

November 20, 2018

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 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 Merritt Clapp-Smith, City Engineer Ryan Goodman, City Attorney Eric Sherburne, Police Deputy Brandon Yetter, Fire Chief Mike Hinz, Public Works Director Adam Hawkinson and Deputy Clerk Brenda Eklund.

PUBLIC FORUM

Scandia Good Neighbor Proclamation

Mayor Maefsky announced that the recipients could not be in attendance and have requested the award be postponed to February 2019.

Update on BHE Renewables Solar Site

Wendy Green of BHE Renewables presented an update on the remediation efforts at the Argo Navis/BHE Renewables Solar Site at 21205 St. Croix Trail following the failure of a stormwater basin during a heavy rain event that occurred on September 20, 2018. Photos were shown of a secondary basin constructed as a holding site to allow work on the primary basin. Barr Engineering is assisting with the plans to lower its elevation to where it was originally designed, and scarifying the existing basins to improve infiltration. Green described other improvements made at the site with biologs, sandbags, silt fences, and culverts to control water flow.

Carnelian-Marine Watershed Administrator Jim Shaver said he is monitoring the site and has found BHE to be responsive to recommendations. He anticipates revisions to the maintenance agreement the agency has with BHE to ensure infiltration capabilities of the site. Shaver said the stream will be left alone to repair itself of the sedimentation over one to two years. Stabilization of the bluffs in the damaged areas will be done in the spring, as will road repairs outside of the site. Shaver said he is looking at necessary actions to prevent a stormwater event during snow melt next spring, and will continue future oversight.

A Technical Evaluation Panel Findings Report was included in the meeting packet.

APPROVAL OF AGENDA

Mayor Maefsky announced removal of Agenda Items 6)a and 9)a regarding the expansion of docks at Tii Gavvo as requested by the applicants for a delay.

Ness, seconded by Schneider, moved to approve the agenda as amended. The motion carried 5-0.

CONSENT AGENDA

The following Consent Agenda was presented:

- a) Minutes
 - 1) October 16, 2018 Regular Meeting
 - 2) November 13, 2018 Board of Canvass

b) Treasurer's Report

Beginning Balance 10/1/2018	\$4,573,531.57
Receipts	\$99,841.82
Expenditures \$598,534.91	
Payroll <u>\$39,509.94</u>	\$(638,044.85)
Adjustments: remove duplicate receipt entry <u>\$(403.44)</u>	
Ending Balance 10/31/2018	\$4,034,925.10

c) Payment of Vouchers

d) 2018 Road Improvement project – Contractor's request for payment #6

e) Special Event Permit – Minnesotan Cup Adult Hockey Tournament

f) Approve 2019 Tobacco License Renewals: AJL Enterprises dba Scandia Olde Towne Liquor, Federated Co-ops, Inc. dba Super America, Big Marine Lake Store, Big Marine Lake Liquor Store

g) Approve 2019 Liquor License Renewals: AJL Enterprises, Inc. dba Scandia Olde Towne Liquor (Off-Sale), Big Marine Lake Liquor Store (Off-Sale)

h) Approve Fire Department wage increases

i) Approve 2019 agreement with Washington Conservation District for WCA administration

j) Resolution 11-20-18-01 Designating the polling place for 2019

k) Approve the hiring of Ice Rink Attendants

l) Approve a 1-year extension of the Residential Recycling Contract with SRC

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

PUBLIC HEARING: CERTIFICATION OF UNPAID CHARGES FOR THE 201 SEWER SYSTEM

Mayor Maefsky opened the public hearing at 7:20 p.m. to allow comments from those who received notices that they had unpaid charges for the 201 sewer system. If left unpaid the charges plus interest will be certified to their 2019 property taxes.

There were no comments and Maefsky closed the hearing. Action by the Council was later in the meeting as Agenda Item 9)e.

PARK AND RECREATION COMMITTEE

PRC Chair Terry Gorham reported that the Committee is working on advertising signage at the hockey rink, preparing a community survey on interest in programming activities, and discussing capital requests for 2019.

PLANNING COMMISSION

Amendment to Development Agreement for Bakken Minor Subdivision, Chad Carpenter and Greg Hartley, Applicants (Resolution No. 11-20-18-02)

Planner Merritt Clapp-Smith presented the Planning Commission's recommendation to approve an amendment to the Bakken Development Agreement to replace construction of the required cul-de-sac at the end of 239th Street Court with a hammerhead turnaround. When the minor subdivision was approved in 2013, the agreement mandated that a cul-de-sac be constructed

before a building permit is issued for development of Lot 1, a 10-acre parcel. Clapp-Smith explained that the rationale provided for the best access to multiple lots if the parcel was further subdivided in the future. The current property owner proposes to build a single-family home on the property with no plans to subdivide Lot 1 and requested that the agreement be amended to allow a hammerhead turnaround instead. It was noted that after excluding road and wetland setbacks from Lot 1, the buildable area is roughly 2.5 acres, making it unfeasible to further subdivide for additional development.

Public safety staff and City Engineer Goodman approved of the hammerhead design to meet the needs of emergency and public works vehicles, and the Planning Commission deemed the request as reasonable. A resolution was prepared with conditions of approval, including that the design specifications are approved by the City Engineer, the turnaround be constructed before a building permit is issued, and that Lot 1 remain as a single lot and not further subdivided.

Carpenter and Hartley, applicants, asked if an escrow of 1-1/2 times the construction cost of the access could be submitted to the City as a deposit that would allow the building permit to be issued for construction of the home this winter to allow improved conditions for work on the hammerhead in the spring. City Engineer Goodman concurred that road construction is finished for this season. Clapp-Smith provided language to amend condition #2 of the resolution to allow flexibility in issuing the building permit.

Kronmiller, seconded by Schneider, moved to adopt Resolution No. 11-20-18-02, Approving Amendment to Bakken Development Agreement #3963349 Related to Right-of-Way Access for XXX 239th Street Court North with an amendment to Condition #2 that the applicant shall provide 1-1/2 times the construction cost of the hammerhead turnaround as escrow in-lieu of constructing the hammerhead before the City will approve a building permit for Lot 1. The motion carried 5-0.

BUILDING OFFICIAL

Building Official Chuck Preisler's report on building activity was received. In October, 48 permits were issued at a valuation of \$1,510,326. Fifteen new construction permits have been issued so far this year, slightly less than last year's number to date.

POLICE DEPARTMENT

Police Deputy Brandon Yetter reported on a narcotics search warrant performed at a residence last month with the SWAT team. Yetter is working on ordinance violations with Administrator Soltis.

FIRE DEPARTMENT

Fire Chief Mike Hinz reported that the department responded to 36 fire calls and 13 medical calls in October. Total number of calls to date stands at 183, the largest volume of calls year to date for the department. The fire department contained a shed fire last week which saved the garage of the property owner.

CITY ENGINEER

City Engineer Ryan Goodman provided draft comments being sent to Washington County for consideration of the County Capital Improvement Plan, with support for pavement maintenance projects on Manning Avenue and Olinda Trail, trail-park development in northern Washington County, and intersection improvements at Manning Avenue and Highway 97. Mayor Maefsky asked that specific intersection improvements be inserted in the letter, such as a roundabout or other improved traffic control measures.

CITY ATTORNEY

City Attorney Eric Sherburne reported that revisions to the right-of-way ordinance are in process for compliance with the new FCC rules on small-cell wireless, for discussion at a future meeting.

PUBLIC WORKS DIRECTOR

Public Works Director Adam Hawkinson stated that the Wastewater Committee has a few questions for legal staff following their meeting last week. Flooding of the ice rink will start soon, as will brush removal work in the road right-of-ways.

CITY ADMINISTRATOR

City Administrator Soltis reported that wetland delineation has been completed on the Gateway Trail project, with a TEP panel review being done in the spring. December 1 marks the end of the Comprehensive Plan 6-month review. Comments will be reviewed at the December work session with final plan adoption proposed for the December 18th Council meeting. A tourism assessment was conducted last month with a community SWOT analysis. A draft report will be published in the spring. In preparation of the public hearing on the 2019 budget, projections estimate a yearend surplus of \$450,000 after accounting for the 65% fund balance retention.

HANDICAP ACCESSIBILITY IMPROVEMENTS TO THE COMMUNITY CENTER

Lynnette Welsch, president of the Scandia-Marine Lions, was present with a proposal for a project to make the main entrance doors to the Community Center and all restroom doors fully ADA handicap accessible. The Lions Club and the Lions Foundation have each approved funding one-third the cost, with a request that the City fund the remaining third. Welsch stated that she researched grant sources to assist with funding the project, but none were found.

PW Director Hawkinson collected 3 quotes for the door installations, with a low proposal of \$14,500. Necessary electrical work calculated the total project cost in the range of \$17,000, resulting in the City's share of approximately \$5,700. Administrator Soltis noted that the year-end balance in the Capital fund is estimated at \$620,000. Council member Kronmiller stated his support and said that making the building ADA accessible is long overdue.

Kronmiller, seconded by Ness, moved to approve an expenditure of \$6,000 for a partnership with the Lions Club and Lions Foundation to fund a project to install ADA accessible doors in the Community Center, and to authorize Hawkinson to start the project. The motion carried 5-0.

Staff will prepare a resolution for the December 18 Council meeting to accept the donations and to amend the Capital Fund budget for this project.

DISCUSSION ON REQUEST FROM US SOLAR TO RECONSIDER COMMUNITY SOLAR GARDEN ORDINANCE

As a follow-up to the October Work Session, Jane Qualey from US Solar was present to further discuss reinstating an ordinance for community solar gardens. Qualey responded to the suggestions to provide information on potential locations in the vicinity of Xcel's 3-phase power line to show a theoretical maximum, a redlined ordinance incorporating language on screening, mono-pole interconnections, maximum size of 1 Megawatt, maximum height of 12', and geographic limitations of the solar gardens. Qualey explained a Solar Overlay District along the Manning Avenue corridor within Xcel's feeder line, with potential properties highlighted which could support solar development. Qualey noted that the 5 to 6 sites have potential, but even half of these properties would be difficult to permit due to land characteristics such as slopes and wetlands.

It was questioned if the highlighted property west of Manning and north of 192nd Street is within the area identified for higher density and growth in the updated Comp Plan. Administrator Soltis brought up a map which showed this potential solar site to be just north of the future higher density area.

Mayor Maefsky stated a concern that if other utilities besides Xcel offer solar gardens in the future, their requirements may be different which could expand the number of potential solar sites. Council member Schneider said that it appears there is potential for even more properties that could support solar within the identified solar overlay district. Qualey was asked to research the separation distance requirement of collocated systems. Maefsky said she also had concerns about the number and design of connection poles placed in the right-of-way that the City cannot control.

Council member Kronmiller asked about potential environmental impacts of solar panels, such as hazardous chemicals leaching into the ground or the impacts of mass shielding to the ground subsurface. He added that he has not talked to one person who encourages support of a solar ordinance. Qualey replied that US Solar's panels are safe, and that habitat is improved at the end. They partner with Prairie Restoration to establish pollinator groundcover, providing improvements to water quality and the environment.

Mayor Maefsky said that Scandia has supported six solar gardens but has stepped back due to concerns, especially the appearance of the sites in rural areas. Even with an overlay district, there could be potential for many along this corridor. Council members Kronmiller and Schneider agreed on the approach to limit development of solar sites to an overlay district, but Schneider questioned if spot zoning is fair. Attorney Sherburne explained that if this overlay is based only on Xcel's feeder line, it would be hard to deny permits for Connexus if they came in with a request.

Mayor Maefsky said that she is not ready to refer a solar ordinance to the Planning Commission and that an objective analysis for potential solar development is needed. Council members Ness and Schneider agreed that there are still questions which need more research. Maefsky asked for more information on distance between gardens so as not to be collocated, potential for a feeder line for Connexus solar systems, and other site standards besides those of US Solar. Council

member Kronmiller added that future decommissioning costs should also be analyzed. Planner Clapp-Smith offered to contact the Department of Commerce to see if they know of a third-party entity that could provide an objective review on industry wide standards and the potential to block out areas of the city where solar would not work.

Qualey said she would return to a future meeting for continuation of the discussion on a solar ordinance.

LIABILITY AND PROPERTY INSURANCE RENEWAL WITH THE LEAGUE OF MN CITIES

The League of MN Cities Insurance Trust provides liability and property insurance coverage designed specifically for Minnesota cities. Administrator Soltis stated that 2019 rates are not yet final, but the budget provides for \$30,600 to cover the premium for next year. Final cost will be determined based on coverage selected by the City. The deductible is proposed to remain at \$1,000. Only the Veterans Memorial is insured for property in the open.

Administrator Soltis said that each year the Council must decide whether to waive the statutory monetary limit on tort liability. Attorney Sherburne explained this extension of liability option. However, some federal claims are not limited by the statutory limit. Most cities elect to not waive the limit.

Kronmiller, seconded by Hegland, moved to renew insurance coverage with LMCIT for 2019, to not waive the tort liability limits, and to set a deductible of \$1,000. The motion carried 5-0.

CERTIFICATION OF UNPAID CHARGES FOR THE 201 SEWER SYSTEM FOR COLLECTION WITH 2019 PROPERTY TAXES

The public hearing for 201 users with unpaid sewer charges was held earlier in the meeting. There were no objections.

Kronmiller, seconded by Ness, moved to adopt Resolution No. 11-20-18-04, Certify Unpaid Charges for 201 Community Sewage Treatment for Collection with Property Taxes. The motion carried 5-0.

ADJOURNMENT

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

The meeting adjourned at 9:05 p.m.

Respectfully submitted,

Brenda Eklund
Deputy Clerk