

**REGULAR MEETING
OF THE COUNCIL OF THE
CITY OF VADNAIS HEIGHTS
OCTOBER 16, 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 7:02 p.m.

ROLL CALL

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

The following member was absent: None.

Also present were: City Administrator Kevin Watson, Assistant City Administrator Tim Sandvik, Planning/Community Development Director Nolan Wall, Fire Chief Ed Leier, City Attorney Erich Hartmann, Deputy City Clerk, Peggy Aho and Jeff Melcoch, Cable Producer.

City Administrator Watson provided several announcements.

APPROVAL OF AMENDED AGENDA

City Administrator Watson asked that Items 9A and 9B be switched in order.

Upon motion by Johnson, seconded by Gunderson, it was

18-10-164 “RESOLVED, that the October 16, 2018 Regular Meeting Agenda be approved as amended.”

Ayes – 5 Nays – 0

The resolution was adopted.

APPROVAL OF MINUTES

A. October 2, 2018 Regular Workshop Meeting

Upon motion by Nyblom, seconded by Johnson, it was

18-10-165 “RESOLVED, to approve the October 2, 2018 Regular Workshop Meeting Minutes as presented.”

Ayes – 5 Nays – 0

The resolution was adopted.

B. October 2, 2018 Regular Council Meeting

Upon motion by Gunderson, seconded by Nyblom, it was

18-10-166 “RESOLVED, to approve the October 2, 2018 Regular Council Meeting Minutes as presented.”

Ayes – 5 Nays – 0

The resolution was adopted.

APPROVAL OF CONSENT AGENDA

Upon motion by Gunderson, seconded by Johnson, it was

18-10-167 “RESOLVED, that the Consent Agenda 7A-7F items for the October 16, 2018 meeting be approved as follows:

- A. Approve Claims #76815 Through #768885 and Electronic Claims #1283 Through #1288 for Payment
- B. Approve a Three-Year Contract with Ramsey County for Providing Law Enforcement Services commencing on January 1, 2019
- C. Approve a For-Profit Solicitor’s License for Scott Goertzen for Comcast Communications for October 17, 2018 through October 16, 2019
- D. Accept Resignation of Kurt Frison, Fire Technician effective October 19, 2018 and Authorize Internal Advertisement of the Position
- E. Approve 2018 Bow Hunter Permit for Jordan Kimboll hunting at 398 McMenemy Street; and
- F. Approve Appointment of Michael Becker, Alexandra Geiger, Mike Gilles, Joe Kerska and Kevin McDonough as introductory firefighters, effective November 1, 2018.”

Ayes – 5 Nays – 0

The resolution was adopted.

OPEN TO THE PUBLIC:

Mayor Fletcher stated that the apartment application for the property at Centerville and County Road F is scheduled to go before the Planning Commission on October 23 for consideration/recommendation. He said that staff have been reviewing the application and a

document of information will be ready for the Planning Commission by the end of the week. The process is that the Planning Commission will take the staff's report and hold a Public Hearing. The public can give input on their observations or feelings about the new proposal at the Public Hearing. Fletcher said that the current proposal includes a three-story apartment building, and that the City Council has not reviewed any of documents. He said that it is the Council's job to wait until after the Public Hearing takes place before it makes any decisions, pro or con. This is the way the decision-making process in government is supposed to work.

Fletcher said that the Planning Commission may make a decision at the meeting to recommend approval by the Council. Wall noted that the City has extended the original 60 day deadline to 120 days and responded to the applicant. This deadline expires the middle of January 2019. Fletcher said that the process is moving along and that it is not appropriate for the Council to have too much discussion on the facts of this case until it has heard from both sides of the issue. He said that to be the proper judicious arbitrators of decision making the Council has to wait until it gets everything. Fletcher said that he also heard that there are some people that would want the property rezoned. He noted that the rezoning process is different then what we're in the midst of now, and it would take some time to go through rezoning and there would be legal arguments aplenty whether you can rezone a property during the mix of an application.

Tom Truhler, 4157 Centerville Road, delivered to the Council a report prepared by a group against the apartment complex, along with 250 signatures against the apartments that the group wants the Council to consider. Truhler began reading the report.

Fletcher said that if Truhler wants the Council to consider a zoning change, and at least one Council Member were to make that request, the Council would look at it. Truhler asked that the Council take a look at the report and attachments he has submitted, and said that the Council should make a change to the zoning prior to adopting the 2040 Comprehensive Plan. Fletcher asked Mr. Truhler specifically what his request is. Truhler said that his request is to: 1) change zoning for the property at Centerville Road and County Road F from R-3 (current status) to previous R-2 status and incorporate the change into 2040 Comprehensive Plan; 2) that the City pass legislation preventing the building of any structure on the property to be occupied by renters or non-owner occupants; and 3) that the City accept and abide by recommendations made by William Weber, the hired consultant from Weber Community Planning, in the 2010 Comprehensive Plan, for Neighborhood Planning, that the City agree to always involve residents and strive to protect neighborhoods from effects such as excessive traffic, blighted properties or land use incompatibilities. Fletcher asked Planner/Community Development Director Wall if R-3 to R-2 would allow for renters or would it be town homes that had to be owners. Wall replied that there is currently nothing in the City Zoning Code that regulates owner occupied versus renter occupied. Fletcher asked Truhler if he is proposing just this parcel or in general. Truhler replied that it seems like the residents in this area are concerned about rental apartments being built, and that he's not sure that they are concerned about renters in other locations where apartments fit in better. He said that this request was added so that the group gets some attention.

Fletcher said that if there is one of the five City Council Members that wishes to pursue the rezoning change they can ask that it be placed on a future agenda for discussion. And at that point, if there is one of 5 that wants to add that, we would have to research the legal implications of rezoning in the middle of an application. The Council received the document from Truhler.

David DeJarlais, 4223 Centerville Road, said that he understands that they can't ask the Council to act on something they don't have the information for, but at some point the Council needs to think about what will happen to the rest of the land that isn't sold with this property, as well as the Comprehensive Plan.

Rod Raschke, 731 Stockdale Road addressed the Council.

Fletcher recessed the meeting at 7:50 p.m. Fletcher called the meeting to order at 7:55 p.m.

PRESENTATIONS:

A. Proclamation: I.C. System Day – October 25, 2018

City Administrator Watson read the Proclamation: I.C. System Day – October 25, 2018 before the Council for approval as presented.

Upon motion by Gunderson, seconded by Johnson, it was

18-10-168 “RESOLVED, by the Vadnais Heights City Council that October 25, 2018 is hereby proclaimed I.C. System Day.”

Ayes – 5

Nays – 0

The resolution was adopted.

B. Houston Engineering Technical Memorandum for VLAWMO County Ditch 14 Repairs Report

City Administrator Watson introduced Nancy Stowe with Houston Engineering. He said that Houston Engineering has conducted a review of Ditch 14 on behalf of VLAWMO and at the same time the City had them do a review of its branch ditches which come off of that main ditch.

Stowe presented an overview of Ramsey County Ditch 14 also known as Lambert Creek and the conditions of the branch ditches. She talked about the public drainage system and terminology, results of the report they prepared for VLAWMO, and recommendations made. Alex Schmidt, Houston Engineering, gave an overview of the technical information to establish documentation of the public drainage system. Stowe gave an overview of the repair recommendations which includes cleaning Ditch 14. Houston Engineering will work with VLAWMO to refine the cost of the recommended repair.

Council Member Nyblom asked if Ditch 14 will be able to handle additional run off and a possible 100 year flood. Stowe noted that currently there are no homes within 1 foot of the 100 year flood level. Stowe said that they have results as it relates to branches, this would be part of the repair report process. Council Member Johnson asked if Ditch 14 isn't cleared out to its original slope and depth is there than no need to do the branches. Schmidt said that would depend on the elevation of the branches. Johnson thinks the residents in the area would be very interested in getting Ditch 14 back to its original condition. Stowe stated that the cost to do the repair along the main ditch would probably be around \$160,000.

Jeff Moore, 714 Pennington Place, questioned whether the 100 year flood encompasses the entire watershed area. Stowe replied yes. Moore said that this has not happened in recent years. Fire Chief Leier said it happened in 1998, eight inches fell. He said that there are only 4 houses in the City within the 100 year flood plain area. Moore noted that he is concerned about a couple ditches, the one with the tree that drains into the area behind the Billows property and Branch Ditch 5 which has been filled in by the Parks Department. He said Ditch 5 needs to be reestablished to continue to So. Oak.

City Administrator Watson asked if the next step would be for the City to solicit the services of Houston Engineering to do a repair report on the branches. Stowe, replied yes, they would then establish the original alignment and a repair report with two to three alternatives.

PUBLIC HEARINGS: None

A. 2018 Annual MS4 Storm Water Pollution Prevention Program (SWPPP)

Watson noted that this is an annual report that the City needs to complete every year. Emily Erdahl, Water Resource Office with S.E.H., gave an overview of the presentation which included background information on MS4 program, status of compliance for 2017 reporting year, and program highlights and the future program. She noted that the Minnesota Pollution Control Agency is the permitting authority for this program. The permit requires that the City complete a self-assessment each year. The report is due June 30th and covers the previous year. The City met or exceeded the requirements in 2017.

Erdahl noted that when the new permit is out, the City will be required to review and update their program to meet the intent of the new permit. Next steps are to collect comments. Any comments collected today will be documented in the 2018 reporting year. Nyblom asked if the legislation regarding smart salting has moved forward at the Legislature. Erdahl did not know whether that legislation has moved forward.

Acting Mayor Johnson opened the Public Hearing on the 2018 Annual MS4 Storm Water Pollution Prevention Program at 8:42. There being no one that wished to speak, Johnson closed the Public Hearing at 8:43.

OLD BUSINESS:

A. Consider Approval Applying for a 2019 SCORE Grant

Assistant City Administrator Sandvik gave an overview of the grant application which has been submitted over the years on an annual basis. Changes have been made to the application which will benefit the City by increasing our grant amount by approximately \$6,000.

Upon motion by Gunderson, seconded by Nyblom, it was

18-10-169 “RESOLVED, that the Council authorizes staff to apply for the 2019 SCORE Grant with Ramsey County in the amount of approximately \$36,700 to be used towards the City’s recycling program for waste reduction and recycling activities and services.”

Ayes – 5 Nays – 0

The resolution was adopted.

B. Consider Approval of the Vadnais Heights Surface Water Management Plan Resolution

Emily Erdahl, Water Resource Office with S.E.H., gave a PowerPoint presentation on the City’s Surface Water Management Plan. Next steps include implementing the Plan. The Plan will need to be amended again in 2027.

Upon motion by Urban, seconded by Nyblom, it was

18-10-170 “RESOLVED, that the Council approves by Resolution to adopt the Surface Water Management Plan Update, as presented.”

Ayes – 5 Nays – 0

The resolution was adopted.

C. Consider Approval of an Amendment to the Development Agreement for the Meadow Brook Townhomes

Planner/Community Development Director Wall noted that this Amendment is in response to a request by the Meadow Brook Townhomes Association at the October 2nd Council Meeting for a minor PUD amendment for the placement of a monument sign which was granted by the Council at the meeting.

Upon motion by Nyblom, seconded by Gunderson, it was

18-10-171 “RESOLVED, that the Council approves an Amendment to the Development Agreement between the City of Vadnais Heights and the

Meadow Brook Townhomes Association to be recorded by the property owner upon final review by the County Attorney.”

Ayes – 5

Nays – 0

The resolution was adopted.

NEW BUSINESS:

- A. Consider Setting Wednesday, November 7, 2018 Workshop and Agenda
City Administrator Watson noted that at this time there are no items for the Workshop meeting agenda. He noted that the meeting is on a Wednesday. Council Member Johnson asked if the City has heard about the infrastructure update. Watson said that it should be ready soon. Staff are working on final numbers from the Public Works.

COUNCIL AND DEPARTMENT REPORTS:

Deputy City Clerk Aho had nothing to report.

Planning/Community Development Director Wall reminded the Council that the Planning Commission is scheduled to hold a public hearing for the Aster Meadows Apartment project at its meeting on October 23.

Assistant City Administrator Sandvik had nothing to report.

City Attorney Erickson said that he had nothing to report.

Council Member Urban had nothing to report.

Fire Chief Leier had nothing to report.

Council Member Gunderson noted that she had attended the Lion’s Waffle breakfast. It was a wonderful event.

Council Member Nyblom said that he had nothing to report other than that the Parks and Rec Committee met on October 15 and more residents volunteered to be on the Kohler Road Task Force.

City Administrator Watson welcomed Tim Sandvik as the new Assistant City Administrator.

Council Member Johnson said that he had also attended the Waffle breakfast.

ADJOURN MEETING

A motion was made by Council Member Nyblom to adjourn the meeting at 8:54 pm.

Respectfully submitted,

Kevin Watson, City Administrator

APPROVED