

**REGULAR MEETING
OF THE COUNCIL OF THE
CITY OF VADNAIS HEIGHTS
AUGUST 4, 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 7:07 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 Hearden, 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 Goebel, seconded by Urban, it was

#21-08-109 “RESOLVED that the August 4, 2021 Regular Meeting Agenda be approved as presented.”

Ayes – 5 Nays – 0

The resolution was adopted.

APPROVAL OF MINUTES

A. July 20, 2021 Special Council Meeting (Closed Session) – Garceau Property

Upon motion by Goebel, seconded by Urban, it was

#21-08-110 “RESOLVED that the Council approves the July 20, 2021 Special Council Meeting (Closed Session) Meeting minutes as presented.”

Ayes – 5 Nays – 0

The resolution was adopted.

B. July 20, 2021 Special Council Meeting (Closed Session) – 3454 Rice Street Property

Upon motion by Goebel, seconded by Youker, it was

#21-08-111 “RESOLVED that the Council approves the July 20, 2021 Special Council Meeting (Closed Session) Meeting minutes as presented.”

Ayes – 5 Nays – 0

The resolution was adopted.

C. July 20, 2021 Regular Workshop Meeting

Upon motion by Youker, seconded by Goebel, it was

#21-08-110 “RESOLVED that the Council approves the July 20, 2021 Regular Workshop Meeting minutes as presented.”

Ayes – 5 Nays – 0

The resolution was adopted.

D. July 20, 2021 Regular Council Meeting

Upon motion by Goebel, seconded by Youker, it was

#21-08-111 “RESOLVED, that the Council approves the July 20, 2021 Regular Council Meeting minutes as presented.”

Ayes – 5 Nays – 0

The resolution was adopted.

APPROVAL OF CONSENT AGENDA

Upon motion by Youker, seconded by Urban, it was

#21-08-112 “RESOLVED, that the Council approves the Consent Agenda Items #7A through #7F for the August 4, 2021 meeting be approved as follows:

- A. Consider Approving Claims #80924 through #80985 and Electronic Claims #1655 through #1658 for Payment
- B. Consider Approval of Summary Ordinance for Ordinance 753 Approved by the Council on July 20, 2021
- C. Consider Approving a Professional Services Agreement with Erickson, Bell, Beckman & Quinn for 2022 Services
- D. Consider Approval of a Solicitor Permit Application for Legacy Restoration
- E. Consider Accepting Resignation of Community Engagement Committee Members Jessica Merchant and Imran Merchant
- F. Consider Appointing Connor Luetke to the Health and Public Safety Commission.”

Ayes – 5 Nays – 0

The resolution was adopted.

OPEN TO THE PUBLIC

Mayor Gunderson opened the meeting to the public at 7:13 p.m.

Jim Linder, representing the City of Gem Lake, introduced himself to the Council and noted that each member of Gem Lake Council will be reaching out to neighboring communities and said that they are looking for an opportunity to make relationships better between the communities. Mayor Gunderson thanked Linder for coming out.

Gunderson closed the meeting to the public at 7:17 p.m.

PRESENTATIONS: None.

PUBLIC HEARINGS:

A. Planning Case 21-013: Saturday Properties – Comprehensive Plan Amendment and Concept Planned Unit Development Plan at 0 Goose Lake Road

Planning/Community Development Director Wall reviewed the request. He noted that this is a public hearing for a concept plan and that a public hearing on the comprehensive plan was held at the July Planning Commission meeting. Wall said that if the Comp Plan Amendment isn't approved by the Council and the Met Council the amendment would not go forward. Next steps in the process will be final PUD Plan/rezoning/site plan, development agreement and then construction. Wall reviewed the subject property. He noted that the proposed use is permitted in the City Center District and meets the community thresholds but because a portion of the property is zoned industrial they are asking for the Comp Plan Amendment.

Wall said that the proposed site is over 5 acres in size and therefore qualifies for a PUD. He said that the City does have the authority to allow flexibility. Wall reviewed the concept site plan which includes a 5 story building with approximately 240 units.

Council Member Youker asked about parking. Wall said that they will need some flexibility for parking and several other things but we have not gone through a full analysis. He said right now their planning for 2 spaces per unit which is more than what some communities require. There will be more detailed discussion later.

Applicant, Mark Laverty, Saturday Properties and Alex Haecker, AWH Architects, reviewed the site and utility plan and layout of the wetlands. Haecker talked about the exterior of the buildings. Laverty said that they should have proposals in hand by end of the week in terms of traffic management and utilities. He said that they will be talking with City staff later this week.

Mayor Gunderson said that she appreciates Laverty and Haecker for coming to the meeting and for meeting with the neighborhood.

Council Member Urban said he does have a concern if the rezoning of industrial to commercial occurs and that he is concerned to the extent that the future residents would be fine with what they do on their industrial land.

Council Member Rogers said he would like to know more about the traffic study, and also asked if there was concern from the Planning Commission about how much traffic Talmage would have, and the child care center's concern about not having enough on street parking. Rogers also asked who would be responsible for the control of the traffic and parking on Talmage. Lavery replied that the traffic study will look at when cars would come and go and the County will make recommendations.

Lavery noted that the building will be built according to the National Green Standard.

Council Member Goebel said he thinks this is a great project and hopes it stimulates more development in the area.

Mayor Gunderson opened the Public Hearing at 8:03 p.m. There being no one that wished to speak, Gunderson closed the Public Hearing at 8:03 p.m.

Wall reviewed the findings of fact conditions as recommended by staff. Rogers asked what the resolution is triggering. Wall replied that if the Comp Plan Amendment is not approved by the City, the applicant would have to revise the project and that the resolution lays out the findings of fact for the land use and sets forth two conditions.

Goebel asked if there is a reason why it should revert back to industrial zoning if this Comp Plan Amendment doesn't get approved. Wall replied that is a policy decision.

Urban said he would like to keep this resolution as is so if the Comp Plan does get approved and the project does not happen, the land reverts back to industrial zoning. Mayor Gunderson agreed.

Upon motion by Urban, seconded by Goebel, it was

#21-08-113 "RESOLVED that the Council adopts a resolution approving the Comprehensive Plan Amendment for 0 Goose Lake Road (PID #283022340006) as requested, and that the Council conduct a public hearing and review the proposed Concept PUD Plan and approves the comprehensive plan amendment based findings of fact with two conditions."

Ayes – 5

Nays – 0

The resolution was adopted.

OLD BUSINESS: None

NEW BUSINESS

- A. Planning Case 21-012: Blue Ox Media Group – Variance at 3200 Labore Road

Planning/Community Development Director Wall reviewed the applicants request for a variance from the applicable wetland setback standards in order to erect a billboard on the subject property located at 3200 Labore Road. Wall reviewed a section of City Code about set back requirements from wetlands and said that Code requires a 500 foot buffer and the proposed site is within 250 feet of the wetland which would require a variance. Wall noted that there are three thresholds for considering any variance. Subject property does already have reasonable use and the billboard will not serve the property as an accessory sign or monument sign it serves as a financial investment.

Wall noted that staff do not think the three thresholds are met in this case. The Planning Commission was not able to make an affirmative recommendation; there were two separate motions to approve and deny, each resulting in a 3-3 vote. Wall noted that the findings of fact were formed by the Planning Commission.

Wall said that this is not a public hearing, because the public hearing was held at the July Planning Commission meeting and there were no comments by the public at the hearing.

Council Member Urban said he would support approving this request for a variance because he feels that a 500 foot setback is excessive. Council Member Goebel said he will not support the request for a variance because he thinks billboards are undesirable.

Steve Boyton, principal, property owner introduced himself. Council Member Rogers said the applicant wants the billboard in this spot within 500 feet of the wetland and said if the City denies it they can still put up a billboard on the property but would have to take some trees. Boynton confirmed that. Boynton said when they decided to put up a billboard, the consideration was to take down trees or go to this area of the property and not impact the trees. Boynton said it is their intent to put up a billboard either way. He reviewed an aerial photo of the property. He said either way they are going to put up a billboard, but they would prefer to do so with a variance.

Goebel said he doesn't think the issue is protecting the wetlands, he believes it's all about aesthetics.

A motion was made by Goebel that the Council deny a variance at 3200 Labore Road. Goebel's motion failed for lack of a second.

Council Member Youker said she is inclined to approve this variance for several reasons. First, a variance for this has been approved before because it is not being located near homes; second, there are four lanes of traffic near the proposed site; and thirdly, there is a buffer on the south end and the sign won't be impacting residents. Youker asked how many minutes the City would have for City messages. Boynton replied that they already give 20 hours a month and said that the Planning Commission discussed making it 30 hours per side per month. Boynton said that they don't have any objection to 30 hours.

Youker said that she thinks this is another great way to get the City message out.

Upon motion by Urban, seconded by Youker, it was

#21-08-114 “RESOLVED that the Council adopted a Resolution Approving a Variance at 3200 Labore Road based on findings of fact with conditions including 30 hours per side per month for City messaging.”

Ayes – 4

Nays – 1 (Goebel)

The resolution was adopted.

B. Planning Case 21-014: PUD Amendment at 905-955 East County Road E, Dakota UPREIT/Vadnais Square

Planning/Community Development Director Wall reviewed the applicants request for a PUD amendment at 905-955 East County Road E. Wall said that the request concerns the property owners request to change use of tenant space on the back of the Vadnais Square Center. Wall noted that the applicant currently has the ability to lease the space for limited commercial storage, limited warehousing district and charitable organizations. The applicant is requesting consideration of the following uses: retail business (would have to be defined), non-traditional quasi retail uses, sports facilities, sports training, electronic repair, place of assembly or package distribution. Wall said that he would recommend that Staff be able to maintain some site plan review.

Staff are asking the Council to approve a resolution that would bring back a formal PUD amendment for future consideration.

Council Member Youker asked if residential units back up to the area. Wall replied, yes, some. He said that this area does abut it but is separated by a berm and a railroad line. Youker said that the City can always add language about noise levels. Wall said there is an existing noise and environmental agreement that the developer is already bound by and they have no intention of operating outside of that agreement.

Council Member Urban asked Wall if he thinks there are constraints to the back area and if parking is minimal it would add some constraints. He asked if it makes more sense for the developer to bring a reasonable use forward for approval to the Council and then they could market it. Wall replied that the market will dictate the constraints. Urban asked Wall to convey to them that the Council is offering some flexibility. Wall said he did but a PUD amendment gives them a legal certainty to pursue these types of uses.

Mayor Gunderson said that she thinks what can be there is limited by the space itself and that she can support this amendment because we need to have flexibility to something that might have non traditional use.

Upon a motion by Goebel, seconded by Rogers, it was

#21-08-115 “RESOLVED that the Council adopt kthe resolution approving the PUD Amendment for 905-955 East County Road E.

Goebel called the question.

Ayes – 2

Nays - 3 (Gunderson, Urban and Youker)

The resolution failed.

C. Abatement Hearing – Notice of Public Nuisance Abatement – 3320 Centerville Road

Fire Chief Hearden noted that staff have been addressing multiple code violation complaints regarding property at 3320 Centerville Road for the past two years. Hearden noted that upon the property owner receiving the notice of abatement, the property owner has been work very closely with Hearden to talk about how to avoid the abatement and has done additional work cleaning up the property over the last couple days. Significant improvements have been made.

Richard Nicks, 3320 Centerville Road, addressed the Council regarding his property and the amount of boats and trailers he has. Nicks said that he cannot find anything in City Code that says how many boats he can have. Hearden replied that City Ordinance does not dictate how many but it does tell where they can be parked. He said that Code also does not address types of enclosed trailers only that there are certain times of year that they cannot be parked on grassy surfaces. Mayor Gunderson asked if the Chief feels that there is still violations on the property. Hearden said that there are no violations at this time, that he would need to enforce but he would like to continue to work with the property owner on storage of the vehicles.

Mayor Gunderson proposed to continue this hearing.

City Attorney Beckman said if there is no longer a public nuisance, the City has no right to continue this but she said the City could continue it if they believe there is a chance that things would go back to how they were. Gunderson said perhaps the City do a stay for an additional 60 days.

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

#21-08-116 “RESOLVED that the Council continues the process of notice of abatement for the property at 3320 Centerville Road and gives the property owner an additional 60 days to come into compliance with City Code.”

Ayes – 5

Nays – 0

The resolution was adopted.

D. Emerald Ash Borer Update – Management Plan, Grant Application

Assistant City Administrator Sandvik discussed at the workshop an EAB management plan and a grant application. He noted that the deadline for a grant submission is August 9 and the submittal needs to have a Management Plan included. Sandvik noted that the grant application is for \$75,000 and if it were granted, the City would use the funds in the summer of 2022 for mitigation and creating a tree canopy inventory.

Mayor recognized Sandvik for doing a great job writing the Management Plan and the grant.

Upon motion by Urban, seconded by Youker, it was

#21-08-117 “RESOLVED that the Council approves the Emerald Ash Borer (EAB) Management Plan as presented and authorized staff to submit a grant application for EAB funding to the Minnesota Department of Natural Resources.”

Ayes – 5

Nays – 0

The resolution was adopted.

COUNCIL AND STAFF REPORTS

City Engineer/Public Works Director Farrell reported that the water tower project is moving forward and the street projects are going well. He said that the base course of asphalt is down. He said the City is also making improvements at Bridgewood Park and on Stockdale Drive.

Fire Chief Hearden noted that there were several block parties during night to unite. He thanked all for coming out and participating. Mayor Gunderson thanked the firefighters for coming out.

Assistant City Administrator Sandvik noted that Music in the Park will be held on the next few Wednesdays until Labor Day. He noted that staff sent out post cards to residents in the neighborhoods surrounding the various parks. Sandvik thanked all for coming out for the ice cream social and noted that next week is Heritage Days. He said that the new software, Civic Rec, is up and running for park recreation signups. Sandvik noted that the Parks Commission meets next week.

Council Member Goebel noted that the Vadnais Heights Community Foundation has a grant closing next week. Goebel asked that the Council look at developing and implementing a parental leave policy. He asked that the Council direct staff to bring back a recommendation. City Administrator Watson said the he would gather the information and bring to a future Workshop.

Council Member Youker noted that VLAWMO met last week and discussed Phase II for Ditch 14. She said that there will be some activity in the area.

Council Member Rogers thanked all neighbors for allowing them to come to their block parties. He said there was a resident that had a question regarding the water tower project, she asked where does the City get its water from if the tower is being worked on. City Engineer/Public Works Director Farrell said that during the reconditioning project all existing paint is removed and put back on. During the process we are not using that water tower because we take it out of commission. The City’s water comes from very deep aquifers and we are blessed with clean ground water.

Rogers said that the City is ready to go with Heritage Days. He noted that the Senior Picnic is on Thursday, the blood drive is on Friday and there are always openings for individuals to register to volunteer or to donate blood.

Council Member Urban said that is great news about Heritage Days.

City Administrator Watson thanked staff for stepping up to cover for him while he would out for the birth of his daughter.

Mayor Gunderson said that she had a great time with neighbors at Night to Unite.

Motion to adjourn by Council Member Youker at 9:30 p.m. Meeting adjourned.

Respectfully submitted,

Kevin Watson, City Administrator

Approved