

September 19, 2017

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 council 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 Sherri Buss, City Engineer Ryan Goodman, City Attorney Andy Pratt, Fire Chief Mike Hinz, Public Works Director Adam Hawkinson and Deputy Clerk Brenda Eklund.

PUBLIC FORUM

Scandia Good Neighbor Recognition – Janie O’Connor

Mayor Christine Maefsky presented Janie O’Connor with a Scandia Good Neighbor Award Proclamation. O’Connor, known as “Butterfly Janie” was nominated by Debra Behrens, with qualities of her commitment to nature preservation and as a leader in the community.

There were no other public comments during the forum.

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) August 15, 2017 Regular Meeting
 - 2) September 6, 2017 Work Session
- b) Treasurer’s Report

Beginning Balance	8/1/2017	\$ 3,709,431.15
Receipts		\$ 248,044.90
Expenditures	\$145,434.26	
Payroll	<u>\$ 23,839.55</u>	\$ (169,273.81)
Ending Balance	8/31/2017	\$ 3,788,202.24
- c) Payment of Vouchers
- d) Renewal of contract for safety training with Safe Assure
- e) Resolution No. 09-19-17-01 approving the Health Care Plan and Establishing City Contribution to Employee Health Insurance Benefits for 2018
- f) Fire Retirements – David Mead and Aaron Sipola
- g) Request for payment for 2017 Seal Coating contract
- h) Request for payment for 2017 Crack Filling contract
- i) Replacement of file server

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

PARKS AND RECREATION

There was no report from the Parks and Recreation Committee. Their September 7, 2017 meeting minutes were included in the Council meeting packet.

PLANNING COMMISSION

Variance at 19590 Olinda Trail North – Brent and Jane Krause, Applicants. Resolution No. 09-19-17-02

Planner Sherri Buss presented the Planning Commission's recommendation to approve a variance from the required 75' wetland setback for construction of a driveway at 19590 Olinda Trail North. Brent and Jane Krause plan to construct a new home and driveway on the 19.5-acre parcel, which has several wetlands located between the home and the road. Buss explained that although a 10' driveway could be constructed in a location that meets wetland setbacks, the proposed driveway would be 45' from a low quality wetland and is the least impactful to other natural resources on the site. Both the Conservation District and Watershed approved of the plan. Conditions of approval were presented in a resolution, including that the driveway is a minimum width of 12' and located as close to a right angle as possible to Olinda Trail for proper sight lines. Following the Planning Commission meeting, Krause submitted a site plan showing the 12' driveway meeting Olinda at a 90° angle.

Council member Kronmiller asked if the proposed driveway connection to Olinda Trail could be better located directly across from the intersection with Old Marine Trail. Buss stated that Washington County approved the access permit for the driveway as far south on the parcel as it can be, and the location is consistent with what the County is seeking. Kronmiller stated that he is opposed to granting variances because changing the laws should be looked at instead. He noted that the driveway could be installed in a location that does not need a variance, but said this is the best solution for this site and the environment. Administrator Soltis explained that since a 12' driveway is a condition for safety reasons, the driveway does need a variance regardless.

Council member Schneider agreed that the City should look at changing the 75' wetland setback, and said that it is acceptable to mow right up to a wetland. Once constructed, the driveway would have minimal impacts. Planner Buss explained the functions and values assessment of wetlands that could allow for graduated setback requirements based on the quality of the wetland, which could range from 15' to 100'. A rating system was not chosen when Scandia established this ordinance; rather a 75' buffer was established as the required setback for all wetlands. Buss said that the Planning Commission is currently reviewing the shoreland ordinance, and suggested that a change could be made to use a wetland quality-based setback instead of a blanket setback. Kronmiller said that wetlands serve an important purpose of groundwater infiltration and need protection, but a better classification system is needed as this one doesn't make sense in all instances. Schneider agreed that the ordinance should be reviewed for changes. Administrator Soltis said this will be discussed at a work session to provide direction for the Planning Commission.

Schneider, seconded by Hegland, moved to approve Resolution No. 09-19-17-02, Approving a Variance for 19590 Olinda Trail North as presented. The motion carried 4-1, with Kronmiller opposed.

Variance at 13030 182nd Street North – Gary and Martha Olson, Applicants. Resolution No. 09-19-17-03

Planner Buss presented the Planning Commission's recommendation to approve variances from the required 75' wetland setback that is adjacent to Big Marine Lake and the required 40' roadway setback for replacement of a nonconforming septic system at 13030 182nd Street North. Gary and Martha Olson provided a survey to show the new tanks 53' from the wetland boundary, and the new mound between the home and the road at 13.5' from the road right-of-way and 8' from the side property line. Buss explained that this is a vast improvement over the location of the existing septic system, and was approved by the Watershed and Conservation District. Conditions of approval were presented in a resolution, including a review of grading plans by the City Engineer, and that erosion control measures must be in place before construction begins.

Council member Schneider said his same reasoning on wetland setbacks apply as he stated in the previous variance discussion.

Council member Ness asked if the sewer pipe will run between the narrow area of the house and neighbor's lot line. Mr. Olson said that it will due to the required well setback of 50'.

Kronmiller, seconded by Hegland, moved to approve Resolution No. 09-19-17-03, Approving a Variance for 13030 182nd Street as presented. The motion carried 5-0.

Ordinance No. 187, Repealing Chapter 2, Section 4.34 of the Development Code – Solar Farms and Community Solar Gardens

At its August Work Session, the Council passed a motion to repeal the section of the development code regulating solar farms and community solar gardens. Following state statute, the Planning Commission held a public hearing at its September 5, 2017 meeting with no public comments. The Commission recommended the Council repeal the code section that regulates solar farms and community solar gardens, but also consider an amendment to the development code that would allow accessory solar installations that are small in scale to participate in the community solar garden program.

Planner Buss explained that limiting community solar to a small scale may still have screening impacts, and asked the Council if they thought there could be potential for this. Council member Ness theorized that a large farm operation could still potentially be allowed a large solar garden under this proposal.

Council member Kronmiller said his position is to take a step back to research the solar implications and allow time to get answers to his many questions. He said Scandia has done a good job of attracting renewable energy and doesn't have to stop, but should take time out to figure out what we want and how to get it. Mayor Maefsky agreed that now is the time to halt further solar projects until implications are known. She said she would be in favor of reworking language to allow accessory solar to work for small projects, but there are still too many unknowns.

Council member Schneider said he's against telling people what they can do with their land, but doesn't want to drop the ball on solar by having it fall by the wayside until there is interest again. He said if repealed, they must immediately talk about how to get it rolling again. Kronmiller agreed that the real issues must be identified and studied.

Council member Ness said it's mostly the view that generates the complaints.

Council member Hegland said solar gardens ruin the rural nature of the community and detract from the views of Scandia. Technology is constantly changing and there may be something else in the future to replace solar. Hegland said it's time to pull the pin and see what develops.

Kronmiller, seconded by Hegland, moved to adopt Ordinance No. 187, Repealing Chapter 2, Section 4.34 of the Scandia Development Code -- Solar Farms and Community Solar Gardens. The motion carried 3-2, with Ness and Schneider opposed.

Resolution No. 09-19-17-04, Providing for the Summary Publication of Ordinance No. 187
Kronmiller, seconded by Hegland, moved to approve Resolution No. 09-19-17-04,
Providing for the Summary Publication of Ordinance No. 187. The motion carried 5-0.

BUILDING OFFICIAL

Building Official Chuck Preisler provided the building activity report for the past month. In August, 190 permits were issued at a valuation of \$3,682,128. These are primarily roofing repairs following the summer's hail and wind storms.

POLICE DEPARTMENT

Deputy Brandon Yetter reported that 3 burglaries occurred on Olinda Trail, 2 vehicles were recently stolen and recovered, and arrests made for felonies on warrant, one being in the line for tacos on Taco Daze. Yetter continues to issue tickets to trespassers at Wind in the Pines Preserve.

FIRE DEPARTMENT

Fire Chief Mike Hinz reported that the department responded to 20 calls in August – 9 fire related and 11 rescue calls. The push for recruitment resulted in 6 applications. Interviews and testing will follow, for an approximate start of November 1st.

CITY ENGINEER

City Engineer Ryan Goodman reported on the completion of the seal coat and crack filling projects. An open house for the Comprehensive Plan Update is scheduled for October 24th.

CITY ATTORNEY

City Attorney Andy Pratt provided information on the recent outcome on the White Bear Lake lawsuit between landowners and the DNR which could have possible implications for Scandia, which is in this groundwater area district. A recent court decision makes it unconstitutional to cite a person for disturbing a public meeting, and Pratt spoke about new legislation for installing small wireless equipment in public right-of-ways effective on January 1, 2018. This issue will

be further discussed at a future work session, so that the city is prepared with cost recovery and a fee structure in place.

DIRECTOR OF PUBLIC WORKS

Public Works Director Adam Hawkinson reported that they have mostly completed installation of street signs on the roads that were sealcoated, the second application of dust control occurred in August, new septic pumps have been installed for Lift Station 2 in the Bliss addition, and a mock OSHA inspection indicated that the City should purchase 2 fire-proof supply cabinets for the storage of flammable materials.

CITY ADMINISTRATOR

Administrator Neil Soltis stated that discussion on the Comprehensive Plan will be on the October 4th work session agenda, labor negotiations have concluded with a contract proposed for approval at the October Council meeting, building activity remains at a high volume, and the building and electrical permits for Scandia Trail Solar have been released.

A request for a donation was received from the Washington County Historical Society, and Mayor Maefsky asked that this be discussed in December when year-end figures can be projected.

SETTING MAXIMUM TAX LEVY FOR 2018 (RESOLUTION NO. 09-19-17-05)

Administrator Soltis presented the figures based on discussion at the last work session that results in a preliminary tax levy of \$2,353,102 for property taxes payable in 2018, a 4.2% increase over last year. Based on a tax impact worksheet, this results in a levy amount of \$3.87 per \$1,000 of taxable market valuation, which is a \$0.05 increase from 2017. Soltis explained that this preliminary figure will be used by the County for the property tax notices that are mailed out in November. Council can continue to make changes to the 2018 budget, but the levy amount may not be increased.

Council Kronmiller said this is a good start but there are still items to work through. The plan for roads is well thought out and is a decent plan to address them which takes money, but there is still a ways to go to bring down the final levy.

Ness, seconded by Hegland, moved to approve Resolution No. 09-19-17-05, Certifying the Maximum Property Tax Levy Payable in 2018 as presented. The motion carried 5-0.

SETTING DATE FOR PUBLIC HEARING ON THE 2018 BUDGET

Kronmiller, seconded by Hegland, moved to hold the public hearing on the 2018 budget on December 6, 2017 at 6:30 p.m. The motion carried 5-0.

REVIEW FALL NEWSLETTER DRAFT

Staff prepared a draft fall newsletter to be mailed to all Scandia residents in early October. Key topics covered the comprehensive plan, the 2018 budget, and the Open for Business program offered in Washington County. The EDA will host a business breakfast on October 19th for those who want to know more about the program.

Council was in approval to mail the newsletter as presented.

ADJOURNMENT

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

The meeting adjourned at 8:30 p.m.

Respectfully submitted,

Brenda Eklund
Deputy Clerk