

**REGULAR MEETING
OF THE COUNCIL OF THE
CITY OF VADNAIS HEIGHTS**

August 19, 2015

The regular meeting of the Council of the City of Vadnais Heights was held on the above date and called to order by Mayor Johannsen at 7:00 p.m.

Mayor Johannsen provided several announcements.

Everyone present stood and said the Pledge of Allegiance.

ROLL CALL

Upon roll call, the following members were present: Mayor, Marc A. Johannsen
Councilmembers: Gerald J. Auge, Terry S. Nyblom, Craig A. Johnson, and Bob Fletcher.

The following members were absent: None.

Also present were: Kevin Watson, City Administrator; Kathy Keefe, Assistant City Administrator; Ed Leier, Fire Chief; Bob Sundberg, Finance Director; Mark Graham, City Engineer; Carie Fuhrman, Planning/Community Development Director; Erich Hartmann, City Attorney; Jeff Melcoch, Cable Producer; and Barb Suci, Recorder.

APPROVAL OF AGENDA.

Councilmember Nyblom asked that items 6.D. and 6.H. be removed for separate discussion.

Councilmember Johnson asked that item 6.F. be removed for separate discussion.

Upon motion by Auge, seconded by Johnson, it was

15-08-146 “RESOLVED, that the agenda for the August 19, 2015, Council Meeting
be approved as amended.”

Ayes – 5

Nays – 0

The resolution was adopted.

APPROVAL OF MINUTES

A. August 5, 2015 Workshop Meeting and Regular Council Meeting Minutes

Councilmember Nyblom stated on page 2 of the Workshop minutes, under the budget discussion, second to the last bullet point, to add “the Metropolitan Council is an unelected body and is not held accountable to voters.”

City Administrator Watson will make the requested change.

Upon motion by Nyblom, seconded by Johnson, it was

15-08-147 “RESOLVED, to approve the minutes of the August 5, 2015, Workshop Meeting and Regular City Council meeting as amended.”

Ayes – 5 Nays – 0

The resolution was adopted.

APPROVAL OF CONSENT AGENDA

Upon motion by Auge, seconded by Nyblom, it was

15-08-148 “RESOLVED, that the Consent Agenda items for the August 19, 2015, meeting be approved as follows:

- A. Approve Claims #71585 through #71660, and Electronic Claims #867 through #873 for payment
- B. Conditionally Approve a For-Profit Solicitor’s License for Renewal by Andersen Beginning August 21, 2015 through December 31, 2015
- C. Conditionally Approve a For-Profit Solicitor’s License for Heidi Lusk/Edward Jones Investments Beginning August 21, 2015 through November 21, 2015
- ~~D. Authorize the City of Vadnais Heights to Adopt the Use of a New Voting System~~
- E. Approve the Reassignment of Lisa Comstock, Based On Employee Preference, Form Administrative Assistant III to Administrative Assistance I Effective August 24, 2015
- ~~F. Approve Recommendation of Hiring Deputy City Clerk Beckie Gumatz as Conditioned by the Assistant City Administrator~~
- G. Approve 2015 Bow Hunting Permits for the Following Individuals:
 - a. James Skeie – hunting at vacant lot south of 3565 Searle Court
 - b. James Krey – hunting at 3565 Searle Court
 - c. Robert Krey - hunting at 675 Koehler Road
 - d. Frank Frattalone - hunting at 3205 Centerville Road
 - e. Ross Adrian - hunting at 3719 Centerville Road

f. Gerald Urban - hunting at 3781 Labore Road and 4107 Centerville Road

H. ~~Ratify Change in 2015 Fire Department Officers effective August 1, 2015.~~”

Ayes – 5 Nays – 0

The resolution was adopted.

D. Authorize the City of Vadnais Heights to Adopt the Use of a New Voting System.

Councilmember Nyblom questioned how many other communities are using Hart voting machines.

Assistant City Administrator Keefe stated the system is new and she did not know the number of communities using Hart voting machines.

Councilmember Nyblom asked if the City would incur any costs with the purchase of the new voting system.

Assistant City Administrator Keefe stated the capital costs for Vadnais Heights would be approximately \$32,000 over a five-year period.

Councilmember Fletcher indicated reading the recent article in the newspaper; he would be in favor of deferring the item until the September 2, 2015 meeting when more detailed information is available.

Mayor Johannsen asked if deferring this to the September 2, 2015 City Council meeting would be okay with the Ramsey County timeline.

Assistant City Administrator Keefe stated the approval for the new voting equipment is going before the Ramsey County Board on September 8, 2015, and all municipalities are to have their approval to Ramsey County before September 1, 2015. If the item is tabled, she will inform Ramsey County as such. She asked that all Councilmembers get their questions to her before the September 2nd Council meeting.

Mayor Johannsen stated deferring this item to the September 2, 2015 City Council meeting would be okay within the timeframe.

Upon motion by Nyblom, seconded by Fletcher, it was

15-08-149 “RESOLVED, that Authorizing the City of Vadnais Heights to Adopt the Use of a New Voting System be tabled until the September 2, 2015 City Council meeting for specific direction on additional information.”

Ayes – 5 Nays – 0

The resolution was adopted.

- H. Ratify Change in 2015 Fire Department Officers effective August 1, 2015.

Councilmember Nyblom questioned how many fire personnel are falling behind in their required training and asked for the item to be tabled so there is more time to review the proposed changes.

Fire Chief Leier indicated in 2013, the Vadnais Heights Fire Department Officers and Fire Chief established minimum training requirements that officers had to meet in order to be considered for an officer position. These training requirements had a completion requirement of January 2015. Due to scheduling conflicts, the deadline was extended to July 30, 2015 in which all officers met the requirements except one person.

Councilmember Auge asked how many officers did complete officers training.

Fire Chief Leier indicated 10 officers completed the required training.

Councilmember Nyblom asked if requirements for an officer have changed.

Fire Chief Leier indicated the training requirements have changed and the amended requirements are included in the City Council packet.

Upon motion by Johannsen, seconded by Auge, it was

15-08-150 “RESOLVED, to Ratify the Changes in the 2015 Fire Department Officers effective August 1, 2015.”

Ayes – 5 Nays – 0

The resolution was adopted.

- F. Approve Recommendation of Hiring Deputy City Clerk Beckie Gumatz as Conditioned by the Assistant City Administrator

Councilmember Johnson questioned if the vacation time indicated would be through the end of the year or through the anniversary date and if sick time would be prorated.

Assistant City Administrator Keefe indicated vacation time and sick time is based on the anniversary date and accumulated per pay period.

Upon motion by Auge, seconded by Johnson, it was

15-08-151 “RESOLVED, to Approve Recommendation of Hiring Deputy City Clerk Beckie Gumatz as Conditioned by the Assistant City Administrator.”

Ayes – 5 Nays – 0

The resolution was adopted.

OPEN TO THE PUBLIC

No one wished to speak.

PRESENTATIONS

A. Proclamation for Pamela Holgate

Mayor Johannsen read the proclamation for Pamela Holgate who has worked for the City of Vadnais Heights for 34 years and given a lasting contribution to the City. Pam has worked with many departments within the City and is familiar with many facets of the City. The City Council recognized Pam's contributions to the City and thanked her for her loyal and dedicated years of service.

PUBLIC HEARINGS

A. Borle Rear Yard Setback Variance at 3677 Edgerton

Planning/Community Development Director Fuhrman reported Jonathan Borle, property owner at 3677 Edgerton Street, applied for an after-the-fact rear yard setback variance. The variance is for a 25-foot rear yard setback for a deck that was constructed on his home. The deck is 13 feet from the rear lot line. The lot is 0.25 acres in size, zoned R-1 and designated as Low Density Residential on the Comprehensive Land Use Plan. Surrounding properties to the north and south are single-family homes and is part of the Edgerton plat.

The City issued the building permit August 18, 2014 to Heiland, LLC and TCCP, LLC was the property owner at that time. During the review of the building plans, the building official noticed there was a proposed deck on the rear of the home; however, this was not indicated on the Certificate of Survey. At that time, it was communicated to the contractor the deck was not allowed as it did not meet the rear yard setback of 25 feet. The City issued the Certificate of Occupancy with the understanding the deck would be built in a different location.

The Borle's purchased the home at the end of 2014, and in May 2015, City staff was informed that a deck was being constructed in the rear of the home without a permit. The building official inspected the home and discovered that the deck was already complete. The City sent a violation letter to the homeowner and contractor. Staff met with the contractor on site and discussed alternate locations for the deck. The contractor explained limitations of relocating the deck because on the north side of the home, there is an egress window, and the south side has a fireplace on the wall. At that time, Mr. Huesman, the contractor, was interested in applying for a variance on behalf of the homeowners but Mr. Borle applied on his own behalf.

A variance is a permitted departure from strict enforcement of the ordinance as applied to a particular piece of property. The variance can be granted if enforcement of a zoning ordinance provision is applied to a particular piece of property would cause the landowner practical difficulties. There are six criteria for granting a variance:

- 1) Does the property owner propose to use the property in a reasonable manner? A deck addition is reasonable; however, is it reasonable to be placed in a location that is not allowed by ordinance after being told by the City that it is not allowed.
- 2) The plight of the landowner is due to circumstance unique to the property not created by the landowner: This relates to the physical characteristics of the particular piece of property. There are no physical characteristics unique to the property that prevented the deck from being located in a compliant location, such as the north and south sides of the home. The contractor made the choice to construct the deck in rear of the home even after being aware of the regulations.
- 3) If the variance is granted, the variance will not alter the essential character of the locality: The home is located in a well-established residential area where all of the homes meet the required rear yard setback of at least 25 feet. Therefore, if the variance is granted, it could arguably be inconsistent with the surrounding area. However, the size and design of the deck is certainly not out of scale with the houses in the neighborhood and it could be argued that the deck being placed in the rear yard, does not have as much of an effect on the essential character of the locality. The property most affected by the deck's encroachment into the rear yard setback would be the neighboring property to the west, owned by Mr. Wilke. Between these two properties, a large lilac bush currently serves as a buffer.
- 4) Variances are only permitted when the variance is in harmony with the general purpose of and intent of the ordinance: It can be argued that granting the variance for the deck with the close proximity to the yard of the neighbor would not be in harmony with the purpose and intent of the ordinance.
- 5) The terms of the variance are consistent with the Comprehensive Plan: There is a potential that in the future, the three significant sized parcels immediately to the west could be subdivided into a residential subdivision at some point. Although the City has not been approached by any of these property owners, infill growth and development becomes more important as a community becomes close to reaching full development. Dorothy Drive, which currently dead-ends to the west, could be extended through the three parcels. Mr. Wilke currently does not have any structures immediately to the west of the deck, but if a residential subdivision was created, the deck could be in close proximity to a future neighbor's home.
- 6) Economic considerations alone shall not constitute a practical difficulty if reasonable use for the property exists: Here the economic consideration appears to be the major factor in the reasoning for this variance request. There would be substantial costs to relocate the deck on the home due to remodeling needed.

The Variance Review Board met on July 28, 2015 and recommended approval of the after-the-fact variance to the rear yard setback for the deck. The reasoning was because of the unique shape of the property and the house was located at the front and rear setbacks. This did not allow room for the deck in the rear yard. In addition, the existing lilac bush was enough of a buffer to allow the deck.

The homeowner is allowed to install a patio area with steps in the rear yard and both the patio and steps are allowed to encroach into a rear yard setback. It was not certain if the patio could have a railing around it. Staff would verify.

If the variance was denied, the homeowner would be required to remove the deck. City Council would also need to direct staff to prepare findings and bring these findings back to the next City Council meeting for approval.

If City Council recommends approval of the variance, staff would recommend adding conditions that application for a building permit be completed, including submittal of the appropriate building plans and the appropriate after-the-fact building permit fees are submitted. Staff is recommending denial of the after-the-fact rear yard variance because it does not meet the review criteria.

Councilmember Auge questioned if Dorothy Drive is redeveloped, most likely with a cul-de-sac, and if the City Council allows the deck to remain as is what stops those properties having the same rear setback issues.

Planning/Community Development Director Fuhrman indicated this is a difficult situation and what kind of precedence is being set and that is why staff is recommending denial of the request. She indicated she received a phone call regarding this scenario.

Mr. Borle indicated he built his home on an underdeveloped lot. He provided a powerpoint presentation with photos with views from his deck to Mr. Wilke's home. The view is hidden very well because of the lilac bushes. He indicated the deck is 353 feet from Mr. Wilke's home and is reasonably small. He felt the situation is unique because the way the house is located on the lot. He indicated the homes in the area all have decks in the rear yard, and is in line with the essential character with the neighborhood. If the deck would be on the side, his home would be the only home in the neighborhood like that. He highlighted portions of the Comprehensive Plan and indicated he felt the deck was in line with Comprehensive Plan.

Mr. Borle indicated he approached Mr. Wilke and suggested that if the area was redeveloped or the lilacs were torn down he would remove the deck.

Councilmember Auge questioned if the builder built the deck after he was told he could not build the deck because of the rear yard setback.

Mr. Borle indicated he trusted the builder to build the home within City ordinances and he was not aware the house was built against City ordinances. That trust has been broken and that is why he took it upon himself to process the variance.

Councilmember Fletcher thanked Mr. Borle for building a beautiful home and asked if the variance is approved, would he be willing to have stipulations added to the variance to assure that the deck could not be modified.

Mr. Borle indicated that would be okay.

Planning/Community Development Director Fuhrman indicated the Variance Board felt the lot was unique in size and the house was built to the front yard setback and the rear yard setback. With regard to the lilac bushes in the rear yard; they felt it provider a good buffer.

Councilmember Fletcher asked if staff recommended denial at the Variance Board hearing as well.

Planning/Community Development Director Fuhrman indicated in the affirmative.

Mayor Johannsen questioned which property the lilac bushes were located on.

Planning/Community Development Director Fuhrman indicated the bushes are located on both Mr. Wilke's and Mr. Borle's properties.

Mayor Johannsen opened the public hearing at 7:39 p.m.

No one wished to speak.

Mayor Johannsen closed the public hearing at 7:39 p.m.

Councilmember Auge stated the problem is in the future there could be issues with redevelopment. He indicated he spoke with Mr. Wilke and he does not have a problem with the deck currently. He added it could remain with the stipulation that if the property behind is developed, the deck could be removed.

Mayor Johannsen stated some kind of covenant in the title and an improvement of a real property could be placed on the property. The lilac bush could die, which would remove the current buffer.

City Attorney Hartmann stated these types of covenants are only good for 30 years in the title of the property, and it would need to be monitored, as well as recorded.

Councilmember Fletcher stated he found it disturbing that the builder went ahead with building the deck after being told it was within the setbacks. He felt the deck was a modest structure.

Councilmember Nyblom indicated he is concerned about approving the variance as the City is setting precedence and believes the homeowner needs to work with the contractor to resolve the issue.

Councilmember Johnson stated the homeowner is not at fault and questioned if the builder is working within the City on other projects.

Planning/Community Development Director indicated in the affirmative.

Councilmember Johnson stated the contractor could have rearranged the layout of the home to build the home within the City Code. In addition, the patio and steps could encroach the rear yard setback, as that is a natural progression often, and his concern is the possibility of a three-season porch being added on top of the deck.

Mayor Johannsen asked if the City could cite the contractor for violating city code.

City Administrator Watson indicated staff could explore this scenario. He indicated he is not aware of the City going through the citation process previously.

Mayor Johannsen stated the house that Mr. Borle built is beautiful and adds to the character of the neighbor and he appreciated Mr. Borle's honest presentation. With that said, approving the variance sets a precedence so he is looking for a situation that wins for all parties. The lilac bushes serving as a buffer is not a solid solution. The main concern is that the City will be overwhelmed with this type of scenario where the work is completed before applying for a permit.

Councilmember Nyblom indicated he would approve this request because the homeowner was not at fault and to go after the builder. The City wouldn't be setting the precedence.

City Administrator Watson questioned if the contractor could be put on a black list for building in Vadnais Heights. This would ensure future contractors uphold the City's Zoning Code.

City Attorney Hartmann indicated violation of building codes is a misdemeanor and the contractor could be cited.

Planning/Community Development Director Fuhrman stated the contractor could be reported to the State building code department as well.

Mayor Johannsen stated he is willing to recommend approval of the variance with two requirements that on behalf of current property owner and all future owners of the property to remove the deck if future redevelopment were to occur and personal responsibility of maintaining the buffer on Mr. Borle's property.

Councilmember Fletcher asked whether maintaining the buffer could be enforceable. He suggested if the current homeowner sells the property, the deck would need to be removed.

City Attorney Hartmann indicated this could be done.

Mr. Borle indicated he is open to all recommendations.

Mayor Johannsen reiterated adding language that the buffer needs to be maintained on the property and the deck would need to be removed if there is future redevelopment on the adjacent property.

Upon motion by Fletcher, seconded by Nyblom, it was

15-08-152 “RESOLVED, to approve the after-the-fact variance to the rear yard setback for a 162 square foot deck located at 3677 Edgerton Street with the stipulations that the homeowner maintains the buffer of lilac bushes and the deck would be removed if any future redevelopment is proposed for the parcels west of property.”

Ayes – 5

Nays – 0

The resolution was adopted.

B. The Luther Company, LLLP Land Use Plan Amendment at 1451 Willow Lake Boulevard

Planning/Community Development Director Fuhrman reported Motors Management Corporation, on behalf of the Luther Company, LLLP, submitted an application for amendment to the Land Use Plan to change the designation from Industrial to Highway Commercial for the proposed redevelopment and expansion of the Luther Automotive site. The Land Use Plan Amendment is requested at 1451 Willow Lake Boulevard; the property is zoned Industrial District the lot is 3.34 acres; and legally described as Tracts A, B and C, Registered Land Survey No. 256.

The Luther Automotive site is located on the northwest corner of Highway 61 and Willow Lake Boulevard. The subject parcel contains a large multi-tenant industrial building. The properties to the east contain the Luther Acura and Subaru dealerships. The property to the north is the Sports Center, the property to the west is the city water tower, and the property to the south is a car dealership.

The Luther Company is proposing a large redevelopment and expansion on this parcel. In order to proceed with the project, the entire site must be designated at Highway Commercial. The three parcels to the east are already designated as such but the subject site however, is designated as Industrial on the Land Use Plan. The reclassification of the parcel will allow the property owners to apply for the entire site to be rezoned to a Planned Unit Development District with the C-3 District as the underlying Zoning District. The PUD would allow the property owners to move forward with their redevelopment and expansion plans of demolition and ultimately, two buildings on one site with shared parking, display areas, and access.

The Highway Commercial Land Use category was intended to serve a wide range of general retail businesses, vehicles sales, hospitality businesses, and office buildings and be located along Highway 61. It corresponds with the C-3 Zoning District. The Comprehensive Plan continues to include vehicle sales businesses in the Highway 61 corridor; however, Policy 3 of Objective 4 of the Land Use Plan specifically addresses the potential future changing nature of the automobile industry.

The public hearing notice was mailed to the neighboring property owners within 350 feet of the subject property; notice was published in the newspaper, and posted as required by the Ordinance.

Planning/Community Development Director Fuhrman stated there is Land Use Plan amendment review criteria to consider.

- 1) First, is the change consistent with the goals and objectives or other elements of the Vadnais Heights Comprehensive Plan: This is consistent with Land Use Objective 4; promoting continued business retention and growth through land use planning, infrastructure investment and coordination with local businesses and organizations. It is also consistent with Land Use Objective 6: that the City will allow and encourage

- re-use of previously built sites in order to raise the level of land use to contemporary standards on industrial, commercial, or properties.
- 2) The change does not create an adverse impact on public facilities and services that cannot be mitigated. Public facilities and services include roads, sewers, water supply, drainage, schools, police, fire and parks: Staff doesn't believe that the land use change would create an adverse impact on public facilities and services that could not be mitigated. Staff will be working closely with the property owners and their consultants through the redevelopment and expansion process.
 - 3) Development resulting from the change does not create an undue impact on surrounding properties: Such development should be consistent with the physical character of the surrounding neighborhood or would upgrade and improve its viability. The development and expansion is not foreseen to create an undue impact on surrounding properties. The site to the south currently is an Acura and Subaru dealership, which is the intended future use.
 - 4) The change allows a more viable transition to the planned uses on adjacent properties than the current land. The applicants' narrative indicates the shift from Highway Commercial and Industrial over one parcel.
 - 5) The change does not have a significant adverse impact on the natural environment including trees, slopes, and groundwater, or the impact could be mitigated by improvements on the site or in the same vicinity: The slope or groundwater issues will be address in the PUD and site plan review.

Stipulations 6 – 9 are not applicable to this application.

- 10) The change does not adversely impact any landmarks or other historically significant structures or properties unless mitigated through relocation, commemoration or dedication. There will not be any adverse impacts to any landmarks or other historical significant structures.

The public hearing notice was published in the newspaper, notifications were mailed to neighboring property owners within 350 feet of the subject property, and the notice was posted as required by the ordinance. The Planning Commission met on July 28, 2015 and recommended approval of the land use plan amendment. Additionally, as required, the City Council's decision will be sent to Metropolitan Council for review.

Mayor Johannsen opened the public hearing at 8:03 p.m.

Kendra Lindahl of Landform, on behalf of the applicant, thanked the City Council for their consideration of the project.

Mayor Johannsen closed the public hearing at 8:04 p.m.

Councilmember Nyblom questioned what the Metropolitan Council would say for or against the project and what are they reviewing it for.

Planning/Community Development Director Fuhrman didn't believe the Metropolitan Council would have an issue with the development and indicated they are reviewing the project for consistency with the rest of the Comprehensive Plan.

Upon motion by Fletcher, seconded by Auge, it was

15-08-153 "RESOLVED, to approve the Land Use Amendment at 1451 Willow Lake Boulevard."

Ayes – 5 Nays – 0

The resolution was adopted.

OLD BUSINESS

A. Consider Final Pay Estimate No. 8 to Dresel Contracting and Project Approval for City Center Drive/Talmage Lane Street Improvements

City Engineer Graham reported City Center and Talmage Lane Street Improvements have been completed in accordance with the plans and specifications. The original contract amount was \$1,465,706.91. The work was completed at a final construction cost of the project of \$1,346,721.21 for a savings of \$118,985.24. Staff requests authorization for Final Payment Number 8 in the amount of \$96,971.31 from Account No. 401-193-44024 to Dresel Contracting, Inc. and Accept and Approve the 2006-2 City Center Drive and Talmage Lane Street Improvement Project.

Upon motion by Auge, seconded by Fletcher, it was

15-08-154 "RESOLVED, to approve the Final Pay Estimate No. 8 to Dresel Contracting and Project Approval for City Center Drive/Talmage Lane Street Improvements."

Ayes – 5 Nays – 0

The resolution was adopted.

NEW BUSINESS

A. Consider Purchase of Safety Equipment for Public Works and Parks Department as Approved in the 2015 C.I.P.

City Engineer Graham reported these are replacement or new personal safety equipment for use in the Public Works and Parks Department.

Upon motion by Auge, seconded by Johnson, it was

15-08-155 "RESOLVED, to approve Purchases of Safety Equipment for Public Works and Parks Department as Approved in the 2015 C.I.P."

Ayes – 5 Nays – 0

The resolution was adopted.

- B. Approve Minnesota Lawful Gambling Premises Permit LG214 and Lease Form LG215 to Allow White Bear Lake Hockey to Conduct Lawful Gambling at Jimmy’s Food & Drink. 1132 East County Road E Commencing September 1, 2015.

City Administrator Watson reported this is an application for gambling premises for Jimmy’s Food & Drink located at 1132 East County Road E. Jimmy’s has given the current charitable gambling provider, VH Fire Relief Association, notice to cease operation in order for White Bear Lake Area Hockey Association to take over. The City has the responsibility to ensure that the new vendor conducts their operation within the rules of the City Code and State Statutes and does not impact the public health, safety and welfare of the community.

White Bear Lake Area Hockey Association currently conducts lawful gambling at SAK’s Sports Bar in Vadnais Heights. During their existence, there have been concerns of overpayments to the City and at that time the City Council met and decided to let WBLAHA to continue operations with the understanding they would improve. The charitable gambling organization must comply with City Code as well as State law. The application has a 60-day response time and currently we are 30 days in. The organization is required to spend 50% in the trade area and 25% in the city. WBLAHA spend this at Vadnais Heights Sports Center for the purchase of ice time. They spent about \$195,000 for the 2014/2015 season, which covers the 25% requirement. Lastly, Jimmy’s as a business has the choice to use who they contract with for charitable gambling operations. He noted, the City may refuse the license for any reason but the City cannot base their decision on where the donation goes.

Councilmember Nyblom stated the application LG215 Lease for Lawful Gambling Activity submitted by WBLAHA is dated 11/12 is not the most recent version of the form and if it is approved it could be unlawful or illegal as submitted. The 2015 Minnesota State Legislature passed, and the Governor signed into law, a new legal requirement pertaining to the Minnesota Gambling Control Board.

Upon motion by Nyblom, seconded by Auge, it was

Councilmember Fletcher inquired as to what the changes between the forms were. City Attorney Hartmann felt there were no substantive changes. He also investigated, through the Secretary of State website, what the street address for the WBLAHA was and it is within the Vadnais Heights Trade Area.

15-08-156 “RESOLVED, to deny the Minnesota Lawful Gambling Premises Permit LG214 and Lease Form LG215 to Allow White Bear Lake Hockey to Conduct Lawful Gambling at Jimmy’s Food & Drink. 1132 East County Road E Commencing September 1, 2015.”

Ayes – 3

Nays – 2 (Fletcher and Johnson)

The resolution was adopted.

Upon motion by Johannsen, seconded by Nyblom, it was

15-08-157 “RESOLVED, to issue a moratorium on Future Gambling Operation Applications to Further Study the Issue.”

Ayes – 4 Nays – 0 (Fletcher Abstained)

C. Consider Setting September 2, 2015 Workshop and Agenda

City Administrator Watson reported potential items for the September 2, 2015 workshop include a discussion regarding Gable Pines Development agreement; discussion regarding Fire Department Staffing levels; and discussion regarding the budget with a suggested start time of 5:30 p.m.

Upon motion by Johnson, seconded by Auge, it was

15-08-158 “RESOLVED, to set the September 2, 2015, Workshop and Agenda with discussion regarding Gable Pines Development agreement; discussion regarding Fire Department Staffing levels; and, discussion regarding the budget with a starting time of 5:30 p.m.”

Ayes – 5 Nays – 0

The resolution was adopted.

COUNCIL AND DEPARTMENT REPORTS

Fire Chief Leier reported the grant the department received from the State of Minnesota for training was an additional \$3,000 and thanked everyone for participating in Heritage Days.

Assistant City Administrator Keefe had no report.

City Attorney Hartmann reported the City won the appeal on the McCollough property. The City will be receiving \$158,000 from the appeal.

Finance Director Sundberg reported the department mailed the delinquent utility notifications and the department has been receiving calls. He reiterated that if the homeowner pays the outstanding amounts, there would not be a certification process.

Planning/Community Development Director Fuhrman had no report.

City Engineer Graham reported the 2015 Street Project is on track, and staff will soon be in the process of accessing streets for the 2016 Street project. A future Council action will be payment for right-of-way acquisition for the Perkins property that was part of the City Center Drive project.

City Administrator Watson reported he attended Heritage Days and commented the Movie in the Park was more successful than anticipated.

Councilmember Fletcher had no report.

Councilmember Nyblom thanked everyone for attending Heritage Days.

Councilmember Johnson had no report.

Councilmember Auge reported he attended Heritage Days and added the Lion’s Club did a great job. Also, he attended the business meeting for the Fire Department.

Mayor Johannsen reported Heritage Days was very successful and a good time. He thanked all the civic organizations and vendors that participated in creating a successful event.

Upon motion by Auge, the meeting was adjourned to a closed session at 8:31 p.m.

Closed session discussions included Vadnais Market Property located at 3437 Centerville Road, Vadnais Heights, Minnesota, identified as PIN 32-30-22-13-0054 and discussion regarding Garceau Property located at 3429 Centerville Road, Vadnais Heights, Minnesota, identified as PIN 32-30-22-13-0055.

City Council reconvened at 9:25 p.m. to resume discussion about 3437 Centerville Road, known as the Vadnais Market, PIN 32-30-22-13-0054. The Purchase Agreement submitted by the attorney had one change fixing the name of the bank that the city would purchase the property from. The Purchase Agreement allows the city 60 days to conduct due diligence. The purchase price is for \$50,000 subject to the due diligence period.

Upon motion by Auge, seconded by Johnson, it was

15-08-159 “RESOLVED, to accept the Purchase Agreement for 3437 Centerville Road, Vadnais Heights, Minnesota, known as the Vadnais Market, identified as PIN 32-30-22-13-0054 for the purchase price of \$50,000, subject to the due diligence period.”

Ayes – 5

Nays – 0

Upon motion by Auge, the meeting was adjourned at 9:29 p.m.

Respectfully submitted,

Kevin P. Watson, City Administrator

ATTEST:

Marc A. Johannsen, Mayor