

**REGULAR MEETING
OF THE COUNCIL OF THE
CITY OF VADNAIS HEIGHTS
MAY 1, 2018**

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.

ROLL CALL

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

The following member was absent: Councilmember Craig Johnson

Also present were: Acting City Administrator, Kathy Keefe, City Engineer Mark Graham; Planning/Community Development Director, Nolan Wall, City Attorney Caroline Bell Beckman; Fire Chief, Ed Leier; and Jeff Melcoch, Cable Producer.

Acting City Administrator Keefe noted that City Administrator Watson and his wife welcomed a new baby girl today. Keefe also provided several other announcements.

APPROVAL OF AMENDED AGENDA

Councilmember Nyblom offered an amendment to the proposed May 1, 2018 meeting agenda. He proposed that the Consent Agenda be amended to include: Consider approving and sending a letter of support to the Legislature regarding staying the Judge's order regarding White Bear Lake (Agenda Item #7I).

Upon motion by Nyblom, seconded by Gunderson, it was

18-05-77 "RESOLVED, that the agenda for the May 1, 2018 Council Meeting be approved as presented and amended."

Ayes – 4 Nays – 0

The resolution was adopted.

APPROVAL OF MINUTES

A. April 17, 2018 Regular Meeting

Councilmember Nyblom offered an amendment to the April 17, 2018 Regular Meeting minutes. He recommended changing the last sentence in paragraph 5 on Page 5 of the proposed minutes to read: Barrett said that state law requires the local units of government to require ~~how and~~ where they can be spent.

Upon motion by Nyblom, seconded by Urban, it was

18-05-78 "RESOLVED, to approve the April 17, 2018 Regular Meeting Minutes as presented and amended."

Ayes – 4

Nays – 0

The resolution was adopted.

APPROVAL OF CONSENT AGENDA

Upon motion by Gunderson, seconded by Urban, it was

- 18-05-79 “RESOLVED, that the Consent Agenda items for the May 1, 2018, meeting be approved as follows:
- A. Approve Claims #76018 Through #76076 and Electronic Claims #1218 Through #1222 for Payment
 - B. Approve a For-Profit Solicitor’s License for Custom Remodelers, Inc. for May 2, 2018 through November 30, 2018
 - C. Approve Request for Application for Exempt Gambling Permit, Form LG2020 Submitted by AFSA Parent Booster Club
 - D. Approve a Public Outdoor Event for Jimmy’s Food and Drink to hold the 12h Annual American Muscle & Street Rod Car Show on Sunday, July 8, 2018 from 11:00 am until 3:00 pm at 1132 East County Road E
 - E. Authorize Cancellation of the July 3, 2018 City Council Workshop and Regular Meeting
 - F. Approve Joint Powers Agreement with Ramsey County GIS Users Group
 - G. Adopt Public Hearing Guidelines recommended by the Planning Commission
 - H. Approve a Public Outdoor Event for Jimmy’s Food and Drink/ Hitman’s Last Tuesday on Tuesdays, May 29, June 26, July 31, August 28 and September 25, 2018 from 5:00 to 9:00 pm
 - I. Consider sending a Letter of Support to the MN Legislature regarding the Judge’s Order regarding White Bear Lake

Ayes – 4

Nays – 0

The resolution was adopted.

OPEN TO THE PUBLIC: Mayor Fletcher introduced new Ramsey County Deputy Samantha Lowe. Deputy Lowe said she will be attending the City Council meetings.

PRESENTATIONS: Proclamation for National Police Week.

Acting City Administrator Keefe read the Proclamation before the Council for approval.

Upon motion by Gunderson, seconded by Johnson, it was

- 18-05-80 “RESOLVED, that the Vadnais Heights City Council formally designates May 13 - 19, 2018 as Police Week in the City of Vadnais Heights, and publicly salutes the service of law enforcement officers in our community and in communities across the nation.”

Ayes - 4

Nays – 0

The resolution was adopted.

Mayor Fletcher took a moment to give special recognition to Sargent Joe Bergeron. May 1st is the 8th Anniversary of his death during a traffic stop in the area of the Bruce Vento Trail on the East Side of Lake Phalen.

Fire Chief Leier said that one of the City’s full-time fire technicians, Dustin Kalis, who also is a North St. Paul’s assistant fire chief, caught a baby dropped from a second-floor balcony during an apartment building fire on April 22 and then talked the father to coming off the deck.

Fletcher noted that Ramsey County Sheriff Don Rindahl recently went into a burning house, which was consumed by smoke and brought out an unconscious woman and saved her life. Fletcher thanked Sheriff Rindahl for his service.

PUBLIC HEARINGS: None

OLD BUSINESS:

- A. Consider Approval of Development Agreement and Revised Site Plan with Spire Credit Union

Planning/Community Development Director Wall reviewed the action before the Council. He noted that the Council did approve a Conditional uses Permit and Site Plan at the April meeting for Spire Credit Union. He said that due to the conditions of the approval, the applicant is proposing revisions to the Site Plan. Staff did determine that since the proposed revisions are minor, then Planning Commission review is not necessary and the amended site plan can be considered by the Council as part of the proposed Development Agreement. Wall reviewed the revised Site Plan and noted the proposed revisions are compliant with the conditions of approval. Staff is recommending approval of the Development Agreement and the revised Site Plan.

Upon motion by Urban, seconded by Gunderson, it was

18-05-81 “RESOLVED, that the Council approve the Development Agreement between the City of Vadnais Heights and Spire Credit Union, including the revised Site Plan, to be reviewed by the City Attorney prior to being recorded.”

Ayes – 4

Nays – 0

The resolution was adopted.

B. Consider Adoption of Ordinance 727 – Authorizing and Regulating the Conduct of Lawful Gambling within the City of Vadnais Heights, Minnesota

City Attorney Beckman said that there is not a lot of substantive changes from the City's current gambling ordinance but staff were directed to look at cleaning up the ordinance because of some questions as to how it reads. In looking over other ordinances, the League of Minnesota Cities has a nice looking model ordinance, although she recommends some changes to it.

Beckman said that staff looked at repealing the current City ordinances dealing with bingo halls and lawful gambling, Chapters 111 and 127, and replacing them in their entirety with a new Chapter 127, which is before the Council for consideration. Beckman said that at the last meeting it was recommended that we outline and define the contiguous trade area. She said it is defined statutorily as the city and its contiguous cities, but to aid the Gambling Board and other users of the City's ordinance, they have listed them in the trade area definition.

Beckman said that the language in Section 127.100 is discretionary as to how many premise permits are allowed. Currently, the City of Vadnais Heights has 6 premise permits, since Vadnais Inn will no longer be operating, the City will be down to 5, and those will be grandfathered in. Beckman noted that City Administrator Watson has suggested that perhaps the City's number should be 10. Similarly, the number of organizations that could operate in a premise, the City has said no more than two premise permits within the City. Currently, the City does not have any organizations that have more than 2 premise locations within the City. Mayor Fletcher stated that lines #2 and #3 are relating to two different things: organizations and premises. Beckman said that line #3 should read gambling permits not premises. Organizations will have a gambling permit. Fletcher asked then if that means two permits per location. Beckman responded that two permits per organization within the City. Fletcher questioned whether that is line #2. He said that lawful gambling for premises are limited to 10 premises within the City. Beckman stated that the City currently has a limit of 5. Fletcher said in general, that line refers to the maximum number within the City. Beckman responded yes. Fletcher said that line 2 talks about organization permits, and that he assumes that means the gambling organization and that it can conduct lawful gambling at no more than two premises. Beckman responded that the City currently does not have a limit and line 3 says the number of organization permits per premise. For instance, if Mad Jacks wanted to have two different licensed organizations within a gambling permit, they could. Beckman said that both of these requirements would mean that anything existing in excise of that number would be grandfathered in.

Fletcher asked Beckman if she is comfortable with the new language stating that the permits are perpetual. Beckman said that the Legislature says that the current license should say the permits are perpetual.

Beckman said that the City has always had in its ordinance the discretion to implement a 3% gambling tax but has never implemented the tax. She noted that Section 127.030 in the new ordinance says that the City can implement the tax. Her recommendation would be, based on information from the Gambling Board, that the City wants to implement the 3% tax, you then would have to do an accurate accounting and if you don't do an accurate accounting and don't use the tax, you would have to give the money back. She recommends that the City not implement the tax at this time but leave it in the ordinance. Fletcher asked for clarity, if that language is already in the current ordinance. Beckman responded, yes, and if you to implement it you will have to have policies and procedures in place about how you are going to implement the tax. Beckman noted that City Administrator Watson had done some research on other cities that have implemented the 3% and those cities are moving away from it. Fletcher said it has become a more cumbersome accounting process, so that most cities have decided not to implement it.

Beckman said that the City replaced prior language which is now in Section 125.250. The City previously had language that said each organization licensed to conduct gambling within the City shall expend not less than 50 percent of lawful purpose expenditures (after deduction of the 10 percent inspection within the City of Vadnais Heights corporate limits and not more than an additional 25 percent of lawful purpose expenditures shall be spent outside of the Vadnais Heights trade area. Beckman said that the recommendation from the Auditor is to remove this language and replace that language with the League's recommended language that reads organization with gambling license within the City shall spend 100 percent of its lawful purpose expenditures within the trade area. Mayor Fletcher said that this language would take affect upon execution of this ordinance. Beckman replied that that is correct. Councilmember Johnson suggested adding in guidelines for using pull tab vending machines. Beckman said that this was not added because the premise permits that are issued are where there is an on-sale or off-sale liquor license in place which means there is an age requirement to be on the premise.

Beckman reviewed other changes in Sections 127.240, Subd. 1, 4 and 5 which are clean up only.

Fletcher offered the public an opportunity to speak. He said that the Council has received letters from Jimmy' and the White Bear Hockey Association. Charles Cook, owner of Jimmy's Food and Drink, said that they have had a great rapport with the White Bear Hockey Association. Cook said that he thinks the way the ordinance reads to keep the money in the City is a good idea. They will still continue to run their operation the way they currently do. Jimmy's donates a lot of money to organizations within and outside the City.

Beckman said there is also a change that should be made in paragraph 7 of Section 127.090. She said there is reference to premises permits but it should read local permits.

Tim Geck, attorney for Jimmy's, said that his approach would be to let the Council know two things about Jimmy's: 1) what kind of contributions they make to the community; and 2) how valuable of an asset they are. He also said that they would hope that they would get an opportunity to speak again before the Council if any additional changes are proposed/ discussed. He said that Jimmy's does not have any objections to the proposed ordinance.

White Bear Hockey Association legal counsel, Mary Magnuson, said that the Association submitted a letter that laid out their concerns with the proposed ordinance. She said that based on what the City Attorney has said, they are supportive of the ordinance as presented.

Moved by Urban, and seconded by Nyblom, it was

18-05-82 “RESOLVED, that the Council adopts Ordinance No. 727 amending Chapter 217 of the City Coe relating to lawful gambling as proposed.”

Councilmember Nyblom said he has three proposed amendments to Ordinance No. 727. First, proposed amendment is to Section 127.030 and as it relates to the potential 3 percent tax for doing compliance review and investigation. He said the ordinance currently says that the Council will consider in January whether to impose the 3 percent tax. He proposed that Section 127.030 be amended to read: “A local gambling tax may be imposed on all organizations licensed to conduct lawful gambling within the City, subject to the requirements of Sec. 127.030 herein. No local gambling tax will be imposed in 2018. In future years, the City Council shall determine annually ~~at its first meeting~~ in January whether or not such gambling tax will be charge in that year. The tax may not exceed three percent (3%) of the organization's gross profit from gambling activities within the City to be utilized solely for the purpose of regulating all gambling activities within the City, including, but not limited to, the reimbursement of the City's administrative, legal, law enforcement and consulting costs.”

Moved by Gunderson, seconded by Urban, it was

18-05-83 “RESOLVED, that the Council approves amending Section 127.030 of the proposed Ordinance No. 727 to read: A local gambling tax may be imposed on all organizations licensed to conduct lawful gambling within the City, subject to the requirements of Sec. 127.030 herein. No local gambling tax will be imposed in 2018. In future years, the City Council shall determine annually in January whether or not such gambling tax will be charge in that year. The tax may not exceed three percent (3%) of the organization's gross profit from gambling activities within the City to be utilized solely for the purpose of regulating all gambling activities within the City, including, but not limited to, the reimbursement of the City's administrative, legal, law enforcement and consulting costs.”

Ayes – 4 Nays - 0

The resolution was approved.

Nyblom said that current language on Page 6, Section 127.250, as it relates to our designated trade area, says 100% of its lawful purpose expenditures must be spent on lawful purposes conducted within the trade area. Nyblom made a motion that language straight from Minnesota State Statutes regarding lawful purpose expenditures be inserted into the proposed language. The new section should read: Designated Trade Area: (1) Each organization to conduct gambling within the City shall expend one hundred percent (100% o) of its lawful purpose expenditures on lawful purposes conducted or located within the City’s trade area; and (2) this section applies only to lawful purpose expenditures of gross profits derived from gambling conducted as a premises within the City’s jurisdiction.

Upon motion by Urban, seconded by Gunderson, it was

18-05-84 “RESOLVED, that the Council approves amending Section 127.250 of the proposed Ordinance No. 727 to read: Designated Trade Area: (1) Each organization to conduct gambling within the City shall expend one hundred percent (100% o) of its lawful purpose expenditures on lawful purposes conducted or located within the City’s trade area; and (2) this section applies only to lawful purpose expenditures of gross profits derived from gambling conducted as a premises within the City’s jurisdiction.”

Ayes – 4 Nays - 0

The resolution was adopted.

Nyblom made a motion that Section 127.260, Records and Reporting, be amended to include a fifth subsection to read: (5) Operational expenditures reported to the City are limited to what actually occurred within the city of Vadnais Heights. Discussion followed regarding whether or not the proposed language is duplicative to what is stated about losses not being carried over in Section 127.240. Beckman said that she believes this is addressed in Section 127.241. Nyblom said that it’s similar but not the same. Fletcher asked if Nyblom is concerned that organizations are merging their expenditures under one organizational umbrella and he’d like to see the expenses incurred only in our city. Nyblom said it should be 50/50 split. Beckman said that perhaps instead of saying limited to, you might ask them to specify the expenses spent under our permit and location. Fletcher said he thinks the language we would want is that they should specify operational expenditures as to what was incurred within the city of Vadnais Heights. Urban asked if we would be trying to keep an operation in another city from putting all their overhead on the Vadnais Heights balance sheet. Nyblom responded that that is

correct. Councilmember Gunderson suggested saying operational costs versus expenditures. Urban said he thinks Section 127.240 addresses that. Fletcher said that he would not be opposed to this amendment, if that is what we think it means. He also said that he wants reporting to accurately reflect the actual expenditures within the City.

Beckman read a proposed new Section 127.240: Reporting of the operational costs reported to the City shall specify what is expended within the city of Vadnais Heights. The report of the operational expenses must specify which expenses are attributable to lawful gambling conducted within the City of Vadnais Heights.

A motion was made by Nyblom, seconded by Gunderson, it was

18-05-85 “RESOLVED, that the Council approves amending Section 127.450 to read: Reporting of the operational costs reported to the City shall specify what is expended within the city of Vadnais Heights. The report of the operational expenses must specify which expenses are attributable to lawful gambling conducted within the City of Vadnais Heights:”

Ayes – 4 Nays - 0

The resolution was approved.

On the earlier motion, 18-05-82, as amended:

Ayes – 4 Nays - 0

The resolution was approved.

Upon motion by Gunderson, seconded by Nyblom, it was

18-05-86 “RESOLVED, to authorize publication of Ordinance No. 727 by title and summary.”

Ayes – 4 Nays - 0

The resolution was approved.

NEW BUSINESS

A. 2018 Street Crack Sealing Bids

City Engineer Graham noted that each year the City does crack sealing on various City streets. He solicited quotes from five contractors and received four responses. The lowest bidder was Northwest Asphalt Maintenance, Inc. who has done previous years’ work. This work is in the 2018 Budget.

Upon motion by Urban, seconded by Nyblom, it was

18-05-87 “RESOLVED, that the City award the 2018 Street Crack Sealing Project to Northwest Asphalt Maintenance, Inc. in a not-to-exceed amount of \$56,000 with payment from Account No. 402-173-44020.”

Ayes – 4 Nays – 0

The resolution was approved.

B. Order Feasibility Study for potential 2019 Buerkle Road Street Improvements

City Engineer Graham detailed the condition of Buerkle Road which is poor. He said that the Council has been discussing improvements to this road for many years. Graham said he proposes that the Council authorize ordering a Feasibility Study on the project, which will allow the City the opportunity to determine project costs and assess the properties along the road for a portion of the improvements. The City would pay the remaining amount. Graham said this improvement could be done in 2019. He said that he has received a number of complaints regarding the condition of Buerkle Road and stated that the City will keep patching. Graham said that the benefitting property owners will be made aware of the potential for an assessment in the near future and that if the Council orders the Feasibility Study, he can then begin having discussions with the property owners.

Councilmember Urban said that we have discussed different alternatives for repairing this road. He said he thinks this may not be the time to spend City funds to tear up the road before the Rush Line project does improvements needed for the bus service. Graham said the Rush Line project could be 7 or more years out and he doesn't think this road can wait that long. It is also his understanding that the project won't require any lane improvements beyond those that exist. He said that he and the Planning/Community Development Director will continue to include Rush Line planners in the City's discussions about the road improvements. Planning/Community Development Director Wall said that the Rush Line project is not proposing a stop at Buerkle Road, they are proposing one at County Road E and Hwy 61.

Urban said that Graham had also mentioned potentially doing a project this year that would be a mill and overlay or pavement, where do we stand on this idea for improving the road. Would this not be a five year fix? Graham said that we had talked about using franchise fees which would give us the ability to reduce potential assessments cost to commercial property owners from 100% to 50%. He said his idea initially was to do a mill and overlay, but staff have been assessing that idea and if we do something now that will only last several years, we could lose the ability to assess for future improvements. He said he believes it would be a mistake to do anything less than a complete improvement project to address subgrade and drainage concerns. Urban inquired whether work on the Feasibility Study is separate from the City's yearly contract with SEH as the cost is higher than a typical street project. Graham said that this road is much more complex than a residential street.

SEH representative, Scott Haupt, replied that this road is about 1,000 feet from Hwy. 61 to the MN Commercial Rail. What is challenging about this project is the low point for drainage is just west of the tracks. There is no existing storm sewer and no place to discharge the water. The last time this road was reconstructed was in 1994, and it appears that at this time it is not adequate for current traffic flow. He said that doing a short term fix would only last 3 to 5 years, would be expensive, and wouldn't fix the storm sewer issue. SEH is proposing a preliminary design, which would then lead to a report. There would need to be extensive coordination with Ramsey Watershed District. All these efforts are above and beyond what would be typically done on a residential street project. Urban asked when the discussion of the storm sewer came into play as he doesn't believe drainage is a problem. Graham did not agree. The low point of the road is adjacent to the railroad tracks. From a funding standpoint we have this road on our municipal state aid system so when we talk about 50% assessments and where would we come up with the City's share, we will look at state aid to fund the City's portion. Urban asked if the City has committed a good portion of its state aid to the Rice Street project. Graham replied yes, but we can get an advance money on future projects as we have done in the past. Urban asked if the City has actually committed that money to Rice Street. Graham replied that the City has committed to funding a share of the Rice Street project. Urban asked if SEH rates will be based on the schedule of rates in the current contract. Graham replied yes.

Mayor Fletcher said that we can't have another spring like this one with this road. There have been many calls. Graham said that the City has spent around \$5,000 on patching it already this year. Councilmember Gunderson asked if we will get a sense of the improvements that the Rush Line project will do in this area. She said it seems wasteful if we fix it now and then Rush Line tears out some of our improvements. Graham noted that another challenge is what to do with the railroad. Haupt said that they will coordinate with MN Commercial Rail line to see if they have any intentions on doing any upgrades. The council discussed the amount of lanes on the road.

Urban asked if there was a cost estimate for doing a temporary mill overlay, and said he would be interested in what the five year cost would be before the Council authorizes a feasibility study. Graham noted that the worst section of the road is at the tracks and that is primarily due to drainage. Fletcher said that assuming its \$50,000 for the feasibility study, what is the ball park cost of the whole project. Haupt replied with a broad construction estimate of \$750,000, and that the big unknown is the storm water mitigation. Fletcher asked what the life span of that project would be. Haupt replied 25 to 30 years. Fletcher asked how much it might cost to do a temporary five- year fix. Graham replied that he has not calculated any estimate, but at least \$375,000. If the City does a major improvement, and assess the property owners, we would need to do a Feasibility Study. Fletcher asked who would get assessed. Graham replied that the policy is 50% to abutting property owners. The property on the North is Buerkle Hyundai who would have ½ of the assessment and the other ½ would be businesses along the south side of Buerkle Road. Fletcher asked if the alternative way to fund is use State Aid funds and we are not authorized to use State Aid funds because a mill and overlay is not a state funded project. Gunderson asked how long a Feasibility Study is good for. Graham replied that a Feasibility Study is good as long as the conditions of traffic flow

remains about the same. The only updating that would be needed is for project cost estimates. Gunderson said that she believes at some point in time a long-term fix will need to be done, but jumping the gun on a smaller project and then having the bus line come in and rip it up does not make sense. Graham noted that he is more concerned about doing only a temporary fix and then having another project in a few year. Traffic control is also a large effort for this project.

Fletcher asked how staff are proposing to pay for the project cost. Graham replied 50 percent from municipal state aid and 50 percent from assessments. He said in the short term, we will need to decide whether to assess or not. Fletcher said that in terms of everyday traffic, the drainage issue doesn't cause a problem. Graham said he didn't agree. Fletcher said that he agrees with Gunderson, get the Feasibility Study done and don't commit to doing the project at this time. Gunderson said she wonders about accuracy of the Study if we don't know what is going to happen with the Rush Line project.

Urban said in his estimate it would cost around \$60,000 for new asphalt, plus a little for the milling. Graham said it will probably cost \$50,000 just for traffic control. Graham said he could not comment on any construction costs at the meeting. Urban said he is not disputing that the road needs to be reconstructed, but he doesn't know that we want to invest in a \$1 million in the project with the possibility that Met Council may be doing it for us in a couple years. Graham said that he does not think we can afford to wait 5 to 7 years at this time and that if the City wants to do something shorter in duration, we can, but he does not recommend that. Urban asked if staff could get a couple quotes on cost of repaving and then come back with the results and then the City can decide how to move forward. Fletcher said that someone should meet with the Rush Line planners and get up-to-date information from them as to what they are thinking about the layout of the road for their project. Graham said that they will do that and also get the quotes that Urban asked for. The Feasibility Study was not ordered.

C. Consider Adopting Resolution Approving Conditional Use Permit and Site Plan at 1208 East County Road E

Planning/Community Development Director Wall reviewed the request for a Conditional Use Permit and Site Plan at 1208 East County Road E, before the Council for consideration. He noted that the proposed use is compliant with office-showroom definition.

Wall reviewed the proposed access to the site which is from County Road E. The Site Plan does limit access to the site and it will only accommodate right in and right out movements. Ramsey County did not identify any issues with the access points.

Wall noted that the stalls in front of the building are shown at 18 feet in length which is not compliant with City Code requirements of 19 feet. This has been pointed out to the applicant and they have indicated that they have the ability to provide for that appropriate length of stall while still having enough space for compliant drive lanes.

Wall reviewed the proposed trailer parking site. The area indicated by the applicant is for overnight parking of job vehicles and they will have no vehicles or trailers permanently parked on the site. The City has included conditions to that fact in the resolution. Staff have indicated to the applicant that contractor storage yards are not compliant with City Code and are not permitted in the Office-Business District.

Wall noted that there is also a proposed condition regarding the appropriate buffering with vegetation. He reviewed the applicant's proposed elevations of the building. There is a flat roof portion surrounding the building and a canopy above the entrance. This is compliant with applicable City Code requirements. Design contains a combination of materials and treatments that add contrast to the building.

Wall noted that no signage is being approved as part of these requests. The 4% parking lot standard will be met. They are also proposing a security or boundary fence. Final review of the proposed fence will be part of the building permit. There is no lighting plan, as no parking lot lighting is proposed.

Wall noted that staff are also requiring revised drainage plans for review by the City Engineer.

Wall noted that the Planning Commission approved the requests (6 to 1) and proposed conditions on outdoor storage for the proposed trash area. Staff recommend adoption of the resolution regarding the Conditional Use Permit. Wall reviewed the current condition of the property. He said that there have been a series of letters to this property owner regarding the materials that are on the site. There is a condition in the recommendation that the existing property must be brought into compliance with City Code. The property owner is currently within the 30-day period that was given to them to remedy this issue from the Fire Department.

Wall noted that a Development Agreement can be withheld, but code enforcement will proceed. Staff is recommending adoption of the resolution with several conditions.

Wall noted that the property owner was not in attendance at the Planning Commission meeting. Mayor Fletcher asked when the 30 days will expire. Fire Chief Leier said May 4th. Wall said that the current 60-day deadline would end June 2nd. City Attorney Bell-Beckman said that the City could continue it and send written notice that the deadline will be extended until the next meeting. Fletcher said that the Council has the ability to lay this item over for two weeks to see if the property gets in compliance.

Councilmember Nyblom asked if this property will have semi-trailers pulling in and out onto County Road E. Wall said that it is his understanding that it will be pickups with trailers pulling behind and that it will be used by Bear Roofing and Exteriors. They are not big box trailers.

Jerry Anderson, Jamb Architects, representing Bear Roofing and Exteriors, said that there will be no semi-trailers at this location. Things come in by box vans and brought into the warehouse. There will be no semi-trailers on site. He said that he found out about the

property owners' noncompliance last week. He has contacted his client, and the client said that they had made arrangements for the site to be cleaned up and the dumpster was moved from the site the following day. Fletcher asked when they plan on getting in the ground. Anderson replied as soon as possible. Fletcher said it looks like a great development, but that the Council wouldn't be doing its due diligence if the property owner does not come into compliance with the code violation. He said that the Council can approve this in two weeks once the property is in compliance with the City Codes.

Upon motion by Nyblom, seconded by Gunderson, it was

18-05-88 “RESOVED, that the City will table action on the Adopting a Resolution Approving the Conditional Use Permit and Site Plan at 1208 East County Road E until the property is in compliance with City Code.”

Ayes – 4 Nays – 0

The resolution was approved.

D. Consider Setting Tuesday, May 3, 2018 Workshop and Agenda

Acting City Administrator, Kathy Keefe, said she has one item for the May 3, 2018 Workshop agenda and that is to discuss the contract of Lorah Palmer for the Vadnais Heights Commons. Councilmember Gunderson said that she would like to have time on the agenda to discuss future marketing plans within the City working with VHEDC.

Councilmember Nyblom asked if at a future council meeting, the presentation given at VLAMO regarding chloride could be presented to the Council. Mayor Fletcher suggested working with City Administrator Watson to get that scheduled. Fletcher also said that he didn't know if Commander Clark would want to come to a future meeting with a recommendation for another investigator. This would cost the City approximately \$40,000 annually, a 1 % increase to the City budget. He also asked that discussions on the 2019 budget begin soon.

COUNCIL AND DEPARTMENT REPORTS

Fire Chief Ed Leier said that he had nothing to report.

City Engineer Graham said that the City had a very successful clean-up day on April 28th. He said that the City is still looking for Park Seasonal Workers. The City is starting to work with the County on a 2019 County Road D project, along the apartments. They are looking at drainage, sidewalks and potential trails and that there will be an Open House at the City Council Chambers on Monday, May 14 from 5 to 7 pm. He also said that he should have quotes for the new water meters by the end of May.

Mayor Fletcher thanked Planning/Community Development Director Wall for his work on the 2040 Comprehensive Plan. Wall said he had nothing to report.

City Attorney Beckman said that she had nothing to report.

Councilmember Gunderson said that she had attended the Midwest ENT ground breaking ceremony and also stopped in at the 2040 Comprehensive Plan Open House. She also thanked Planning/Community Development Director Wall for his work on the Plan.

Councilmember Nyblom said that he had nothing to report. He asked that City Engineer Graham find out what neighboring communities are doing with regards to monitoring their water usage.

Councilmember Urban said that he had nothing to report.

City Administrator Keefe said that the Council and some staff will be attending the Northwest Youth & Family Services luncheon.

Upon motion by Urban, the meeting adjourned at 9:20 p.m.

Respectfully submitted,

Kathy Keefe, Acting City Administrator

ATTEST:

Bob Fletcher, Mayor