

**REGULAR MEETING  
OF THE COUNCIL OF THE  
CITY OF VADNAIS HEIGHTS  
JANUARY 18, 2017**

The regular meeting of the Council of the City of Vadnais Heights was held on the above date and called to order by Mayor Fletcher at 7:00 p.m.

Everyone present stood and said the Pledge of Allegiance.

**ROLL CALL**

Upon roll call, the following members were present: Mayor Bob Fletcher, Councilmembers: Terry Nyblom, Craig Johnson and Heidi Gunderson.

The following members were absent: None.

Also present were: Kevin Watson, City Administrator; Kathy Keefe, Assistant City Administrator; Mark Graham, City Engineer; Bob Sundberg, Finance Director; Nolan Wall, Planning/Community Development Director; Caroline Bell Beckman, City Attorney; Jeff Melcoch, Cable Producer; and Beckie Gumatz, Deputy Clerk.

**APPROVAL OF AGENDA**

Councilmember Nyblom requested to remove item 11A, Approval of Ramsey-Washington Metro Watershed District (RWMWD) Memorandum of Understanding, and discuss it once a new councilmember has been appointed, as they will be the city's representative to the RWMWD.

City Administrator Watson mentioned that the agenda for tonight's meeting has been amended; discussion of appointing a new councilmember has been moved to the end of the agenda and a proclamation that was previously on the agenda has been removed and will no longer be considered.

Upon motion by Nyblom, seconded by Johnson, it was

17-01-017      "RESOLVED, that the agenda for the January 18, 2017, Council Meeting be approved, as amended."

Ayes – 4

Nays – 0

The resolution was adopted.

**APPROVAL OF MINUTES**

A. January 4, 2017 Workshop Meeting

Upon motion by Nyblom, seconded by Gunderson, it was

17-01-018 “RESOLVED, to approve the January 4, 2017, Workshop Meeting Minutes, as presented.”

Ayes – 4                      Nays – 0

The resolution was adopted.

B. January 4, 2017 Regular Meeting

Councilmember Nyblom requested to amend the Regular Meeting Minutes on page 7 under Item 12B, second paragraph, after the word “the” insert the words “donation requirements contained in our.”

Upon motion by Nyblom, seconded by Gunderson, it was

17-01-019 “RESOLVED, to approve the January 4, 2017, Regular Meeting Minutes as amended.”

Ayes – 4                      Nays – 0

The resolution was adopted.

**APPROVAL OF CONSENT AGENDA**

Upon motion by Johnson, seconded by Nyblom, it was

17-01-020 “RESOLVED, that the Consent Agenda items for the January 18, 2017, meeting be approved as follows:

- A. Approve Claims #73904 through #73985, and Electronic Claims #1043 through #1049 for payment.  
A-1. US Bank Visa Payment in the Amount of \$2,921.17
- B. Approval of S.E.H. as the City’s Consulting Engineer
- C. Approval of Contract with Erickson, Bell, Beckman & Quinn, P.A. for Legal Services for 2017
- D. Conditionally Approve Renewal of Optional 2am Liquor License for Gerald, Inc. dba: Jimmy’s Food & Drink Located at 1132 East County Road E

- E. Approve One-Day Lawful Gambling Permit for the National Wild Turkey Federation for an Event at Jimmy’s Conference Center, 3565 Labore Road on March 2, 2017

Ayes – 4

Nays – 0

The resolution was adopted.

**OPEN TO THE PUBLIC**

No one wished to speak.

**PRESENTATIONS**

None.

**PUBLIC HEARINGS**

- A. 2017 Street Improvements

City Engineer Graham explained that the process began in the Fall of 2016 to determine which streets should be redone in 2017. Seven streets have been identified as needing work in 2017, pending the amount of money available. These streets are: a portion of Krey Avenue, a cul-de-sac on Heritage Court West, and portions of Springhill Road, Clearbrook Lane, Bramblewood Avenue, Oakhurst Avenue, and Willow Grove Lane.

As required by law, notice of this meeting was published in the *Vadnais Heights Press*, and a letter was mailed to each resident living on the streets being considered. The letter mailed to each resident invited them to tonight’s meeting, as well as an Open House which was held on January 9, 2017. Mr. Graham indicated that three people attended the January 9, 2017 Open House.

City Engineer Graham noted that the majority of these streets were last improved in 1993. Additionally, Krey Avenue was first built, and has not been significantly improved since 1988. Mr. Graham also listed the PCI (Pavement Condition Index) for these streets. PCI is measured on a scale of 1-100. These roads range from 45-64, which is in the range for improvement.

Mr. Graham explained that the city’s residential street assessment policy is to assess per lot. Each lot on a given street pays the same. He also noted that as no properties front Willow Grove Lane, so Willow Grove Lane would be a 100% city funded project.

It was noted that the type of improvement that would be done is bituminous removal and replacement. This process removes the existing blacktop, fixes minor portions of curb as needed, and then places down a new bituminous surface.

The cost to improve all seven of the streets would be \$1,225,300. At this amount, it is not feasible to complete all the streets this year. If the entire project were to be done this year, the city would assess 42% (\$510,200) of the project and the city would pay for 58% (\$715,100) of

the project. The current available budget that the city has dedicated for street improvements in 2017 is \$325,000. Mr. Graham noted that the city's budget could be increased to cover additional streets should the City Council wish to do so. He also noted that if a street is removed from the project tonight, it cannot be added back in to be improved this year.

City Engineer Graham outlined five potential project options. Option 1 would include Oakhurst Avenue, Bramblewood Avenue, and Willow Grove Lane at a cost of \$671,300. Option 2 would include Oakhurst Avenue, Clearbrook Lane, and Willow Grove Lane at a cost of \$646,800. Option 3 would include Clearbrook Lane and Bramblewood Avenue at a cost of \$720,700. Option 4 would include Oakhurst Avenue, Willow Grove Lane, Springhill Road, Heritage Court West, and Krey Avenue at a cost of \$504,600. Option 5 would include Oakhurst Avenue, Clearbrook Lane, Willow Grove Lane, and Heritage Court W at a cost of \$721,800.

Mayor Fletcher asked which option City Engineer Graham would recommend. City Engineer Graham responded that he would recommend Option 5. He explained that the city spent roughly \$10,000 - \$12,000 last year patching Bramblewood Avenue, so if it were to be redone this year, it would forgo what the city spent on it last year. In his and the Public Works Supervisor's opinions, Oakhurst Avenue is the road in the worst condition. If this option were chosen, the city may increase its budget.

Mayor Fletcher asked what the city contribution for Option 5 would be. City Engineer Graham responded that it would be slightly more than half, or roughly \$427,000. Mr. Graham explained that this is just an estimate and that just because the city bids these four streets, it does not guarantee that all will be redone.

Mayor Fletcher asked how much TIF money remains in the fund we use for street repair. Finance Director Sundberg noted there is about \$2 million left in pooled TIF. Increasing the amount spent this year would be cut back on the number of years the money is available.

City Engineer Graham explained the city's residential assessment policy. It was adopted in 1993 and been consistently applied since. Residential properties are assessed per unit. Mr. Graham also explained that if not paid up front, the assessed amount will go on a resident's property taxes to be paid off over an eight-year period. There will also be an interest rate on the assessment, the city's policy calls for 8%, but the City Council has consistently reduced that rate to 6% in past years.

Mr. Graham outlined the proposed schedule moving forward. Tonight, he is looking for direction on which streets to include for preparing plans and specifications. Then, the city will advertise for bids in March and receive bids in April. At a City Council meeting in May, the City Council will accept the bids and set an Assessment Hearing date. At the Assessment Hearing, the City Council will award the project and access the properties. Mr. Graham explained that since the city is initiating this project, it requires a 4/5 vote of the City Council to move forward. As there are only four City Councilmembers at this time, four votes are required to move forward at this time.

Councilmember Johnson voiced his support for not breaking up the streets that are in the same

neighborhood. He noted it would be nice to get them all redone at the same time and that he is supportive of Mr. Graham's recommendation.

Mayor Fletcher opened the public hearing at 7:42 p.m.

Marcia Conrad, 686 Clearbrook Lane, stated her concern that this is the would be the third time that Clearbrook Lane would be resurfaced. She has already paid for a project in 1993. She noted that there is some water that pools at the intersection of Clearbrook Lane and Bramblewood Avenue, but it was not improved after the last street project. She does not believe that redoing the street again will solve the issue and she does not think Clearbrook Lane does need to be redone again.

Mayor Fletcher asked Ms. Conrad what she believes the condition of the street is. Ms. Conrad stated that she sees no issues with the condition of the street.

Mayor Fletcher explained that the maximum street life is generally 30 years and that it has been 24 years since Clearbrook Lane has been redone. City Engineer Graham added that there will be no storm sewer added during this project. All that will change is the blacktop. In his opinion, this project will improve the puddling, but it will not be completely gone.

Mary Jo Parker, 693 Clearbrook Lane, stated that puddling has been issue since they bought their house in 1991. She also believes there are other streets in the neighborhood that are worse than Clearbrook Lane.

Tim Deery, 743 Clearbrook Lane, has been a resident for 16 years. He stated that the watermain on Clearbrook Lane is being dug up about every year and asked City Engineer Graham what the cost is to dig up the watermain.

City Engineer Graham explained that there have been a few watermain breaks in the last three or four years on Clearbrook Lane. He added that in order the replace the watermain, they would need to dig up the entire street, and the cost would likely triple. A watermain break however, generally costs about \$4,000 - \$5,000 to fix. He does not recommend replacing the watermain, as it is ductile iron pipe (DIP). DIP is the industry standard.

Bill Johnson, 785 Clearbrook Lane, stated that there are some drainage issues in spots on Clearbrook Lane. When the street was redone in 1993, it was a total reconstruction. He noted that today there are four patches from recent watermain breaks on Clearbrook Lane and he would like to see that section of the street replaced.

Ward Morgan, 3620 Krey Ave, stated that he does not feel that Krey Avenue needs to be redone right now.

Wally Bergerson, 3615 Krey Ave, stated that he is in favor of redoing Krey Ave as it was built in 1988 and has not been redone since.

Mayor Fletcher closed the public hearing at 8:04 p.m.

Councilmember Johnson noted that he has lived in that area of many of the streets that are being considered since 1980. His street was replaced after about twelve years the first time and was replaced after 20 years the second time. The streets in that area are built on clay so there are some issues. He also explained that he is appreciative of grouping these neighborhood streets together so that the neighborhood is mostly all being redone at the same time.

Councilmember Nyblom asked if Heritage Court West were removed from the project, could the section of watermain on Clearbrook Lane that is having problems be added to be replaced. City Engineer Graham explained that watermain repairs can be paid for out of a separate fund and he also cautioned redoing parts of a watermain.

Mayor Fletcher asked why would the city not fix the watermain problems on Clearbrook Lane before redoing the street. City Engineer Graham responded that it is impossible to tell where the watermain problems will be. The city has the appropriate watermain in it.

Mayor Fletcher asked for a ballpark cost to replace the watermain. City Engineer Graham responded that it is unknown.

Mayor Fletcher asked about swapping in Bramblewood Avenue for Clearbrook Lane and have City Engineer Graham investigate the watermain issues on Clearbrook Lane before redoing that street. He would also like to see a proposal for the watermain repair.

Councilmember Gunderson explained that initially she was in favor of doing proposed Option 1. After hearing from residents, she is supportive of swapping out Clearbrook Lane for Bramblewood Avenue as well.

It was also noted that the city did levy \$50,000 in the general fund to be used for this year's street project. City Administrator Watson added that while the city is currently using TIF dollars to help fund street projects, TIF dollars should not just be used for this purpose.

Upon motion by Johnson, seconded by Gunderson, it was

17-01-021      “RESOLVED, to include Oakhurst Avenue, Bramblewood Avenue, Willow Grove Lane, and Heritage Court West in the 2017-1 Street Improvement Project.”

Ayes – 4                      Nays – 0

The resolution was adopted.

Upon motion by Nyblom, seconded by Johnson, it was

17-01-022      “RESOLVED, to order the 2017-1 Street Improvements Project.”

Ayes – 4                      Nays – 0

The resolution was adopted.

Upon motion by Johnson, seconded by Nyblom, it was

17-01-023      “RESOLVED, to order preparation of plans and specifications for the 2017-1 Street Improvements Project and establish the assessment interest rate at 6%.”

Ayes – 4

Nays – 0

The resolution was adopted.

Mayor Fletcher recessed the meeting at 8:17 p.m.

Mayor Fletcher reconvened the meeting at 8:22 p.m.

B.      Site Plan Review for Vadnais Square, LLC – 955 East County Road E

Planning/Community Development Director Wall explained that the applicant, on behalf of the property owner, is seeking site plan approval for use of the tenant spaces in the back of the Vadnais Square shopping center building. A detailed development plan was to be submitted and reviewed as a condition of approval in their PUD rezoning application. Mr. Wall outlined the uses that were approved to be allowed in the vacant spaces. None of the spaces are currently occupied.

The Planning Commission held a public hearing on this item at its December 27, 2016 meeting and there was no public comment. They recommended unanimous approval. A public hearing notice for this meeting was published in the city’s legal newspaper and mailed to surrounding property owners, as required by code. Staff recommends approval of the resolution in the City Council packet which recommends approval of the site plan.

Councilmember Johnson asked if the use that was previously approved for Space A is currently occupying the space. Jeff Hagen, representing Vadnais Square LLC, stated that the use was never put in. All spaces are currently vacant.

Mayor Fletcher opened the public hearing at 8:27 p.m.

No one wished to speak.

Mayor Fletcher closed the public hearing at 8:27 p.m.

Upon motion by Gunderson, seconded by Johnson, it was

17-01-024      “RESOLVED, to adopt the enclosed resolution approving the Site Plan at 955 East County Road E.”

Ayes – 4

Nays – 0

The resolution was adopted.

C. Ordinance to Allow Keeping of Chickens on Residential Properties

Planning/Community Development Director Wall explained that this ordinance would amend Chapters 5 and 20 of the Zoning Code concerning chickens in residential zoning districts. There have been no revisions made to the proposed ordinance following discussion at the December 7, 2016 City Council meeting. The recommendation tonight is to adopt the proposed Ordinance and approve a Resolution for summary publication. Mr. Wall also noted that if significant amendments are required to the ordinance as a result of the discussion tonight, staff recommends that those revisions be brought back for approval at a subsequent meeting.

Mayor Fletcher noted that at the previous City Council meeting, there was much consensus on many parts of the proposed ordinance. The major bit of indecisiveness was the size of the lot required to have chickens. The proposed ordinance requires at least one acre. Some members of the City Council have expressed interest in either lowering the minimum lot size, or removing a minimum lot size but requiring neighbor approval.

Mayor Fletcher re-opened the public hearing at 8:33 p.m.

Martin Jokinen, 4297 Greenhaven Court, stated that he grew up in northern Minnesota and lived next door to people with chickens and rabbits. Additionally, he explained that he is a former city manager of small towns in northern Minnesota where chickens were allowed in residential areas. He stated that he sees concerns with enforceability in how the ordinance is currently written. He does not believe chickens should be allowed in residential areas due to smell, the attraction of predators to chickens, and issues regarding the proposed ordinance's enforceability.

Mayor Fletcher stated that there are many regulations in the ordinance that a chicken owner must follow. He also noted that most cities around Vadnais Heights do allow chickens and that this proposed ordinance would be more restrictive than others in the metro area.

Mr. Jokinen asked if a building permit would be required for coop size. Planning/Community Development Director Wall responded that depending on the size of the structure, a building permit may or may not be required. He also explained that there would be a license requirement.

Mr. Jokinen encouraged the City Council to require neighbor approval.

Steve Becker, 3636 Centerville Road, stated that he and his wife lived in Iowa for about 16 years on a farm site and raised chickens. They currently have two chickens as pets. He does not see an issue with allowing chickens if the flock size is maintained appropriately. He also noted that his property is completely fenced in and they have not had any issues with their chickens escaping.

Councilmember Nyblom asked Mr. Becker what his lot size is. Mr. Becker answered that it is



roughly .25 acres.

Councilmember Johnson mentioned that he saw Mr. Becker's chickens while door knocking. Mr. Becker added that chickens have a life span of about three years.

Mayor Fletcher continued the public hearing until the next City Council meeting.

Mayor Fletcher stated there are two issues he would like to discuss; does the City Council want to consider lots smaller than one acre, and does the City Council want to consider adjacent neighbor approval for any or all lots.

Councilmember Johnson explained that after further consideration, he is in favor of allowing chickens on lots smaller than one acre as they are able to meet the required setbacks. He noted that he is also open to requiring neighbor approval for smaller lots as well.

Councilmember Nyblom asked how obtaining neighbor approval would work. Planning/Community Development Director Wall responded that there are several factors for the City Council to consider. Would there be adjacent lot approval or a notification boundary requirement? In addition, what percentage of neighbor approval would be required? This would affect the number of neighbors that could say no before a license is denied. Also, would the city provide notice to the neighbors that someone has applied for chickens, as well as how long of a comment period for neighbors would be allowed? Mayor Fletcher stated that it should be on the applicant to obtain the neighbor approval and provide that information to the city.

Mayor Fletcher asked if the approval would come from residents or property owners. Planning/Community Development Director Wall responded that he would recommend property owners.

Mayor Fletcher asked how long neighbor approval would be good for. Planning/Community Development Director Wall responded that the license would be a one-time license, so the neighbor approval would be for the entire license. There was discussion of corner touching lots being included as neighbors.

Councilmember Gunderson explained that she believes the one-acre requirement was too restrictive. She is in favor of decreasing the required lot size as well as coming up with a certain lot size that would require neighbor approval. She stated that she would like to see some consideration made for those who are already successfully raising chickens without being a nuisance to their neighbors. She also does not believe there will be a large amount of new people that want to have chickens and that those who want them likely already have them. She noted that it will be easier to enforce policy when there is one in place. She also does not want to be 100% neighbor approval required.

Mayor Fletcher indicated that he is in favor of neighbor approval but would also like to see some larger size lots not require neighbor approval.

Councilmember Johnson noted that the minimum size city lot required is a little over .25 acre.

He would like to see neighbor approval for those size lots but that for lots larger than .5 acre, there would be no need for neighbor approval.

There was further discussion of which lots to include as neighboring lots. There was City Council consensus to include corner touching lots. There was discussion of what percentage of neighbor approval to require. City Council consensus was to require 80% approval of all adjacent neighbors.

Upon motion by Johnson, seconded by Gunderson, it was

17-01-025      “RESOLVED, to direct staff to amend the proposed ordinance to reduce the minimum lot size to .5 acres and add a requirement that lots smaller than .5 acre would require 80% of neighbor approval.”

Ayes – 4                      Nays – 0

The resolution was adopted.

**OLD BUSINESS**

None.

**NEW BUSINESS**

- A.      Approval of Ramsey-Washington Metro Watershed District (RWMWD) Memorandum of Understanding

Item was postponed to a future meeting.

- B.      Authorize Bid Solicitation for 2017 Sanitary Sewer Lining Project

City Engineer Graham explained that staff is looking for approval to go out and get bids for the 2017 Sanitary Sewer Lining Project.

Upon motion by Nyblom, seconded by Johnson, it was

17-01-026      “RESOLVED, to authorize city staff to seek bids for the 2017 Sanitary Sewer Lining Improvements.”

Ayes – 4                      Nays – 0

The resolution was adopted.

C. Consider Approval of Pay Equity Report

Upon motion by Gunderson, seconded by Johnson, it was

17-01-027      “RESOLVED, to approve the Pay Equity Report as of December 31, 2016 prepared by George Gmach Compensation Consulting, LLC and authorize the Mayor to sign the report on behalf of the city and to submit it to the State of Minnesota by January 31, 2017.”

Ayes – 4

Nays – 0

The resolution was adopted.

D. Consider Setting February 1, 2017 Workshop and Agenda

City Administrator Watson presented potential items for the February 1, 2017, Council Workshop including: discussion with State Representative Jamie Becker-Finn and State Senator Jason Isaacson, as well as discussion regarding the comprehensive plan update for 2019 with a start time of 5:30 p.m.

Councilmember Nyblom would like to tentatively add further discussion regarding any received response from the White Bear Area Hockey Association charitable gambling if time permits.

Upon motion by Nyblom, seconded by Johnson, it was

17-01-028      “RESOLVED, to Set a February 1, 2017 Workshop meeting and Agenda including discussion with State Representative Jamie Becker-Finn and State Senator Jason Isaacson, as well as discussion regarding the comprehensive plan update for 2019 with a 5:30 p.m. start time.”

Ayes – 4

Nays – 0

The resolution was adopted.

**COUNCIL AND DEPARTMENT REPORTS**

Finance Director Sundberg had nothing to report.

Planning/Community Development Director Wall reported that the January Planning Commission meeting has been cancelled. He also reported that, along with VHEDC Executive Director Ling Becker, a group of business stakeholders has been put together to discuss the city’s temporary sign ordinance provisions.

City Engineer Graham reported that the street lights are going up along County Road E. Staff has also identified several backyard stormwater areas that can be cleaned out. There is a Parks, Recreation, and Trails Commission meeting next Monday, January 23, 2017.

Assistant City Administrator Keefe reported that there are various open positions on the Planning Commission as well as the Health and Public Safety Commission. Interested residents should visit the city's website for more information and submit a letter of interest by February 10, 2017.

Attorney Bell Beckman had nothing to report.

Councilmember Gunderson had nothing to report.

Councilmember Nyblom noted that the city has written a check for \$9,500 to purchase four turnout uniforms for the Fire Department. He asked Finance Director Sundberg if the Fire Department has historically used varying amounts of charitable gambling revenue to purchase safety related equipment. Finance Director Sundberg noted that the majority of purchases are made through the general fund but that some purchases have been made with the charitable gambling funds.

Councilmember Johnson reported that he attended the White Bear Lake augmentation meeting hosted by the Minnesota Department of Natural Resources held in White Bear Lake. He noted that the DNR is not in favor of the augmentation and that Vadnais Heights is well protected by the language that was added in the Legacy bill during the last state legislative session.

City Administrator Watson reported that several City Councilmembers have been receiving emails from residents concerned about Vadnais Heights' lack of participation in a closest-unit agreement for emergency services. He explained that staff will put together a letter to the residents to inform them of why Vadnais Heights has chosen to not participate.

Councilmember Johnson explained that the closest-unit agreement has nothing to do with the Ramsey County Sheriff's Office responding to crime. City Administrator Watson added that the closest-unit agreement is a separate agreement between EMS to respond to sudden cardiac events that could allow a fire truck to respond to an event that may not be in their jurisdiction. There are concerns that Vadnais Heights' resources could be drawn away from Vadnais Heights more often than the city would be receiving other services.

Mayor Fletcher would like to discuss the White Bear Lake augmentation issue at a future workshop. He gave a brief overview of what has been going on regarding augmenting White Bear Lake.

Mayor Fletcher recessed the meeting at 9:25 p.m.

Mayor Fletcher reconvened the meeting at 9:30 p.m.

E. Consider Appointment to Fill Council Member Vacancy

Mayor Fletcher stated that nine candidates were interviewed on January 17, 2017. They all did an excellent job. After discussion, there were two names that surfaced as favorites among the City Council.

Mayor Fletcher noted that his top two candidates were Robert Morse and Greg Urban. He mentioned that the primary liaison role of this Councilmember will be with the Planning Commission. He explained that he would like to have someone who does not need much training and has experience. He would like to appoint Greg Urban because of his experience with the Planning Commission.

Councilmember Johnson also stated there were some excellent candidates. He also believes that experience and familiarity with the city should be considered and he will support appointing Greg Urban.

Councilmember Gunderson stated that she looked at the Secretary of State’s website results of the past election and 2,385 voted for Mr. Urban in the last election. She thinks that this should be taken into consideration. Based upon this, and in speaking with residents about Mr. Urban taken into consideration, she stated that she will support appointing Mr. Urban.

Councilmember Nyblom stated that he also supports appointing Mr. Urban. He also mentioned that in 2016 he did some sub-contract work for Mr. Urban for about five days.

Upon motion by Fletcher, seconded by Johnson, it was

17-01-029      “RESOLVED, to appoint Greg Urban to the City Council and administer the Oath of Office at the next City Council meeting.”

Ayes – 4                      Nays – 0

The resolution was adopted.

Upon motion by Johnson, the meeting was adjourned at 9:44 p.m.

Respectfully submitted,

\_\_\_\_\_  
Kevin Watson, City Administrator

ATTEST:

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Bob Fletcher, Mayor