

July 19, 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 Andy Pratt, Fire Chief Mike Hinz, and Treasurer Colleen Firkus.

### **PUBLIC FORUM**

There were no public comments.

### **APPROVAL OF AGENDA**

**Schneider, 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) June 21, 2016 Regular Meeting
  - 2) July 14, 2016 Special Meeting
- b) Treasurer's Report
- c) Payment of Vouchers
- d) Authorization for Meister's to sell beer at Taco Daze Beer Garden, September 10, 2016
- e) Appointment to Economic Development Authority – Robert Feidt

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

### **PARKS AND RECREATION COMMITTEE**

Dustin Hegland reported on a proposal brought to the Park and Recreation Committee by the *Friends of Scandia Parks and Trails* for a new bike route sign to be paid by *Friends* and to be posted at the Community Center. The aluminum sign will be the same as that posted at the Hay Lake Shelter. Richard Burton showed a sample of the sign. The Council expressed concerns about the location of the sign. After Council discussion, **Lee, seconded by Schneider, made a motion to accept the sign donation with the City Administrator determining the final placement of sign. The motion carried 5-0.**

### **PLANNING COMMISSION**

***Interim Use Permit for Temporary Dwelling at 21020 Meadowbrook Ave. N. Julie Ruddy, Applicant.***

City Planner Buss presented the recommendation from the Planning Commission to approve an Interim Use Permit (IUP) for a Temporary Dwelling at 21020 Meadowbrook Avenue. Buss explained that the applicant is building a new home and is asking the City to allow her to keep the existing home in place and maintain it as her residence until the new home is completed. The Development Code requires an IUP for the Temporary Dwelling Unit. However, the City's

Building Inspector noted that many cities do not require an IUP for a Temporary Dwelling Unit during construction when the existing home will be replaced with a new structure. An occupancy permit would not be issued until the old structure is removed. Buss noted that the language typically refers to manufactured homes moved temporarily onto the site and that the Planning Commission would review the requirements for an IUP for Temporary Dwelling Units during construction to clarify whether an IUP is needed for an existing home that is used for that purpose and whether an administrative permit would suffice in those instances.

**Lee, seconded by Schneider, moved to approve Resolution No. 07-19-16-01, Approving an Interim Use Permit for a Temporary Dwelling Structure at 21020 Meadowbrook Avenue. The motion carried 5-0.**

*Setback variance for an accessory structure at 10455 192<sup>nd</sup> Street North. Gary and Regina Erkenbrack, Applicants.*

City Planner Buss presented the recommendation from the Planning Commission to approve a variance to construct a 40'x60' accessory building that is 130 feet from the northern parcel boundary and closer to the roadway than the existing home at 10455 192<sup>nd</sup> Street North. All other ordinance requirements are met. Practical difficulties are related to where their septic system is located, the lake setback to the rear of the house, and poor soils in areas behind the house.

**Simonson, seconded by Ness, moved to approve Resolution No. 07-19-16-02, Approving a Variance to permit construction of a 40'x60' accessory building that is 130 feet from the northern parcel boundary of the parcel at 10455 192<sup>nd</sup> Street North. The motion carried 5-0.**

*Ordinance No. 172 – Amending the Development Code, Chapter 2, Section 3.2(5) Exception to Historic Accessory Buildings and Structures.*

City Planner Buss presented a Planning Commission recommendation that the Development Code section that allows an exception from several requirements for accessory structures in order to preserve historic structures or buildings on parcels that are 4 acres or larger be extended to all zoning districts of the City. The exception is currently permitted only in the AG C, AP and GR Districts.

**Simonson, seconded by Ness, moved to approve Ordinance 172, an ordinance amending Ordinance No. 122, the Scandia Development Code, Chapter 2, Section 3.2, Accessory Structures, Exception for Historic Accessory Buildings and Structures, to extend to all zoning districts. The motion carried 5-0.**

**Simonson, seconded by Ness, moved to approve Resolution 07-19-16-04 providing for Summary Publication of Ordinance No. 172. The motion carried 5-0.**

*Minor Subdivision at 14340 205<sup>th</sup> Street North. David and Janice Salminen, Applicants.*

City Planner Buss presented the recommendation from the Planning Commission to approve a proposal to subdivide and existing 12.41-acre parcel to create a new 2.51-acre parcel (Lot 2),

with the remaining area to continue as a single 9.5-acre parcel (Lot 1) with the current single-family use. The applicants propose that Lot 2 will be developed in the future with a single-family home. The only issue was the number of accessory structures on Lot 1. The previous action on Ordinance 172 extended the exception for historic accessory structures to all zoning district of the City. The parcel is located in the VN District where the historic structure exception was not previously applicable.

**Simonson, seconded by Ness, moved to approve Resolution No. 07-19-16-03, Approving a Minor Subdivision at 14340 205<sup>th</sup> Street North to create a new 2.5-acre parcel (Lot 2) with all the conditions except condition number 4. The motion carried 5-0.**

***Ordinance No. 173 – Amending the Development Code, Chapter 1, Section 4, Rules and Definitions, and Chapter 2, adding new Section 4.35 regarding Standards for Agritourism Uses.***

City Planner Buss presented a proposal from the Planning Commission to amend the Code that includes a new definition and standards for *Agritourism Use*. The purpose was to emphasize the educational and recreational aspects of the use, and the necessary ties to agriculture, and to distinguish it from the *Rural Event Facility Use*, which applies to uses that are focused on events. Under the new definition, a Special Event Permit would be required for all events with outdoor amplified sound or any event that meets the definition of a special event. Any agritourism use where there are 6 or more special events in a year will be required to get a Conditional Use Permit as a Rural Event Facility.

**Simonson, seconded by Ness, moved to approve Ordinance 173, an Ordinance Amending Ordinance No. 122, The Scandia Development Code, Chapter 1, Section 4 Rules and Regulation, and Chapter 2, adding Section 4.35 regarding Standards for Agritourism Uses. The motion carried 5-0.**

**Ness, seconded by Hegland, moved to approve Resolution No. 07-16-16-05, Approving the summary publication of Ordinance No. 173. The motion carried 5-0.**

#### **WASTEWATER COMMITTEE**

There were no questions or discussion of the June 23, 2016 Wastewater Advisory Committee report.

#### **BUILDING OFFICIAL**

The building activity report was received from Building Official Chuck Preisler. Year to date permits number 93 at a valuation of \$4,822,169.20.

#### **POLICE DEPARTMENT**

Deputy Brandon Yetter was not present due to his marriage last week.

#### **FIRE DEPARTMENT**

The monthly activity report was received. The department responded to 4 fire calls and 16 medical rescue calls in June.

**CITY ENGINEER**

There were no questions on City Engineer Goodman's written report.

***Street Improvement Project – Contractor Pay Request #2***

Goodman presented Contractor's request for Payment #2 and Change Order #1 for the 2016 Street Improvement Project for a total of \$489,659.32 to Dresel Contracting. Change Order #1 will be reimbursed by Chisago Lakes Township who wanted to add about 75' of work to Oldfield Ave. in their township limits.

**Simonson, seconded by Hegland, moved to approve Contractor Payment #2 to Dresel Contracting for \$489,659.32. The motion carried 5-0.**

**CITY ATTORNEY**

Attorney Andy Pratt had no written report, but wanted to thank the City staff and Council for their patience while he has been absent helping his wife recuperate. Pratt expects to be back in the office full strength and be up-to-date on the City's Solar Gardens, Log House Landing and other City issues.

**CITY ADMINISTRATOR**

Administrator Soltis stated his report includes Public Works, and that the City received the permits for the storm shelter at the Oakhill Cottages.

**RESOLUTION NO. 07-19-16-06, AN AMENDMENT TO THE 2016 ANNUAL OPERATING PERMIT OF TILLER CORP. FOR THE ZAVORAL MINE**

City Planner Buss pointed out that this year's AOP is the last one for the Zavoral mine as the 3 year mining period is almost completed. Tiller Corporation is applying for an amendment to the 2016 AOP for the Zavoral Mine and Reclamation project, which was approved along with a CUP in February 2016. In the meantime, the City approved a CUP for the next use for portions of the site, which is the Argo Navis Community Solar Garden project (ANCSG). There will be some differences in the approved AOP in regards to the reclamation for grading and in the plantings. There is also a parcel in Phase I in the NE corner that has been reclaimed with prairie plantings, but is not part of the solar garden project. There is a 5 years maintenance requirement on that prairie area. In the NW corner there is a line of trees that are critical to the screening for the solar garden site, but are also outside of the solar garden part of the site and need to be maintained for the life of the solar garden project. Buss presented a resolution with the amended conditions for the AOP. Buss also noted the Dr. Zavoral will be working up an agreement with Argo Navis for future responsibilities of the site to include the screening and the maintenance of the prairie plantings on the site, already established by Tiller. These items were not part of the solar garden CUP, but will be covered in a Development Agreement. A financial assurance will be required by Argo Navis to upkeep the Phase I reclaimed areas. The resolution as drafted does not release Tiller from any of its obligations under the AOP until a development agreement with Argo Navis has been executed.

Christina Morrison, Tiller Corporation, responded to Council's question about any more hauling at the site. Morrison said a handful of loads will occur as additional material will be encountered during final reclamation.

**Randall, seconded by Hegland, approved Resolution No. 07-19-16-06, Approving an Amendment to the 2016 Annual Operating Permit of Tiller Corporation for the Zavoral Sand and Gravel Mine and Reclamation Project. The motion carried 5-0.**

**ADJOURNMENT**

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

The meeting adjourned at 8:50 p.m.

Respectfully submitted,

Colleen Firkus  
Treasurer