

March 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 Engineer Ryan Goodman, City Attorney Andy Pratt, Police Deputy Brandon Yetter, Fire Chief Mike Hinz, Public Works Director Adam Hawkinson and Deputy Clerk Brenda Eklund.

PUBLIC FORUM

Janie O'Connor, 14682 Oakhill Lane, announced that Cycling Scandia has appointed a Board of Directors and distributed an organizational chart to the City Council. Two members of the City's Parks and Recreation Committee serve on the Board.

John Haus, 22729 St. Croix Trail, described the difficulties he is having with numerous trespassers going onto his property from the adjacent Wind in the Pines Preserve city parkland. Property damage and littering, with signs and fences torn down, is consistently occurring. He asked that the access and parking lot be closed as he has concerns that someone could get hurt on his property which they are illegally using to access the River and he could be held liable. Deputy Yetter said that he has issued many citations to trespassers and found no repeat offenders; drug and alcohol violations have also been cited here. He suggested that if the parking lot were closed, those hikers who want to legally use the park could still have access through the Falls Creek SNA, a less known DNR public site. Public Works Director Hawkinson described the barriers and signage that have been placed at the park boundaries, but they are quickly torn down. Council agreed to discuss the issue as part of the meeting agenda under general business.

APPROVAL OF AGENDA

Mayor Maefsky added Scandia Elementary PTO's application for a raffle permit to the Consent Agenda with the provision that the organization renew their nonprofit status with the State by April 6, 2018. Maefsky announced the addition of Agenda Item 9.m) Discussion of Wind in the Pines Park.

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

CONSENT AGENDA

The following Consent Agenda was presented:

- a) Minutes
 - 1) February 20, 2018 Regular Meeting
 - 2) March 7, 2018 Work Session
- b) Treasurer's Report
- c) Payment of Vouchers
- d) Appointment of Parks & Recreation Committee Chair and Vice Chair

- e) Special Event Permit, Scandia Marine Lions Foundation -- St. Croix Fat Cat Triathlon (July 14, 2018)
- f) Temporary liquor license for Meister's to sell beer at Fat Cat Triathlon, Hay Lake Park (July 14, 2018)
- g) Hiring Tennis Instructor
- h) Approval of Program Agreement with Girls Scouts of MN and WI River Valleys
- i) Participating in Washington County contract for road striping
- j) Application for Excluded Raffle Permit, Scandia Elementary PTO (April 6, 2018)

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

PARKS AND RECREATION COMMITTEE

Tennis Court Reconstruction Project

Parks and Recreation Committee Chair Terry Gorham explained the Committee's recommendation to modify the plans for the reconstruction of the tennis courts to include the additional costs for multiple pickleball courts. The court was striped in 2017 for pickleball. The reconstruction project is scheduled in this year's Capital Improvement Fund at a cost of \$40,000. Several configuration options were proposed to provide for both tennis and pickleball with the recommendation that the proposals include all of the options as alternates so the cost would be known when the project is awarded.

Hegland, seconded by Ness, moved to seek proposals for the 2018 Tennis Court Reconstruction Project to include all of the layout options. The motion carried 5-0.

PLANNING COMMISSION

Ordinance No. 194 – Amending Park Dedication Requirements

Council member Ness, Planning Commission liaison, summarized the Commission's recommendation to amend the Subdivision Regulations chapter of the development code to require lots that are created at 20 acres and larger with at least 500 feet of road frontage to comply with the park dedication requirements. The current ordinance exempts such parcels from the payment of park dedication fees. As well, language was removed from Section 12 that allowed a developer to request a deviation from the requirements based upon the impact of the subdivision.

Ness, seconded by Hegland, moved to adopt Ordinance No. 194, Amending Chapter 3 of the Development Code, Subdivision Regulations, Regarding Park Dedication Requirements as presented. The motion carried 5-0

Summary Publication, Resolution No. 03-20-18-01

Kronmiller, seconded by Hegland, moved to approve Resolution No. 03-20-18-01, Approving Summary Publication of Ordinance No. 194. The motion carried 5-0.

BUILDING OFFICIAL

Building Official Chuck Preisler submitted the building activity report for February. Fifteen permits were issued last month at a valuation of \$260,644. To date, three new home permits have been issued.

POLICE DEPARTMENT

Deputy Brandon Yetter reported that 2 warrant arrests were made in the past month, a DWI arrest, and a high number of snowmobile concerns that extra patrols responded to. Yetter attended a Crisis Intervention Training last week. In answer to who is responsible for deterring trespassers at Wind in the Pines Park, Yetter explained that trespassers are abusing the park that is meant for recreating, and the adjacent property owner is taking steps such as posting signs and putting up fences that are being ignored. More discussion followed under Agenda Item 9.m).

FIRE DEPARTMENT

Fire Chief Mike Hinz reported on the department's activity in the past month. In February, there were 4 fire calls and 13 medical calls. Hinz reported that the department is beginning to receive the new SCBA equipment and that the Fire Ball proceeds were good this year despite the lighter attendance due to the weather.

CITY ENGINEER

City Engineer Ryan Goodman described the legislative bills being considered this session regarding wireless equipment on public infrastructure and retainage from contracted payments for municipalities. Goodman described MnDOT's plans for the I-35 project that could impact commuters. Council asked staff to simplify the links on the City's website to the draft chapters of the Comprehensive Plan, scheduled for a public hearing on May 1, 2018.

CITY ATTORNEY

City Attorney Andy Pratt described the Ramsey County court opinion on the DNR lawsuit pertaining to White Bear Lake that he is closely following.

DIRECTOR OF PUBLIC WORKS

Public Works Director Adam Hawkinson presented the monthly activity report for the department. Snow clearing for several snow events occurred, and the replacement pump at Bliss Lift Station #1 is performing much more efficiently as compared to the failing pump.

CITY ADMINISTRATOR

City Administrator Neil Soltis reported that the bond rating call is scheduled for next week. The auditors completed their field work this month. Revenues in 2017 were more than \$300,000 over budget due to high building permit activity and expenditures \$130,000 under budget. This leaves a favorable year-end fund balance which will be helpful for the City's bond rating. The Gateway Trail bill is being heard in Committees at the Capitol. The April Work Session will include discussion on the fire contract with May Township, Forest Lake Cable Commission agreement for services, and a review of assessor proposals.

Council member Kronmiller explained the stormwater issues attributed to the new construction on Layton Avenue and asked if the grading plans for the home should be reviewed for accuracy.

Soltis stated that Engineer Goodman, PW Director Hawkinson and Watershed Administrator Shaver will be meeting at the site this spring to review water diversion issues.

FRIENDS OF SCANDIA PARKS AND TRAILS AGREEMENT FOR PRAIRIE PLANTING

At the March Work Session, Council directed staff to prepare a memo of agreement to allow Friends of Scandia Parks and Trails to install a prairie planting on a 0.25-acre area within the former Rasmussen home site, now the Uptown Sewer expansion area at 20780 Olinda Trail. Administrator Soltis explained that this agreement is based on the agreement with the Soaring Eagles 4-H Club for the planting on the City's Swenson's Goose Lake Farm Estates outlot. Terms state that all costs for the installation and maintenance of the project will be the responsibility of FSPT.

Attorney Pratt advised that the general liability insurance requirement in Section 8 can be modified to allow collaboration with any subcontractors doing the installation. Council member Schneider asked what terms allow the City to gain the site back if needed in the future. Pratt stated that the City has the right to terminate the project as the underlying property owner – no changes would be needed in the agreement for this.

Kronmiller, seconded by Ness, moved to approve the Agreement with the Friends of Scandia Parks and Trails for the Rasmussen Prairie Planting Project with the change to insurance requirements as staff described. The motion carried 5-0.

ORDINANCE NO. 195, ADOPTING THE 2018 FEE SCHEDULE

Administrator Soltis explained the ordinance reviewed in the past few work sessions that consolidates ordinances, resolutions and policies into a single ordinance that simplifies the process for updating fees. Building permit fees were revised, escrow deposits increased to more accurately reflect costs, and right-of-way fees were included for the future adoption of that ordinance.

Ness, seconded by Hegland, moved to adopt Ordinance No. 195 as presented, Adopting a Fee Schedule and Repealing and Replacing All Other Fee Schedules in Conflict. The motion carried 5-0.

Summary Publication, Resolution No. 03-20-18-02

Kronmiller, seconded by Ness, moved to approve Resolution No. 03-20-18-02, Approving Summary Publication of Ordinance No. 195. The motion carried 5-0.

AUTHORIZING APPLICATION AND DESIGNATING CONTACT PERSON FOR MNDOT LANDSCAPE PARTNERSHIP APPLICATION (RESOLUTION NO. 03-20-18-03)

Administrator Soltis explained that a formal resolution is needed to proceed with the application to the MnDOT Landscape Partnership Program that will install plantings at the four corners of Highway 97 and Olinda Trail. Adjacent residents were contacted about the project planned for this spring and summer.

Kronmiller, seconded by Hegland, moved to approve Resolution No. 03-20-18-03, Authorizing Application for and Designating the Primary Contact Persons for the MnDOT Landscape Partnership Program. The motion carried 5-0.

COOPERATIVE AGREEMENT WITH WASHINGTON COUNTY FOR BOLDPLANNING SOFTWARE

At the February Work Session, Council approved participation in Washington County's BoldPlanning Software program for emergency planning. Participation requires a Cooperative Agreement for access and utilization of the software; the County pays for the annual fees associated with that access. Attorney Pratt explained that it is similar to a joint powers agreement and recommended approval.

Hegland, seconded by Ness, moved to approve the Agreement with Washington County for the Utilization of BoldPlanning Software. The motion carried 5-0.

TREE TRIMMING PROPOSALS

PW Director Hawkinson presented quotes from private tree removal contractors for tree trimming along the 12 miles of roads within the 2018 Street Improvement Plan:

Upper Cut Tree Services - \$15,500.00

Hugo Tree - \$63,200.00

Balsam tree service - \$34,774.00 – Withdrew, too late in the year

Hawkinson explained that the contractor is to trim to a height of at least 20' over the road which is beyond what staff can perform. In answer to the cost differences, Hawkinson believed it was due to the contractors not driving all of the roads where trimming is proposed and noted that Upper Cut has performed similar work in nearby communities.

Hegland, seconded by Kronmiller, moved to accept the bid from Upper Cut Tree Services in the amount of \$15,500 for tree trimming this spring. The motion carried 5-0.

SPRING NEWSLETTER

Council reviewed a draft of the spring newsletter, scheduled for mailing to all Scandia residents the final week of March. An insert of the summer recreation programs was included.

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

COMMENTS TO PUBLIC UTILITIES COMMISSION REGARDING FRONTIER COMMUNICATIONS

At the March Work Session, Council authorized staff to draft a letter to the Public Utilities Commission based on data the City has regarding Frontier's service to supplement the State's investigation of widespread complaints against the company. Council reviewed a draft letter citing statistics gathered from the 2017 community survey used for the development of the 2040 Comprehensive Plan – 24 responses specifically referenced unreliability and poor customer service from Frontier.

Elizabeth Moore, home-based business owner on 236th Street, stated that businesses having poor internet service should be referenced in the letter. As the letter is responding with facts, it was noted that businesses should be encouraged to submit comments to the PUC on their behalf.

Kronmiller, seconded by Ness, moved to submit the comments to the PUC as drafted. The motion carried 5-0.

ECONOMIC DEVELOPMENT AUTHORITY FAÇADE IMPROVEMENT PROGRAM

The 2018 budget provided for a transfer of \$20,000 of the excess year-end balance in the General Fund to the Economic Development Authority for implementation of a loan program that would supplement business owner efforts to enhance the “curb appeal” of their properties in the Village Mixed Use and Rural Commercial zoning districts.

Administrator Soltis described the Façade Improvement Loan Program which would provide loan amounts of \$1,000-\$5,000 up to 10 years at 1% interest rate. Eligible improvements include new windows and doors viewable from the public right-of-way, façade improvements such as painting, siding, soffits, trim and stucco, handicap accessibility, exterior lighting and awnings. All designs must comply with the City’s Architectural Design Guidelines or the original architecture of the building.

Kronmiller, seconded by Hegland, moved to approve the Façade Improvement Loan Program as drafted by the EDA. The motion carried 5-0.

BLANDIN COMMUNITY BROADBAND RESOURCES PROGRAM

Council member Kronmiller described a program offered through the Blandin Foundation which provides outside consulting assistance to communities seeking to improve broadband services. Kronmiller recommended the City apply to the Community Broadband Resources Program for technical assistance to the local internet focus group which Kronmiller has organized. There is no cost to the City for the consulting time.

Hegland, seconded by Ness, moved to support an application to the Community Broadband Resources Program. The motion carried 5-0.

SUMMARY OF THE MARCH 7, 2018 CLOSED SESSION

At the end of the March 7, 2018 Work Session, the Council went into closed session under State Statute Section 13D.05, Subdivision 3(c)(2) [which allows a public body to close a meeting to review confidential or protected nonpublic appraisal data] to discuss the potential sale of the City-owned lot located between 21710 and 21750 Olinda Lane North, Parcel Identification Number 14.032.20.22.0009. The Council voted to give the adjoining property owners the opportunity to purchase the property at the appraised value before listing the sale of the property to the general public.

DISCUSSION ON THE SALE OF A CITY-OWNED LOT ON OLINDA LANE

Attorney Pratt explained that the City is not required to publicly bid the sale of the city-owned lot in the Hawkinson Highlands subdivision along Goose Lake, but can offer a Right of First Option to the adjacent property owners at the appraised value. They may decide to split the lot

and merge the land into their existing property and would be responsible for the cost of a lot adjustment, or they may competitively bid for the lot.

Maefsky, seconded by Hegland, moved to direct legal staff to draft a Right of First Option agreement with language that requires the adjacent property owners to be responsible for any fees that may be necessary for the transaction. The motion carried 5-0.

DISCUSSION ON WIND IN THE PINES PARK

The Council discussed the illegal activities occurring at Wind in the Pines Park. Deputy Yetter stated that a blanket enforcement to deter trespassing is not effective, as new violators are regularly cited. John Haus, the adjacent property owner, is taking actions such as posting his land and putting up fences which is not working.

Kronmiller, seconded by Ness, moved to direct staff to provide a plan for closing the parking lot access at Wind in the Pines for discussion at the April 4th Work Session. The motion carried 5-0.

ADJOURNMENT

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

The meeting adjourned at 8:41 p.m.

Respectfully submitted,

Brenda Eklund
Deputy Clerk