

**OF THE COUNCIL OF THE
CITY OF VADNAIS HEIGHTS
JUNE 4, 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 7:03 p.m.

ROLL CALL

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

The following member was absent: None.

Also present were: City Administrator Kevin Watson, Assistant City Administrator Kathy Keefe, City Engineer Mark Graham, City Attorney Erich Hartmann, Fire Chief Ed Leier, Deputy City Clerk, Peggy Aho and Jeff Melcoch, Cable Producer.

City Administrator Watson provided several announcements.

APPROVAL OF AMENDED AGENDA

City Administrator Watson suggested reversing the order of Agenda Items #10A and #10B.

Councilmember Nyblom asked for the support of the Council to hold a closed session after the Regular Council meeting to have a discussion of an act of dishonesty, and also so that the Council is aware of what has occurred. He also asked that Agenda Item #7I be separated from the other Consent Items so that he can ask some questions about the advertising of the open position and the Council can have additional discussion about it.

The Council discussed whether it could lawfully hold a closed session with no notice. City Attorney Hartmann said that he would need to know more about what the closed session would be about. Mayor Fletcher said that he would prefer that the Council adopt a course of action, and that it agree to have some discussion on Nyblom's concerns at a later date and in a venue that would provide protection for both the employee and the City.

Watson said there are legal notifications that need to be done for the employees' sake before the Council can jump into a discussion about this. Nyblom asked that the record show that he is disappointed with the City Administrator who was clearly informed from him, that he disagreed with the City Administrator's decision and specifically asked for his advice as how to move forward so that the rest of the Council could be informed and that didn't transpire. Fletcher responded that it is fair to ask for review of the City Administrator's decision making process. The Council can take a thoughtful and logical steps to review that process, but that he doesn't think that would include changing any discipline that the City Administrator may or may not gave or how he handled the matter. The Councilmembers would need to decide if they are happy with the City Administrator's performance, but the Council is not in the position to go back and

change any administrative discipline, advice or counsel that the City Administrator may have taken.

Nyblom asked how the Mayor recommends to resolve this issue. Fletcher stated that most cities have a personnel committee which consists of two members including the mayor and one councilmember and the city administrator.

Fletcher asked if it is the will of a majority of the Council, to hold a closed session following the Council meeting, if it were authorized. City Administrator Watson and Assistant City Administrator Keefe both said that a closed session cannot occur without first giving proper notice to the individual whom would be the focus of the discussion. Councilmember Johnson said he would be willing to have this discussion in a closed meeting if it is legal for the Council to do that. Gunderson replied that she would not be in favor of a closed meeting. Urban said that it sounds like there is a legal process that may have to be followed and he says no, and Fletcher said no. Fletcher said this issue will be put on the back burner and Nyblom can have more conversation with the City Attorney.

Upon motion by Gunderson, seconded by Urban, it was

18-06-96 “RESOLVED, that the June 4, 2018 Regular Meeting Agenda be approved as proposed amended by changing Consent Item #7I to be a standalone item, and reordering Items #10A and #10B.”

Ayes – 4 Nays – 1 (Nyblom)

The resolution was adopted.

APPROVAL OF MINUTES

A. May 15, 2018 Regular Meeting

Upon motion by Johnson, seconded by Gunderson, it was

18-06-97 “RESOLVED, to approve the May 15, 2018 Regular Meeting Minutes as presented.”

Ayes – 5 Nays – 0

The resolution was adopted.

APPROVAL OF CONSENT AGENDA

Upon motion by Johnson, seconded by Urban, it was

18-06-98 “RESOLVED, that the Consent Agenda 7A-7H items for the June 4, 2018, meeting be approved as follows:

A. Approve Claims #76147 Through #76235 and Electronic Claims #1229 Through #1233 for Payment

- B. Approve Appointments of Michael Werner as 1st Alternate and Toby FitzSimons as 2nd Alternate to the Parks, Recreation and Trails Commission
- C. Approve Appointment of Part-time Introductory Firefighters Sam Goecke and Jake Ryks to Part-time Regular Firefighters effective June 1, 2018
- D. Approve Appointment of Probationary Part-time Firefighters David Bahl, Rolando Leon, Jake McCann and Mong Vang, contingent upon passing a physical examination
- E. Approve Vadnais Heights Lion's Club LG230 Application to Hold a Raffle and Sale Pull-Tabs at Heritage Days
- F. Approve a Temporary On-Sale Liquor License for the Vadnais Heights Lions Club for Heritage Days August 18, 2018 from 8:00 am to 11:00 pm and August 19, 2018 from 8:00 am to 8:00 pm and Waive the Fee
- G. Accept and Acknowledge Donations from F&M Bank and The Urgency Room
- H. Approve Development Agreement with Vanguard Construction, Inc. for Phase II of the Vadnais Heights Office Condominium Project (Planning/Community Development Director)

Councilmember Nyblom stated that the reason he asked that Item 7I be acted on separately on the Consent Agenda was because he would like the support of the Council to instruct the City Administrator as he moves forward and advertises to hire a new Assistant City Administrator. He said that it is his understanding that the Council has had prior discussions about contracting out the HR responsibilities, and as we move forward he would like to know the pros and cons of and cost benefits of hiring a consultant to do HR versus the City's own employee. City Administrator Watson said he doesn't believe that the Council has ever agreed to contract out for these services, but that he had talked to Councilmember Nyblom about this idea several years ago, and it is his understanding as he gets to know the HR process and the ever changing ways of it, that the City probably doesn't have the physical abilities to contract HR.

Nyblom said he is seeking feedback from other Councilmembers to see if they feel in agreement with him that the City's own staff /employees should not be doing HR disciplinary things with co-workers but it should be a third party/neutral party handling HR issues. Johnson said that in his business experience, HR functions for satellite locations were done by people that would come in for 1 or 2 days a week to do HR work. He agreed that it is a sensitive subject area, and that people have to be kept up to date with current laws and that professional HR organizations are better at knowing that laws for hiring. He said that having an outside person would be a nice feature and would take the personal nature out of relationships people have in a small office. He said that the City Administrator should take another look at whether any other cities in our area could provide something like that.

Mayor Fletcher said that Assistant City Administrator Keefe has done an outstanding job, and that the City has exceptional staff. Johnson said that it will be hard to find someone like Kathy that can juggle all those balls in the air at the same time. Watson said that HR is a small component of what Kathy does and that he believes that the capacity of this position will be vital to our success as a City.

Fletcher said that it sounds like Watson is thinking about restructuring the duties in the administration. Correct? Watson replied yes. Fletcher said that Watson should come to the Council with an overall view of how he proposes to organize the administration, prior to posting for the Assistant Administrator position. Fletcher said the Council should lay this item over until Watson makes a presentation to the Council on how the restructuring of the office.

Upon motion by Nyblom, seconded by Johnson, it was

18-06-98 “RESOLVED, that Consent Agenda Item #7I, Authorization for Staff to Advertise the Assistant City Administrator position be laid over and that the Council accepts Assistant City Administrator Kathy Keefe’s resignation effective July 27, 2018”

Ayes – 5

Nays – 0

The resolution was adopted.

OPEN TO THE PUBLIC: NONE

PRESENTATIONS: NONE.

PUBLIC HEARINGS

A. Case 18-010: Consider Planned Unit Development and Development Agreement Amendments: 617-623 Liberty Way, Liberty Village: Rachel Development, Inc./Hampton properties III, LLC

Planning/Community Development Director Wall introduced Case 18-010 before the Council. He reviewed the improvements proposed. The Council discussed the size, location and color of the proposed fencing. City Code would allow for this, after staff review and Council approval. Staff feel that the requested fence will provide high quality screening on the site. And won’t have a negative impact on the neighboring houses. Staff are recommending approval by the Council.

Councilmember Johnson said that he can see the benefit of the fencing. He said while he likes the plan, he wonders why the Council should not amend the PUD to allow the fence the entire length of the development instead of just by these four units. Wall said it is his assumption that there is enough screening from vegetation in the other areas of the site.

Mayor Fletcher called the Public Hearing to order at 7:30 p.m.

Orlin Knudson, 652 Marble Street, said he is not against the fence but is concerned whether the fence will interfere with drainage. The drainage in the area needs to be maintained more adequately. Fletcher asked who owns the ditch area of the property.

Wall responded that the developer will and that the City has a drainage and utility easement. The Council continued to discuss the proposed location of the fence.

David Stradtman, Rachel Development, property owner and developer, said that when he and City staff were on site they were able to see where the property stake was and talked about staying 5 feet or more up from that. Fletcher said that he thinks a location should be agreed to by all the parties. Stradtman said that they would be fine with the condition as approved by the City Engineer.

Wall noted that the action before the Council is to adopt the resolution as presented with an amendment that deals with the fence and also approve the Amendment to the Development Agreement.

Fletcher closed the Public Hearing at 7:45 p.m.

Upon motion by Urban, seconded by Johnson, it was

18-06-99 “RESOLVED, that the Council approves the proposed Minor Planned Unit Development Amendment with the condition that the City Engineer sign off on fence placement prior to installation, and also approves the proposed Development Agreement Amendment, to be reviewed by the City Attorney prior to being recorded.”

Ayes – 5

Nays – 0

The resolution was adopted.

B. Draft 2040 Comprehensive Plan Update: Distribution for Formal Review

Planning/Community Development Director Wall gave a PowerPoint presentation on the Draft 2040 Comprehensive Plan Update. The presentation included an overview of requested City Council action, next steps, and components of the Plan including Land Use, Housing, Parks and Trails, Economic Competitiveness, Transportation, Water Resources and Plan Implementation. He said that Bolton & Menk completed sections of the Plan, as did City Staff, and they attended numerous community events, completed surveys and held open houses for resident review. Wall reviewed the adoption process which includes the Council authorizing the release of the Draft Plan to affected jurisdictions which will then have 6 months to review it prior to the City submitting it to the Metropolitan Council.

Councilmember Nyblom had comments on three sections of the Plan, including:

- Page 107, summary in the middle of the page on water quality. He indicated his concern that the summary contains information that is more than 10 years old and said that he would hope that that could be updated.
- Bottom of page 108, two bullet point's talk about implementing any needed improvements to connect Grass and Vadnais Lakes and restore and stabilize

Lambert Creek (Ditch 14). The Council discussed the water flowage in Ditch 14. Nyblom said that he read this and thinks that the City by having this in its Plan would be taking on financial responsibility for Ditch 14, but that it is in fact the responsibility of VLAWMO. Wall suggested adding a statement such as “in cooperation with affected jurisdictions or affected partners”. Nyblom said that he would agree with that.

- Page 51 talks about Koehler Road and an off-street trail from Centerville Road to Edgerton Street. He said that he thought it was the consensus of the Council that we want to see a sidewalk from Edgerton to the School. Wall said that he can add off-street trail or sidewalk to the Proposed Facility column. The Councilmembers agreed to have both listed in under Proposed Facility.
- Add language in the Parks and Trails section is could state the facts about how many acres in the City are park land.

Fletcher opened the Public Hearing at 8:18 p.m.

The following spoke at the Public Hearing: Danny Kurkiewicz, Biology Teacher, AFSA, Alexi Landretti, freshman at AFSA, Jackson Lane, first year AFSA student, John Landretti, father of children that attend AFSA, and Tom Forlity, parent of students at AFSA.

Fletcher closed the Public Hearing at 8:34 p.m.

Fletcher said that he is going to support the public’s request that the land next to AFSA be designated park land because he is not comfortable with changing the City’s identity on the south side of the lake and that he would hope to keep the emphasize on the beauty of our town. Nyblom said it was his request that the change be in the Plan to potentially put this vacant property back on the tax rolls and that he supports how it is presented in the Plan. Gunderson said she supports keeping it dedicated as park land mostly because of the potential trail connection.

Wall said that future land use designation as low density residential would allow for any number of uses, not necessarily that it would be single family low density residential development. Fletcher said it is a lot easier to put a trail through a designated park than through a land development. Wall said that it is currently guided as park, if consensus of Council is not to follow through with low density, staff would recommend that we make it a public, institutional or utility, because it’s not a park. Johnson noted his concern that the City doesn’t maintain it as a park and asked if we have any responsibility for what might happen to people if they get injured when they use the land. Watson replied that it would be no different than the City’s liability when people use a designated City park. Johnson said he would support that the Council consider the property for development. Urban said that he has some concern as to the amount of property that the City has and it has been made worse through real estate investments in recent years. He said he would support getting a trail through this property in the next couple years, and that he would support changing the guidance to allow for that, but the City should at least keep its

options open until it figures out what the trail system will be. Nyblom asked if the trail could go on the other side of the street. Urban would like to keep his options open as to what goes there.

Upon motion by Fletcher, seconded by Gunderson, it was

18-06-100 “RESOLVED, that the Council approve amending the 2040 Comprehensive Plan to change the land use designation for the land next to AFSA as park.”

Ayes – 2 Nays – 3 (Nyblom, Johnson, Urban)

The motion failed.

Nyblom said that this is the first city owned vacant lot that he has somewhat been successful getting back on the tax rolls.

Upon motion by Johnson, seconded by Gunderson, it was

18-06-101 “RESOLVED, that the Council authorize distribution of the DRAFT 2040 Comprehensive Plan to affected jurisdictions for review, including the following amendments: adding language concerning cooperation of other affected agencies; revising the chart on Page 51 for Kohler Road proposed trail project to include designation of side walk or off-street trail; and classify acreages and percentages for city parks and open spaces.”

Ayes - 5 Nays – 0

The motion was approved.

OLD BUSINESS: None

NEW BUSINESS:

A. Consider Approval of the Individual 2018/2019 Liquor License Renewals:

City Administrator Watson reviewed the action before the Council.

Upon motion by Urban, seconded by Johnson, it was

18-06-103 “RESOLVED, that the Council approve 16 individual liquor licenses for the period of July 1, 2018 to June 30, 2019, with no conditions.”

Ayes – 5 Nays – 0

The resolution was adopted.

B. Consider Adopting Resolution Approving Conditional Use Permit and Site Plan for 850 East County Road E:

Planning/Community Development Director Wall reviewed the site plan and noted that the Planning Commission and staff recommend that the Council approve the Site Plan and Conditional Use Amendment as requested. Wall said that signage for this property will be separate application to be considered administratively at a later date. Eric Van Oss, WD Partners, representing Walmart, introduced himself.

Councilmember Nyblom asked about the planters going into the parking lot and whether they would potentially restrict the semis from parking in the lot overnight. Wall replied that they may, but that the overnight parking is a separate issue. Nyblom said that it is his understanding if there is any code violations by a property and the owner is before the Council seeking approval for something, the City has tabled actions before until the property quits violating City Code. Mayor Fletcher asked if there were any orders that are pending enforcement against Walmart. Fire Chief Leier replied no.

Upon motion by Johnson, seconded by Gunderson, it was

18-06-104 “RESOLVED, that the Council approve the resolution, including findings of fact and conditions, approving the Conditional Use Permit Amendment and Site Plan at 850 East County Road E.”

Ayes – 4

Nays – 1 (Nyblom)

The motion was approved.

C. Consider Setting Tuesday, June 19, 2018 Workshop and Agenda:

City Administrator Watson reviewed the proposed agenda items for the June 19, 2018 Workshop meeting. They include: Lorah Palmer contract, surface water management and a discussion on water meters.

COUNCIL AND DEPARTMENT REPORTS:

City Engineer Graham noted that staff are working with Gem Lake for the residential development. This coming weekend, Gem Lake will be making the utility connection on County Road E and there will be some lane restrictions. He also said that near AFSA, sometime in June, the Ramsey/Washington watershed district will be installing new culverts beneath Vadnais Lake Boulevard. He will try to get more information about the timing of the project. This will involve a weekend road closure. For the County Road E mill and overlay project from Edgerton Street to Hwy. 61 and it will take 7 to 10 days sometime the middle of July. They are planning on doing most of the work at night for safety and traffic reasons. This will impact some of our residents, and the City can communicate with them. Graham has offered to help with communication with the businesses.

Planning/Community Development Director Wall said that the groundbreaking ceremony for Spire Credit Union project will be held on June 18 at 11:30 am. He also noted that the second draft of the new City Code has been received, staff have 45 days to review it and get it back to Municode for final changes before review by the Council.

City Attorney Hartmann noted that the NYFS Mayor's golf challenge is next week at Keller Golf Course.

Councilmember Gunderson thanked staff and Planning/Community Development Director Wall for the work they have done on the 2040 Comprehensive Plan and also thanked citizens that took time to come to an Open House or respond to the survey.

Councilmember Nyblom noted that some neighbors around the Journey Home Development have expressed their concern about some unfinished landscaping. Planning/Community Development Director Wall said that he had been in touch with the developers and they indicated that they plan to finish that work soon. Nyblom said that he is curious about a duplex on South Arcade Street which looks like it has been boarded up. What is the situation of this? Fire Chief asked what the address is. Nyblom said he will send it to him.

Councilmember Urban said that he had nothing to report.

Fire Chief Leier noted that he had nothing to report.

City Administrator Watson said that he had nothing to report.

Assistant City Administrator Keefe said that she had nothing to report.

Councilmember Johnson said that he had attended a Rush Line Policy Committee on May 31 and said that the Project is still determining whether they will have a station on Buerkle Road. Looking at employment as a key to where the stations will be located.

Motion to adjourn at 9:10 pm.

Respectfully submitted,

Kevin Watson, City Administrator

ATTEST:

Bob Fletcher, Mayor