

July 18, 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 Steve Kronmiller, Chris Ness, Jim Schneider and Mayor Christine Maefsky. Council member Bob Hegland was absent. 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 Treasurer Colleen Firkus.

PUBLIC FORUM

There were no public comments.

APPROVAL OF AGENDA

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

CONSENT AGENDA

The following Consent Agenda was presented:

- a) Minutes
 - 1) June 20, 2017 Regular Meeting
- b) Treasurer's Report
- c) Payment of Vouchers
- d) Special Event Permit – Tour de Hugo Community Bike Ride, September 23, 2017
- e) Accepting donation from the Scandia Marine Lions for adding striping for pickleball use to tennis courts at the Community Center
- f) Establishing a Good Neighbor Award program
- g) Special Event Permit – Taco Daze – September 9, 2017

Ness, seconded by Schneider, moved to approve the Consent Agenda as presented. The motion carried 4-0.

PARKS AND RECREATION

There was no report from the Parks and Recreation Committee.

PLANNING COMMISSION

Scandia Elementary School, Applicant (Resolution No. 07-18-17-01)

Planner Buss presented the recommendation from the Planning Commission to approve a Site Plan for a major project for expansion and improvement to the building and site, and site drainage improvements and a variance for replacement of a nonconforming retaining wall. The project is in compliance with the Comprehensive Plan, Design Guidelines, and the Development Code other than the replacement of the retaining walls. Based on comments from Engineer Goodman a number of conditions were added related to ADA compliance and storm water management. The lighting plan uses LED lights which are prohibited by the City's Development Code. Based on the common acceptance of LED lights, which are able to meet the intent of the code and design guidelines, Attorney Pratt has suggested the Council initiate changing the

ordinance, which can be reviewed at the next Planning Commission meeting, and a public hearing held at the August 15 Council meeting. The Planning Commission found that the proposed building design is consistent with Design Guideline requirements and the materials and design of the original structure. The design guideline do not allow for the metal panels to shield the air conditioning equipment but the Commission noted that they meet the requirement for shielding such equipment. Only one public comment was received at the Planning Commission from a neighbor regarding storm water management and upon review of the plan seemed to think it would make things better.

Ness, seconded by Kronmiller, moved to direct the Planning Commission to review an amendment to the Ordinance regarding LED light guidelines. The motion carried 4-0.

Kronmiller, seconded by Schneider, moved to adopt Resolution No. 07-18-17-01, Approving a Site Plan and Variance for the expansion of the Scandia Elementary School and related building and site improvements with conditions located at 14351 Scandia Trail North. The motion carried 4-0.

Variance for construction of an accessory building closer to the Lofton Avenue right-of-way than the primary structure on the parcel at 21203 Lofton Ave. N., Kevin an Anna Gonzalez, Applicants. (Resolution No. 07-18-17-02)

Planner Buss presented the recommendation from the Planning Commission to approve a variance to build a 40'x50' accessory building closer to the road right-of-way than the principal building on the property. The proposed building setback from Lofton Avenue right-of-way is 78 feet. While the parcel is 34.6 acres in size, it is divided by Lofton Avenue and placing the structure on the 10 acres east of Lofton that holds the home fit the intent of the code to make accessory structure subordinate. Due to the topography of the parcel, with a high area behind the house and a low area in front of the house, the proposed accessory building will be less visible from the road if built in front of the house. In addition, the front is screened with conifers. The Planning Commission added a condition for the color of the new building is compatible with the earth type colors of the home.

Ness, seconded by Schneider, moved to adopt Resolution 07-18-17-02 to approve a variance for 21203 Lofton Avenue North to construct an accessory building closer to the Lofton Avenue right-of-way than the primary structure on the parcel. The motion carried 4-0.

Variance from Side Yard Setbacks to build a home at 18526 Langly Avenue. Jeffrey Biermaier, Owners. Chad Wolkerstorfer, CW Exteriors, Applicant (Resolution No. 07-18-17-03)

Planner Buss presented the recommendation from the Planning Commission to approve a variance from side yard setbacks to construct a new home at 18526 Langly Avenue for Jeffrey Biermaier. The setbacks for the home are a minimum of 7 feet from the northern boundary and 3 feet from the southern boundary, and meeting all other required setbacks. Steep slopes on the property constrain the building site. Biermaier requested to purchase the city owned lot acquired through tax forfeit to the south, which would eliminate the need for a variance, but that lot can only be used for road purposes. The roadway setback was increased from 40' to 49' to

accommodate a neighbor's request to maintain his view of the lake and to be more similar to the neighbor's setback. Engineer Goodman has requested a condition for a drainage analysis as part of the grading plan. Council member Schneider expressed concern about drainage and increasing sewer use with a larger home, but staff indicated there is not a capacity issue in the Bliss subdivision. Biermaier indicated he will be replacing the septic tank and putting in a culvert.

Kronmiller, seconded by Ness, moved to adopt Resolution No. 07-18-17-03, Approving Setback Variances for 18526 Langly Avenue. The motion carried 4-0.

Approving a Variance for 15610 Pilar Road North to construct an accessory solar energy structure closer to Pilar Road North than the primary structure on the parcel.

Planner Buss presented the recommendation from the Planning Commission to approve a variance to locate the solar array closer to the road than the house. In order to get enough sunlight there is only one place on the property where installation would work. The array would be 95' from the center of the road. The electrical equipment will be at the array or the house and not a separate structure or in the road-right-of-way. The applicant has been planting trees for screening and will add more when the construction is completed.

Ness, seconded by Schneider, moved to Resolution 07-18-17-04 to approve a variance to construct an accessory solar energy structure closer to Pilar Road North than the primary structure. The motion carried 4-0.

BUILDING OFFICIAL

The building activity report for June was provided by Building Official Chuck Preisler and presented by Administrator Soltis. Last month, 35 permits were issued at a valuation of \$1,067,096. Compared to last year the dollar amounts received are the same, but more permits are being issued. Soltis also noted that 42 permits have already issued in the month of July due to storm damage.

POLICE DEPARTMENT

Deputy Brandon Yetter reported a busy month with two suicides, two other deaths, an attempted arson of a car, a burglary, and mailbox vandalism via fireworks. Yetter said there continues to be issues at Log House Landing with the parking sign being pulled out and thrown in ditch, which he replaced a couple of times, blocking a driveway at 15690, and breaking the informational landing sign which will not be replaced again by the Park Service. National Night Out is coming up August 1st. There continues to be issues at Wind in the Pines Park where a deadfall barrier had been removed within a week, a sign taken down, and continues to write tickets to offenders. Schneider suggested a more substantial barriers and signs be erected, and signs that are clearer that the Park Boundary is actually the end of the boundary and private property.

FIRE DEPARTMENT

Fire Chief Mike Hinz reported that the department responded to 26 calls last month – 15 EMS, 2 dive and 5 fire calls for 102 calls for the year. July has been busy with power lines and tree

removal. Both on Hwy. 95 and city streets. Two new members are training and in their probationary period.

CITY ENGINEER

City Engineer Ryan Goodman provided updates in a written report. Goodman noted that Washington County has created a position to hire a Parks Director in response to feedback received during their Comprehensive Plan process for the County to take more of a lead on Regional Parks, whether enhancing existing or creating new ones.

CITY ATTORNEY

City Attorney Andy Pratt has returned from vacation with a family wedding in Texas, and will address the certificate of indebtedness for the purchase of equipment later in the meeting.

DIRECTOR OF PUBLIC WORKS

Public Works Director Adam Hawkinson provided a written report. He noted that the spray patching work is complete with Fahrner going further, but RMC did a better job getting cracks flat. The street sign and post order has been delivered and will be installed soon. Under Sewers, Hawkinson noted that the valves were replaced at the Bliss Drainfield and noticed a difference in the oxygen results at the test well and is waiting for the report back from Pace. The brush pile behind Public Works/Fire Station was burned with cooperation from the Chief Hinz. Council member Ness and Mayor Maefsky complimented Adam on the condition of the Log House Landing for the Fat Cat Triathlon by making it safer with more fill and a vegetative matting. Council member asked about tree clearing. Hawkinson said they had 2 crews doing tree clearing will be sending letters to residents about clearing trees on their property that fell on the roadway.

CITY ADMINISTRATOR

Administrator Neil Soltis reported that the upgraded website should go active this week. Soltis reported on a proposal to convert the lighting at the community building to LED at a cost of \$28,216 after rebates and an estimated annual savings of \$3,240. The payback is an estimated 8 years and it will make it easier to change ceiling lights as won't have to call in an electrician. Soltis suggested that the cost can be reimbursed through electrical savings. Soltis also reported that Washington County CDA Board approved a contract with MCCD to operate an Open to Business Program in Washington County. They will provide technical expertise to people seeking to start businesses and will do some financing. So Scandia residents now have a new tool available to them in starting a new business. Mayor Maefsky inquired as to why LATV was not filming the meeting tonight. Soltis did not know, but has a meeting with the Coordinator the next day.

FIREFIGHTER PERA BENEFIT RESOLUTION 07-18-17-05

Kronmiller, seconded by Ness, moved to approve Resolution 07-17-17-05 to increase the benefit level to \$2,800 per year of service for firefighters who are vested in the voluntary Statewide Volunteer Firefighter (SVR) Retirement Plan. The motion carried 4-0.

INCREASING FIREFIGHTER WAGES RESOLUTION 07-18-17-06

Chief Hinz requested approval for the budgeted 3% increase in firefighter wages.

Schneider, seconded by Kronmiller, moved to approve Resolution 07-18-17-06 to improve increases in firefighter wages. The motion carried 4-0.

CERTIFICATES OF INDEBTEDNESS TO PURCHASE PLOW TRUCK RESOLUTION 07-18-17-07

Attorney Pratt presented a resolution authorizing the issuance of \$160,000 equipment certificates to purchase a 2017 plow truck with five principal payments of \$32,000 starting in 2018. The funds will be available in mid-August to coordinate with the arrival of the truck.

Kronmiller, seconded by Ness, moved to approve Resolution 07-18-17-07 to award the sale of \$160,000 General Obligation Equipment Certificates of Indebtedness. Motion carried 4-0.

DEVELOPMENT AGREEMENT BETWEEN ZAVORAL AND ARGO NAVIS FOR A COMMUNITY SOLAR GARDEN

Administrator Soltis gave an update on the development agreement between Argo Navis and Zavoral which was prepared by Attorney Pratt and reviewed Argo Navis' legal counsel and incorporates everything that was in the Planning Commission resolution. All the submittals required by the resolution have been made along with letters of credit for the fencing and screening and evidence of insurance coverage. The plans have been reviewed by the city's electrical and building inspectors and will be released once the development agreement is in place. This agreement is the legal document between the city and Argo Navis or their assignees. The remaining step before moving forward is to take action to relieve Tiller from the requirements of their AOP based on Argo Navis has taking over the management and maintenance of the site. Soltis said either Council could direct administrative approval of releasing Tiller, or it could be brought to the Council work session on August 2 for their approval. Nathan Franzen, Argo Navis, said they are targeting to get mobilized at the end of July and would appreciate it being expedited. Christina Morrison, Tiller Corp., stated that they are in the process of finalizing their agreements with Argo Navis and expect it to be done within the next week. Morrison said they will provide the city with a formal request to terminate the AOP. Attorney Pratt would like to review the Tiller / Argo Navis agreement. Planner Buss asked if Argo Navis is covering all the requirements of the Tiller reclamation plan, including maintenance. Morrison stated they are completing their work after a delay from a rain washout requiring them to return, then Argo Navis will be taking over the vegetative maintenance obligations. Planner Buss mentioned that there has been no site visit since October 2016 and recommended another site review by city staff. Soltis asked if Tiller could provide a closure report to document what work has been completed up to the date of turnover to Argo Navis.

Ness, seconded by Jim, moved to approve the development agreement between James and Kathleen Zavoral and Argo Navis for a community solar garden with the condition that the agreement regarding reclamation between Tiller and Argo Navis is completed. The motion carried 4-0.

FILLING VACANT POSITION ON PARKS & RECREATION COMMITTEE

Soltis reported that while no applications were received before the closure of the application period, one application was received from Carol Schwinghammer afterwards.

Maefsky, seconded by Ness, moved to approve the appointment of Carol Schwinghammer to the Parks & Recreation Committee. The motion carried 4-0.

FILLING EXPIRING TERM ON THE EDA

Soltis reported that Greg Isaacson's term is expiring and not seeking reappointment. One application was received from Brad Borg.

Kronmiller, seconded by Ness, moved to approve the appointment of Brad Borg to the Economic Development Authority to a three year term. The motion carried 4-0.

RECOMMENDATION TO COMFORT LAKE/FOREST LAKE WATERSHED DISTRICT BOARD

There were no applications in response to the posted city notice for the advisory position to the Comfort Lake/Forest Lake Watershed District Board, so the Council chose to take no action.

ADJOURNMENT

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

The meeting adjourned at 8:40 p.m.

Respectfully submitted,

Colleen Firkus
Treasurer