

October 18, 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, Fire Chief Mike Hinz and Deputy Clerk Brenda Eklund.

### **PUBLIC FORUM**

There were no public comments.

### **APPROVAL OF AGENDA**

Mayor Simonson announced that Item 9.c) Discussion on conditional offer of employment – Public Works Director, is removed from the agenda.

**Lee, 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 20, 2016 Regular Meeting
  - 2) October 5, 2016 Work Session
- b) Treasurer's Report

Beginning Balance 9/01/2016	\$2,759,162.42
Receipts	\$30,235.78
Expenditures \$184,864.79	
Payroll <u>\$21,612.90</u>	<u>\$(206,477.69)</u>
Ending Balance 9/30/2016	\$2,582,920.51
- c) Payment of Vouchers
- d) Appointment of Fire Department Officers
- e) Removal of Fire Department member
- f) Special Event Permit, Roberts Family Funeral Home, Scanley Cup Tournament, Jan 27-28, 2017
- g) Cooperative Agreement with National Park Service for Log House Landing ramp project
- h) Annual review – Judi Negus
- i) Annual review – Brenda Eklund

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

### **PARKS AND RECREATION COMMITTEE**

#### ***Winter Skating Programs***

Parks and Recreation Chair Ryan Jinks presented the Committee's recommendation to offer winter skating programs for 6 weeks beginning on January 5, 2017. A flyer describing the classes was included in the staff report. Katy Herman has agreed to return as the instructor for

the Learn to Skate program, and Committee members Dustin Hegland and Jodi Feldmann have volunteered to run the Pleasure Skating class.

Staff provided a recommendation to approve the hiring of returning ice rink staffing, and requested authorization to advertise for additional ice rink attendants.

**Lee, seconded by Hegland, moved to approve the winter skating programs, the agreement with Katy Herman, and the staff's recommendation for staffing the ice rink: Rink Supervisor John Beattie at \$11.32/hour, Ice Rink Maintenance Worker Ben Johnson at \$10.50/hour, Ice Rink Attendant Gunny Stolts at \$9.50/hour, and to advertise and interview for Ice Rink Attendants at \$9.50/hour. The motion carried 5-0.**

### **PLANNING COMMISSION**

***Variance from a Wetland Setback at 199<sup>th</sup> Street – Jon Eckman and Lisa Towry, Applicants (Resolution No. 10-18-16-01)***

Planner Buss presented the Planning Commission's recommendation to approve a Variance from the 75' wetland setback for construction of a septic system to serve a new home proposed at PID 30.032.19.23.0002, located on the south side of 199<sup>th</sup> Street, approximately 17 acres in size.

Buss explained that the site has large wetland areas, and the primary and secondary septic systems will need to be located approximately 50' from a wetland in soils that are suitable for the drainfield. A resolution was prepared that contained findings and conditions for approval. Buss explained that a condition to work with the City Engineer and Watershed District for design of the driveway to accommodate drainage was included, along with a condition that the applicant obtains an easement for road access.

**Ness, seconded by Hegland, moved to Resolution No. 10-18-16-01, Approving a Variance for Parcel 30.032.19.23.0002 Located on 199<sup>th</sup> Street. The motion carried 5-0.**

***Interim Use Permit for a Rural Event Facility at 12680 Scandia Trail – Jeff and Julie Gacek, Applicants (Resolution No. 10-18-16-02)***

Planner Buss presented the Planning Commission's recommendation to approve an Interim Use Permit and an Annual Operating Permit for a Rural Event Facility at 12680 Scandia Trail, operated by owners Jeff and Julie Gacek. The applicants plan to use a portion of their restored farm to host weddings, retreats and worship events. Buss stated that the resolutions for the Interim Use Permit and the Annual Operating Permit provide for the approval with a combined 30 conditions that address the concerns regarding traffic, noise and screening. Event size is limited to 150 guests with no more than 75 events in the first year. At least 3 large events must be monitored for traffic problems. If there are concerns, the City and applicant must work with MnDOT on any traffic improvements such as signage, avoiding peak traffic periods, or police traffic control. Only sounds associated with ceremonies may be amplified outdoors, and parties or celebrations after the ceremony must be held inside the renovated barn. Buss explained that with the revised site plan from the Gaceks, the application meets the criteria to operate a rural event center.

City Engineer Goodman said that he received inquiries about the width of Meadowbrook Avenue being substandard by not meeting state aid guidelines and not capable of handling the event center traffic. Goodman explained that Scandia is not a state aid community and, consequently, Scandia's roads do not have to be built at a 20' minimum width. Goodman noted that 9 foot lanes are allowed under ASHTO design standards and are adequate for this use and location. Goodman recommended the Gaceks' use a parking attendant to ensure that cars are entering the parking lot and not backing up onto Highway 97.

Fire Chief Hinz stated that the primary driveway on Highway 97 should remain accessible for emergency vehicles.

A discussion on the recommended "no parking" signage condition along Meadowbrook Avenue included in the IUP concluded that the City will need to amend its street parking ordinance to include this segment of Meadowbrook Avenue in the list of roadways that specify no parking with permanent signs.

Deputy Yetter commented that security should be present during events that serve alcohol, and he would do a walk-through of the premises during an event when on duty. Planner Buss noted that condition #7 requires security to be present when alcohol is served, and Mr. Gacek confirmed that his application included a plan for this regardless, as he wants to provide a safe environment.

Council member Hegland stated that every condition put on the permit costs the owner additional money, and not being business friendly is hurting Scandia. He said the Planning Commission needs to change the way they think and look to develop businesses here instead of running potential businesses through the gauntlet during the permitting process. Hegland noted the dramatic loss of businesses in Scandia since 1970 and said the town is dying if the city doesn't get on board and support businesses by loosening so many restrictions. He said the Council makes decisions on what's best for the City and trying to please 50 dissatisfied people is not helping Scandia to grow economically.

Council member Lee said that he agreed with Hegland's position, and at the one-year review of Gacek's AOP, maybe changes could be made to soften the limits. Lee asked Mr. Gacek if he thought any of the conditions are overwhelmingly unfair.

Mr. Gacek said that most of the money has been spent on preparing traffic and noise studies as requested for the permit review. He welcomes having a deputy on site as an independent observer. He said screening the parking lot is the biggest expense and it is unrealistic to expect him to screen all views. Planner Buss explained that only the west and north sides of the parking lot require screening, as the ordinance requires non-residential uses to be screened from lighting impacts to neighboring properties.

**Simonson, seconded by Hegland, moved to adopt Resolution No. 10-18-16-02, Approving an Interim Use Permit for a Rural Event Facility at 12680 Scandia Trail.**

Council began a discussion on the above motion. Mayor Simonson stated that the Council makes legislative decisions based on facts, laws and ordinances. Decisions cannot be based on feelings and emotions. All sides have been given an equal opportunity to be heard.

Planning Commission Chair Christine Maefsky addressed the Council and explained that the Commission gave unanimous approval, but she sees traffic problems on TH 97 as a persistent issue. Maefsky proposed to control traffic in the first year by limiting the number of events to 35. If there are no issues, then increase it to 75 in the one-year review of the Annual Operating Permit. Simonson and Hegland disagreed with this and said limiting events would be cutting into his business revenue to succeed in the first year.

Council member Ness said there needs to be a balance of property owner rights with the neighborhood's right to have low impacts, such as provided by screening. Ness said the approach should be to allow 75 events in the first year, and if needed the number can be lowered for the second year. He agreed that there should be signage on Meadowbrook for no parking.

Council member Schneider said he wants to see agritourism and rural event facilities as long as they comply with the laws. He said the safety issues have been addressed with this permit and has no problems with the recommendation.

**Simonson called for a vote on the above motion to approve the IUP. The motion carried 5-0.**

***Annual Operating Permit for a Rural Event Facility at 12680 Scandia Trail (Resolution No. 10-18-16-03)***

Planner Buss explained that the conditions in the AOP are specific for the first year. An annual report summarizing the first year, along with proposed operations for the coming year, will be reviewed with the City Council in one year's time.

**Simonson, seconded by Hegland, moved to adopt Resolution No. 10-18-16-03, Approving an Annual Operating Permit for a Rural Event Facility at 12680 Scandia Trail. The motion carried 5-0.**

**BUILDING OFFICIAL**

The building activity report from Building Official Chuck Preisler was received. In September, 30 permits were issued at a valuation of \$625,357.78.

**POLICE DEPARTMENT**

Deputy Brandon Yetter reported on police activity in the past month and quarter. A sweepstakes phone scam resulted in a significant monetary loss for a resident, burglary occurred twice at a vacant property, and a theft case by a babysitter was solved and the property retrieved. Jake braking by trucks has increased and Yetter is enforcing the ordinance.

### **FIRE DEPARTMENT**

Fire Chief Mike Hinz reported that the department responded to 6 fire calls and 14 rescue calls last month. The department participated in two fire training structure burns with area departments. The department is hosting the Safe Halloween Event on October 31<sup>st</sup> from 5-7pm.

### **CITY ENGINEER**

City Engineer Ryan Goodman reported on the progress of the Highway 8 construction project near Taylors Falls. The Highway 97/ County Road 23 bridge replacement over I-35 is scheduled as a major MnDOT construction project for 2018-19, with design details yet to be worked out.

### **CITY ADMINISTRATOR**

City Administrator Neil Soltis provided a written report of administrative and public works activities and recapped that Connexus Energy will be replacing electrical service meters for their members within the next 2 years. Public Works will continue patching and shouldering the roads. The ice rink will be prepared for the season with replacement of worn boards and kick plates.

### **REQUEST FROM FRONTIER COMMUNICATIONS TO ISSUE PUBLIC NOTICE FOR CABLE FRANCHISE APPLICATIONS**

Administrator Soltis stated that Frontier Communications is looking to expand their service offerings within the city by providing internet based television. In order to provide the content, Frontier would need to be granted a franchise agreement. State statutes provide for this process, with a public hearing before the City Council after 2 weeks notice before proceeding with negotiations on an agreement.

Soltis explained that Frontier would plan to upgrade their existing infrastructure, with minimal work in the city's right-of-ways, and customers would also benefit by having increased bandwidth speeds available.

**Ness, seconded by Lee, moved to authorize the publication of notices seeking cable franchise applications. The motion carried 5-0.**

Notices will be published on October 27<sup>th</sup> and November 3<sup>rd</sup> for a public hearing at the November 15<sup>th</sup> City Council meeting.

### **COMPREHENSIVE PLANNING CONSULTANT SELECTION**

One proposal for preparation of the 2040 Comprehensive Plan was received by the October 12<sup>th</sup> due date. Bolton & Menk outlined a public involvement process that would offer completion by early 2018, at a cost of \$58,920. Administrator Soltis noted that is within the budgeted amount discussed for 2017. Council member Hegland stated that the steering committee should include one representative each from the Council, Planning Commission, Parks, EDA and three citizens. Planning Commission Chair Christine Maefsky questioned the limited role of the Planning Commission in the process proposed by Bolton & Menk.

**Simonson, seconded by Lee, moved to award the proposal to Bolton & Menk and proceed with finalizing a contract for the work. The motion carried 5-0.**

**ADJOURNMENT**

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

The meeting adjourned at 8:35 p.m.

Respectfully submitted,

Brenda Eklund  
Deputy Clerk