

**REGULAR MEETING
OF THE COUNCIL OF THE
CITY OF VADNAIS HEIGHTS
MAY 7, 2019**

The meeting of the Council of the City of Vadnais Heights was held on the above date and called to order by Mayor Gunderson at 7:02 p.m.

Everyone present stood and said the Pledge of Allegiance.

ROLL CALL

Upon roll call, the following members were present: Acting Mayor Craig Johnson, Council Members: Greg Urban, Patricia Youker and Robert Morse.

The following members were absent: Mayor Heidi Gunderson.

Also present were: Tim Sandvik, Assistant City Administrator, Ed Leier, Fire Chief, Nolan Wall, Planning/Community Development Director, Caroline Bell Beckman, City Attorney, Jesse Farrell, Public Works Director, and Peggy Aho, Deputy City Clerk.

Assistant City Administrator Sandvik provided several announcements.

APPROVAL OF AGENDA

Upon motion by Morse, seconded by Youker, it was

19-05-176 “RESOLVED that the May 7, 2019 Regular Meeting Agenda be approved as presented.”

Ayes – 4 Nays – 0

The resolution was adopted.

APPROVAL OF MINUTES

A. April 16, 2019 Regular Workshop Meeting

Upon motion by Urban, seconded by Youker, it was

19-05-177 “RESOLVED, to approve the April 16, 2019 Regular Workshop Meeting Minutes, as presented.”

Ayes – 4 Nays – 0

The resolution was adopted.

B. April 16, 2019 Regular Council Meeting

Upon motion by Morse, seconded by Urban, it was

19-05-178 “RESOLVED, to approve the April 16, 2019 Regular Council Meeting Minutes, as presented.”

Ayes – 4 Nays – 0

The resolution was adopted.

APPROVAL OF CONSENT AGENDA

Upon motion by Urban, seconded by Morse, it was

19-05-179 “RESOLVED, that the Consent Agenda Item #7A-7G for the May 7, 2019 meeting be approved as follows:

- A. Approve Claims #77630 Through #77705 and Electronic Claims #1362 Through #1366 for Payment.
- B. Consider Approving a Public Outdoor Permit for F&M Bank for Their ‘Have Lunch with Us’ Lunch Event Scheduled for June 18, 2019
- C. Consider Approving a Public Outdoor Permit for the St. Paul Farmers’ Market for Wednesdays, June 19 through October 16, 2019
- D. Consider Approving a Solicitor/Peddler License for James Hardie for May 8, 2019 through May 7, 2020
- E. Accept and Acknowledge Grant from the Vadnais Heights Area Community Foundation
- F. Termination of Employment – Mike Becker, Firefighter
- G. Approve Vadnais Heights Lion’s Club Request to Hold a Raffle at Heritage Days.”

Ayes – 4 Nays – 0

The resolution was adopted.

OPEN TO THE PUBLIC:

PRESENTATIONS:

A. Proclamation: National Police Week – May 12-18, 2019
Assistant City Administrator Sandvik read the Proclamation: National Police Week – May 12-18, 2019 to recognize National Police Week 2019 and to honor the service and sacrifice of those law enforcement officers killed in the line of duty while protecting our communities and safeguarding our democracy. The proclamation reads as follows:

WHEREAS, there are over 900,000 law enforcement officers serving in communities across the United States, including the dedicated members of the RAMSEY COUNTY SHERIFF’S OFFICE; and

WHEREAS, there have been 60,211 assaults against law enforcement officers in 2017, resulting in approximately 17,476 injuries; and

WHEREAS, since the first recorded death in 1786, over 21,000 law enforcement officers in the United States have made the ultimate sacrifice and been killed in the line of duty, including FOUR members of the RAMSEY COUNTY SHERIFF’S OFFICE; and

WHEREAS, the names of these dedicated public servants are engraved on the walls of the National Law Enforcement Officers Memorial in Washington, D.C. and 371 names of fallen heroes are being added to the National Law Enforcement Officers Memorial this spring, including 158 officers killed in 2018 and 213 officers killed in previous years; and

WHEREAS, the service and sacrifice of all officers killed in the line of duty will be honored during the National Law Enforcement Officers Memorial Fund's 31st Annual Candlelight Vigil, on the evening of May 13, 2019; and

WHEREAS, the service and sacrifice of all officers killed in the line of duty will be honored during the MINNESOTA LAW ENFORCEMENT MEMORIAL ASSOCIATION'S Annual Candlelight Vigil, on the evening of May 15, 2019; and

WHEREAS, the service and sacrifice of RAMSEY COUNTY SUBURBAN LAW ENFORCEMENT officers killed in the line of duty will be honored during the SUBURBAN RAMSEY COUNTY LAW ENFORCEMENT MEMORIAL CEREMONY, on May 16, 2019.

NOW THEREFORE BE IT RESOLVED that the VADNAIS HEIGHTS CITY COUNCIL formally designates May 12-18, 2019, 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.

PUBLIC HEARINGS:

A. Consider Approval of a Kennel License at 473 Walker Drive:

Tim Sandvik, Assistant City Administrator, reviewed the application for a kennel license for 473 Walker Drive which is before the Council for approval. Sandvik reviewed City Code regarding a kennel license. Acting Mayor Johnson opened the Public Hearing at 7:10 p.m.

Andrei Lebeder, 463 Walker Drive, noted that he objects to the City granting a kennel license to the applicant because he believes that the application is not complete. He presented various documents to the Council including: Exhibits 1 and 2, dog licenses for dogs currently licensed at 473 Walker Drive; Exhibit 3, language regarding conditional use permits in Minnesota; Exhibit 4, City Code, Chapter 6, Division 2, Kennels; Exhibit 6, example of the City's Personal Kennel License; Exhibit 7, Minnesota Statutes, Section 347.10, Owners of Dogs and Kennels; Licenses; Exhibit 8, City Code, Chapter 6, Section 6-1, Definitions; Exhibit 9, City Code, Chapter 38, Section 38-98, Uses in the R-1 district; Exhibit 10, City Code, Chapter 6, Section 6-4, Number of domestic animals restricted.

Acting Mayor Johnson asked if anyone else would like to speak on this matter.

Applicant Stephanie Zeece, 473 Walker Drive, noted that she is applying for a kennel license because she would like to get an additional dog. She said that there has been no noise complaints and when the neighbor is out in his yard or if the dogs are barking she brings them inside. Council Member Urban said that he would support approval of the application conditioned upon any noise complaints.

Acting Mayor Johnson asked if there was anyone else wishing to speak on this matter. There being none, Johnson closed the Public Hearing at 7:36 p.m.

Upon motion by Urban, seconded by Morse, it was

19-05-180 “RESOLVED that the Council approve a Kennel License for 473 Walker Drive with the following conditions: 1) the applicant shall provide license information and proof of animal vaccinations for each dog; 2) the Animal Control Officer shall conduct an inspection of the subject property prior to issuance; 3) the applicant shall renew the license within one year, in compliance with the applicable Code standards and procedures; and 4) that the application shall be required to control any barking of all the animals on the property.”

Ayes – 4

Nays – 0

The resolution was adopted.

Council Member Morse asked for the City Attorney’s thoughts on this application. City Attorney Beckman said that this is not a CUP it is a limited use license and it is personal in nature and limited to the one dog. Beckman stated that a variance would not be an appropriate way to handle this case. She said that she believes the Council can move forward based on what the intent of the Code is and she and Planning/Community Director Wall can take a look at the current code language and clean it up.

B. Consider Approval of a Minor Subdivision at 506/512 Bear Avenue South:

Planning/Community Development Director Wall gave an overview of the subject property. Both properties are zoned R1 and the existing land use is low density residential. Wall reviewed the lot standards. He said that no new buildable lot is being created with this minor subdivision. New lot line does not create any new nonconformities to the properties and no expansion is being requested.

Wall reviewed a couple of driveway and drainage and utility easement encroachments to the two properties which are not unique. Staff do recommend as part of the approval that the property owner get encroachment agreements with the City for the drainage easement and their neighbor for the driveway.

Wall said that this does not require Planning Commission review. Code does require a public hearing. Staff recommends approval of the minor subdivision by the City Council and this action does require a simple majority vote.

Council Member Urban said that he wishes the City would update City Code so that something of this manner could be done administratively.

Acting Mayor Johnson opened the Public Hearing at 7:45 p.m. Derek Johnson, 512 Bear Avenue, noted that he hired a surveyor to do surveying and asked how the cost of this falls squarely on him and not on the City at some point. Wall said that the City just wants the legal descriptions of the drainage and utility easements from Johnson’s surveyor and then the City deals with that administratively and the property owner has it recorded with the County. Wall noted that this approval of the minor subdivision is conditioned on the Council also approving the drainage and utility easements.

There being no one else that wished to speak to this issue, Johnson closed the public hearing at 7:48 p.m.

Upon motion by Urban, seconded by Youker, it was

19-05-181 “RESOLVED that the Council approves the proposed Minor Subdivision, based on the finding of fact that the request is compliant with the applicable City Code standards and consistent with the Comprehensive Plan, and acceptance of the drainage and utility easement agreements for driveways and other encroachments as recommended.”

Ayes – 4 Nays – 0

The resolution was adopted.

C. Consider Approval of a Minor Variance at 3464 Rice Street:

Planning/Community Development Director Wall stated this applicant is requesting a minor variance for 3464 Rice Street (Taco Bell property). Right-of-way acquisition is affecting the setbacks from the building and the driveway. The variances were required to satisfy the settlement agreement between Ramsey County and the property owner. Existing use was approved by Special Use Permit within the C-2 District and is consistent with zoning. Additional ROW being required by this project does not impact the building or circulation. The interchange construction is affecting several parcels on Rice Street to varying degrees.

The DRC reviewed the application and staff are recommending approval of the variance as requested. Acting Mayor Johnson opened the Public Hearing at 7:54 p.m. Seeing no one that wished to speak, Johnson closed the Public Hearing at 7:55 p.m.

Upon motion by Urban, seconded by Morse, it was

19-05-182 “RESOLVED that the Council adopted a resolution, including approving minor variances at 3464 Rice Street, based on variance findings of fact as recommended.”

Ayes – 4 Nays – 0

The resolution was adopted.

OLD BUSINESS:

A. Consider Accepting S.E.H.’s Revised Proposal for Design and Construction Services on the City’s Lift Station and Entering into a Professional Services Agreement for the Proposed Services:

Public Works Director Farrell brought forward a proposal from S.E.H. for design services related to site improvements at the City’s lift station. Farrell reviewed the lift station location and layout and detailed how he believes S.E.H. can assist the City with the design.

Staff are recommending that the Council approve the proposal and authorize Farrell to execute the Agreement.

Upon motion by Urban, seconded by Youker, it was

19-05-183 “RESOLVED that the Council approves the proposal submitted by Short Elliott Hendrickson, Inc. for design services related to site improvements at the City’s lift station, located at the intersection of Foothill Trail and Meadowood Lane and authorizes the City Engineer to execute the Agreement.”

Ayes – 4 Nays – 0

The resolution was adopted.

NEW BUSINESS:

A. Consider Approval of Preliminary Plat, Site Plan and Variances for Luther Companies, LLLP at 3494/3500/3516 U.S. Highway 61:

Planning/Community Development Director Wall reviewed Case 19-003, application requesting preliminary plat and site plan approvals to construct an automobile dealership at 3494/3500/3516 U.S. Highway 61. Wall noted that a portion of the planned development is within the City of Gem Lake. Wall reviewed the preliminary plat, site plan, drainage plan and the variances being requested.

Council Member Urban asked if the property to the North could use the frontage road as future access to the north and also asked if the new intersection is beneficial to the property to the south. Wall noted that this applicant will be make substantial investments to the intersection and their south right-of-way does open the door to development on the south, same as the northern property. Urban asked if a frontage road to the front could accommodate an access for the property to the north. Public Works Director Farrell noted that this application will be making substantial investments to the intersection and to the frontage road to the north. The applicant is dedicating land to the front of the property for right-of-way access.

Wall reviewed the three variances on the project.

Shawn Murphy with Landform, civil engineers on the project, thanked the Council for letting the applicant present the project. Acting Mayor Johnson said that the rendering looks beautiful and that he appreciates all the good work on this project.

Upon motion by Morse, seconded by Urban, it was

19-05-184 “RESOLVED that the Council adopted a resolution, including findings of fact and conditions, approving the Preliminary Plat, Site Plan, and Variances at 3494, 3500 and 3516 U.S. Highway 61 as recommended.”

Ayes – 4 Nays – 0

The resolution was adopted.

B. Consider Approval of Ordinance No. 733 Concerning City Code Amendments to Planned Unit Developments:

Planning/Community Development Director Wall reviewed the proposed amendments to City Code, Chapter 38, Article II, Division 15, as shown in the draft Ordinance No. 733. Wall said these amendments resulted from a discussion held at a previous Council workshop. The draft Ordinance was reviewed by the Planning Commission at their March and April meetings. The Planning Commission recommended, unanimously, approval of the Draft Ordinance. Council Member Youker thanked Wall for his work on this. Acting Mayor Johnson also thanked Wall for his work the Ordinance.

Upon motion by Urban, seconded by Morse, it was

19-05-185 “RESOLVED that the Council adopt Ordinance 733 concerning certain amendments to the Planned Unit Development District, and approve the summary publication, as presented.”

Ayes – 4

Nays – 0

The resolution was adopted.

C. Setting Tuesday, May 21, 2019 Workshop and Agenda:

Assistant City Administrator Sandvik noted that at this time staff have no items for the May 21, 2019 agenda but they are working on a couple. He asked that the Council hold this date and time.

COUNCIL AND DEPARTMENT REPORTS

Public Works Director Farrell said that Public Works staff are still patching potholes. He said that 2018 was first year that the City didn't finish patching potholes. He and S.E.H. met with property owners along Buerkle Road to talk about the upcoming project. He said that the property owners are very supportive of the project and that their number one concern is the cost of the assessments.

Planning/Community Development Director Wall said that he will have on the next Council meeting agenda the Willow East apartments. The developer has identified amendments they would like made to the TIF agreement and their construction development agreement. Wall also noted that staff from Ramsey County and Rush Line Project would like to come before the Council with an update in either June or July.

Fire Chief Leier thanked the Mayor and the Council for accepting receipt of the VH Area Foundation's Community Grant. These grant funds will be used to purchase items for the disaster bags.

Council Member Morse noted that he has attend many functions including: a Metro Cities Mayor meeting, a Metro Cities function regarding legislative issues; a Century College event; and the Northeast Youth and Family Services leadership luncheon.

Assistant City Administrator Sandvik thanked all that attended the Goals Setting Session He also noted that the Parks and Trails Commission met the previous night and that they are looking at

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potentially attending a future Council Workshop. He noted that the next Heritage Days Committee is set for Tuesday, May 14.

A motion to adjourn was made by Council Member Morse at 8:58 p.m. The motion was seconded by Council Member Youker. Meeting adjourned.

Respectfully submitted,

Kevin Watson, City Administrator

Approved