

**WORKSHOP MEETING  
OF THE COUNCIL OF THE  
CITY OF VADNAIS HEIGHTS  
JUNE 2, 2020**

The workshop meeting of the Council of the City of Vadnais Heights was held on the above date and called to order by Mayor Gunderson at 5:00 p.m.

The following members were present: Mayor Heidi Gunderson, Council Members: Greg Urban, Patricia Youker and Bob Morse. The following member was absent: None.

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

**1. Open Meeting**

Mayor Gunderson opened the meeting at 5:00 p.m.

**2. Closed Session pursuant to Minn. Statutes Section 13D.05, Subd. 3(c)(3) to discuss the sale of the City's Property located at 843 East County Road F**

Mayor Gunderson opened the closed session at 5:02 p.m. pursuant to Minn. Statutes Section 13D.05, Subd. 3(c)(3) to discuss the sale of the City's property located at 843 East County Road F.

**2. Open Meeting**

Mayor Gunderson reopened the Workshop at 5:42 p.m.

**3. Discharge of Surface Water, City Code**

Public Works Director/City Engineer Farrell reviewed the discharge of surface water and how other cities are dealing with it. He noted that the City of Plymouth allows some sump pump discharge in certain cases. He said that he has had discussions with one property owner who is fighting water in his sump pump year round and if it runs in the winter it can cause freeze ups. Farrell reviewed what the City of Plymouth does and said that he had modeled a City application for Vadnais Heights using Plymouth's as a template. He said that the City Attorney has assisted him, but basically he feels that the City needs to modify our Ordinance to allow this type of connection for properties that need it. He recommended that the City take this action.

City Administrator Watson asked Farrell to describe the criteria for who would qualify for this. Farrell stated that it would have to be somebody who has a lot of sump pump discharge in the winter and that it would be on a case-by-case basis and very limited and the property owner would have to enter into an agreement with the City and could only discharge the water from October 1 to April 10. Mayor Gunderson asked how many homeowners might be affected by this. Farrell responded perhaps 10 homes in the City would be interested in this and that the City would have to be very selective. Council Member Morse asked if there would have to be an

annual application or would it be for perpetuity. Farrell responded that the applicant would enter into an agreement with the City and it would be valid until they no longer own the property.

Farrell noted that this Ordinance would be on the next Council meeting consent agenda for approval. The Council supported the item.

#### **4. Critical Water Deficiency**

Public Works Director/City Engineer Farrell noted that the Governor determined and declared by executive order that there is a crucial water deficiency, public water supply authorities appropriating water must adopt and enforce water conservation restrictions within their jurisdiction that are consistent with rules adopted by the Commissioner. He noted that under Minn. State Statutes Section 103G.291, cities are required to adopt and enforce water conservation restrictions when the Governor declares a critical water deficiency. The Model Ordinance before the Council was developed by the League of MN Cities in collaboration with Minnesota Rural Water Association and customized for Vadnais Heights after review by the City Attorney.

Council Member Urban said he will not support this. He said if the State wants to compel us, go for it, but he sees a serious lack of judgement from the Governor.

Council Member Youker said that this was enacted in 1996, why are we looking at it now. Farrell said he is not sure, perhaps we are the last city that hasn't adopted an ordinance for this. He said it is coming up now because the State Well Head Protection Plan showed that Vadnais had not enacted the ordinance. He said that this ordinance will allow the City to behave in the manner in concurrence with state law. Farrell said that he can bring it back at a future Workshop after he looks into it further and try to address concerns raised by the Council.

City Administrator Watson asked what the City's obligation is to pass it. City Attorney Beckmann said that State Statute was amended in 2015 and she can't tell whether it is mandatory for a city to adopt the ordinance. Watson said if it's mandatory then it should be brought back before the Council but if it's not we should drop it. Mayor Gunderson said if the City needs to be in compliance and adopt an ordinance, she would like loosest language possible. She also said that she would like to know what the statute says and if there are any repercussions in not doing it.

#### **5. Update on VH Commons**

Assistant City Administrator Sandvik gave a mid-year update on Commons revenues and expenditures. He noted that this is the time of year the City normally gets a lot of revenue generated from rentals. Sandvik reviewed the numbers on the chart that showed revenue and expenditures. He also presented a list of cancellations. He noted that staff are looking through Governor Walz's Emergency Order 20-62 as it relates to occupancy for weddings and services that can be allowed.

Council Member Urban suggested just renting the facility and letting the renters do what they would want. Sandvik said he didn't know what level of liability the City would take on if there

were a COVID outbreak after an event. City Attorney Beckmann said that attorneys have been talking about insurance coverage for COVID outbreaks and that the League won't give an opinion whether a city would have coverage. Urban said the City doesn't want to take on the duty of monitoring how a renter uses the facility. Mayor Gunderson said that the City would be renting it out with the caveat that the renters are following the States guidelines and that the City has a responsibility to follow the guidelines. Council Member Morse agreed. Council Member Youker said that she understands that we have to have guidelines, but who would enforce them. Sandvik reviewed the fire occupancy levels and said that if there is a wedding reception that has been booked for 300 guests we can't offer that right now.

Sandvik asked if the Council is okay with the way staff have been dealing with the COVID issues and rentals at the Commons.

Gunderson said that the City should be flexible with people if we are not able to hold the size they have booked for. Council Member Urban said we should let people do what they want. Gunderson said we have trust people to follow the rules, we should state what the guidelines are and trust that they will follow them. The Council discussed doing an addendum to the rental agreement saying that renters will comply with CDC and State guidelines. Sandvik asked for clarification if this would be for just weddings or would it include any event. Gunderson said that it should be for all events.

Sandvik asked if the Council would find it appropriate for staff to follow whatever guidelines are in place and make decisions based on those and not bring every issue back before the Council. The Council agreed.

## **6. Public Comment Accommodations at City Council during COVID**

Mayor Gunderson said that she would like to discuss how to accommodate folks that want to address the Council but aren't comfortable attending a meeting in person. She said that Zoom has been mentioned and asked the Council if they would be okay with allow persons to attend via Zoom.

Council Member Youker said she is not in favor of using Zoom because she thinks people would come on line and it may be hard to control the situation. She said that the Council had people register to speak when the Council held the public hearing for the At Home project and she thought that worked fine. She said that online leaves too much room for error and access for people to complain.

Council Member Urban said that he opposes using Zoom. He said we have gotten to where people like to use Zoom and might be able to operate anonymously. He said if someone has an opinion they are welcome to share it with the Council at a meeting in person. He also said that there are a lot of ways to communicate with the Council without having to come to a meeting. Phones calls or emails.

Council Member Morse said that he knows people that are really compromised and just can't attend in person. He said if we could keep Zoom secure as a tool and have people schedule prior

to a meeting perhaps that might work. City Attorney Beckmann said that the Council has to be careful about limiting the ability of someone to attend and speak.

Urban said that he sees Zoom going the way of an anonymous Gmail account. Urban asked if we could make them identify themselves and contact us with a certain time and also that they provide a name and address and if they don't supply that information we don't allow them to speak. Beckmann replied yes.

Urban said if the Council is to implement this he would like there be a sunset date on it. Gunderson replied said absolutely. Morse suggested having them sign up, and we would have the ability to mute or unmute and have guidelines as to how long they have to speak and as far as sunset it should sunset when the emergency management declaration is cancelled.

Planning/Community Development Director Wall asked if the Council sees applying this to public hearings as well. Beckmann said if you are going to allow people to be heard via Zoon under Open to the Public it should also apply to public hearings.

City Administrator Watson asked if there is a way to accommodate folks in person that would work. Youker said we had a plan in place for At Home. Watson said we only had two that took advantage of that and it probably kept people away.

Urban asked what other municipalities are doing. Watson said he will look into what others are doing.

Mayor Gunderson made a motion to close the Workshop at 6:59 p.m. Seconded by Council Member Morse. Meeting adjourned.