

**REGULAR MEETING
OF THE COUNCIL OF THE
CITY OF VADNAIS HEIGHTS
MARCH 15, 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 7:06 p.m.

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: Councilmember Greg Urban.

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

Everyone present stood and said the Pledge of Allegiance.

City Administrator Watson provided several announcements.

APPROVAL OF AGENDA

Upon motion by Nyblom, seconded by Gunderson, it was

17-03-060 “RESOLVED, that the agenda for the March 15, 2017, Council Meeting be approved.”

Ayes – 4 Nays – 0

The resolution was adopted.

APPROVAL OF MINUTES

A. March 1, 2017 Workshop Meeting

Upon motion by Johnson, seconded by Gunderson, it was

17-03-061 “RESOLVED, to approve the March 1, 2017 Workshop Meeting Minutes as presented.”

Ayes – 4 Nays – 0

The resolution was adopted.

B. March 1, 2017 Regular Meeting

Upon motion by Johnson, seconded by Gunderson, it was

17-03-062 “RESOLVED, to approve the March 1, 2017 Regular Meeting Minutes as presented.”

Ayes – 4 Nays – 0

The resolution was adopted.

C. March 7, 2017 Special Workshop Meeting

Upon motion by Johnson, seconded by Gunderson, it was

17-03-063 “RESOLVED, to approve the March 7, 2017 Special Workshop Meeting Minutes as presented.”

Ayes – 4 Nays – 0

The resolution was adopted.

APPROVAL OF CONSENT AGENDA

Upon motion by Gunderson, seconded by Nyblom, it was

17-03-064 “RESOLVED, that the Consent Agenda items for the March 15, 2017, meeting be approved as follows:

- A. Approve Claims #74173 through #74238, and Electronic Claims #1069 through #1075 for payment.
- B. Accept and Acknowledge 2017 Heritage Days Grants/Donations
- C. Approve Appointment of Adele Bayless as 1st Alternate and Vince Rivard as 2nd Alternate to the Health and Public Safety Commission
- D. Accept Resignation of Paid-Per-Call/Duty-Crew Firefighter Jeffrey Donald effective April 16, 2017
- E. Appoint Ken LaCasse as Permanent Public Service Supervisor
- F. Approve Revised Job Description for Public Service Supervisor

Ayes – 4 Nays – 0

The resolution was adopted.

OPEN TO THE PUBLIC

Boy Scout Nico Buharin introduced himself. He was at tonight’s meeting working on his Citizenship in the Community merit badge. He asked the City Council what young people can do to help solve problems in the community.

Mayor Fletcher mentioned that he would like to have the Boy Scouts help during the Ice Palace Festival.

PRESENTATIONS

None.

PUBLIC HEARINGS

- A. Approval of a Site Plan and Variances for Dynamic Air, Inc. located at 1125 Willow Lake Blvd

Planning/Community Development Director Wall explained that Dynamic Air, Inc. is requesting site plan approval for construction of a building addition as well as variance requests concerning a vestibule encroachment into the setback, and a reduction in off-street parking to less than the required minimum for the site.

The applicant's business has grown and they now require additional space on the site. They are proposing to build an addition of 11,385-square-feet that includes an 80-square-foot vestibule.

The applicant is proposing 195 parking stalls to accommodate the current 125 employees. This is a reduction of 30 stalls from the number currently on the site. Based on the City Code standards, 217 stalls are required for this site. Mr. Wall noted that according to the applicant, they have never needed that amount. It was noted that the Institute of Transportation Engineers recommends 125 parking spaces for the site. In reviewing zoning ordinances from surrounding communities, staff found that there are a variety of parking requirements, some less than what is required by the Vadnais Heights City Code.

Mr. Wall reviewed the landscaping requirements for the site. The applicant is proposing to remove eight trees from the site. Staff has included a condition of approval that requires the applicant to replace the eight trees that will be removed.

Mr. Wall again detailed the variance requests. The first was to allow an 80-square-foot vestibule that encroaches seven feet into the 40-foot front yard setback. The second variance request was to allow 195 off-street parking spaces instead of the required 217 parking spaces.

Councilmember Johnson asked if the four handicap parking spots that are being lost in the building addition will be replaced on the site. Planning/Community Development Director Wall responded that will be reviewed and verified when the applicant applies for their building permit.

Staff recommended approval of the resolution in support of the site plan and variance requests based on the findings of fact and conditions of approval listed in the staff report. It was also noted that the Planning Commission unanimously recommended approval.

Mark Connor, Vice President of Engineering and Manufacturing, Dynamic Air, Inc., spoke about the type of business that Dynamic Air does.

Mayor Fletcher opened the public hearing at 7:34 p.m.

No one wished to speak.

Mayor Fletcher closed the public hearing at 7:34 p.m.

Upon motion by Johnson, seconded by Gunderson, it was

17-03-065 “RESOLVED, to approve a site plan and variances at 1125 Willow Lake Boulevard based on the findings of fact and subject to the conditions required in the attached resolution.”

Ayes – 4

Nays – 0

The resolution was adopted.

B. Adopt Ordinance No. 708 concerning Transportation/Transit Uses in the Industrial (I) Zoning District

Planning/Community Development Director Wall stated the applicant is requesting an amendment to Chapter 17 of the Zoning Code to allow transportation/transit uses by Special Use Permit in the Industrial District. It was explained that this request does not include an actual Special Use Permit application and that one will be required and will go through the review process if this code change were approved.

The subject property is located at 1239 Willow Lake Boulevard. The proposed occupant would be First Transit. They provide mobility services to handicapped individuals in the metro area. According to the applicant, over 300 employees will be working on-site daily. The proposed use includes office, vehicle maintenance, and outdoor storage components.

Staff received a letter from the applicant in January 2017 requesting a determination of the proposed use in the Industrial District. After consulting with the City Attorney, staff notified the applicant that the use was not permitted. Based on the information that was submitted by the applicant, it did appear that the proposed use was consistent with several permitted and special uses that are allowed within the Industrial District, but there were components to this specific use that are not addressed in the zoning district regulations. Staff advised the applicant that a formal zoning code amendment would be required to properly address all the components of the proposed use.

Mr. Wall outlined the proposed required conditions of the proposed ordinance and the rationale behind them. The proposed ordinance would create a separate special use for this type of facility in the Industrial District. The proposed ordinance would also add a specific definition for ‘Transportation/Transit Facility’ to the Zoning Code.

Councilmember Johnson asked if the vehicles that will be stored outside would be in use frequently. Planning/Community Development Director Wall indicated that most vehicles would be in use daily or weekly, and would be stored on-site overnight.

Mayor Fletcher thanked the applicant for moving this business to Vadnais Heights.

Mayor Fletcher opened the public hearing at 7:50 p.m.

No one wished to speak.

Mayor Fletcher closed the public hearing at 7:51 p.m.

Upon motion by Johnson, seconded by Nyblom, it was

17-03-066 “RESOLVED, to adopt Ordinance 708 amending Chapters 5 (Definitions) and 17 (Industrial District) of the Zoning Code, concerning transportation/transit uses in the Industrial District.”

Ayes – 4 Nays – 0

The resolution was adopted.

Upon motion by Nyblom, seconded by Gunderson, it was

17-03-067 “RESOLVED, to approve the Resolution for Summary Publication of Ordinance 708.”

Ayes – 4 Nays – 0

The resolution was adopted.

C. Adopt Ordinance No. 710 concerning Interim and Special Uses

Planning/Community Development Director Wall stated that the city requesting amendments to Chapters 5, 6 and 20 of the Zoning Code concerning Interim and Special Uses. Mr. Wall explained that state statute permits cities to establish interim uses by provision in their Zoning Code. These interim uses must conform to the zoning regulations and can be terminated based on a date or event that can be identified with certainty. For this reason, they are effective zoning tools as they allow temporary uses of property. The proposed ordinance would revise the existing interim and special use provisions to be consistent with state statute and also contains additional standards and procedures for interim use permits.

Representatives from AFSA High School had contacted staff regarding construction of a temporary classroom building on their property. From a zoning perspective, this proposed use would be an ideal “interim” use. Upon review of the applicant’s plans and the existing interim use permit regulations, it was clear that additional provisions were necessary in order to process and regulate interim use permits. If this code amendment were approved, AFSA High School does plan to submit an interim use permit application.

Mr. Wall outlined the proposed ordinance. He also noted that one of the main differences between an interim use permit and a special use permit or conditional use permit is that special use or conditional use permits do not allow a time limit to be placed on the proposed use and will run with the land as long as the conditions of approval are met. An interim use permit allows a time limit to be placed on a proposed use, and allows for an extension should the applicant choose to request one.

Mayor Fletcher asked how long staff would recommend an interim use permit be allowed. Planning/Community Development Director Wall responded that the current zoning code allows for two years, and can be extended. The proposed ordinance would allow for four years, and could be extended.

Staff recommended approval of the proposed ordinance. It brings the city’s interim use permit and special use permit procedures into conformance with applicable state statutes. It also provides a more defined process for AFSA High School to apply for a temporary classroom building on their property as an interim use.

Councilmember Johnson asked how this proposed ordinance would impact any current special use permits for outdoor storage that are in the city. Planning/Community Development Director Wall responded that current special use permits will continue as long as the standards are being complied with.

Mayor Fletcher opened the public hearing at 8:03 p.m.

No one wished to speak.

Mayor Fletcher closed the public hearing at 8:03 p.m.

Upon motion by Gunderson, seconded by Nyblom, it was

17-03-068 “RESOLVED, to adopt Ordinance 710 amending Chapters 5 (Definitions), 6 (Zoning Administration), and 20 (General Building and Performance Standards) of the Zoning Code, concerning Interim and Special Uses.”

Ayes – 4 Nays – 0

The resolution was adopted.

Upon motion by Nyblom, seconded by Johnson, it was

17-03-069 “RESOLVED, to approve the Resolution for Summary Publication of Ordinance 710.”

Ayes – 4 Nays – 0

The resolution was adopted.

D. Open and Continue the Public Hearing Concerning a Comprehensive Plan Amendment at 3429/3437/3447 Centerville Road and Unaddressed City-Owned Parcel

City Administrator Watson explained that the notification requirement to notice a public hearing for this meeting had to be sent out before the public hearing at the February 28, 2017 Planning Commission meeting took place. The Planning Commission tabled the Garceau corner comprehensive plan amendment to their March 28, 2017 meeting, so this public hearing needs to be continued to the April 5, 2017 City Council meeting.

Mayor Fletcher opened the public hearing at 8:05 p.m.

Upon motion by Nyblom, seconded by Gunderson, it was

17-03-070 “RESOLVED, to continue the public hearing concerning the Comprehensive Plan Amendment request to the April 5, 2017 meeting.”

Ayes – 4 Nays – 0

The resolution was adopted.

OLD BUSINESS

A. MPCA Agreement

City Engineer Graham explained that Community Park used to be a landfill site. When the Vadnais Heights Commons and the North Service Center were built, some of the landfill material was relocated. The Minnesota Pollution Control Agency (MPCA) has this old site on their records and they would like to come out and put monitoring wells in the ground to check for any problems. The agreement has been reviewed with the city attorney and staff recommends approval. Mr. Graham also stated that he will work with the MPCA on where they place their monitoring wells.

Councilmember Johnson asked if there have been any problems on the site in the past. City Engineer Graham responded in the negative.

Upon motion by Gunderson, seconded by Johnson, it was

17-03-071 “RESOLVED, to authorize the Mayor and City Administrator to sign the access agreement with the Minnesota Pollution Control Agency (MPCA) for Vadnais Heights Landfill investigation within Community Park.”

Ayes – 4 Nays – 0

The resolution was adopted.

NEW BUSINESS

A. Adopt Ordinance No.709 concerning the Planning Commission

Planning/Community Development Director Wall noted that state statutes requires that municipalities with zoning authority provide by ordinance for a Board of Zoning Appeals and Adjustments. The proposed ordinance designates the Planning Commission as the Board of Zoning Adjustment and Appeals, clarifies the variance review process, and includes minor revisions to the Planning Commission’s procedures and duties.

Mayor Fletcher would like to have discussion regarding the amount of compensation that the Planning Commission receives. Planning/Community Development Director Wall indicated that

staff would also like to look at removing compensation amounts from the ordinance and made a stand-alone document that could be amended by resolution rather than having to do an ordinance amendment to change compensation amounts.

Mr. Wall explained that another key piece of the proposed ordinance would eliminate the Variance Review Board. Rather than having a three-person board review all variances to the Zoning Code not otherwise reviewed by the Planning Commission, the entire Planning Commission would consider all variance requests and make a recommendation to the City Council. The former Planning Commission Chair had requested that staff look into making this change.

Upon motion by Johnson, seconded by Nyblom, it was

17-03-072 “RESOLVED, to adopt Ordinance 709 amending Chapter 211 (Planning Commission) of the City Code, concerning the Planning Commission.”

Ayes – 4 Nays – 0

The resolution was adopted.

Upon motion by Johnson, seconded by Nyblom, it was

17-03-073 “RESOLVED, to approve the Resolution for Summary Publication of Ordinance 709.”

Ayes – 4 Nays – 0

The resolution was adopted.

B. Adopt Ordinance No. 711 concerning the Park, Recreation and Trails Commission

City Engineer Graham stated this amendment is to clarify that the Park, Recreation and Trails Commission meets quarterly instead of monthly.

Upon motion by Gunderson, seconded by Johnson, it was

17-03-074 “RESOLVED, to adopt Ordinance 711, amending Section 213.020 of the City Code regarding the Park, Recreation, and Trails Commission.”

Ayes – 4 Nays – 0

The resolution was adopted.

C. Approval for Well #3 Pump Inspection and Maintenance

City Engineer Graham noted that there are four wells in the city. Routine maintenance is done every five years on each well. This year, maintenance will be done on Well #3, which is located west of McMenemy Street across from Koehler Meadows Park.

The city solicited quotes for the project. The low bid was from Keys Well Drilling, at \$16,310. Mr. Graham stated that the city has worked with Keys Well Drilling many times in the past and is confident in their work.

Upon motion by Nyblom, seconded by Gunderson, it was

17-03-075 “RESOLVED, to approve the pump inspection and maintenance of Well #3 by Keys Well Drilling Company, at a cost not to exceed \$16,400 with funding from Account 601-450-45010.”

Ayes – 4 Nays – 0

The resolution was adopted.

D. Approve Replacement of Truck #113

City Engineer Graham explained that this item was included as part of the 2017 Capital Improvement Plan (CIP). It is to replace a truck that the city purchased new in 1994. The truck is used for maintenance work as well as on-call emergency work.

Mr. Graham noted that this truck will be bought via the State contract. The State contract allows the city to work directly with vendors who have already determined pricing based on negotiated contracts to help provide all cities the lowest available pricing. By utilizing the State contract, the city will save almost \$12,000. In the 2017 CIP, \$70,000 had been budgeted for this purchase. The total price for the truck is about \$80,000 and staff hopes to make up the difference by auctioning off the old truck.

Councilmember Johnson asked if the crane on the new truck will have the same carrying capacity as the old truck did. City Engineer Graham indicated that the new truck will be equipped with the same crane from the old truck.

Councilmember Nyblom stated that his understanding was that expenditure items like this would come to a workshop for discussion before coming to a full City Council meeting. City Engineer Graham responded that this item was discussed during the 2017 CIP approval process.

There was further discussion regarding bringing CIP items to a workshop before coming to a City Council meeting.

City Administrator Watson added that the current truck does not have emergency lights and other features that are needed for doing nighttime utility repairs.

Upon motion by Johnson, seconded by Gunderson, it was

17-03-076 “RESOLVED, to authorize the purchase of a chassis cab from Brandl Motors for \$34,649.75 and utility body from Truck Utilities for \$46,007.00 for a total cost of \$80,656.75 to replace Unit #113 as included in the 2017 Capital Improvements Fund and auction the existing truck.”

Ayes – 4 Nays – 0

The resolution was adopted.

- E. Approval of a Minnesota Lawful Gambling Premise Permit LG214 and Lease Form LG215 to Allow Vadnais Heights Lions Club to Conduct Lawful Gambling at Old Clover Inn located at 705 East County Road F Commencing on May 1, 2017

City Administrator Watson stated that the Vadnais Heights Lions have applied for a premise permit at the Old Clover Inn to conduct Lawful Gambling. He added that the approval is contingent upon approval by the Minnesota Gambling Control Board to begin on May 1, 2017.

Upon motion by Johnson, seconded by Gunderson, it was

17-03-077 “RESOLVED, to approve an application for a Minnesota Lawful Gambling Premises Permit LG214 and Lease Form LG215 to allow the Vadnais Heights Lions Club to conduct lawful gambling at the Old Clover Inn, 705 East County Road F commencing May 1, 2017, contingent upon approval by the Minnesota Gambling Control Board.”

Ayes – 4

Nays – 0

The resolution was adopted.

- F. Consider Setting April 5, 2017 Workshop and Agenda

City Administrator Watson presented potential items for the April 5, 2017, Council Workshop including: an update from the City Attorney and discussion regarding the purchase of a new pickup truck for the Fire Department.

Upon motion by Nyblom, seconded by Johnson, it was

17-03-078 “RESOLVED, to Set an April 5, 2017 Workshop meeting and Agenda including an update from the City Attorney and discussion regarding the purchase of a new pickup truck for the Fire Department 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 March 28, 2017 Planning Commission meeting will include discussion regarding billboards, a Special Use Permit request for a garage, continuation of the Garceau Corner Comprehensive Plan Amendment, and the Comprehensive Plan Update community engagement strategy.

City Engineer Graham thanked Sara Moore for the article she wrote about Joe Momsen in the Vadnais Heights Press. He reported that Lily Pond Park playground improvement input letters have been mailed to residents in that neighborhood. He also has spoken with a senior group at Gable Pines regarding flushable wipes. They are not intended to be flushed down toilets. Gable Pines has spent roughly \$15,000 on sewer repairs.

City Attorney Hartmann reported that the city has received a favorable decision from the Minnesota Court of Appeals in the Lemke case regarding demolition of a hazardous building. The owner has thirty days to petition an appeal.

Assistant City Administrator Keefe reported that the city has openings for Seasonal Public Service Workers in the Parks Department. An application can be found on the city's website.

Fire Chief Leier reported that the Fire Department is currently recruiting new firefighters and that the deadline to apply is April 7, 2017.

Councilmember Gunderson had nothing to report.

Councilmember Nyblom had nothing to report.

Councilmember Johnson had nothing to report.

City Administrator Watson reported that he and Mr. Wall will be meeting with Ramsey County Parks to talk about the city's priorities stemming from the Trails Workshop that the City Council had. He will also be meeting with Liberty Village to talk about a gateway into the community sign on their property. He also stated that Ramsey County will be meeting in the next two weeks with area businesses that will be impacted by the potential Rice Street Bridge improvements.

Mayor Fletcher had nothing to report.

Mayor Fletcher reminded residents who may be interested that there will be Ice Palace volunteer organizational meetings on Tuesday, April 4, 2017, at 3:30 p.m. and 7:30 p.m. at the Vadnais Heights Commons.

Upon motion by Johnson, the meeting was adjourned at 8:38 p.m.

Respectfully submitted,

Kevin Watson, City Administrator

ATTEST:

Bob Fletcher, Mayor