

October 17, 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, Engineer Katie Warner, City Attorney Andy Pratt, Fire Chief Mike Hinz, Public Works Director Adam Hawkinson and Deputy Clerk Brenda Eklund.

PUBLIC FORUM

Recognition of Retiring Firefighters

Mayor Maefsky presented framed certificates of appreciation to outgoing members of the Scandia Fire and Rescue Department.

- Jason Helke, 14 years of service
- Scott Swenson, 7 years of service
- David Mead, 5 years of service
- Aaron Sipola, 5 years of service
- Josh Pearl, 4 years of service

Scandia Good Neighbor Recognition –

Mayor Christine Maefsky presented Margie Schmidt and Ross Brunfelt with Scandia Good Neighbor Award Proclamations. Schmidt was nominated by Dave Bakken for her commitment to water and land protection. Brunfelt was nominated by Janie O'Connor in recognition of his leadership with the annual Fat Cat Triathlon event which raised \$14,000 in scholarship funds this year.

There were no other public comments during the forum.

APPROVAL OF AGENDA

Discussion of the Veterans Memorial was added as Agenda Item 9.e). **Kronmiller, seconded by Ness, moved to approve the agenda as amended. The motion carried 5-0.**

CONSENT AGENDA

The following Consent Agenda was presented:

- a) Minutes
 - 1) September 19, 2017 Regular Meeting
 - 2) October 4, 2017 Work Session

- b) Treasurer's Report

Beginning Balance	9/1/2017	\$3,788,202.24
Receipts		\$ 141,371.15
Expenditures	\$253,124.36	
Payroll	<u>\$ 24,715.11</u>	\$(277,839.47)
Adjustments: stopped check bank charge		\$ (4.00)
bldg permit cancelled		\$ (188.50)
miswritten check		<u>\$ (0.70)</u>
Ending Balance	9/30/2017	\$3,651,540.72

- c) Payment of Vouchers
- d) Fire Retirements
- e) Annual review –Brenda Eklund
- f) Annual review – Judi Negus
- g) Winter skating programs
 - 1) Agreement with Kathryn Herman for Learn to Skate program
 - 2) Seasonal ice rink staffing
- h) Discussion on part-time public works staffing
- i) Special Event Permit – Scanley Cup

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

PARKS AND RECREATION COMMITTEE

Winter Skating Programs and Flyer

Terry Gorham, Vice-Chair of PRC, presented the recommendation to approve the after-school winter skating programs for this coming winter season. Dustin Hegland will be supervising the Pleasure Skating program, and Katy Herman will be teaching Learn to Skate for beginner and advanced students. Programs will be held one day a week for 6 weeks beginning on January 3, 2018.

Hegland, seconded by Ness, moved to approve the winter skating programs and flyer as presented. The motion carried 5-0.

Gorham reported that Vinterfest planning is underway, with return of the button and snow sculpture contests, and the cloggers' performance as some of the activities for the annual event.

PLANNING COMMISSION

Minor Subdivision and Variance for Manthey Acres on Old Marine Trail. Dan Manthey, Applicant. (Resolution No. 10-17-17-01)

Planner Buss presented the Planning Commission's recommendation to approve a Minor Subdivision to create two lots and an outlot from an existing 23.6-acre parcel along Old Marine Trail owned by Dan Manthey. The property has several wetlands, and a variance from the 75' wetland setback requirement for the shared driveway was also recommended. Buss explained that the driveway would be approximately 4' into the setbacks along both sides of the access to the lots. The Washington Conservation District was not opposed to granting the variance, with an explanation that the proposed driveway location is a reasonable option for minimizing wetland impacts on the property. A resolution with findings and conditions of approval was prepared.

Council member Kronmiller reiterated his comments from the Planning Commission public hearing. He is opposed to granting variances, as in this instance a lot is being created in such a way that a variance is needed, and there is reasonable use of the lot the way it is now and he cannot find justification for granting the variance from the wetland setback. Kronmiller said he is looking forward to a change in the ordinance that could reduce setbacks based on the quality of the wetland. Planner Buss explained that this application meets the practical difficulty standard given by the League and legal guidance.

Council member Ness stated that a 4' variance seems to make sense here, and agreed with the recommendation to approve, especially with the direction for a future change to the ordinance that could allow this setback without a variance. Mayor Maefsky stated her agreement with this as well.

Council member Schneider said that this minor subdivision is a good use of the property. He said a change to the ordinance is needed as this is the third variance from wetland setbacks recently granted.

Council member Hegland said the 75' setback is repressive for the small wetlands and it would be no sense to make Manthey wait until the ordinance is amended.

Ness, seconded by Hegland, moved to approve Resolution No. 10-17-17-01, Approving a Minor Subdivision and Variance for Manthey Acres at PID 27.032.20.44.0003 located on Old Marine Trail North as presented. The motion carried 4-1, with Kronmiller opposed.

Amended Interim Use Permit for Redeemed Farm Rural Event Center at 12680 Scandia Trail. Jeff and Julie Gacek, Applicants (Resolution No. 10-17-17-02)

Planner Buss presented the Planning Commission's recommendation to approve an amendment to the existing Interim Use Permit to operate a Rural Event Center at 12680 Scandia Trail that would increase the number of guests allowed per event from 150 to 200. Buss reported that the traffic study showed no negative impacts with the increased number of guests, and the Fire Chief and Building Official agreed that the center could accommodate 200 guests. Buss noted that a large number of comments made at the public hearing were complaints about noise during events held on September 23rd and 30th. Sheriff Deputies investigated the sound levels which were found to be in compliance. No other complaints were received by the City during the center's operation this past season, and the request is within the maximum number of 300 guests permitted by the ordinance. Buss said that Gacek is making improvements to address concerns about traffic, such as working with MnDOT to install larger signs for Meadowbrook Avenue and correcting the location on Google maps.

Buss explained that the Commissioners reasoned that the increased guest count would not affect noise or traffic, and that additional landscape screening is not needed beyond the existing landscape plan. The Commissioners recommended a noise expert be consulted on the issue of sound travel of the baseline and vibrations. Buss reported that state noise standards account for these sounds which do travel further than general noise, and the sounds coming from the music in the barn are in compliance. A resolution granting approval was presented with findings and conditions for operation of the rural event facility.

Council member Ness said that neighbors making comments at the public hearing stated that they did not want to bother the police with calls about loud noise, but were told this is what they need to do to register their complaints – Ness said that more complaints should be anticipated during future events. Gacek said that four events have been held this month with no calls or complaints made. Mayor Maefsky noted the observation about the weather (cloud cover, wind, air conditions) on September 23 and 30 which could have affected sound travel and the increased noise complaints. Administrator Soltis said that neighbors may be hearing sounds, but the events are not exceeding the noise limits.

Kronmiller, seconded by Hegland, moved to approve Resolution No. 10-17-17-02, Approving an Amended Interim Use Permit for a Rural Event Facility at 12680 Scandia Trail North as presented. The motion carried 5-0.

Ordinance No. 188, Amending Section 4.32 Rural Event Center

Buss reported that the Planning Commission held the public hearing on the proposed ordinance amendment that would modify the process for the Annual Operator Permit review to be conducted administratively rather than by consultants and the City Council if the operation is in full compliance with conditions of their permit. The Commissioners recommended approval of this change in the process and said this should be simplified if there are no complaints, and the review can still be brought to the Council if needed.

Council member Kronmiller said he supports this amendment to streamline the process to the administrative level. Council member Schneider said it's unnecessary to bring the review to the Council. Mayor Maefsky said that there is a fallback for increased review if there are issues, and is in favor of this change.

Schneider, seconded by Hegland, moved to adopt Ordinance No. 188, Amending the Development Code, Chapter 2, Section 4.32, Rural Event Facility. The motion carried 5-0.

Summary Publication of Ordinance No. 188 (Resolution No. 10-17-17-03)

Ness, seconded by Kronmiller, moved to approve Resolution No. 10-17-17-03, Providing for the Summary Publication of Ordinance No. 188. The motion carried 5-0.

BUILDING OFFICIAL

Building Official Chuck Preisler's building activity report was received. A majority of the 134 permits issued in September were for roofing and siding repair due to the summer storm damage, at a valuation of \$13,440,542 for the month. Administrator Soltis reported that the year-to-date permit valuation includes permits for 3 community solar gardens at a combined value of \$10.4 million and 15 new house construction permits.

POLICE DEPARTMENT

Deputy Brandon Yetter reported on recent police activity and provided the citation report for September. The dumping of a large amount of roofing debris along the railroad tracks at 199th Street is being investigated. Since the offenders may not likely be determined, a discussion on what action the City could pursue to clean up the debris concluded that Canadian Railroad be given a deadline to pursue clean-up of the materials that are in their right-of-way. If no response, the costs incurred by the City should be charged or assessed to CN. **Ness, seconded by Kronmiller, moved to send a letter to Canadian Railroad with a 10-day deadline to clean up the construction debris. If no response, then the City will remove the debris and charge these costs to the railroad. The motion carried 5-0.**

FIRE DEPARTMENT

Fire Chief Mike Hinz reported that the department responded to 19 calls in September; 4 fire related and 15 EMS. A silo fire on Mayberry Trail last week required mutual aid from nearby departments. New recruits have completed interviews and physical testing.

CITY ENGINEER

Katie Warner, Bolton & Menk Engineer, provided a handout on the state's new small cell wireless law to assist with future discussion on implementing an ordinance for regulation of their placement on city infrastructure. Administrator Soltis noted that he is working with the City Attorney in reviewing a model ordinance on right-of-way regulation prepared by the League which address small cell wireless along with excavating and obstructions in right-of-ways. Bolton & Menk is following Washington County's draft Capital Improvement Plan for projects within Scandia. With a request from the Park Committee, they provided an estimate of the cost to widen the shoulders for trail purposes along certain roadways in the proposed 2018 road projects.

DIRECTOR OF PUBLIC WORKS

Public Works Director Adam Hawkinson reported that road striping is completed, rink boards are being replaced, a final grading will be done on the gravel roads before winter, and the new plow truck was delivered today.

CITY ADMINISTRATOR

City Administrator Neil Soltis summarized his monthly report – Wastewater Committee meeting this Thursday, EDA hosting a breakfast meeting with local businesses this week with a presentation from the County's Open to Business program, negotiations continue on the fire contract with May Township, and explained the County Board's action regarding the MN Buffer Law. Soltis provided a handout on the DNR's appeal of the White Bear Lake court ruling. Based on the 5-mile radius from the lake, Scandia would not be impacted with the court decision.

APPROVE HIRING OF PROBATIONARY FIREFIGHTERS

Fire Chief Hinz recommended the hiring of four candidates as probationary firefighters following their interviews and physical testing, pending the passing of the medical testing conducted by Osceola Medical Center scheduled for the last week of October. Consistent with Resolution No. 07-18-17-06, their rate of pay would be \$10.30/hour, beginning on November 1.

Kronmiller, seconded by Ness, moved to approve the hiring of Jim Cook, Rob Hinsch, Shaun Holtgreve, and Patrick McHugh as Probationary Firefighters subject to passing a drug test and medical evaluations. The motion carried 5-0.

APPROVE 2018-2020 LABOR AGREEMENT WITH I.U.O.E. LOCAL 49

Administrator Soltis reported that following negotiations with the Union, the members have voted to accept the terms of the 2018-2020 labor agreement. Soltis noted the changes from the previous agreement that relate to wages, calculation of overtime and holiday pay, uniform allowance increase, and benefits. The impacts to wages and benefits of \$5,236 in 2018 have been calculated into next year's budget.

Council member Schneider said that the wage increases (3% in 2018, 2.75% in 2019 and 2020) are out of hand. Mayor Maefsky served on the negotiating team and said that they looked at wages of comparable cities and these wages are a fair offering. Council member Kronmiller, also involved in negotiations, said that this agreement has a better handle on the discipline process.

Hegland, seconded by Kronmiller, moved to approve the union agreement based on the stated terms. The motion carried 5-0.

DISCUSSION ON PLANNING COMMISSION VACANCY

No applications were received for the advertised vacancy on the Planning Commission to fill the term of Walt Anderson. **Kronmiller, seconded by Hegland, moved to extend the application period to October 27 with a review at the November 1 Work Session. The motion carried 5-0.**

DISCUSSION ON PARKS AND RECREATION COMMITTEE VACANCY

Ryan Jinks recently notified the City that he is resigning from the Parks and Recreation Committee. His term ends on February 28, 2019. **Maefsky, seconded by Ness, moved to solicit applications through the City's website and Facebook page to fill the PRC vacancy. The motion carried 5-0.**

DISCUSSION ON VETERANS MEMORIAL SITE (RESOLUTION NO. 10-17-17-04)

Administrator Soltis explained that Dave Wilson, member of the Veterans Memorial Committee, requested permission to install an information stand along the sidewalk at the Veterans Memorial site in Lilleskogen Park. This was not discussed as part of the landscape plan, and Soltis noted the language in the agreement for construction and maintenance of the grounds "requires written consent from all parties prior to placing any objects at the memorial site". A resolution was prepared stating the City's approval under these terms. Council was in consensus to approve the information stand to be installed and maintained at the Foundation's cost.

Ness, seconded by Hegland, moved to approve Resolution No. 10-17-17-04, Approving Installation of an Information Stand at the Veterans Memorial Site. The motion carried 5-0.

ADJOURNMENT

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

The meeting adjourned at 8:30 p.m.

Respectfully submitted,

Brenda Eklund
Deputy Clerk