

June 20, 2017

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

PUBLIC FORUM

There were no public comments.

APPROVAL OF AGENDA

Ness, seconded by Hegland, moved to approve the agenda as presented. The motion carried 5-0.

CONSENT AGENDA

The following Consent Agenda was presented:

- a) Minutes
 - 1) May 16, 2017 Regular Meeting
 - 2) June 7, 2017 Work Session
- b) Treasurer's Report

Beginning Balance 5/1/2017	\$2,955,532.92
Receipts	\$38,837.09
Expenditures \$167,107.66	
Payroll <u>\$32,914.26</u>	<u>\$(200,021.92)</u>
Ending Balance 5/31/2017	\$2,794,348.09
- c) Payment of Vouchers
- d) Approve Slalom Course on Bone Lake
- e) Approve 2017-18 Recycling Grant Agreement with Washington County
- f) Process to fill vacancy on Economic Development Authority
- g) Engagement letters with Northland Securities to act as underwriter and placement agent for future debt issues
- h) Step increase – Adam Hawkinson
- i) Request to purchase portion of City-owned property – n.w. corner of 185th St N and Langley Ave. N

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

PARKS AND RECREATION

Pickle Ball Tournament during Taco Daze

Parks and Recreation Chair Ryan Jinks explained that the Lions Club has proposed to stripe the tennis courts with lines for the game of pickle ball, a game which could replace the Taco Daze dodgeball tournament this year. The PRC found this to be a better option as no teams registered

for dodgeball last year. Jinks said that costs for pickle ball could be offset by the registration fees collected.

Schneider, seconded by Ness, moved to approve the PRC recommendation to replace the Taco Daze dodgeball tournament with a pickle ball tournament this year. The motion carried 5-0.

Veterans Memorial Landscape Plan

PRC Chair Jinks reported that at their June 19, 2017 meeting, the Committee reviewed the landscaping plan for the Veterans Memorial located in Lilleskogen Park. Jinks explained that the Committee was in favor of the plantings which frame the circular patio area, but not of the lawn area and tree plantings. Jinks said they would like to see more coordination with the existing butterfly garden, and referenced that a butterfly garden was in the original 2008 plans for the area of the park that has now been replaced with the Veterans Memorial. The PRC recommended a revised landscape plan that would support the initial agreement with the Veterans Committee to incorporate the original park plans into their landscaping.

Ness, seconded by Schneider, moved to approve the PRC recommendation of the landscape plan for the Veterans Memorial, which is to proceed with the plantings surrounding the patio area and to revise the plan with a substitute for the lawn and maple trees.

Discussion: Council member Schneider said that a suggestion was made at the meeting to replace the lawn with white clover, and that the Veterans Committee will be maintaining the site going forward. He noted that no one is caring for the existing butterfly garden at the park.

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

PLANNING COMMISSION

***Woodland Valleys Minor Subdivision at 20211 Maxwill Avenue. Riermann, Applicant
(Resolution No. 06-20-17-01)***

Planner Buss presented the recommendation from the Planning Commission to approve a Minor Subdivision to create a 9.66 acre lot and a 0.05 acre outlot from an existing 55.62 acre parcel at 20211 Maxwill Avenue. Buss explained that the required wetland delineation has been completed and will need to be added to the final plat, along with dedicated road easements and drainage and utility easements as recommended by City Engineer Goodman. An area for a replacement septic system must also be identified on the final plat as recommended by Pete Ganzel, Washington County. Conditions of approval were incorporated into a resolution, including that the owners of Lot 1 enter into a development agreement with the City that specifies Outlot A is for use by the owners only for permitted recreational activities.

Kronmiller, seconded by Schneider, moved to adopt Resolution No. 06-20-17-01, Approving a Minor Subdivision for Woodland Valleys at 20211 Maxill Avenue. The motion carried 5-0.

Conditional Use Permit for a 1 Mw Community Solar Garden at 23485 Manning Trail. MN Solar Connection, LLC, Applicant for Property Owner Jennifer Woolford. (Resolution No. 06-20-17-02)

Planner Buss presented the recommendation from the Planning Commission to approve a Conditional Use Permit for a 1 megawatt community solar garden on an 8.2-acre site within a 24.5-acre parcel located at 23845 Manning Trail. Buss explained that there was opposition from neighboring property owners to the south. To address their concerns, the resolution approved by the Commission requires that a landscape plan that provides 95% year around screening of the views from the west and south, which could be a combination of vegetation and berms.

Mayor Maefsky asked if screening of the site from views from the east were considered. Buss stated that no one spoke at the public hearing with concerns of the site from the east.

Gerry Olson, 11360 232nd Street, asked to speak. He said that he owns the farm directly east of the solar garden site, and was unable to attend the public hearing. He said the solar garden will devalue his land and asked that the same screening requirements be done on the east side of the solar garden. He may have future plans to develop his property, and felt that no one would want a solar site in their backyard that provides no benefits to the adjoining landowners.

Administrator Soltis provided an aerial view which showed Mr. Olson's farmstead to be ¼-mile from the site with a 20' rise, and noted that future subdivision of his land could be affected with views of the solar garden. Planner Buss agreed that if developed the panels would be visible from the east.

Mayor Maefsky recommended that screening be required along the east because it's totally unprotected, and the Council agreed that is necessary. Council member Kronmiller stated that the ordinance requires screening, not only if someone voices their concern. Planner Buss explained that the ordinance language "may require screening from adjacent parcels up to 95%" is not an absolute requirement and is up to the Council's judgement based on discretion of the adjacent parcels. Buss said that she will relay the Council's comments to the Planning Commission that solar sites should be screened for everyone and not just those who come to the public hearing.

Maefsky, seconded by Schneider, moved to require 95% screening of views to the east. The motion carried 5-0.

Lori Jarvinen, property owner directly south of the parcel, provided a handout to the Council that listed many of her concerns, including safety, health risks of solar panels, and devaluation of her property. She asked the Council to delay a vote to address the unknown specifications of the panels and to review her concerns about maintenance of the vegetative screening. She warned that there could be long-term consequences to soil and water from solar gardens, and that they do not belong in the agricultural districts.

Troy Duden, property owner to the south, said that the view of a solar garden from the site where he plans to build a home next year breaks his heart. He asked if the screening will be permanent and who enforces it.

Andy Melka, MN Solar Connection, said that high-quality panels are used for solar projects to handle the 25-year term of the project, and that skilled personnel are involved with construction and maintenance and that the operation of the panels would be remotely monitored. Melka noted that it would be unrealistic to demand the origin of the panels, that anti-solar panel websites provide misinformation, and that solar facilities have been operating for many years in California and North Carolina and with no impact on the market values of surrounding properties. Melka stated that aesthetics of solar gardens is a personal opinion.

Mayor Maefsky asked about tree replacement. Planner Buss explained that the Developers Agreement has the language to require screening for the life of the project, and provides a financial guarantee for decommissioning if the site becomes dormant or the developer goes out of business.

In response to Council member Ness's potential tabling of the application to review the revised landscape plan, Mr. Melka stated that the standards were set by the Planning Commission that will allow them flexibility with screening to meet the 95% requirement. They will translate the screening plan from the west side to do the same on the east side per the Council's request, and will work with the construction company to prepare the landscape plan for staff's review. Ness said that he is okay with staff approving the landscape plan.

Council member Kronmiller said that Jarvinen's arguments against the solar project have concerned him and he needs to know more about these issues; however, the City cannot change the rules for solar gardens and apply them to this application. Planner Buss agreed that the current ordinance must be applied to this project. Buss said that community solar gardens are allowed with a CUP in the Ag Core District. The ordinance was adopted with the premise that large properties can have a source of income and delay subdividing their land. If the applicant can meet the conditions, there is no basis to deny the CUP. Administrator Soltis noted that the Council has requested further discussion at a work session of placing a moratorium on future applications for solar projects to allow a study of the issues. Buss noted that some ordinance changes were made last year when a 3-month moratorium was in place. Mayor Maefsky agreed that as more solar projects are installed and operational, further study of the ordinance is necessary.

Schneider, seconded by Hegland, moved to adopt Resolution No. 06-20-17-02, Approving a Conditional Use Permit for a Community Solar Garden located at 23485 Manning Trail North as amended to require 95% screening of views from the east as well as the south and west. The motion carried 5-0.

Variances for a Single-Family Residence at 18569 Langly Avenue. Tim and Sue Biermaier, Applicants (Resolution No. 06-20-17-03)

Planner Buss presented the recommendation from the Planning Commission to approve of variances to construct a new home at 18569 Langly Avenue for Tim and Sue Biermaier. The setbacks for the home are 60-feet from the OHWL, 22-feet from the road ROW, and the septic

tank location is 0 feet from the side lot line. Buss explained that Washington County approved this septic location to meet the required 50-foot separation from the well.

Buss noted that an existing non-conforming shed by the lake will remain in its location and the Planning Commission required that it be painted to match the color of the house. If the shed is replaced in the future, it must meet the setback from the lake. Council member Kronmiller commented that the applicants did a good job with fitting a reasonably sized house on the small lot.

Kronmiller, seconded by Hegland, moved to adopt Resolution No. 06-20-17-03, Approving Variances for 18569 Langly Avenue. The motion carried 5-0.

Ordinance No. 184 Amending the Development Standards for Accessory Dwelling Units

Planner Buss presented the recommendation from the Planning Commission to amend the height standards for accessory dwelling units to allow the units to be the same height as any accessory structure in that zoning district. They reasoned that limits on the square footage of the accessory dwelling units will maintain the subordinate character of the structures.

Ness, seconded by Hegland, moved to adopt Ordinance No. 184 Amending the Development Code regarding Standards for Accessory Dwelling Units as presented. The motion carried 5-0.

Summary Publication of Ordinance No. 184 (Resolution No. 06-20-17-04)

Ness, seconded by Schneider, moved to adopt Resolution No. 06-20-17-04, Providing for the Summary Publication of Ordinance No. 184. The motion carried 5-0.

BUILDING OFFICIAL

The building activity report for May was provided by Building Official Chuck Preisler. Last month, 27 permits were issued at a valuation of \$783,837.

POLICE DEPARTMENT

Deputy Brandon Yetter reported a busy month with domestics, burglaries and thefts. Yetter said that he spoke with Conservation Officer Scott Arntzen about the trespassing issues at Wind in the Pines Preserve. Yetter reported that he has not encountered repeat offenders, but illegal activities are still occurring on the adjacent private property which the owner is legally posting.

FIRE DEPARTMENT

Fire Chief Mike Hinz reported that the department responded to 18 calls last month – 15 EMS and 3 fire calls. The dive team assisted with a dive call in Lake Elmo on June 15th.

CITY ENGINEER

City Engineer Ryan Goodman provided updates in a written report. Administrator Soltis added that the state legislature has allocated \$8 million in transportation state aid, of which \$39,000 is Scandia's share of the Small Cities Assistance, to be added to the Local Road Improvement Fund.

DIRECTOR OF PUBLIC WORKS

Public Works Director Adam Hawkinson reported that the Sterling truck has been in for repairs, favorable comments were received following the dust control application, a new sewer pump was installed at the Anderson/Erickson system, and the bleacher repairs at the lighted field are completed. At Wind in the Pines, boundary marking signs were installed and trails mowed to better guide hikers, along with revising the map at the entrance. Hawkinson said that the Parks Committee will discuss how to better delineate the park boundaries at their future meetings.

CITY ADMINISTRATOR

Administrator Neil Soltis reported that the Comprehensive Plan survey has been mailed to all Scandia households. The City will be complying with the new state law to provide a 10-day notice of proposed ordinances which goes into effect on August 1st. A sign-up to receive e-mail notifications of ordinances will be added to the website.

INCREASE IN FIREFIGHTER RETIREMENT BENEFIT AMOUNT THROUGH PERA

Fire Chief Hinz reported on his request to the state for a cost analysis on an increase from the current \$2,500 retirement benefit to \$2,800 benefit per year of service, provided by PERA's volunteer firefighter retirement fund. The analysis found no immediate fiscal impact since the required contribution amount is less than the combined total of the investment earnings (computed at 6%) and the estimated state fire aids. Future contributions may be required if interest earnings decrease or there is a reduction in state aid.

Kronmiller, seconded by Hegland, moved to approve an increase of the retirement benefit amount to \$2,800 as recommended by staff. The motion carried 5-0.

ORDINANCE NO. 185, REGULATING DOGS (REPEALING ORDINANCE NO. 166)

Administrator Soltis presented an updated dog ordinance as discussed at previous Council meetings. Amendments to the definition of a dog "at-large" and reclassifying the penalty for a dog at-large from a misdemeanor to a petty misdemeanor were made, including making multiple convictions for petty misdemeanors grounds for a misdemeanor citation.

Council member Hegland disagreed with the penalty of a misdemeanor as too harsh and said that a criminal offense on one's record for a loose dog is ludicrous. He said the fine itself is a deterrent and the penalty should remain as a petty misdemeanor. He said the ordinance has regulations for dangerous dogs, but loose dogs should not become a criminal conviction for the owner because this is overkill. Attorney Vivian advised that it's a question of policy for the Council to decide the penalties.

Kronmiller, seconded by Schneider, moved to adopt Ordinance No. 185 Regulating Dogs with an amendment to make it a petty misdemeanor for having a dog at-large and to strike language that "any person with multiple convictions of petty misdemeanor offenses shall be guilty of a misdemeanor". The motion carried 5-0.

SUMMARY PUBLICATION OF ORDINANCE NO. 185 (RESOLUTION NO. 06-20-17-05)
Kronmiller, seconded by Maefsky, moved to adopt Resolution No. 06-20-17-05, Providing for the Summary Publication of Ordinance No. 185. The motion carried 5-0.

DESIGNATION OF FENCE VIEWER

Administrator Soltis explained the state's partition fence law which requires that a Council person be appointed as a "fence viewer" to resolve disputes between neighbors regarding the construction of a partition fence. Soltis said that he had received an inquiry from a resident who may take action on state's fence law. The Council was in consensus to wait on an appointment until a petition comes to the City.

CREATING A PARTITION FENCE EXEMPTION (RESOLUTION NO. 06-20-17-06)

In light of the above research on the state's partition fence law, Administrator Soltis recommended that the City adopt a resolution to exempt the City from fence viewing requirements on land less than 20 acres combined to ensure that the City is not required to mediate private disputes, a time consuming process. This exemption is allowed under recent state law.

Kronmiller, seconded by Ness, moved to adopt Resolution No. 06-20-17-06, Authorizing and Adopting the Exemption to the MN Partition Fence Law for Certain Property Owners. The motion carried 5-0.

PAY REQUEST FOR 2017 ROAD PATCHING CONTRACT

City Engineer Goodman recommended approval of the contractor's request for the 2017 bituminous patching project.

Kronmiller, seconded by Ness, moved to approve Payment No. 1 and Final to Northwest Asphalt, Inc. in the amount of \$40,707.90 for the 2017 Bituminous Patching Project. The motion carried 5-0.

PAY REQUEST FOR 2017 CRACK SEALING PROJECT

City Engineer Goodman recommended approval of the contractor's request for the 2017 crack filling project. The request includes withholding 5% retainage to complete a few punchlist items.

Ness, seconded by Kronmiller, moved to approve Payment No. 1 to Asphalt Technologies Corporation in the amount of \$30,590.00 for the 2017 Crack Filling Project. The motion carried 5-0.

DESIGNATE BARGAINING TEAM FOR LABOR NEGOTIATIONS WITH LOCAL 49

Administrator Soltis stated that the Union is ready to begin negotiations for the next labor agreement which would begin January 1, 2018. By consensus, Mayor Maefsky and Council member Kronmiller were selected to be on the negotiating team.

REPLACEMENT OF PUMPS AT LIFT STATION #2 IN THE BLISS

Public Works Director Hawkinson presented two quotes for replacement of lift station #2 pumps in the Bliss 201 system. The quotes are less than the amount budgeted for the replacement in the 2017 budget. Hawkinson reported that the pumps are not operating properly following rain events and that the current pumps will be retained as spares.

Hegland, seconded by Kronmiller, moved to accept the quote from Quality Flows in the amount of \$10,270 for the purchase of two replacement pumps for Bliss Lift Station #2. The motion carried 5-0.

PURCHASE OF STREET SIGN POSTS

Public Works Director Hawkinson presented quotes from two suppliers for the purchase of street sign posts.

Kronmiller, seconded by Hegland, moved to accept the quote from 3D Specialties in the amount of \$4,757.80 for pre-punched street sign posts. The motion carried 5-0.

PURCHASE OF STREET SIGNS

Public Works Director Hawkinson presented quotes from two suppliers for the purchase of street signs, to follow the practice of replacing the signs as the City completes road upgrades.

Ness, seconded by Hegland, moved to accept the quote from R&R Specialties in the amount of \$3,561.24 for replacement street signs. The motion carried 5-0.

REPLACEMENT OF PROJECTION SCREEN IN THE COMMUNITY CENTER

Public Works Director Hawkinson reported that the projection screen in the large hall of the Community Center has deteriorated and needs to be replaced. The screen was initially installed by the Lions Club, and Hawkinson recommended that the Lions be asked to donate half the cost for a new screen, estimated to be \$3,350 with installation. The City's portion of the funding would be around \$1,500 to \$1,700.

Ness, seconded by Kronmiller, moved to make a request to the Lions Club to split the cost of a new projection screen for the Community Center. The motion carried 5-0.

ADJOURNMENT

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

The meeting adjourned at 9:23 p.m.

Respectfully submitted,

Brenda Eklund
Deputy Clerk