

August 21, 2012

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 Connie Amos, Chris Ness, Jim Schneider, Sally Swanson and Mayor Randall Simonson. Staff present: City Administrator Anne Hurlburt, City Attorney Tom Miller, City Planner Sherri Buss, City Engineer Phil Gravel, Fire Chief Jim Finnegan, Police Deputy Chris Majeski, Maintenance Superintendent Tim Kieffer and Deputy Clerk Brenda Eklund.

### **PUBLIC FORUM**

There were no public comments.

### **APPROVAL OF AGENDA**

City Administrator Hurlburt introduced the following additions to the agenda: 5.c) Additions to the Payment Batch; 8.c)1) Accepting Donation from the Scandia Fire Relief Association; and 8.d)2) Washington County CSAH 3 Curb & Gutter and Pedestrian Ramps Project. **Ness, seconded by Amos, moved to approve the agenda as amended. The motion carried 5-0.**

### **CONSENT AGENDA**

The following Consent Agenda was presented:

a) Minutes

- 1) July 17, 2012 Regular Meeting
- 2) July 24, 2012 Special Meeting
- 3) July 31, 2012 Special Meeting
- 4) August 8, 2012 Special Meeting
- 5) August 15, 2012 Special Work Session Meeting
- 6) August 16, 2012 Special Work Session Meeting

b) Treasurer's Report

Beginning Balance 07/01/2012	\$1,849,644.29
Receipts	+ <u>1,173,102.08</u>
Expenditures \$66,265.23	
Payroll <u>36,648.58</u>	- <u>102,913.81</u>
Adjustments: Safe Deposit Box	+ 35.00
State Surcharges	- <u>349.50</u>
Ending Balance 07/31/2012	\$2,919,518.06

- c) Payment of Vouchers
- d) Special Event Permit, Meister's Bar and Grill (September 7 & 8, 2012)
- e) Utility Permit, Xcel Energy (Gas Main, 11010 to 11060 Mayberry Trail)
- f) Utility Permit, Midcontinent Communications (Cable, 21190 Ozark Ct.)

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

## **PARK AND RECREATION COMMITTEE**

### ***Sponsorship of Gun Safety Class***

At their July 2, 2012 meeting, the Park and Recreation Committee discussed a request that the City sponsor a gun safety class as part of the city's recreation program. City Administrator Hurlburt presented the Committee's recommendation to approve the sponsorship.

Volunteers Tom Hokenson and Ron Hoheisel, DNR certified firearms instructors, were present to explain the program. A total of nine evening classes would be scheduled at the Scandia Community Center during March-April 2013. Council was given a sample class syllabus showing the topics and guest speakers. Class size is typically twelve to fourteen students. At no time would both firearms and ammunition be present during class time. Mr. Hokenson explained that the field test is conducted at the Forest Lake Sportsmen's Association gun range as the final requirement. The instructors had been teaching the classes at William O'Brien State Park for the past eighteen years, but now they were looking at alternatives.

Mayor Simonson stated that the class will be a great asset to the community.

**Simonson, seconded by Schneider, moved to approve the recommendation of the Park and Recreation Committee that the City sponsor Youth Firearms Safety Classes. The motion carried 5-0.**

## **PLANNING COMMISSION**

### ***Conditional Use Permit to Allow Massage Studio at 21190 Ozark Avenue. Delynn Lalli, Applicant. (Resolution No. 08-21-12-01)***

The Planning Commission held a public hearing at their August 7<sup>th</sup> meeting on DeLynn Lalli's application for a Conditional Use Permit to operate a massage studio within existing space in the Scandia Plaza (21190 Ozark Avenue). City Planner Sherri Buss presented the Commission's recommended approval of the CUP. A draft resolution with conditions as recommended by the Planner was prepared.

**Ness, seconded by Swanson, moved to accept the recommendation of the Planning Commission and adopt Resolution No. 08-21-12-01, Approving Conditional Use Permit for Massage Therapy Studio at 21190 Ozark Avenue. The motion carried 5-0.**

### ***Variance from Maximum Lot Coverage and Conditional Use Permit for Construction of a Detached Garage at 18819 Layton Avenue. Carol Varhalla, Applicant. (Resolution No. 08-21-12-02)***

The Planning Commission held a public hearing at their August 7<sup>th</sup> meeting on Carol Varhalla's application for a Variance from maximum lot coverage requirements and a Conditional Use Permit for construction of a two-story detached garage at 18819 Layton Avenue. City Planner Sherri Buss presented the Commission's recommended approval with conditions as incorporated into a draft resolution. Buss explained that the conditions include the requirement of a grading and erosion control plan to direct stormwater runoff to pervious and vegetated areas on the parcel west of Layton Avenue. Buss described the request as reasonable and the minimum needed to eliminate the practical difficulties.

**Schneider, seconded by Swanson, moved to accept the recommendation of the Planning Commission and adopt Resolution No. 08-21-12-02, Approving Variance and Conditional Use Permit for 18819 Layton Avenue North. The motion carried 5-0.**

***Variance to Allow Construction of a Garage Closer to the Street than the Principal Structure at 15243 209<sup>th</sup> Street N. Steve Howe, Applicant. (Resolution No. 08-21-12-03)***

The Planning Commission held a public hearing at their August 7<sup>th</sup> meeting on Steve Howe's application for a Variance to allow construction of a garage closer to the street than the principal structure at 15243 209<sup>th</sup> Street. City Planner Sherri Buss presented the Commission's recommended approval with conditions as incorporated into a draft resolution. Buss explained that the practical difficulties of the location of the existing home, and the steep slopes and existing trees in the area where the garage could be constructed were not created by the landowner. Council member Ness asked if Mr. Howe had gotten the neighbor's feedback concerning the location along the sideyard. Mr. Howe reported that they met and came to an understanding.

**Schneider, seconded by Ness, moved to accept the recommendation of the Planning Commission and adopt Resolution No. 08-21-12-03, Approving Variance for 15243 209<sup>th</sup> Street North. The motion carried 5-0.**

***Variance from the Setback from the Ordinary High Water Level of Big Marine Lake for Construction of an Accessory Building at 13440 182<sup>nd</sup> Street N. Joseph Matt, Applicant. (Resolution No. 08-21-12-04)***

The Planning Commission held a public hearing at their August 7<sup>th</sup> meeting on Joseph Matt's application for a Variance from the setback of the Ordinary High Water Level (OHWL) of Big Marine Lake, to allow construction of an accessory building at 13440 182<sup>nd</sup> Street. City Planner Buss summarized the findings on which the Planning Commission recommended denial of the variance.

Mr. Matt had begun construction of a gazebo with an attached deck within the 100-foot setback of the OHWL without the proper zoning and building permits. Mr. Matt had assumed he was allowed replacement of a dilapidated shed under a land alteration permit from 2007 in which he was replacing retaining walls and correcting drainage issues. Buss explained the state law which allows replacement of a non-conforming structure within 180 days provided the structure remains within the exact footprint. Buss noted that Mr. Matt did not provide information that the City can use to verify that the new structure is in the same location and of the same size. Buss stated that the proposal is not in harmony with the Comprehensive Plan nor does it meet the requirements of the zoning code. The deck exceeds the size allowed in the Shoreland Overlay District.

Joseph Matt, 13440 182<sup>nd</sup> Street, addressed the council. He stated that he regrets not consulting with the City during the construction of the shed, but assumed he could replace a shed under a permit issued in 2007 to correct an erosion problem. Mr. Matt requested more time for the consideration of his request so that he could address the actions of the Planning Commission and the findings contained within the Planner's report. He stated that he would like to work with the

City to meet the criteria for compliance. Mr. Matt felt he could prove a need to allow for a variance to build within the setback.

City Administrator Hurlburt advised that an extension could be granted if Mr. Matt waived the 60-day review period.

City Planner Buss recommended that a survey of the property be a condition for further review of the proposal. There could be floodplain and lot coverage issues which need an accurate survey to address.

Mayor Simonson noted that the situation was not taken lightly by the Planning Commission and that there are multiple issues which are a problem with this application. He stated that he does not see the problem correcting itself by stretching out a decision over time. Simonson said that there are reasons for code requirements in cities, states and shorelands and that there are many more concerns than there were 30 years ago. He stated that they have the responsibility to maintain consistency and he doesn't see this request as fitting the bill.

**Simonson, seconded by Swanson, moved to accept the recommendation of the Planning Commission and adopt Resolution No. 08-21-12-04, Denying Variance Request for 13440 182<sup>nd</sup> Street.**

Council member Swanson stated that this was a very hard decision for the Planning Commission. Swanson said that she understands the difficult situation Mr. Matt is in, but it is tough to build within the shoreland and unfortunately this proposal does not meet the criteria.

Council member Ness recognized the need to have storage by the lake, but Mr. Matt's request is beyond replacing what had been there. Ness suggested a 6-foot by 8-foot shed would be more reasonable.

Mr. Matt stated that he is looking for a practical solution to his dilemma and would be willing to remove the deck and reduce the size of his proposed shed to what could be acceptable.

Council member Ness stated that he would be amenable to looking at an alternative proposal for Mr. Matt's storage needs.

Council member Schneider agreed that he cannot approve what Mr. Matt has submitted, but would consider an alternative request.

Mayor Simonson stated that the Simonson/Swanson motion would be dropped.

**Simonson, seconded by Ness, moved to postpone action on Mr. Matt's variance request and extend the review period by 60 days, with an added condition that a survey of the property be included for review. The motion carried 5-0.**

The Council will continue a review the variance request at a future meeting.

### **BUILDING OFFICIAL**

The Council received the building activity report from Building Official Keith Wille. Eight permits were issued in July 2012.

### **POLICE DEPARTMENT**

Deputy Chris Majeski reported on police activity within the past month. Majeski is investigating theft of property and mail, vandalism and a burglary case. He reported that the National Night Out event was attended by over 175 people. Mayor Simonson commended Deputy Majeski on the fine job he did in coordinating the event.

### **FIRE DEPARTMENT**

Fire Chief Jim Finnegan reported that the department responded to 22 calls in July. A committee has been formed to prepare for the replacement of Engine 5180. Firefighter I training classes will begin this fall, to be held jointly with the Forest Lake Fire Department.

#### ***Accept Donation from the Scandia Fire Relief Association of a 2013 Polaris Ranger Utility Terrain Vehicle***

Fire Chief Finnegan presented a donation from the Scandia Fire Relief Association. The fundraising activities of the Association have made it possible to purchase a Polaris Ranger UTV, valued at \$11,425.65. The vehicle will assist with off-road rescue operations and grass fires. Finnegan stated that the purchase was made off the government contract.

#### **Simonson, seconded by Amos, moved to adopt Resolution No. 08-21-12-05, Accepting a Donation from the Scandia Fire Relief Association of a 2013 Polaris Ranger 6 X 6 Utility Terrain Vehicle. The motion carried 5-0.**

The Council took a brief recess to view the vehicle in the Community Center parking lot.

### **CITY ENGINEER**

#### ***Contractor's Request for Payment No. 1, 2012 Seal Coat and Bituminous Patching Project***

City Engineer Phil Gravel recommended approval of the request for payment from Allied Blacktop Company for the 2012 Seal Coat and Patching Project in the amount of \$174,551.24, the value of the work completed to date less a 5% retainage. Gravel reported that Washington County will not be able to complete the pavement striping, and Allied Blacktop will perform this as part of the original contract.

#### **Ness, seconded by Swanson, moved to approve Pay Request #1 to Allied Blacktop for the 2012 Seal Coat and Bituminous Patching Project, in the amount of \$174,551.24. The motion carried 5-0.**

#### ***Washington County CSAH 3 Curb & Gutter and Pedestrian Ramps Project***

City Engineer Phil Gravel presented a request from Washington County that the city approve of a project to remove and replace concrete curb on Olinda Trail (CSAH 3) from about 4,150 south of TH 97 to about 370 feet north of TH 97. Gravel stated that the County will coordinate the

project with the Uptown Wastewater Improvements plans, and will provide for trail extensions from 209<sup>th</sup> Street to the south ballfield.

**Simonson, seconded by Schneider, moved to approve the Washington County CSAH 3 Curb & Gutter and Pedestrian Ramps Project and authorize the City Engineer to sign the plans on behalf of the City. The motion carried 5-0.**

Work is scheduled to begin on October 1 and take three to four weeks to complete.

#### **CITY ATTORNEY**

City Attorney Tom Miller presented a written report on legal services provided to the City within the past month. The Council had no questions on the report.

#### **MAINTENANCE SUPERINTENDENT**

Maintenance Superintendent Tim Kieffer reported on Public Works activities undertaken during the month of July. Kieffer stated that the issues at the Goose Lake landing have been resolved; the table has been removed and the fire pit is gone. Mayor Simonson noted that the overlay and patching project on Melanie Trail looks very good and the crew did a fantastic job.

#### **CITY ADMINISTRATOR**

##### ***Resignation and Replacement of Office Assistant***

Office Assistant Roberta Hummel has submitted her resignation effective August 9, 2012. The position had been budgeted at 12 hours per week at a pay rate of \$12.75, with no benefits except for the PERA contribution. **Simonson, seconded by Ness, moved to accept the resignation of Office Assistant Roberta Hummel. The motion carried 5-0.**

City Administrator Hurlburt recommended that the City advertise the position at the 2012 pay range of \$11.38 to \$13.91 per hour. The actual rate of pay of the new hire would be based on their experience and skills. Hurlburt offered a proposed schedule of the hiring process, which would have interviews scheduled for early October. **Simonson, seconded by Amos, moved to authorize advertising for the position of Office Assistant at a pay range of \$11.38 to \$13.91 per hour. The motion carried 5-0.**

**Simonson, seconded by Ness, moved to delegate staff to carry out the hiring process. The motion carried 5-0.**

#### **AWARD BID, UPTOWN WASTEWATER SYSTEM IMPROVEMENTS**

Bids for the Uptown Wastewater System Improvements were opened on August 15, 2012. Bid results were as follows:

Septic Check, Milaca MN	\$138,693.25
Dunaway Construction, Forest Lake MN	\$143,298.00
Ellingson Drainage, West Concord, MN	\$194,991.60
Penn Contracting, Inc., Blaine MN	\$204,405.50

Brian Malm, Bolton & Menk Engineering, was present to recommend that the City award the project to low bidder Septic Check. Malm explained that the Engineer's project cost of \$105,390.00 was underestimated based on material costs from three years ago, but that the project cost could be lowered by approximately \$13,750 by making some non-substantive changes in the specification requirements for the septic tanks and pump control panel.

**Simonson, seconded by Ness, moved to award the bid for the Uptown Wastewater System Improvements Project to low bidder Septic Check at an approximate amount of \$125,000. The motion carried 5-0.**

**ORDINANCE NO. 132 AMENDING ORDINANCE NO. 121 ESTABLISHING COMPENSATION FOR THE MAYOR AND CITY COUNCIL**

Current Ordinance No. 121 allows for an inflationary adjustment to Council salaries, to occur on January 1, 2013. At the July 31 special meeting on the 2013 budget, the Council directed staff to prepare an ordinance to eliminate the 2013 Council salary adjustment. Salaries will remain at \$3,148.38 for Council members and \$3,882.96 for the Mayor until January 1, 2015.

**Simonson, seconded by Amos, moved to adopt Ordinance No. 132, Establishing Compensation for the Mayor and City Council of the City of Scandia and Repealing Ordinance No. 121. The motion carried 5-0.**

**FOREST LAKE CABLE COMMISSION JOINT AND COOPERATIVE AGREEMENT**

At their July 21, 2012 meeting, the Council tabled a decision to adopt a resolution which would terminate the Forest Lake Cable Commission Joint Powers Agreement. This was requested by Mayor Simonson who asked to table a vote until the Council had time to review a PEG (Public-Education-Government) Access Review Report. Council members received a copy of the report in late July.

Mayor Simonson explained that the decision to review the agreement was part of the City's initiative to review all contracts the City has in place, and this seemed an opportune time to consider a change. Simonson added that as a Committee member, he felt the cable operation was not as stable and questioned Scandia's role in the Commission. Since staff has been added to the cable operation, and the PEG assessment has identified improvements to LATV, Simonson recommended taking no action to dissolve the Commission at this time. Simonson stated that he would like to review the cable operations in six months.

Council member Schneider agreed with Mayor Simonson's recommendation. Schneider stated that he sees changes for the better after reviewing the PEG Assessment.

Council member Swanson agreed that an evaluation of the PEG Assessment Report was needed before a decision could be made, and she learned a lot from the in-depth report. Swanson added that cable coverage is positive for the City, and Ranger 20 coverage is good for the school district.

Council member Ness stated his agreement to table the issue, and that the televised city meetings would be missed if Scandia removed itself from the Commission.

**AGENDA FOR AUGUST 28, 2012 SPECIAL MEETING**

City Administrator Hurlburt presented a draft agenda for the August 28, 2012 Special Meeting and asked the Council if they had any additions. No additions were requested.

**ADJOURNMENT**

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

The meeting adjourned at 8:52 p.m.

Respectfully submitted,

Brenda Eklund  
*Deputy Clerk*