

**REGULAR MEETING
OF THE COUNCIL OF THE
CITY OF VADNAIS HEIGHTS
APRIL 20, 2021**

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 7:00 p.m.

ROLL CALL

Upon roll call, the following members were present: Mayor Heidi Gunderson, and Council Members Greg Urban, Patricia Youker, Steve Rogers and Erik Goebel.

The following members were absent: None.

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

Everyone present stood and said the Pledge of Allegiance.

City Administrator Watson provided several announcements.

APPROVAL OF AGENDA

Upon motion by Youker, seconded by Urban, it was

21-04-065 “RESOLVED that the April 20, 2021 Regular Meeting Agenda be approved as presented.”

Ayes – 5 Nays – 0

The resolution was adopted.

APPROVAL OF MINUTES

A. April 6, 2021 Regular Workshop Meeting

Upon motion by Goebel, seconded by Youker, it was

21-04-066 “RESOLVED that the Council approves the April 6, 2021 Regular Workshop Meeting minutes as presented.”

Ayes – 5 Nays – 0

The resolution was adopted.

B. April 6, 2021 Regular Council Meeting

Upon motion by Urban, seconded by Goebel, it was

21-04-067 “RESOLVED, that the Council approves the April 6, 2021 Regular Council Meeting minutes as presented.”

Ayes – 5 Nays – 0

The resolution was adopted.

APPROVAL OF CONSENT AGENDA

Upon motion by Goebel, seconded by Youker, it was

21-04-068 “RESOLVED, that the Council approves the Consent Agenda Items #7A through #7C for the April 20, 2021 meeting be approved as follows:

- A. Consider Approving Claims #80510 Through #80554 and Electronic Claims #1620 Through #1624 for Payment
 - 1. U.S. Bank Payment in the Amount of \$3,754.32
- B. Consider Accepting Parks, Rec and Trails Commissioner Baldrige’s Resignation and Appoint Commissioner Thomson as Second Alternate
- C. Consider Approving Sale of Surplus Equipment.”

Ayes – 5 Nays – 0

The resolution was adopted.

OPEN TO THE PUBLIC

Mayor Gunderson opened the meeting to the public at 7:05 p.m. There being no one that wished to speak, Gunderson closed the meeting to the public at 7:05 p.m.

PRESENTATIONS:

A. Recognition of 25 Years of Service as a Firefighter

Mayor Gunderson read a Proclamation honoring Vadnais Heights Firefighter Glenn Rusler for his service on the Vadnais Heights Fire Department since November 1995 as a firefighter and captain. The Proclamation is shown below:

Proclamation Honoring Vadnais Heights

Firefighter Glenn Rusler

WHEREAS, Glenn Rusler began working with the City of Vadnais Heights Fire Department in November 1995 and has served the area residents and businesses for 25 years; and

WHEREAS, Mr. Rusler has made a lasting contribution to the City of Vadnais Heights throughout his career as a firefighter and as Captain; and

WHEREAS, Mr. Rusler has been an extraordinary professional, diligent, and hard-working employee with high integrity; and

WHEREAS, on behalf of the citizens and businesses of the City of Vadnais Heights, the City wishes to recognize and thank Glenn Rusler for his tireless service to the community.

NOW, THEREFORE BE IT RESOLVED THAT, I, Heidi Gunderson, Mayor of Vadnais Heights, on behalf of the Vadnais Heights City Council, do hereby join the staff and residents of Vadnais Heights in expressing appreciation to Glenn Rusler for his dedication and commitment to the City of Vadnais Heights and extend best wishes upon his retirement and for continued success in life's pursuits.

Fire Chief Hearden thanked Glenn Rusler for his service and his family for their support. Hearden presented Rusler with a plaque commemorating the 25 years of service.

B. Proclamation: National Volunteer Week of April 18 through 24, 2021

Mayor Gunderson read the following proclamation and said that the City is very blessed to have so many volunteers in our community.

Proclamation

National Volunteer Week

WHEREAS, volunteerism strengthens communities, improves social problems, and enhances the overall quality of life for all citizens; and

WHEREAS, experience teaches us that government alone cannot solve all of our social problems or meet all of our opportunities, so we have focused on partnerships with businesses, faith-based organizations, nonprofit organizations, and citizens; and

WHEREAS, volunteering changes the lives of volunteers in a positive way, increasing self-confidence, self-esteem and physical wellbeing; offering the chance to meet new friends and associates; and providing opportunities to learn new skills and abilities; and

WHEREAS, the City of Vadnais Heights recognizes that volunteering improves our quality of life and increases community participation and ownership; and volunteers are vital to our future as a desirable, caring and productive city.

NOW, THEREFORE, BE IT RESOLVED, by the Vadnais Heights City Council, that the week of April 18-24, 2021, be hereby recognized as National Volunteer Week in the City of Vadnais Heights.

FURTHER BE IT RESOLVED THAT this Resolution was passed unanimously by the City Council for the City of Vadnais Heights on April 20, 2021.

PUBLIC HEARINGS

A. Planning Case 21-003: Harstad Hills, Inc. – Rezoning, Final PUD Plan, Minor Subdivision, and Preliminary Plat at 3904, 3910, 3920, 3922, 0 McMenemy Street/0 Bear Avenue South (Bluebird Grove)

Planning/Community Development Director Wall gave a presentation on Planning Case 21-003 and noted that the applicant is requesting a Final PUD Plan/Rezoning/Minor Subdivision and Preliminary Plat. Wall reviewed the schedule that the PUD process follows. He said by code, tonight is the final public hearing, the Council is required to hold. Next step would be VLAWMO Board of Directors meeting on April 28 regarding buffer variance request. If the project is approved by the City Council tonight, it will then go to final plat, approval of a development agreement and then construction.

Wall reviewed the applicant's proposal to do a minor subdivision/housing development with 19 lot single family homes. Wall reviewed the flexibilities that the developer is requesting and the landscaping plan. Wall noted that staff recommends that landscaping is inspected post construction to ensure appropriate mitigation is achieved. Wall reviewed the tree mitigation plan and storm sewer and utility connections.

Wall said that the flexibilities being requested by the applicant include wetland buffer disturbance area, minimum lot widths, side yard building setback standards and cul-de-sac length. Staff recommend approval of the proposed rezoning, final PUD plan, minor subdivision and preliminary plat with conditions.

Council Member Urban asked if any other staff will be making a presentation. Wall said that Farrell is prepared to talk about stormwater.

Urban asked if the idea of doing a PUD grants some flexibility over that of a straight plat. He asked if any other plans have been submitted. Wall noted that none have been submitted to the City.

Urban said that he has been approached by people on Tessier and Colleen about accessing the development via McMenemy. Can Wall explain how the County has the authority?

Wall replied that McMenemy is a County Road, access from that was never proposed. In discussions with them, Ramsey County, has eluded that they have established spacing standards to allow for the safe flow of traffic and it is our understanding that this would not meet the access standards. He said that this would be a significant discussion with them to figure out how to potentially overcome that if that was the only option, but clearly it is not an alternative on the existing plan.

Urban said Wall mentioned items that the City will be getting beyond what the developer has to provide including: a board walk, improved water main and perhaps some storm water improvements and obviously the idea behind that PUD is that we both get something. Wall said the enhanced landscaping at the Bear Avenue North extension that is being proposed within City right-of-way is not something we would expect or specifically want, but if it mitigates potential impacts to surrounding property owners we would be supportive of that and would want that.

Urban mentioned that a bond could be required to be put up for restoration of streets. Urban asked the City Attorney about property rights attached to this property and what is the City's authority in this. What is the range of things the City could do that would be legal?

City Attorney Beckman said if we had a straight plat before us we would have more limitations and some flexibility with what the City could ask for. There are a lot of questions with regard to the dedicated right of way extending Bear Avenue and whether or not we could vacate that and try to require them to come in another way. She said that a property owner has the right to rely on dedicated right-of-way that is contiguous or next to their property. It is in the Edgerton Grove Plat where the right-of-way is dedicated and the plat indicates it's for the use of the public. She said that the City has to allow reasonable access and that it is a question for engineers or others if there is another reasonable access point. Beckman said it is a balancing of property rights and giving access to what the underlying property owner next to it can rely on for that extension.

Urban said then we have a PUD in front of us tonight and asked if we deny it the developer could come back with a straight plat which he has indicated would not change the four lots off of Bear Avenue No. He asked Beckman if she would agree with that. Beckman said it would be her opinion that the City would have no legal basis to deny the extension of Bear Avenue No on a straight plat. She said if we say they can access the property in some other reasonable access, but that is a determination for other engineers and planners. Urban said that the last estimate he saw for another access was \$800,000 for a bridge. Beckman said if that is the only access it would be considered unreasonable.

Rogers stated that at the Planning Commission meeting there was a question about the length of the cul-de-sac and asked if that is within ordinance or not. Wall noted that the current length of a cul-de-sac in the code is limited to 600 feet. He said that Bear Avenue

North is significantly longer, and the proposed extension is not 600 feet it's more a determination of is it a cul-de-sac or an extension of one.

Mayor Gunderson said with regard to the proposed stormwater, looping and ponding, if that is an enhancement or just meeting the basic requirements.

Council Member Youker said we have seen photos of a lot of flooding in that area in the spring and asked if the ponding, looping and stormwater management systems will lead to improvements. Farrell responded that the ponding and stormwater management should help with flooding.

Marty Harstad noted that this is the fourth public hearing and he's attended a lot of other meetings with the public. He noted how they became interested in the Johnson property and developing it and how they decided to do it with a PUD.

Harstad reviewed what they would give to the City as part of the PUD process including the ponding, looping and stormwater, the landscaping on Bear Avenue North, dedicated easement for the trail through the wetland and participation in the costs, plus the wetland buffer retaining wall to create a snow shelf next to the road (Tessier Trail). Harstad thanked the Council, staff and the neighbors for working with him.

Urban thanked Harstad for the explanation but said he has some concerns and the effect on some of the neighbors and asked Harstad what the price point will be. Harstad said that it is hard to say today with the housing market the way it is. Urban asked with regard to connecting trails and a boardwalk, that Harstad mentioned, how would he participate in that. He asked if Harstad is telling the Council that he would be putting in the trails and boardwalk or would he be looking for the City to participate in that? Harstad replied that he believes it would have to be a collaborative effort and that they would be paying their park dedication fees on the project which would be used for the trails and boardwalk.

Harstad said you cannot go through a wetland and build a blacktop trail, so it would have to be elevated and the preliminary number to build a boardwalk far exceeds what they would get for the two extra lots. He again noted that it has to be a win/win for both parties otherwise he may as well pull back his plat and go straight plat. Urban asked how much will the stormwater cost. Harstad said he doesn't know what the dollar amount will be but he could find out and get that to the Council on that.

Urban asked if the developer could tell the Council anything about the possible purchase of what you would be giving the City to help solve stormwater problem. Developer said he doesn't know what the number would be, but he could have someone run the numbers. Urban said we will want more information on how the City stands or benefits from the stormwater, looping and trails. Harstad said that the value to the City is the value of one lot.

Urban said there have been rumors about different possibilities for Bear Ave North going off the assumption that the City Attorney said that the City doesn't have a legal reason to deny the four houses from going in there, but there has been some discussion about a sliver of property to be sold to make the alignment more palatable or discussion about one or more properties for sale. Urban asked where this stands with the neighbors. Harstad said that he has had a number of meetings with the neighbors and he is the one that has brainstormed the different options to co-exist. The idea of buying one or both of the houses was his idea, and nobody has shown any interest in that. Harstad said he also developed a plan to straighten out the road but would need to purchase about 286 sq. feet of property from the home on the north side of Bear Avenue. Urban questioned how the elevation of the road might change and asked if the developer has worked that out. Urban asked if Harstad sees any issues with access to the existing driveways. Harstad said they have engineered the plan to make this work and stay within the right of way and blend in with the yards the way they are today.

Rogers asked to confirm regarding the PUD process, would Harstad provide water looping, a snow wall, landscaping and one or possibly two sections of a trail. Rogers asked Harstad if he knew today if the City did approve the PUD would we get most all of this or just a portion. Harstad replied that he doesn't know the whole answer to this question.

Gunderson asked whether the snow wall/retaining wall is considered an enhancement or is it required. Harstad said if he choose not to do it, he doesn't know if he would have a way to appease VLAWMO and the City.

Gunderson opened the Public Hearing at 8:39 p.m.

Troy Kunze, 500 Bear Avenue North, reviewed a letter that he had written and gave the history of his family in the City of Vadnais Heights.

Tom Klein, 3902 McMenemy, asked about screening on the lots located by his home. He said it feels like the PUD process isn't helping the residents and said that the City should table it, and look hard at what they are getting with the development and stick to the Code.

Abby Burdick, 491 Bear Avenue, reviewed a letter her and her husband prepared and talked about not allowing Bear Avenue to be extended.

Hans Henning, 485 Bear Avenue North, asked Beckman if in the terms of a PUD specifically that there is a lot more flexibility in what the Council deems appropriate and what they can accept or deny. Beckman said the Council does have more flexibility with a PUD. Henning spoke about issues that he thinks have not been addressed following previous meetings, such as traffic, length of the road, and changing character of nearby driveways. Henning asked the Council to approve the part of the PUD that includes the 15 homes, but deny the extension off of Bear Ave North.

Megan Henning, 486 Bear Avenue North, spoke about environmental impact to the eastern portion of the property, recommended that the developer not do clear cutting and also the red shouldered hawk which is listed as a species of special concern.

Christopher Billing, 467 Bear Avenue North, noted his concern about extending Bear Avenue North. He also noted his concern that his property would be brought out of compliance with City Code if the extension of Bear Avenue is allowed.

Erin Robovsky, 515 Bear Avenue North, requested that the City amend the current PUD process and requested a more in depth environmental impact study be done on the property. She asked the Council to back Bear Avenue residents and asked that they come back out and view the area.

Carol Morgan, 5919 Prairie Road Drive, talked about how she grew up in the area and is a Johnson.

Rick Krannich, 514 Bear Avenue No, feels that if Vadnais Heights wants to act like a big city they should dig their heels in, spend the money and get rid of the stormwater in the whole town. He recommended that the City investigate how to get rid of the water.

Mary Jo Freshwater, 501 Bear Avenue No, have lived on Bear Avenue North since 1976 and said she is concerned that this change does not seem to be a benefit to Bear Avenue North and that she is against the continuation of Bear Avenue.

Ed Hadden, 532 Bear Avenue North, thanked the Council for allowing people to speak and suggested that the Council table any action. He said he would like to see a written opinion from the City Attorney.

Sherry Meyer, 3834 Tessier Trail, said she is not against development but she is against irresponsible development. She said she doesn't see the value or that it would be any benefit to the residents or the City.

Ken Meyer, 3834 Tessier Trail, said he would like to see any adjacent development complement what is already existing in the area.

Dianne Hadden, 3834 Tessier Trail, asked if the boardwalk was put in, who would maintain it and pay for it.

Gunderson closed the Public Hearing at 10:03 p.m. Gunderson clarified how the PUD process works. The applicants always get to have a rebuttal to any questions raised by the citizens. Staff does not get to have a rebuttal.

Harstad spoke in response to comments made by the residents. He said no build is not an option, the property owner has rights.

Gunderson asked the Council if they have any questions for the applicant or staff.

Urban said that he is not ready to vote on this tonight. He gave a list of points that will help get him to that point in the future. First he asked if the City Attorney's response is available to the public. Beckman replied yes. Urban asked Beckman if there is anything that has changed her opinion. Beckman replied no. Urban asked Beckman to pull everything together in one memo. Urban said he agrees with the applicant about the PUD process. He also said there are times when you give the developer something you do get something back. Urban asked for a description of what is the wins for the City?

Gunderson said that somebody brought up a bond for the potential road damage. Can the teeth be put into the development agreement? Wall we can require bonding put up as part of the development agreement and have pre and post construction inspection. Wall said this wouldn't be unique.

Gunderson said to clarify that someone said that the garage could be torn down, she does think that could be done.

Council Member Youker said there was concern about clear cutting. Harstad said that the lots are worth more money with trees, but they recognize that eastern part of this project is pretty heavily wooded. He said if he can save a tree, he will save it but if he would be creating a drainage problem to the property or a nearby property, they would remove a tree.

Council Member Rogers said he could vote on this tonight. Other Council Members asked for the action to be tabled.

Upon a motion by Urban, seconded by Youker, it was

21-04-069 "RESOLVED that the Council table the matter before them, Planning Case 21-003, to the next meeting and get more clarification from the City Attorney."

Ayes – 5 Nays – 0

The resolution was adopted.

Wall asked also for clarification of the questions from the Council that the Council would like staff to respond to at the next meeting. Beckman asked that they send questions in writing to the City Administrator and then she and staff can prepare a response.

Gunderson thanked all for coming out to the meeting. She then called a recess at 10:35 pm. Gunderson reopened the Council meeting at 10:40 pm.

OLD BUSINESS:

A. Consider Accepting Bids for the Commerce Court Water Tower Rehabilitation Project

City Engineer/Public Works Director Farrell reviewed the item before the Council is to accept the tabulation of bids for Improvement 2021-03, Commerce Court Water Tower,

award the project to Classic Protective Coatings, Inc. as the lowest responsible bidder at a bid of \$627,958, with payment as provided in the 2021 City CIP and authorizes the City Administrator to enter into a construction agreement on behalf of the City upon approval of the Agreement by the City Attorney. Farrell noted that following proper advertisement, eight bids were received and opened on April 1. The bids received ranged between \$627,958 and \$960,000. The engineer's estimate for the project was \$919,375.

Farrell noted that updates on the project will be posted on the City's website project page. Mayor Gunderson asked if the design alternatives are included in the bid. Farrell responded yes.

Upon motion by Urban, seconded by Youker, it was

21-04-070 "RESOLVED, that the Council accepts the tabulation of bids for Improvement 2021-03, Commerce Court Water Tower, awards the project to Classic Protective Coatings, Inc. as the lowest responsible bidder at the bid of \$627,958, with payment as provided in the 2021 City CIP, and authorizes the City Administrator to enter into a construction agreement on behalf of the City upon approval of the Agreement by the City Attorney."

Ayes – 5

Nays – 0

The resolution was adopted.

B. Consider Accepting Bids and Awarding a Contract for the 2021-1 Street Improvements Project

City Engineer/Public Works Director Farrell said bids for the 2021-01 Street Improvements Project were opened on Thursday, April 15 and the low bid was well under the budgeted CIP amount of \$1,200,000. Farrell noted that when the City had its budget discussion last fall, staff expected that franchise fees would match the assessment amount but it turns out that the assessment amount is lower than experienced in the past plus the Council allowed a small section of our parking lots to be included in the project. Farrell said that it looks like we won't use all of our contingency. Farrell noted that before the Council is a resolution accepting the tabulation of bids received (6 bids were received, bids ranged \$703,801.54 - \$803,347.23), awarding the project to the lowest responsible bidder, T.A. Schifsky & Sons, Inc. and authorize the City Administrator to enter into a construction agreement on behalf of the City upon approval of the Agreement by the City Attorney, and enter into an agreement with S.E.H. for field construction services for the Improvement 2021-1 at an hourly rate with a contract amount not-to-exceed \$120,500.

Upon motion by Urban, seconded by Goebel, it was

21-04-071 "RESOLVED that the Council accepts the tabulation of bids received, awarding the project to the lowest responsible bidder, T.A. Schifsky &

Sons, Inc. and authorizes the City Administrator to enter into a construction agreement on behalf of the City upon approval of the Agreement by the City Attorney, and enter into an agreement with S.E.H. for field construction services for the Improvement 2021-1 at an hourly amount with a contract amount not-to-exceed \$120,500.”

Ayes – 5

Nays – 0

The resolution was adopted.

C. Consider Accepting Bids and Awarding a Contract for the Vadnais Heights Lift Station Project

City Engineer/Public Works Director Farrell noted that before the Council for consideration is the tabulation of bids for Improvement 2019-10, Lift Station Improvements, and award the project to Pember Companies, Inc. as the lowest responsible bidder at a bid of \$389,650, with payment as provided in the 2021 City CIP and authorize the City Administrator to enter into a construction agreement on behalf of the City upon approval of the Agreement by the City Attorney. Three bids were received ranging from \$389,650 to \$448,750. Farrell noted that bids came in higher than the Engineer’s estimate and the budgeted amount. He said that during project development, the more staff looked into it the project the more they decided needs to be done.

Upon motion by Urban, seconded by Youker, it was

21-04-072 “RESOLVED, that the Council accepts the tabulation of bids for Improvement 2019-10, Lift Station Improvements, and awards the project to Pember Companies, Inc. as the lowest responsible bidder with the bid of \$389,650, with payment as provided in the 2021 City CIP, and authorizes the City Administrator to enter into a construction agreement on behalf of the City upon approval of the Agreement by the City Attorney.”

Ayes – 5

Nays – 0

The resolution was adopted.

NEW BUSINESS: None.

COUNCIL AND DEPARTMENT REPORTS

City Engineer/Public Works Director Farrell noted that there was a water main break in front of Jimmy’s today. It took under 4 hours to repair it.

Assistant City Administrator Sandvik thanked the Council for recognizing Gerry Baldrige’s participation on the City Parks, Rec and Trails Commission and thanked Baldrige for his service. Sandvik noted that the Parks, Rec and Trails Commission meets next Monday. Sandvik noted that

the City has implemented a Volunteer Vadnais Cleanup Event this month and said that residents are invited to choose a City park or public space to clean up. He noted that City staff would work with the volunteers to identify a cleanup location and trash drop sites. Sandvik also noted that the Heritage Days Committee met last week, and that nothing has been cancelled.

Planning/Community Development Director Wall said that there is a Planning Commission meeting next week where they will consider a variance for a deck, a site plan and a variance on Labore Road and final PUD plan for the medical office building on Arcade.

Council Member Rogers noted that the Parks, Rec and Trails Commission appointed Thomson as second alternate after Mr. Baldrige resigned. He noted that the Heritage Days Committee has met, and noted that nothing has been cancelled, and that the Committee will continue to meet and discuss events surrounding the Heritage Days celebration.

City Administrator Watson noted that the Ramsey County Sheriff's office has been diligently working with all other police agencies to make sure that the community stays safe.

A motion to adjourn by Council Member Youker at 11:13 p.m. Meeting adjourned.