

May 21, 2019

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 Jerry Cusick, Chris Ness, Patti Ray, Steve Kronmiller and Mayor Christine Maefsky. Staff present: 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 presented a Scandia Good Neighbor Proclamation to Patty O’Gorman who was nominated for her hard work and dedication to the Bone Lake neighborhood.

No other comments were made during the public forum.

APPROVAL OF AGENDA

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

CONSENT AGENDA

The following Consent Agenda was presented:

- a) Minutes
 - 1) April 16, 2019 Regular Council Meeting
 - 2) May 1, 2019 Work Session
 - 3) May 14, 2019 Special Council Meeting
- b) Treasurer’s Report

Beginning Balance	4/1/2019	\$4,155,345.63
Receipts		\$35,910.69
Expenditures	\$105,487.35	
Payroll	<u>\$ 38,329.26</u>	\$(143,816.61)
Adjustments: JE duplicate HSA expenditure		\$3.00
Transfer EDA cash to separate account		<u>\$(21,313.34)</u>
Ending Balance	4/30/2019	\$4,026,129.37
- c) Payment of Vouchers
- d) Special Event Permit, Scandia Marine Lions Foundation -- St. Croix Fat Cat Triathlon (July 13, 2019)
- e) Temporary liquor license for Meister’s to sell beer at Fat Cat Triathlon, Hay Lake Park (July 13, 2019)
- f) Accept resignation of Volunteer Firefighter James Cook
- g) Approve 2019 Recycling Grant Agreement with Washington County

Mayor Maefsky added two items to the end of the agenda: 9.m) Update on Administrator search, 9.n) Establishment of Community Center improvements committee. Council member Ness removed Consent Agenda Item 5.d) Special Event Permit for Fat Cat to General Business Item

9.o). Maefsky announced that 9.c) and d) Discussion on Ordinance No. 212 and resolution would be reordered to follow 6.c) Public hearing on Ordinance No. 212, tobacco regulations.

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

PUBLIC HEARING: BROOKSIDE PUB LIQUOR LICENSE VIOLATION
(RESOLUTION NO. 05-21-19-07)

The City was notified by the Washington County Sheriff's Department that Brookside Pub failed an alcohol compliance check on October 25, 2018 when alcohol was served to an underage customer. On April 2, 2019, the Brookside employee entered a plea of guilty to the charge of furnishing alcohol to a minor. Deputy Clerk Eklund explained the provision in the City's Ordinance No. 93, Liquor Regulations, that a hearing be held to consider the violation and penalty. A first-time violation specifies a minimum one-day suspension of the liquor license and a civil penalty of \$500 be imposed.

Brookside Pub owner Matthew Miller was present at the hearing and agreed to a one-day license suspension to occur on October 1, 2019.

Kronmiller, seconded by Ray, moved to adopt Resolution No. 05-21-19-07, Imposing License Suspension and Civil Penalties on Brookside Pub for Liquor License Violation, with license suspension to occur on October 1, 2019 and payment of the \$500 civil penalty to be paid in 30 days. The motion carried 5-0.

PUBLIC HEARING: ORDINANCE NO. 212, REGULATING TOBACCO PRODUCTS
WITHIN THE CITY OF SCANDIA

At their May 1st Work Session, the Council directed staff to prepare the draft tobacco ordinance that they had been reviewing for a public hearing. The Council was in consensus to set the age limit for purchase and possession of tobacco to age 21.

Mayor Maefsky opened the public hearing at 7:18 p.m. There were no comments and the hearing was closed.

Council member Kronmiller noted written comments from Lisa Pothén with concerns about a new tobacco business opening soon, and stated that the Council is looking to increase protections for youth access to tobacco. The ordinance contains language that sets proximity distances from youth-oriented facilities. Council asked that mapping be provided for continued discussion on the tobacco ordinance at the next work session.

Kronmiller, seconded by Ray, moved to table discussion on an amended tobacco ordinance to the June 5th Work Session. The motion carried 5-0.

PARK AND RECREATION COMMITTEE

Discussion on Request to Use Warming House as Cycling Center

Parks and Recreation Committee Chair Terry Gorham reported that the Committee is in approval to use the Warming House as a gathering center for bicyclists and for visitors as restroom

accessibility, as requested by Cycling Scandia and identified in the recent tourism assessment. PW Director Hawkinson provided costs to equip the building with automatic door locks with timers to open the doors from 7am-6pm (8pm during summer months). The SHIP grant recently awarded would cover \$1,000 of the total cost of \$1,672 for the locks. Other monthly expenses for cleaning and utilities was approximated to be \$150. A wireless internet connection was also researched for future improvements; however, Deputy Yetter cautioned against providing public wi-fi for potential to turn into an indoor hangout for youth.

Mayor Maefsky said she likes the idea of the facility for year-round use, but had concerns about the city's liability in opening up an unstaffed building. Hawkinson offered to research the city's liability coverage for a report at the June 5th Work Session.

Yoga Program Agreement with Carol Schwinghammer

Parks and Recreation Committee Chair Terry Gorham presented an agreement for the city to enter into with instructor Carol Schwinghammer to offer a 6-week yoga program at the Community Center. Registration cost to be \$42, with Schwinghammer compensated with 80% of the registration fees.

Ray, seconded by Ness, moved to approve the agreement with Carol Schwinghammer to instruct a yoga program. The motion carried 5-0.

PLANNING COMMISSION

Amendment to Tii Gavo Conditional Use Permit and Development Agreement (Resolution No. 05-21-19-01)

Planner Clapp-Smith explained the request from Peter Stalland, on behalf of the Tii Gavo Community Association, to amend the development's CUP and Developer's Agreement to increase the number of boat slips in the marina from the existing 19 to a total of 29 slips. The marina is located in Painted Turtle Bay, which accesses Big Marine Lake through a 900' dredged channel. The Planning Commission recommended approval to add ten slips based on testimony heard at the May 7th public hearing and the site visit they held, and concluded that homeowners not having slips make additional boat trips through the channel and have potential to introduce aquatic invasive species to the water, and reasoned that environmental impacts are greater if not adding slips.

Clapp-Smith stated that the question the Council needs to consider is if the addition of ten slips imposes a negative environmental impact on the bay, and reported that the DNR and Carnelian-Marine Watershed both opposed increasing the number of slips. History of the development was explained. The conservation development received approval to limit the marina to 19 slips as an agreement between all the agencies, based on the number of riparian lots created. The homeowner's association is now asking for one slip for each lot in the development.

Council member Cusick said that boat traffic is only in the bay because of the development; the channel was made passable as part of the agreement in which the DNR agreed to no more than 19 slips. He said he is opposed to open up additional slips to the non-riparian lot owners.

Council member Kronmiller explained that he was on the Watershed Board at the time of the development's approval and is opposed to the request to add additional boat slips. The Planning Commissioners are not water quality experts – the DNR and Watershed are. It was known at the time of the agreement that not all lot owners would have a boat slip; a common dock addressed the environmental issues of the development.

Council member Ness said he was a Planning Commissioner when Tii Gavo was created. He said there will be more casual trips when boats are docked as opposed to trailering to the public access; thereby increasing the trips through the channel. Nineteen slips were allowed and that's it.

Mayor Maefsky expressed her concerns that the future homes in Phase 2 of Tii Gavo will also request an increase to the boat slips, and noted that the DNR and Watershed are opposed to adding slips.

The following speakers were given an opportunity to provide comments:

- Wayne Jacobsen, environmental consultant with Tii Gavo – doesn't see potential degradation to the water quality by the addition of slips.
- Kristin Tuenge, Watershed Board – rationale to deny is strong, why risk the well-thought out agreement made in 2007.
- Peter Stalland, applicant and Tii Gavo resident – natural for the DNR and Watershed to deny, cities have authority for shoreland, cited 3 specific ordinances to allow more boat slips.
- Scott Samuelson, Tii Gavo resident and slip owner – DNR opposes and could take away the permit to dredge the channel leaving no access to the lake.
- Patrick Hofkes, Tii Gavo resident without a slip – 10 floating docks would be minimal impact to water quality, other points of contamination to the lake are greater.
- Jason Pass, Big Marine Lake Development – Tii Gavo is conservation-minded, lack of dock ownership is creating neighborhood infighting, consider the request for the benefit of the whole community.
- Tricia Peterson, lives across the lake – opposes, must maintain the integrity of the lake as much as possible, any impact is too much.
- John Salintros, Tii Gavo resident – lot owners care about the lake, invasive species are introduced from the public boat launch, allowing one slip per household would create community harmony.
- Melody Ivester, Tii Gavo resident – development has a history of conservation efforts, this would meet the needs of the homeowners and be conservation minded.
- Jim Shaver, Watershed Administrator – negotiations among agencies to limit to 19 slips was not arbitrary and capricious but based on facts related to water quality, appreciates the DNR's standing to not increase the number of slips.

Mayor Maefsky said that it was a surprise that the DNR had agreed to dredging a channel from the bay to the lake when the development was approved. It would be difficult to go against their position to deny the request. Maefsky read the findings initially prepared by staff for the Planning Commission to deny the request to add ten new boat slips – the request is not consistent with the Comp Plan, does not comply with shoreland regulations and performance standards,

does not preserve natural resources and has the potential to negatively impact natural habitats and vegetation communities in Big Marine Lake.

Council member Ray said she is concerned that the DNR may no longer allow the channel to be dredged if the City approves additional docks, and the comments from the DNR and Watershed should be taken seriously. She said she understands why the homeowners want a dock, but they purchased lots knowing this.

Kronmiller, seconded by Cusick, moved to adopt Resolution No. 05-21-19-01, Denial of an Amendment to the Tii Gavo Conditional Use Permit and Development Agreement to Increase the Number of Dock Slips. The motion carried 5-0.

Conditional Use Permit for a Distribution Scale Solar Energy System on PID No. 30.032.20.23.0001 at Keystone Avenue (Resolution No. 05-19-21-02)

Planner Clapp-Smith presented the recommendation of the Planning Commission to approve a Conditional Use Permit for a one-megawatt Distribution Scale Solar Energy system to be owned and operated by US Solar. The SES would occupy 10 acres on an 88-acre parcel owned by Ronald and Janet Taylor, east of Keystone Avenue and north of 192nd Street.

The Commissioners determined that additional landscaping should be required on the southern edge of the property. The applicants provided a revised plan, and added courtesy screening for parcels to the northeast, even though the parcels are not adjacent.

A resolution was prepared with findings and 19 conditions. The dollar amounts for the decommissioning and landscaping financial guarantees would be designated as part of the Development Agreement, to be approved by the Council at a future meeting.

Council member Kronmiller questioned what happens if the landscaping does not provide the effective screening by year 4. Clapp-Smith explained that the conditions of the CUP are violated in that case, and the city's enforcement mechanism comes into play. Kronmiller said that realistic decommissioning costs are needed; is the proposed \$20,000 adequate? Attorney Sherburne said that staff will determine decommissioning costs and specify this in the Development Agreement.

Engineer Goodman questioned the driveway diagram shown on the survey along Manning Avenue, and asked if the US Solar had County access approval. It was unknown if either the Manning Avenue or Keystone Avenue access locations had County approval. Planner Clapp-Smith recommended an added condition "Driveway access permits from Washington County shall be secured for any access drives onto the site from county roads, such as Manning Trail North or Keystone Avenue North, before the City approves the final permit for the solar installation".

Ness, seconded by Ray, moved to approve Resolution No. 05-21-19-02, Approving a Conditional Use Permit for a Distribution Scale Solar Energy System on Parcel Number 30.032.20.23.0001 Located on Keystone Avenue with amendments as recommended by staff. The motion carried 5-0.

Interim Use Permit for the Keeping of Livestock in Excess of the Number of Animal Units Permitted at 13550 Scandia Trail

Planner Clapp-Smith presented the recommendation of the Planning Commission to approve an Interim Use Permit to property owner John Stroemer to allow him until October 31, 2019 to reduce the number of livestock permitted for his 43 acres. He currently keeps horses and cattle totaling 35 animal units; 21 animal units are allowed.

Deputy Yetter explained the citations, violations and complaints that have occurred at this property. Yetter recommended the Council deny an IUP; an extension only allows him to prolong attempts to get him into compliance. Yetter said he would rather continue to cite him and have the courts handle the prosecution.

Council member Cusick said Stroemer has multiple violations and shouldn't be given one more day to push off reducing the number of animals; continue to charge him with violations and let the courts do the work. Council member Kronmiller agreed that the City shouldn't enable him and to keep pressure on him through citations.

Ness, seconded by Cusick, moved to deny an Interim Use Permit for Keeping Excess Livestock at 13550 Scandia Trail. The motion carried 5-0.

BUILDING OFFICIAL

Building Official Chuck Preisler's report on building activity was received. In April, 29 permits were issued at a valuation of \$586,503. To date, one new construction permit has been issued.

POLICE DEPARTMENT

Police Deputy Brandon Yetter announced that he has been accepted into the Canine Unit and will be ending his appointment as Scandia's Deputy on May 31st. A replacement deputy will be named next week.

FIRE DEPARTMENT

Fire Chief Mike Hinz reported that the department responded to 5 fire calls and 6 medical calls in April. Last month's training covered wildland fires, fast attack drills and an EMT refresher.

CITY ENGINEER

City Engineer Ryan Goodman provided a report on engineering updates. The contractor is making good progress on completing the punch list items from last year's road project.

CITY ATTORNEY

City Attorney Eric Sherburne explained a new state law effective August 1st which requires disclosure of consultant fees at the time of application. The City's zoning applications will require estimates for planning, legal and engineering fees, which are non-binding but allow will applicants to be better informed.

PUBLIC WORKS DIRECTOR

Public Works Director Adam Hawkinson reported the Q-Alert citizen response program is operational on the City's website. Hawkinson attended a FEMA meeting with County staff; there is potential to recover spring flooding costs.

ORDINANCE NO. 211 – AMENDING ORDINANCE NO. 204 RIGHT OF WAY MANAGEMENT AND APPROVING SUMMARY PUBLICATION (RESOLUTION NO. 05-21-19-05)

The City's Engineering Standards and Detail Specifications were updated and adopted at the April 16th Council meeting. The 2007 standards are referenced in Ordinance No. 204, Managing the City's Rights of Way. An ordinance amendment, No. 211, was prepared to reference the most current standards and all subsequent revisions in Article 6, Section 6.01(i).

Ness, seconded by Kronmiller, moved to adopt Ordinance No. 211, Amending Article 6, Section 6.01(i) of Ordinance No. 204, Managing Its Rights of Way. The motion carried 5-0.

Ness, seconded by Kronmiller, moved to approve Resolution No. 05-21-19-05, Providing for Summary Publication of Ordinance No. 211. The motion carried 5-0.

AMENDING THE GENERAL FUND BUDGET FOR TRANSFER TO THE CAPITAL IMPROVEMENT FUNDS

Past City Administrator Soltis prepared a resolution to distribute the 2018 unassigned excess fund balance of \$438,962 to the capital improvement funds as provided for in the City's Fund Balance Policy. Mayor Maefsky stated that she wasn't clear on the details and requested the action be tabled to the June 5th Work Session for Treasurer Firkus to be present.

REQUEST FROM KATIE AND JOSEPH REINHARDT FOR APPROVAL OF WETLAND FILL FOR DRIVEWAY

Katie and Joe Reinhardt, 18881 Layton Avenue, requested the Council reconsider the conditions of their driveway variance, approved on October 16, 2018. Mr. Reinhardt explained that the condition to combine the 5 separate tax parcels by December 21, 2018 was not completed and an unlawful condition (taking of property). He said he has approval for a wetland replacement plan and restoration with other agencies, and only needs a driveway permit from Scandia to bring the issue to closure.

Council member Kronmiller said that since the variance conditions were not met by the deadline, the after-the-fact variance for wetland setbacks for a driveway is null and void. Another approach should be pursued because communication among the TEP agencies was not clear.

Planner Clapp-Smith said she will look at this issue and its past history for a report at the next meeting.

Ness, seconded by Cusick, moved to table the Reinhardt discussion to the June 5th Work Session.

TEMPORARY CHANGE IN PUBLIC WORKS EMPLOYEE WORK SCHEDULE

PW Director Hawkinson presented a memo of understanding between the City and Local 49 prepared by legal staff that would permit union employees to work straight 8-hour days from Memorial Day to Labor Day. The new shift would be 7am to 3pm with a half-hour break period for lunch.

Kronmiller, seconded by Ray, moved to approve the MOU as presented. The motion carried 5-0.

DUST CONTROL ALTERNATIVE TO 185TH STREET AND OAKGREEN AVENUE

PW Director Hawkinson described an experimental calcium chloride product that is applied as a solid and worked into the surface of gravel roads, instead of the common liquid product. Some studies show it to be more cost effective. Hawkinson would like to apply it to a portion of 185th Street and Oakgreen Avenue as an experiment, with an extra cost of \$1,200 for fuel, labor and equipment.

Ness, seconded by Kronmiller, moved to approve the purchase and application of an alternative dust control product. The motion carried 5-0.

PILAR ROAD CULVERT REPLACEMENT

PW Director Hawkinson reported on a failed metal culvert on Pilar Road, and provided quotes for its replacement to a reinforced concrete pipe (RCP). The City will purchase the RCP at a cost of \$3,600. Hawkinson recommended awarding the work to low bidder.

Ness, seconded by Ray, moved to approve the Pilar Culver Replacement Project to Peterson Excavating in the amount of \$11,070. The motion carried 5-0.

220TH STREET PAVING PROJECT

PW Director Hawkinson requested approval for a full patch and subgrade correction to a 95' by 23' area on 220th Street where a frost boil impacted the roadway. Initial bids from contractors have been high, around \$10,000.

Ness, seconded by Kronmiller, moved to direct staff to acquire more bids before proceeding with the work. The motion carried 5-0.

DESIGNATE CONTACT FOR EMPLOYMENT RELATED TASKS

Attorney Sherburne explained that an appropriate individual should be temporarily appointed to act on employment related tasks in the absence of a City Administrator. The City Council acts as a default in this instance. Mayor Maefsky recommended this be tabled for the June 5th Work Session.

HIRING PART-TIME PARKS EMPLOYEE

One application was received for the seasonal part-time grounds worker. PW Director Hawkinson recommended the hiring of Steven Burke.

Ness, seconded by Ray, moved to approve the hiring of Steve Burke as Part-Time Seasonal Maintenance Worker at the rate of \$11.50/hour. The motion carried 5-0.

UPDATE ON CITY ADMINISTRATOR SEARCH

Mayor Maefsky reported that 40 applications were received by DDA search firm, with semi-finalists narrowed to 13. Finalists will be selected at the June 5th Work Session.

COMMUNITY CENTER IMPROVEMENTS COMMITTEE

Mayor Maefsky explained that she would like to establish a committee to study the needs for an update to the Community Center that would conclude with a recommendation to the Capital Improvement Committee. The Committee would be composed of the Mayor, one member from the Council, EDA and Lions Club, two staff members and 3 to 4 citizens at large.

Ray, seconded by Ness, moved to approve the formation of a Community Center Improvements Committee and to advertise for members on the website. The motion carried 5-0.

SPECIAL EVENT PERMIT FOR FAT CAT TRIATHLON, LIONS FOUNDATION, JULY 13, 2019

Council member Ness explained that the Fat Cat race organizers are in need of an alternate parking area at the Hay Lake Park, as they have been denied use of the grassy field across from Old Marine Trail. They are looking to park approximately 80-100 vehicles on the south end of Lions Park. Council was in consensus that the city land could be used as a parking area.

ADJOURNMENT

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

The meeting adjourned at 10:46 p.m.

Respectfully submitted,

Brenda Eklund
Deputy Clerk