fire related, 5 EMS related, and 1 dive call. Hinz noted the increased number of calls for motorcycle and boating accidents.

### **CITY ENGINEER**

City Engineer Goodman reported that Washington County is seeking comments for development of their 2021-2025 Capital Improvement Plan.

#### ***2020 Street Improvements – Contractor's Request for Payment No. 2***

**Kronmiller, seconded by Ray, moved to approve Valley Paving's Request for Payment No. 2 for the 2020 Street Improvement Project in the amount of \$98,882.75. Motion carried 5-0 by roll call vote.**

#### ***Bliss Lift Station Control Panels Pay Request No 2 and Final***

**Ray, seconded by Ness, moved to approve Innovo Automation's Request for Payment No. 2 and Final for the Bliss Lift Station Control Panels Project in the amount of \$10,300.00. Motion carried 5-0 by roll call vote.**

### **DIRECTOR OF PUBLIC WORKS**

PW Director Adam Hawkinson provided the monthly activity report for the public works department.

#### ***Road Maintenance Proposals***

Hawkinson explained the quotes he received for smear patching and microsurfacing failing road segments on portions of 185<sup>th</sup> Street and Maxwell Avenue/202<sup>nd</sup> Street.

**Ness, seconded by Cusick, moved to approve quotes from Farhner to perform the micro surfacing on 185th Street (Manning to Langly Avenue) for \$26,043.51 and Bluhm Construction to perform the smear patch and mill and overlay on 202<sup>nd</sup> Street and Maxwell Avenue for \$49,580.00. Motion carried 5-0 by roll call vote.**

***Smoke testing of the Uptown Sewer System***

Hawkinson described the smoke testing process recommended by the Rural Water Association to locate any leaks or abandoned lines that have not been capped in the uptown sewer system resulting in infiltration. A notification would be mailed to all users of the system before the scheduled testing date of July 13<sup>th</sup>.

**Ness, seconded by Ray, moved to approve the smoke testing and letter of notice. Motion carried 5-0.**

**CITY ADMINISTRATOR**

City Administrator Ken Cammilleri announced that the closed meeting session to discuss the Peterson case is removed from this meeting's agenda. LMC has approved the claim to represent Scandia in the property line dispute.

**TERMINATION OF AGRICULTURAL PRESERVES CLASSIFICATION FOR PARCEL 24.032.20.41.0001 BY GREG SANDAGER**

Planner Clapp-Smith presented the staff report for the Sandager request to remove property from the State of Minnesota Metropolitan Agricultural Preserves program to establish a small craft winery. The application was initially submitted for only parcel 24.032.20.41.0001, but staff revised the recommendation that the two adjacent parcels of land must also be removed because the winery will be operating on these properties, and collectively are under the required 40 acres to remain in Ag Preserves.

Clapp-Smith explained that Greg Sandager will be withdrawing three parcels totaling 78.657 acres property at 20168 St. Croix Trail North [PIDs 24.032.20.41.0001; 24.032.20.44.0002; 24.032.20.44.0001] from the State of Minnesota Metropolitan Agricultural Preserves Program, to enable the establishment of a winery on the property. Withdrawal initiated by the land owner requires approval by the governing body of the local municipality.

Clapp-Smith stated that when properties are removed from the MMAPP, the property automatically converts from an Agricultural Preserve district to an Agricultural Core district. No City Council action is required for the zoning district change.

**Kronmiller, seconded by Cusick, moved to approve withdrawal of PIDs 24.032.20.41.0001; 24.032.20.44.0002; 24.032.20.44.0001 from the State of Minnesota Metropolitan Agricultural Preserves Program. Motion carried 5-0 by roll call vote.**

**TERMINATION OF AGRICULTURAL PRESERVES CLASSIFICATION FOR PARCELS 28.032.20.11.0001 AND 28.032.20.12.0001 (13407 MAYBERRY TRAIL) BY RITA AMBOURN**

Planner Clapp-Smith presented the staff report for Rita Ambourn's request to withdraw the 44.6-acre property at 13407 Mayberry Trail North [PIDs 28.032.20.11.0001 and 28.032.20.12.0001] from the State of Minnesota Metropolitan Agricultural Preserves Program, to enable a lot split and potential residential development of the undeveloped lot. Withdrawal initiated by the land owner requires approval by the governing body of the local municipality.

**Ness, seconded by Kronmiller, moved to approve withdrawal of 13407 Mayberry Trail North [PIDs 28.032.20.11.0001 and 28.032.20.12.0001] from the State of Minnesota Metropolitan Agricultural Preserves Program, to allow a lot split and potential development of a lot under 40 acres in size. Motion carried 5-0 by roll call vote.**

**DISCUSSION OF THE CITY'S COVID-19 BUSINESS PLAN**

City Administrator Cammilleri presented the draft COVID-19 business plan for the City. By June 29<sup>th</sup>, critical sector businesses are required to develop and implement a COVID-19 Preparedness Plan that complies with Centers for Disease Control and Prevention (CDC) and Minnesota Department of Health (MDH) COVID-19 guidelines and OSHA standards. The plan described city procedures and the continued limit of visitors to City Hall and closure of the Community Center.

Fire Chief Hinz noted that the plan can be reviewed and updated as the CDC makes changes to requirements.

**Ness, seconded by Ray, moved to adopt the City's COVID-19 Business Plan as presented. Motion carried 5-0 by roll call vote.**

Mayor Maefsky asked that the business plan be a topic of discussion at the July 1<sup>st</sup> Work Session.

**ADJOURNMENT**

**Ness, seconded by Ray moved to adjourn the meeting. Motion carried 5-0 by roll call vote.**

The meeting adjourned at 10:54 p.m.

Respectfully submitted,

Brenda Eklund  
City Clerk