

December 18, 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**

No public comments were made.

### **APPROVAL OF AGENDA**

**Ness, 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) November 20, 2018 Regular Meeting
  - 2) December 5, 2018 Work Session
- b) Treasurer's Report
- c) Payment of Vouchers
- d) 2019 City Council meeting schedule
- e) Approve 2019 Liquor License Renewals:
  - 1) The Scandia Creamery, On-Sale/Sunday On-Sale Intoxicating
  - 2) Meister's Bar & Grill, Combination On/Off-Sale and Sunday Intoxicating
  - 3) Brookside Pub, On-Sale/Sunday On-Sale Intoxicating
- f) Resolution No. 12-18-18-01 – Accepting donation from Scandia Marine Lions and Scandia Marine Lions Foundation and amending Capital Improvement Fund budget for Community Building Improvements
- g) Resolution No. 12-18-18-02 – Accepting donation from Scandia Marine Lions and amending Capital Improvement Fund budget for holiday decorations
- h) Resolution No. 12-18-18-03 – Accepting donation from Scandia Fire Relief Association and amending General Fund budget for purchase of equipment
- i) Resolution No. 12-18-18-04 – Establishing Employee pay rates for 2019
- j) Annual Review – Adam Hawkinson

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

### **PARK AND RECREATION COMMITTEE**

#### ***Temporary Liquor License for Vinterfest – Meister's Bar & Grill***

PRC Chair Terry Gorham presented the application from Meister's Bar & Grill for a temporary off-premises liquor license to sell beer and liquor as part of the Vinterfest event on January 26,

2019, from 10am to 11pm. The business is in conformance with the City's liquor ordinance. Conditions of approval were recommended by staff, including that sales cease when the Minnesotan Cup adult hockey tournament championship game begins. **Ness, seconded by Hegland, moved to approve the temporary off-premises liquor license for Meister's Bar & Grill with the recommended staff conditions. The motion carried 5-0.**

***Request to Waive Fee for Fireworks Permit***

Gorham presented a request from Corey Roberts, organizer of the adult hockey tournament scheduled during Vinterfest on January 26, 2019 to waive the \$100 fireworks permit fee. Roberts has arranged for a fireworks display during Vinterfest for the past 4 years. The PRC recommended the fee be waived as it has in past years in appreciation of Roberts contributions to the community event. Legal counsel noted the non-profit status of the organizer can be a basis for waiving the fee. **Hegland, seconded by Kronmiller, moved to approve the fireworks permit fee be waived for organizer Roberts. The motion carried 5-0.**

Gorham extended his appreciation to out-going Council member Schneider as the Council representative to the PRC.

**PLANNING COMMISSION**

The Planning Commission did not hold a meeting in December.

**BUILDING OFFICIAL**

Building Official Chuck Preisler's report on building activity was received. In November, 20 permits were issued at a valuation of \$695,082. Seventeen new construction permits have been issued year-to-date. Administrator Soltis noted the strong revenue in the building department this year.

**POLICE DEPARTMENT**

Police Deputy Brandon Yetter reported on a semi roll-over which closed Highway 97 for a few hours last week. Three warrant arrests were made in the past month, and a stolen vehicle report is being investigated. Yetter addressed the high number of fraud reports resulting from scammers seeking personal information, and said the County receives 30 to 50 calls a day regarding fraud complaints.

**FIRE DEPARTMENT**

Fire Chief Mike Hinz reported that the department responded to 4 fire calls and 19 medical calls in November. Total number of calls to date stands at 217, the largest volume of calls year to date for the department. The fire department recently trained on hidden spaces at Elim Church and at Scandia Elementary School.

**CITY ENGINEER**

City Engineer Ryan Goodman reported that Washington County responded to his comments on the County's 2019-2023 Capital Improvement Plan. Long-range plans include regional trail development in the northern part of the County.

**CITY ATTORNEY**

City Attorney Eric Sherburne informed the Council that he will present informational topics on land use and various municipal legal issues for a presentation at a future work session.

**PUBLIC WORKS DIRECTOR**

Public Works Director Adam Hawkinson reported that the ice rink has opened for the season, and brush mowing in the right-of-ways will continue in the winter months.

**CITY ADMINISTRATOR**

City Administrator Soltis reported that he will be attending a meeting with DNR engineering staff regarding the Gateway Trail segment; also attending a TEP meeting with the BHE Renewables engineer on the TEP findings of the stormwater basin overflow that occurred at the Argo Navis solar site in September. The EDA discussed the fiber-to-premises project at their December meeting, with a draft RFP to be reviewed at a future Council work session. Soltis explained that the Veterans Memorial Committee would like to revise the agreement it has with the City for discussion at a future meeting.

**AUTHORIZING SUBMISSION OF 2040 COMPREHENSIVE PLAN TO THE METROPOLITAN COUNCIL FOR REVIEW (RESOLUTION NO. 12-18-18-05)**

Sarah Strain, planner with Bolton & Menk, explained that the 6-month review period on the City's Comprehensive Plan has ended, with comments from agencies and surrounding communities provided to the Council. Responses to the comments were prepared by the consultant and corrections were made as applicable in the document. The Council has until December 31<sup>st</sup> to submit the plan to the Metropolitan Council, who in turn have 120 days to respond. Final adoption by the Council is proposed for April 2019.

Mayor Maefsky questioned the response "recommendation taken under advisement". Strain explained that this response is given for comments not substantive to the Plan nor required to be in the Plan by the Met Council. The Council could choose to incorporate these changes into the Plan, but it would take additional time and the deadline is December 31<sup>st</sup>, said Strain.

Mayor Maefsky noted that the comments from the National Park Service are worthy suggestions, such as including the St. Croix Riverway in the umbrella of Parks and Trails and emphasizing its presence as a national park. Maefsky asked about the process for revising the document. This is the final Council meeting of the year, and the revised document needs Council approval. Maefsky said including the riverway in the Plan shouldn't be controversial. Council member Schneider said that it would depend if they are general statements or not, and what it may affect down the line. Strain noted that a paragraph could be added about the St. Croix River trail and the recreational opportunities available.

Staff concluded, and Council agreed, that the NPS recommendations are not substantive and could be incorporated into the Plan at final adoption in April. A resolution authorizing submittal to the Metropolitan Council was prepared. Mayor Maefsky asked that the title of the resolution include Comprehensive Plan.

**Kronmiller, seconded by Ness, moved to adopt Resolution No. 12-18-18-05, Authorizing Submittal of the Proposed Comprehensive Plan to the Metropolitan Council. The motion carried 5-0.**

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

Representatives from US Solar, Reed Richardson and Jane Qualey, were present with follow-up information from their presentation at the November 20<sup>th</sup> Council meeting. Richardson explained the two draft solar ordinances which were prepared to address the Council concerns. Language addressed the size limit to 1-Megawatt, connection poles limited to one within the garden area, setbacks from neighboring properties, and introduction of a solar overlay district with buffers between solar gardens. Maps were prepared showing a range of buffers from ¼-mile separation up to 1-mile between existing and proposed gardens. Richardson explained that a small area has been identified to support a 9-acre garden on the west boundary of Scandia, within Xcel's distribution line. He said it's difficult to propose what solar would look like in the Connexus service area, as no solar program currently exists with this utility and the factors to explore suitable sites are unknown.

Council member Kronmiller disclosed that he is involved with his employer's project with US Solar to purchase solar credits, however not with Scandia's solar gardens, and asked if anyone thought this may be a conflict of interest. No one responded that it would be a conflict of interest.

Mayor Maefsky explained her concern that buffer areas could be legally challenged in the future. Maefsky said that there has been a loss of trust with developers who indicated one thing during permit approval, but changed once the solar farms were constructed, such as with fences and connection poles. She noted the number of comments on social media site Next Door that have to do with the aesthetics of the sites – open space is valued in the community, and people question what is the value of solar to the community.

Council member Schneider said the issue is clean, renewable energy. It's the property owner's decision on what they want to do with their fields, and he doesn't want to be the controller for their choices. Council member Kronmiller said that the City can regulate; do we want them everywhere? They should look at how to manage solar in a responsible way. Kronmiller suggested that once the new Comp Plan is adopted, a solar ordinance could be evaluated against the Plan. Schneider said he is ready to turn the discussion over to the Planning Commission to propose an ordinance for a public hearing.

Dan Squyres, 15660 220<sup>th</sup> Street, spoke on a number of concerns – scenic viewsheds are protected and landscape screening of the sites is not a viewshed, potential legal ramifications of buffer zones, interconnection poles cannot be regulated in Xcel's right-of-way, 1-Megawatt systems are exempt from paying tax revenue benefits and production credits.

Frank Varro, 10445 192<sup>nd</sup> Street, questioned the potential site identified on the map and if overhead power lines would be constructed. Richardson verified that there is 40 acres between his house and the proposed solar site, and that lines to tap into Xcel's distribution line along

Manning Avenue would be buried underground. He explained gen-tie lines and that language in the ordinance can limit interconnection poles, reducing the visual impact.

Council concluded by agreeing to move a proposed solar ordinance forward to the Planning Commission. Council member Kronmiller suggested they look at Chisago County's ordinance for distance and screening requirements. Council member Ness said that it appears that solar is being restricted to enough areas to warrant further discussion by the Planning Commission.

**Schneider, seconded by Hegland, moved to recommend the Planning Commission discuss a potential solar garden ordinance and hold a public hearing on the issue. The motion carried 5-0.**

#### **FIRE DEPARTMENT AUTOMATIC AID AGREEMENT WITH FOREST LAKE**

Fire Chief Hinz recommended approval of an automatic aid agreement between the cities of Forest Lake and Scandia. Hinz explained that mutual aid agreements are currently in place, and with the County's new dispatch system, this new agreement allows both fire departments to be dispatched simultaneously. It is a perpetual agreement with a termination clause.

**Kronmiller, seconded by Hegland, moved to approve the Automatic Aid Agreement with Forest Lake. The motion carried 5-0.**

#### **ADOPTION OF THE 2019 BUDGET AND PROPERTY TAX LEVY**

Administrator Soltis presented the final 2019 budget and tax levy to be certified to the County Auditor, with the change made at the December 5<sup>th</sup> Work Session to set a 0% levy increase. The total tax levy of \$2,257,872 remains as it has the past 3 years. Soltis said the 2018 excess funds will be transferred to the Capital Fund per the Fund Balance policy.

**Ness, seconded by Hegland, moved to adopt Resolution No. 12-18-18-06, Adopting 2019 Budget and Certifying Property Tax Levy Payable in 2019. The motion carried 5-0.**

#### **ORDINANCE NO. 202 – GOVERNING THE 201 COMMUNITY SEWAGE TREATMENT SYSTEM**

As discussed at the December 5<sup>th</sup> Work Session, the Wastewater Committee recommended language be added to the 201 Sewer System ordinance to address penalties for meddling, misuse or damage to the system that causes extra expenses to the City. The ordinance adds language to regulate and recover costs and repeals Ordinance No. 189.

**Ness, seconded by Hegland, moved to adopt Ordinance No. 202, Governing the "201" Community Sewage Treatment System. The motion carried 5-0.**

#### **SUMMARY PUBLICATION OF ORDINANCE NO. 202 (RESOLUTION NO. 12-18-18-07)**

**Hegland, seconded by Kronmiller, moved to adopt Resolution No. 12-18-18-07, Providing for the Summary Publication of Ordinance No. 202. The motion carried 5-0.**

**ORDINANCE NO. 203 – ESTABLISHING THE PENALTY FOR VIOLATIONS OF CITY ORDINANCES**

Administrator Soltis summarized the amendments added to existing Ordinance No. 72 that establishes a maximum penalty of \$300 for a petty misdemeanor and designates this as the default penalty unless specified otherwise in an ordinance.

**Schneider, seconded by Ness, moved to adopt Ordinance No. 203, Establishing the Penalty for Violations of City Ordinances and Repealing Ordinance No. 72. The motion carried 5-0.**

**SUMMARY PUBLICATION OF ORDINANCE NO. 203 (RESOLUTION NO. 12-18-18-08)**

**Hegland, seconded by Kronmiller, moved to adopt Resolution No. 12-18-18-08, Providing for the Summary Publication of Ordinance No. 203. The motion carried 5-0.**

**ORDINANCE NO. 204 – MANAGING RIGHT OF WAYS**

Administrator Soltis explained the changes made by the FCC restricting state and local regulation of small cell wireless regarding definitions and timeframes for permit reviews, and that cities need to act on these rules. As well, the ordinance adds Article 5 on unplatted streets as discussed at the December 5<sup>th</sup> Work Session. Language disclaims the City from liability arising from use of unopened streets and recognizes that adjacent property owners may conduct basic maintenance of the unopened street.

**Kronmiller, seconded by Ness, moved to adopt Ordinance No. 203, Electing to Manage Its Right of Ways and Repealing Ordinance No. 197. The motion carried 5-0.**

**SUMMARY PUBLICATION OF ORDINANCE NO. 204 (RESOLUTION NO. 12-18-18-09)**

**Ness, seconded by Hegland, moved to adopt Resolution No. 12-18-18-09, Providing for the Summary Publication of Ordinance No. 204. The motion carried 5-0.**

**ORDINANCE NO. 205 – ESTABLISHING AN ADMINISTRATIVE CITATION PROGRAM**

Administrator Soltis described the ordinance for a new administrative citation process for resolving non-criminal, minor offenses as an alternative to the court process for reconciling nuisance violations such as junked vehicles, exterior storage, and parking. This was discussed over several work sessions with the formation of this final ordinance that allows for time to correct the violation and allows for a hearing process on an as-needed basis. Soltis said the goal of an administrative citation is to achieve compliance on a timely basis.

**Kronmiller, seconded by Hegland, moved to adopt Ordinance No. 204, Establishing an Administrative Citation Program. The motion carried 5-0.**

**SUMMARY PUBLICATION OF ORDINANCE NO. 205 (RESOLUTION NO. 12-18-18-10)**

**Hegland, seconded by Kronmiller, moved to adopt Resolution No. 12-18-18-10, Providing for the Summary Publication of Ordinance No. 205. The motion carried 5-0.**

**ORDINANCE NO. 206 – ADOPTING THE 2019 FEE SCHEDULE**

As discussed at the December 5<sup>th</sup> Work Session, increases to electrical permit fees were recommended by Inspector Wheaton and approved by the Council. Administrator Soltis stated that this was the only change to the fees; costs of repairs to the sewer systems were added as provided for in Ordinance No. 202.

**Ness, seconded by Kronmiller, moved to adopt Ordinance No. 206, Adopting a Fee Schedule and Repealing Ordinance No. 195. The motion carried 5-0.**

**SUMMARY PUBLICATION OF ORDINANCE NO. 206 (RESOLUTION NO. 12-18-18-11)**

**Hegland, seconded by Schneider, moved to adopt Resolution No. 12-18-18-11, Providing for the Summary Publication of Ordinance No. 206. The motion carried 5-0.**

**ADJOURNMENT**

Mayor Maefsky thanked outgoing Council members Schneider and Hegland for their dedication to the citizens of Scandia.

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

The meeting adjourned at 8:42 p.m.

Respectfully submitted,

Brenda Eklund  
Deputy Clerk