

June 21, 2016

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 Bob Hegland, Dan Lee, Chris Ness, Jim Schneider and Mayor Randall Simonson. Staff present: City Administrator Neil Soltis, City Planner Sherri Buss, City Engineer Ryan Goodman, City Attorney Nick Vivian, Police Deputy Brandon Yetter and Deputy Clerk Brenda Eklund.

PUBLIC FORUM

There were no public comments.

APPROVAL OF AGENDA

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

CONSENT AGENDA

The following Consent Agenda was presented:

- a) Minutes
 - 1) May 17, 2016 Regular Meeting
 - 2) June 1, 2016 Work Session
- b) Treasurer's Report

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|------------------------------|-----------------------|
| Beginning Balance 05/01/2016 | \$2,892,480.98 |
| Receipts | + \$47,999.00 |
| Expenditures \$76,050.77 | |
| Payroll <u>\$31,530.93</u> | <u>(\$107,581.70)</u> |
| Ending Balance 05/31/2016 | \$2,832,898.28 |
- c) Payment of Vouchers
- d) Appoint Election Judges for August 9, 2016 Primary Election and November 8, 2016 General Election (*Resolution No. 06-21-16-01*)
- e) Approve Slalom Course on Bone Lake
- f) Performance evaluation wage adjustment – Rick Regnier
- g) Special Event Permit – Tour de Hugo Community Bike Ride, September 24, 2016

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

PARKS AND RECREATION COMMITTEE

No representatives from the Parks and Recreation Committee were present.

PLANNING COMMISSION

Conditional Use Permit for Community Solar Garden at 23359 Oldfield Avenue North. Ameresco, Applicant.

City Planner Buss presented the recommendation from the Planning Commission to approve a Conditional Use Permit for a Community Solar Garden at 23359 Oldfield Avenue. Buss explained that review of the application extended over several meetings to address concerns due to the site topography and site suitability, impacts to property values and rural character, and

screening potential. The applicant responded to the Commission's request for revised screening plans to meet the ordinance requirement to screen the project from public right-of-way to the extent possible. The Commission concluded by a 3-1 vote that the project meets the performance standards of the ordinance and approved a resolution recommending Council approval with 27 conditions. Buss explained that condition #14 as recommended by the Planning Commission had since been revised with language consistent with the legislative recommendations for vegetative groundcover for solar gardens.

Mayor Simonson asked Attorney Vivian to explain the ordinance language addressing screening "to the extent possible". Vivian stated that the applicant must do as much as they reasonably can to protect the public from glare and view from the public right-of-way; the standard isn't 100% screening, but to the reasonable extent that screening can be made available. Vivian said the Council needs to determine if the applicant is doing everything to reasonably screen the project from the right-of-way.

Mayor Simonson called on Planning Commissioner Walt Anderson to address the Council. Anderson explained that he was not present to vote on this application, but stated his opposition to the project due to the location in a residential neighborhood where the panels cannot be adequately screened due to the hill that they will be located on. He said the screening should be taller to begin with, such as 20'-40' coniferous trees planted in staggered rows, as opposed to the 6'-8' trees as recommended. He asked the Council to turn down the application or table it to address proper screening.

John Nevell, Ameresco, introduced Mary Matze, Planner with Landform, to provide information on the proposed screening plan. Matze explained that the landscape plan was developed to screen the solar project from the adjacent roadway to the extent possible through berms and mixed vegetation. She explained a mix of deciduous and coniferous trees provides a better variation in height and blends in with the rural character. After approval they will work with staff to prepare a landscape plan to meet the ordinance. The soil for the berms will come off the site. The required fence will be constructed around the perimeter of the panels and will be behind the berm. An example of the proposed fencing was provided. Matze stated that smaller trees appear to establish themselves more strongly than larger trees at planting, and have a longer life span.

Council member Schneider asked who in the community will benefit from this solar project. Matze explained that the solar project is part of a state mandated program run through Xcel Energy that is open to the public to subscribe to in order to fix their future energy costs and reduce their electric rate. The nearby residents will likely be using the power that will be generated from the solar installation that goes to the grid. Julie Jorgenson, Greenmark Solar, stated that the City will benefit from a larger tax base and the project is a non-invasive use of land not requiring services. Schneider said that the computer generated photos did not appear true to life since the hill was not shown, and that the project seems to affect the enjoyment of the surrounding property owners. Schneider questioned who would follow up with the landscape plan and other conditions placed on the permit.

In response to a question about the process if the applicant does not meet the conditions of the permit, Attorney Vivian explained the process for enforcing or revoking the permit and that the conditions are leverage for significant enforcement opportunities. Planner Buss stated that the Council can designate who approves final landscaping plans, and that the Council could request that they have final approval.

Council member Ness said that moving ahead with approval at this point is like putting the cart ahead of the horse, and that the Council should see final landscaping and grading plans before voting on the CUP.

Simonson, seconded by Hegland, moved to table a vote on the Conditional Use Permit until the July 19th Council meeting in order to review the final grading and landscaping plans for the project. The motion carried 5-0.

Amendment to Ordinance No. 170, to Extend the Solar Farm Moratorium One Additional Month

Administrator Soltis presented a request from the Planning Commission to extend the term of the moratorium on solar gardens and farms for one additional month, as the moratorium will expire on July 28th. The Commissioners reviewed the solar farm ordinance over their last two meetings, but have not completed the study in order to have a public hearing on any proposed changes before the moratorium expires. Soltis explained that extending the moratorium would eliminate any applications to proceed in the City since the state solar program expires in September. Planner Buss stated that there may be one potential application for a 2-Megawatt installation that has been in contact with staff.

The Council was in consensus to not extend the moratorium on solar gardens and farms beyond the initial 3-month term. Mayor Simonson stated that the Commissioners were aware of the deadline since the beginning.

BUILDING OFFICIAL

The building activity report was received from Building Official Chuck Preisler. Year to date permits number 73 at a valuation of \$3,901,695.50. Administrator Soltis noted that these figures are up from 2015 numbers.

POLICE DEPARTMENT

Deputy Yetter reported on police activity in the past month. He has been working on exterior storage violations, trespassing issues at Wind in the Pines Preserve, and family assists with local teens.

FIRE DEPARTMENT

The monthly activity report was received. The department responded to one fire call and fifteen medical rescue calls in May.

CITY ENGINEER

City Engineer Goodman reported that the street reconstruction project on Oldfield/236th - 237th streets is on schedule to be completed by early July. Seal coating and crack filling will begin July 25th or earlier if the street patching is completed.

Street Improvement Project – Contractor Pay Request #1

Engineer Goodman presented pay request #1 to Dresel Contracting for the 2016 Street Improvement Project for completed work to date.

Simonson, seconded by Hegland, moved to approve Pay Request #1 to Dresel Contracting in the amount of \$286,073.48. The motion carried 5-0.

CITY ATTORNEY

Attorney Vivian explained that he will be attending future Council meetings on behalf of the Eckberg Lammers law firm in place of Attorney Andy Pratt.

CITY ADMINISTRATOR

Administrator Soltis reported that the Log House Landing permit application has been submitted to the Army Corps of Engineers. It's anticipated that bid solicitations for the boat ramp project will be sent out in early July. DNR staff will complete the mussel survey at no cost. Installation of the Oakhill Cottages storm shelters is scheduled for later in July. Prefer Paving will be starting the contracted road patching on June 28th. Soltis provided information to the Council on certification training for the Board of Appeals.

VETERAN'S MEMORIAL PROJECT AGREEMENT

Administrator Soltis explained the memo of understanding between the City, Scandia Marine Lions Foundation and the Scandia Veterans Memorial Committee that defines the responsibilities for construction, improvements and on-going maintenance of the memorial that will be installed at Lilleskogen Park. Soltis estimated that insuring the site will be approximately \$270 per year, budgeted to the Parks department. Dave Wilson, Foundation President, was present to report that the Foundation Board has approved of the agreement. Two-thirds of the fundraising goal has been met, and it's projected that construction will begin in the next few months with completion anticipated before Veterans Day.

Simonson, seconded by Ness, moved to approve the Veteran's Memorial Agreement as presented. The motion carried 5-0.

SOLAR DEVELOPMENT AGREEMENT WITH FOREST LAKE HOLDCO, INC.

Administrator Soltis presented the development agreement between the City and Forest Lake Holdco, the developer of the community solar garden that will be located at the NW corner of Highway 97 and Manning Avenue. As part of the CUP approval last October, execution of a development agreement that incorporates key provisions of the permit is required. Soltis noted that the agreement establishes a screening escrow for the landscaping requirement and provides for security to ensure that the project is decommissioned in the future.

Simonson, seconded by Ness, moved to approve the Developer’s Agreement with Forest Lake Holdco, Inc. as presented. The motion carried 5-0.

WITHDRAWAL FROM THE FOREST LAKE CABLE COMMISSION JOINT AND COOPERATIVE AGREEMENT (RESOLUTION NO. 06-21-16-03)

Mayor Simonson provided a summary of the June 9th joint meeting with Columbus and Forest Lake which discussed the future of the Forest Lake Cable Commission. At previous Council meetings, the Council discussed withdrawing from the FLCC due to a number of factors. Administrator Soltis explained the resolution that would initiate the process of withdrawing from the Cable Commission. The effective date of the withdrawal would be 2 years after notice is provided. During the phase-out period, Scandia would reduce its support to the Commission to 88% of the franchise fees received from cable subscribers, from the current 100%. If either Forest Lake or Columbus elects to withdraw, a dissolution process would begin. Council member Lee voiced support for continuing as a member since the station provides an outlet for youth to broadcast programming.

Ness, seconded by Hegland, moved to approve Resolution No. 06-21-16-03, Withdrawing from the Forest Lake Cable Commission. Council member Lee stated that the public access provider is a great service to residents. Simonson called for a roll call vote: Lee – no; Ness – yes; Hegland – yes; Schneider – yes; Simonson – yes. The motion carried 4-1.

STREET NAME CHANGES FOR MEADOWBROOK CIRCLE AND NEWBERRY COURT (RESOLUTION NO. 06-21-16-04)

Administrator Soltis explained that two streets, Meadowbrook Circle and Newberry Court, were platted without a “North” designation. Washington County has asked that this discrepancy be resolved to increase the accuracy of its GIS used for public safety and property location uses. Soltis noted one other location that uses an inaccurate 230th Street mailing address should be corrected, but the property owners did not respond to a request for an address change.

Lee, seconded by Hegland, moved to approve Resolution No. 06-21-16-04, Renaming Streets in the City of Scandia. The motion carried 5-0.

BUDGET REALLOCATION FOR SECURITY IMPROVEMENTS (RESOLUTION NO. 06-21-16-05)

As discussed at the June 1st Work Session, a resolution to reallocate the 2016 budgeted funds from the Council chamber audio system to funding the relocation of router and communication equipment to a secure location was presented. Administrator Soltis explained that one more proposal will be obtained and brought to the Council for review before awarding the work, which addresses the concerns about data security raised by the Insurance Trust.

Simonson, seconded by Hegland, moved to approve Resolution No. 06-21-16-05, Amending the 2016 General Fund Budget. The motion carried 5-0.

SUMMARY OF JUNE 1, 2016 CLOSED MEETING

At the June 1, 2016 Work Session, the Council went into a closed meeting for the purpose of conducting an evaluation of Public Works Director Dave Williams. Mayor Simonson reported that the Council voted unanimously to terminate Mr. Williams' employment effective June 3, 2016 due to underperformance in carrying out the duties of the position.

ADJOURNMENT

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

The meeting adjourned at 9:05 p.m.

Respectfully submitted,

Brenda Eklund
Deputy Clerk