

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

September 16, 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, Craig A. Johnson, and Bob Fletcher.

The following members were absent: Terry S. Nyblom.

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; Caroline Bell Beckman, City Attorney; Jeff Melcoch, Cable Producer; and Barb Suciu, Recorder.

APPROVAL OF AGENDA.

Mayor Johannsen indicated there is an addition of item 6.G. for Garceau property to the agenda for the first right of refusal for 3429 Centerville Road.

Councilmember Johnson stated he would like to pull item 6.C. from the Consent Agenda.

Councilmember Fletcher requested discussion on item 6.G.

Mayor Johannsen stated the Consent Agenda will consist of A, B, D, E, and F. Items C and G will be heard separately.

Upon motion by Auge, seconded by Johnson, it was

15-09-170 “RESOLVED, that the agenda for the September 16, 2015, Council Meeting be approved as amended.”

Ayes – 4

Nays – 0

The resolution was adopted.

APPROVAL OF MINUTES

A. September 2, 2015 Workshop Meeting and Regular Council Meeting Minutes

Councilmember Fletcher requested a change on page 1 of the Workshop minutes, the last bullet point, to read: Council consensus was to support Fire Chief Leier’s recommendations as outlined in his memo with a salary increase phased in over of three years as preferred by Councilmember Fletcher.

Upon motion by Fletcher, seconded by Johnson, it was

15-09-171 “RESOLVED, to approve the minutes of the September 2, 2015, Workshop Meeting as amended.”

Ayes – 4

Nays – 0

The resolution was adopted.

Mayor Johannsen asked for a motion of the September 2, 2015, Regular Council Meeting minutes.

Councilmember Fletcher stated that he would like to see the actual levy amount reflected in the minutes, as it was part of the discussion during the meeting.

Mayor Johannsen suggested tabling the minutes and stated going forward, any changes to the minutes will be tabled to the next meeting.

APPROVAL OF CONSENT AGENDA

Upon motion by Auge, seconded by Johnson, it was

15-09-172 “RESOLVED, that the Consent Agenda items for the September 16, 2015, meeting be approved as follows:

- A. Approve Claims #71732 through #71793, and Electronic Claims #877 through #882 for payment
- B. Approve 2015 Bow Hunting Permits for the Following Individuals:
 - a. Rick Kohler – hunting at 3967 & 3951 Centerville Road
 - b. Nick Hendrickson - hunting at 3967 & 3951 Centerville Road
 - c. Krystal Palmer - hunting at 467, 475, & 491 Bear Avenue North
 - d. Mark Palmer - hunting at 467, 475, & 491 Bear Avenue North
 - e. John Wanless - hunting at 467, 475, & 491 Bear Avenue North
 - f. Michael Fahey – hunting at 4016 & 4028 McMenemy
 - g. James Johnson – hunting at 3904 & 3910 McMenemy Street

h. Leroy Wilke – hunting at 3548 Edgerton Street & 3561 Centerville Road

~~C. Conditionally Approve Liquor Licenses for Marriott Hotel (Fairfield Inn) located at 1125 East County Road E~~

D. Approve Lawful Gambling Permit for the Vadnais Heights Economic Development Corporation

E. Accept Donation from the REELL Precision Manufacturing Corporation for the future Skate Park

F. Approve Request by Christ the Servant Lutheran Church for a Pumpkin Patch Fundraiser

~~G. Resolution approving the notice exercising the City of Vadnais Heights’ Right of Refusal Concerning the Real Property located at 3429 Centerville Road.”~~

Ayes – 4

Nays – 0

The resolution was adopted.

C. Conditionally Approve Liquor License for Marriott Hotel (Fairfield Inn) located at 1125 East County Road E

Councilmember Johnson asked for clarification on how the hotel is going to manage the sales of alcohol to avoid underage sales.

City Administrator Watson stated the alcohol will be sold at the convenience store in the hotel and the desk attendant will verify the age of person purchasing the item.

Assistant City Administrator Keefe indicated she spoke with the applicant. The sales will be from the convenience store and front desk staff will ID anyone that is purchasing alcohol.

Upon motion by Johnson, seconded by Auge, it was

15-09-173 “RESOLVED, to Conditionally Approve Liquor License for Marriott Hotel (Fairfield Inn) located at 1125 East County Road E.”

Ayes – 4

Nays – 0

The resolution was adopted.

G. Resolution approving the notice exercising the City of Vadnais Heights’ Right of Refusal Concerning the Real Property located at 3429 Centerville Road

Mayor Johannsen stated this is for the first right of refusal on the Garceau property that is in the old commercial area of the City. The business ceased operations a few years ago and the

property has been vacant since then. The City has the opportunity to purchase the property, combine it with the adjacent property and work with developers to have the highest use of the property.

Councilmember Fletcher indicated the Garceau family have been great leaders in the community. By approving the right of refusal, it is an opportunity for the City to develop a piece of property to a higher use than the owner was able to. He added the Council has not made a decision on the future use of the property.

Mayor Johannsen contributed to the accolades of the Garceau family and he indicated would like to recognize the legacy of the Garceau family.

City Administrator Watson indicated there is information available tonight on the table regarding this added agenda item.

Upon motion by Auge, seconded by Fletcher, it was

15-09-174 “RESOLVED, to approve the notice exercising the City of Vadnais Heights’ Right of Refusal Concerning the Real Property located at 3429 Centerville Road.”

Ayes – 4

Nays – 0

The resolution was adopted.

OPEN TO THE PUBLIC

Chris LeClair, 702 Manor Street, stated he has lived in Vadnais Heights for the last 17 years and is a former Lieutenant of the Vadnais Heights Fire Department, and has been a coach in the White Bear Lake Hockey Association for the last ten years. He stated he is concerned about the decision to deny the application for the White Bear Lake Hockey Association gambling operation to conduct business at Jimmy’s. He stated it is his understanding that the application was denied on technical error on the application itself. After the denial, a moratorium was put in place for all gambling applications. At the following City Council meeting, that moratorium was changed or amended to allow a one-day gambling permit for the Vadnais Heights Lions Club. He asked if Councilmember Nyblom is still the Gambling Manager for the Vadnais Heights Lions Club. He wondered if Councilmember Nyblom should have recused himself from voting on the one-day gambling permit for the Lions Club. He addressed Councilmember Auge about the next steps the City will take to ensure the fire department’s financial stability with the loss of the gambling operations at Jimmy’s.

Councilmember Fletcher asked about the conflict of interest aspect.

City Attorney Bell Beckman stated she is not aware if Councilmember Nyblom is the gambling manager for the Lions Club. As for the conflict of interest, there is only a conflict of interest if there is a direct financial interest. To her knowledge, Councilmember Nyblom is not the gambling manager for the Fire Relief Association. Therefore, there is no direct conflict of interest.

PRESENTATIONS

A. Manufacturing Week Proclamation

Mayor Johannsen presented a proclamation. He declared October 2, 2015 as Manufacturers' Day.

PUBLIC HEARINGS

A. Creekview Preliminary Plat (Lee Homes)

Planning/Community Development Director Fuhrman reported Lee Homes has submitted a preliminary plat application known as Creekview, located at 3757 and 3777 Edgerton Street and is zoned R-1, Residence One District, and it is designated as Low Density Residential on the Land Use Plan. Lambert Creek (County Ditch No. 14) runs along the west/southwest of the site and contains a significant slope down towards the creek (see Grading Plan, Sheet C3.0). The property is surrounded by single-family homes to the north and south, and Edgerton Street to the east.

The plat proposes five single family detached residential lots and the proposed lots meet the minimum lot area, width, and depth requirements according to City Code. A 25-foot setback from the top of the creek bank/steep slope of Lambert Creek/County Ditch No. 14 is required. The 25-foot easement along the top of the creek bank/edge of the steep slope must be extended to the south property line of Lot 3 and to the west property line of Lot 4, which is a condition of the approval. The easement area serves a few purposes: according to VLAWMO staff, this area has experienced erosion issues in the past. In 2011, VLAWMO worked on a restoration project along this stretch of Lambert Creek, removing many invasive species, along with some large trees, in order to help with erosion issues and open up the tree canopy to allow sunlight penetration to the floor. The easement allows VLAWMO staff an opportunity to continue the work if needed in the future.

For the drainage and utility easements, the plat proposes the typical property line easements: 10 feet along the front and corner side lot lines and 5 feet along the side and rear lot lines. Two filtration basins (drainage ponds) are proposed on the site: One in the northwest corner on Lot 3 and one in the southeast corner on Lot 5. There were concerns raised at the Planning Commission public hearing regarding drainage due to the topography of the site sloping towards Edgerton Street. City Engineer Graham met with the Project Engineer following the Planning Commission meeting regarding the drainage issues and will speak about this shortly.

The site plan C2.0 shows potential building pad layouts for each lot, including the required R-1 setbacks. Each building pad includes an attached garage on each single family home. Lots 1 and 2 are proposed to be walkouts, Lots 3 is proposed to be a lookout, and Lots 4 and 5 are proposed to be full basements. Staff has reminded the developer that decks are considered part of the structure and must meet the structure setbacks.

The street proposed to serve the subdivision, Creek View Circle, will be 26 feet wide with a 90-foot diameter cul-de-sac. There will be a stop sign installed at the intersection of Creek View Circle and Edgerton Street.

For landscaping, a resident whose property abuts the rear of the proposed plat across Lambert Creek requested additional language that no removal of trees and/or significant landscaping can occur within the required easement area. The concern is that currently on both sides of Lambert Creek there is vegetation/trees that screen homes from one another and removing this screening and vegetation during this development would damage the essential characteristics of the neighborhood and could have a negative impact on drainage into Lambert Creek. VLAWMO staff warned against restricting removal of significant vegetation and trees only because in the future, maintenance and removal of vegetation may be needed down near the Creek again similar to the project in 2011. Staff is recommending that vegetation and tree removal on Lots 3 and 4, within the easement area along Lambert Creek, only be removed with VLAWMO and City staff participation/supervision.

In regards to the adjacent neighborhoods, this is an infill development and the R-1 District contains a provision for the placement of individual homes: When more than 25% of the frontage on the side of a street between intersections is occupied by structures having setbacks from street rights-of ways of greater or lesser amounts than hereinafter required, the average setback of all existing buildings between the intersections shall be maintained by all new or relocated structures. The intent of this provision is to maintain continuity in a neighborhood and is intended for the placement of individual homes. This was put in place prior to the Comp Plan update that addresses infill development. This Infill Housing Strategy specifically states to advocate for a high proportion of above-average cost, owner-occupied housing units on the remaining undeveloped residential sites and on replatted sites. This strategy is based on the community's relatively low median housing value and the high proportion of owner occupied attached units.

There will be two streetlights installed in the proposed development. The Park Board has recommended cash in lieu of land, a dedication fee of \$7,500, however, there is also a condition to construct an eight foot wide trail along Edgerton with the estimated cost of \$5,000, which leaves a park dedication fee of \$2,500 owed to the City.

The Planning Commission held a public hearing August 25, 2015, and they recommended approval of the Preliminary Plat, subject to several conditions. Public hearing notices were published and mailed to neighboring property owners within 350 feet of the property.

City Engineer Graham stated at the Planning Commission meeting several residents expressed concerns about drainage for the development. He has met with the engineer of the development since the Planning Commission meeting and the drainage area toward Edgerton Street is reduced in the post development condition by approximately 50%.

Councilmember Fletcher pointed out that some water will still drain to the east and will be captured and sent back to the west through a capturing system.

City Engineer Graham stated the front yards are sloped to drain toward the road and the back yard will drain toward the ponds.

Councilmember Fletcher stated the concern of the residents is that every drop of water that can't be handled by the drain on Edgerton is going to go in their yard. There was discussion of creating larger ponding areas along Edgerton.

City Engineer Graham stated that additional ponds are not an option because the soil is clay.

Councilmember Fletcher suggested the project move ahead with the Council being aware of the potential.

Mayor Johannsen asked if the drainage plan meets City requirements. City Engineer Graham indicated the plan meets and exceeds City requirements.

Councilmember Johnson asked if there is a drainage easement around the entire pond and asked if the property owner is responsible for maintaining the area. In addition, if the catch basin doesn't work there could be a problem. City Engineer Graham stated the homeowners are responsible for maintenance and there could be challenges if the catch basins do not work to their full capacity.

Councilmember Fletcher commented that if the pond overflows, it would run into the creek.

City Engineer Graham provided an overview of the drainage plan. He added he is very confident personally and professionally with the drainage plan.

Councilmember Auge wondered that without a house at the end of the cul-de-sac, would there be safety issues for vehicles with the pond and creek. He suggested adding some trees in the landscape plan outside of the ROW.

City Engineer Graham stated that could also be an indication that the road does not continue through.

Public hearing opened at 7:39 pm

No one wished to speak.

Public hearing closed at 7:40 pm

Councilmember Fletcher indicated he attended the Planning Commission meeting and is impressed with the proposed development. He thanked the developer for wanting to be part of Vadnais Heights. He also stated he is not concerned with the setbacks.

Upon motion by Fletcher, seconded by Johnson, it was

15-09-175 “RESOLVED, to approve the Preliminary Plat known as Creekview for the creation of five (5) single family homes on the property located at 3757 and 3777 Edgerton Street subject to the following conditions:

1. All debris shall be removed from the site, including the tires near Lambert Creek, prior to the issuance of any permits.
2. An easement shall be established 25 feet from the top of the bank of Lambert Creek/steep slope. The easement along the top of the creek bank/steep slope shall be extended to the south property line of Lot 3 and the west property line of Lot 4. This shall be updated on the plans.
3. No permanent structures shall be allowed to be constructed within the easement area.

4. The drainage and utility easements shall be updated to include the two drainage ponds in the development: the northwest corner of Lot 3 and the southeast corner of Lot 5. This shall be updated on the plans.
5. The appropriate Demolition Permits shall be obtained prior to the demolition work.
6. Two street lights shall be installed: one near the intersection of Creek View Circle and Edgerton Street and one in the cul-de-sac. This shall be shown on the plans.
7. A stop sign shall be installed at the intersection of Creek View Circle and Edgerton Street.
8. A Landscape Plan shall be submitted for City staff review and approval to determine if the landscape regulations have been met per City Code.
9. Any vegetation and tree removal within the easement area along Lambert Creek on Lots 3 and 4 by property owners shall only be done with VLAWMO and/or City staff participation. VLAWMO and City staff shall have the right to remove vegetation for maintenance and erosion concerns within the easement area.
10. All existing vegetation to be saved upon the site shall be protected from damage and/or destruction during the construction process.
11. An 8 foot trail shall be constructed by the developer along Edgerton Street at the same time as the street improvements.
12. The developer shall pay \$2,500 in Park Dedication fees to the City.
13. All conditions outlined in the City Engineer’s Memo dated August 11, 2015.
14. All conditions outlined in the Fire Chief’s Memo dated August 11, 2015.
15. All conditions outlined in the City Attorney’s Memo dated August 13, 2015.
16. The developer shall enter into a Development Agreement with the City.”

Ayes – 4

Nays – 0

The resolution was adopted.

B. Jamb Architects Special Use Permit and Site Plan Review

Planning/Community Development Director Fuhrman reported Jerry Anderson of Jamb Architects, on behalf of Greg Fry, has submitted an application for a Special Use Permit for an office-showroom building to house the business, Bear Roofing, and a Site Plan Review to construct a new commercial building 11,750 square feet in size at 1208 County Road E. The property is zoned Office-Business District and designated as Office-Business on the Land Use Plan. The Zoning Ordinance defines an Office-Showroom as a building in which at least 20 percent of the floor space is devoted to office activities, the remainder being used for either warehousing, display, light manufacturing, or research and testing.

According to the Code, in considering applications for a Special Use Permit, the Planning Commission shall consider the following: economic and aesthetic impact upon surrounding

properties; interrelationship with the plan elements to conditions both on and off the property; conformance to the City's Comprehensive Plan; the impact of the plan on the existing and anticipated traffic and parking conditions; the adequacy of the plan with respect to land use; pedestrian and vehicular ingress and egress; building location and height; architectural and engineering features, landscaping; lighting; provisions for utilities; site drainage; open space; loading and unloading areas; grading; signage; screening; setbacks; and other related matters.

The site plan review of the new building includes a 11,750 square foot building, to be comprised of 3,250 square feet of office space (28% of the building) and 8,500 square feet of warehouse space (72% of the building). This meets the Ordinance definition of an Office-Showroom. The building meets the required setbacks as well. The developer, Greg Fry, owns Bear Roofing & Exteriors, Inc. and plans to utilize half of the building for his business and lease out the other half to a business that complements Bear Roofing. The north elevation facing County Road E will have two main entrances – one for each tenant – along with 7 windows and 4 painted fibrecast columns. The east elevation is proposed to contain four windows in the front office portion; however, there are no windows proposed in the warehouse portion. One of the concerns that staff had in the review of the proposal is the fact that this is a main commercial corridor in the City; therefore, staff would suggest the addition of one or two windows on the east elevation toward the front of the building in the warehouse portion. The applicant has agreed to this condition. The west elevation is proposed to contain four windows in the front office portion, two side access doors, one overhead door, with the capacity for two more overhead doors. The south elevation is proposed to contain three overhead doors, one smaller access door, as well as the trash enclosure.

The plan proposes 29 total parking spaces: 25 outdoor spaces, and 4 spaces within the building. A Lighting Plan should be submitted for staff review. A Landscape Plan has been submitted. Additional landscaping shall be added to the west of the entrance to serve as a buffer to the property to the west and east of Stall #9. A permit shall be obtained prior to any signage being installed on the site to ensure compliance with signage regulations.

The public hearing notice was published in the newspaper, notices were mailed to neighboring property owners within 350 feet of the subject property, and posted as required by the Ordinance. The Planning Commission met and held a public hearing on August 25, 2015. They recommended approval, subject to conditions. In addition, if approved, the applicants are required to enter into a Development Agreement with the City.

Councilmember Johnson asked if there was a dividing wall in the warehouse and adequate fire escape within the warehouse. Planning/Community Development Director Fuhrman indicated there is a dividing wall in the warehouse.

Fire Chief Leier stated the building will have sprinklers throughout the entire building and it does meet fire escape requirements.

Mayor Johannsen opened the public hearing at 7:48 p.m.

Councilmember Fletcher thanked the developer. He also inquired as to whether or not the developer had interest in the future of expansion or potential acquisition of the property to the west of his building that the city could potentially assist with.

Jerry Anderson, Jamb Architects, indicated that it is in the back of his mind and he will speak with the owner regarding it.

Councilmember Fletcher stated that he would like the city to be able to meet their expansion needs in the future and keep the company located in Vadnais Heights.

Mr. Anderson also commented that there is no objection to the additional plantings in the windows that staff had requested.

Mayor Johannsen closed the public hearing at 7:54 p.m.

Upon motion by Johnson, seconded by Auge, it was

15-09-176 “RESOLVED, to approve the Special Use Permit for an office-showroom building and a Site Plan Review for the property located at 1208 County Road E, subject to the following conditions:

1. A lighting plan shall be submitted for staff review.
2. Addition of one or two windows on the east elevation toward the front of the building to break up the expansive wall.
3. The trash enclosure shall correlate with the architecture of the building.
4. A permit shall be obtained prior to the installation of any signage on site.
5. Any conditions outlined in the City Engineer’s memo dated August 10, 2015.
6. Any conditions outlined in the Fire Chief’s memo dated August 11, 2015.
7. The applicant shall enter into a Development Agreement with the City.”

Ayes – 4

Nays – 0

The resolution was adopted.

C. Luther Subaru –Acura Rezoning PUD, and Site Plan Review

Planning/Community Development Director Fuhrman reported Luther White Bear Subaru operates a car dealership at the northwest corner of Willow Lake Boulevard and Highway 61. They are seeking to redevelop and expand their operations and has submitted applications for Rezoning from Commercial Three District and Industrial District to Planned Unit Development, a Planned Unit Development Detailed Development Plan, and Site Plan Review at 1451 Willow Lake Blvd, 3505 Highway 61 and 3525 Highway 61.

The applicants plan to demolish the multi-tenant industrial building at 1451 Willow Lake Boulevard and the Subaru building at 3505 Highway 61. The Acura building at 3525 Highway 61 will remain open during and following construction.

Based on the recommendation of the Planning Commission, the City Council approved the Land Use Plan Amendment at 1451 Willow Lake Boulevard from Industrial to Highway Commercial at their August 19, 2015 meeting.

The westernmost parcel is currently zoned Industrial, while the remaining three parcels are zoned Commercial Three District. The applicants have applied to rezone the entire site to Planned Unit Development with the C-3 District as the underlying Zoning District.

The following questions must be considered when reviewing a rezoning request: Is the proposal in conformance with City's Comprehensive Plan, how will the traffic generated from the existing zoning classification differ, does the proposed zoning create any utility or drainage concerns, and does the applicant have a development project readily available for the subject parcel of land? Staff has reviewed these questions and the application does meet the criteria.

The applicants are requesting a PUD to allow for two buildings on one parcel with shared parking, access, drive aisles, and display areas.

The C-3 District requires a 25-foot parking setback from sport/public assembly uses. The applicant is requesting a 5-foot reduction in the parking setback requirements on the north boundary line to be consistent with the existing parking setback of the Acura parking lot. This exception is allowable to City staff as it is consistent with the existing parking setback of the Acura parking lot.

The Zoning Ordinance requires planting islands within parking lots to visually break up expanses of hard surfaced parking areas, as well as define parking rows. The site plan meets the required 4% landscaping; however, the applicants are requesting some flexibility in the placement requirements of the landscaping islands. The site plan shows parking lot islands in the eastern half of the site to provide a visual breakup of the parking lot when viewed from Highway 61 and Willow Lake Boulevard. However, there is no landscape islands proposed in the northwest portion of the site because this area of the site is being reserved for vehicles on display. This area will remain in place for the majority of the time, functioning as sales and display areas, rather than a traditional parking area. The applicants' intend to provide landscaping on the perimeter of the property to help screen this sales/display area. This exception is allowable to City staff with the understanding that this is not a traditional parking area, but functions as a vehicle display/sales area.

The C-3 District has a maximum building height of 35 feet, while the PUD District standard allows for a maximum building height of 45 feet. The proposed building is 32 feet on the front elevation with an architectural element on the front of the building that is 37 feet and 6 inches tall. This exception is allowable to City staff.

Demolition permits should be obtained prior to demolishing the multi-tenant industrial building and the Subaru building.

The new proposed Subaru building is to have a 37,619 SF footprint, comprised of two floors. The first floor of the building will contain a showroom, offices, lounge, a service drive up area, parts area, 20 service bays, detail bays, and car wash area. The second floor will contain a break

room, conference room, training room, offices, locker rooms, and parts area. A vehicle display pad with pervious pavers is proposed in the southeast corner of the site.

Currently, the applicants share an access off Highway 61 with the Sports Center in the northeast corner of the site, which they plan to continue. The applicants shall communicate with Ramsey County staff in regard to a formal document establishing a cross access agreement.

There are currently three driveway access points off Willow Lake Boulevard to the south: two into the multi-tenant industrial site and one into the car dealership site. The applicants propose to reduce the number of accesses to two access points on to Willow Lake Boulevard and City staff favors any driveway consolidation or elimination.

The plans propose 659 total parking stalls to serve employees, customers, and vehicles on display for both buildings. The parking meets the required setbacks, except for the north lot line. The Lighting Plan needs to be updated to indicate the footcandles at the lot lines for staff review.

The Zoning Ordinance requires that landscaping shall occupy at least 4% of the parking area. The total parking area is 311,495 square feet, so 4% equals 12,460 square feet. They are proposing 14,895 square feet of interior landscaping area, exceeding the required landscaping area.

The elevation drawings indicate wall signage on the east and south elevation. Sign permits need to be obtained prior to installation of signage and will be verified for conformance with Code requirements at that time.

In an effort to add to the city's pedestrian connectivity, City staff is recommending the addition of a sidewalk along the south property line, adjacent to Willow Lake Boulevard.

In the past, the applicants have utilized the existing adjacent vacant lot, directly west of the multi-tenant industrial building, to store vehicles. City staff is requesting an agreement in writing and a copy provided to the staff no matter where the applicants choose to store their vehicles during the construction.

The public hearing notice was published in the newspaper; notices were mailed to neighboring property owners within 350 feet of the subject property, and posted as required by the Ordinance. The Planning Commission met on August 25, 2015 and recommended approval of the applications, subject to several conditions. In addition, the applicants are required to enter into a Development Agreement with the City.

City Engineer Graham stated there is a lot of blacktop and actually, the pervious surface will increase. These sites are very challenging; there will be many underground pipes and ponds to assist with the storm water run-off. Additionally, the drainage plan was reviewed by the Ramsey-Washington Watershed District and will require a permit from them.

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

Nguyen Hoang, Baker Associates, asked to address condition #4; lot lighting plan; the applicants intend to meet City Code, not to over light the parking lot but increase the lighting at the

entrances so people can see going in and out of the property. He asked that the City work with the applicants regarding the lighting at the entrances. Secondly, condition #5; sidewalk; the applicants are concerned with the timing of the sidewalk. He questioned if the sidewalk could be deferred to a later date with the reasoning that the sidewalks do not connect to anywhere and that is a concern safety-wise.

Councilmember Fletcher asked for clarification of deferring the sidewalks and questioned if it is when more sidewalks are in the area then install the sidewalk.

Peter Beck, 800 Nicollet Mall, stated there is no disagreement that a sidewalk will be installed but questioned if it would be possible to install it when it can connect all the way to International Drive and Highway 61. He asked if there is a reason that the sidewalk needs to be constructed before that scenario. He suggested adding language in the PUD Agreement that Luther will be responsible for adding the sidewalk. When the City decides it needs to be constructed, it will be constructed. He also suggested adding a Petition and Waiver for the sidewalk so if worse came to worse, the sidewalk is on public right-of-way and the City can install the sidewalk and assess Luther.

Councilmember Fletcher stated that he would be more comfortable with a Petition and Waiver Agreement rather than giving the developer a date when the sidewalk must be installed. He also asked if Mr. Beck is the highest authority from Luther at the meeting.

Mr. Beck responded that he is a zoning lawyer who works with Luther. The development person from Luther was out of town and could not make it to the meeting.

Councilmember Fletcher also inquired about how many additional employees will be coming to Vadnais Heights. He also asked about the name White Bear Subaru and what is the marketing strategy with White Bear Lake versus Vadnais Heights.

Mr. Hoang stated the car manufacturer has a lot of pull in the naming rights of the business and it simply has to do with market share. White Bear Subaru was already established and it becomes difficult to change the name.

Councilmember Auge commented the name is confusing to emergency personnel when trying to respond to any emergency.

Mr. Hoang addressed the question regarding the number of additional jobs the development will bring in. He estimates there will be at least 30 new jobs with the expansion.

Mayor Johannsen closed the public hearing at 8:14 p.m.

Councilmember Fletcher asked about the lighting issue with it being on the highway.

City Engineer Graham stated the lighting is fine with the City because it is along Highway 61.

Mayor Johannsen stated City staff will work with them on lighting and would like to discuss the sidewalks.

City Administrator Watson indicated historically the City has had issues with developments when installation of sidewalks is deferred.

Councilmember Auge stated it might be more advantageous for the applicant to add the sidewalk right away as to only interfere once with operation vs now and later.

Councilmember Johnson asked who owns the adjacent empty lot.

Planning/Community Development Director Fuhrman stated it is owned by Mr. Lee and it has been used for overflow parking for the Sports Center. She added if the Council is in favor of deferring the sidewalks she would suggest following the Petition and Waiver suggested by Mr. Beck.

City Attorney Bell Beckman indicated language could be added to the Development Agreement as well as the PUD Agreement.

Mayor Johannsen indicated historically when we defer items such as this we have had problems and would not want this development to follow the trend. He is in favor of having something in writing.

Upon motion by Fletcher, seconded by Johnson, it was

15-09-177 “RESOLVED, Recommend approval of the (1) Rezoning from Commercial Three (C-3) and Industrial (I) District to Planned Unit Development (PUD); (2) a Planned Unit Development Detailed Development Plan; and (3) Site Plan Review for the properties located at 3505 Highway 61, 3525 Highway 61, and 1451 Willow Lake Boulevard, subject to the following conditions:

1. A copy of the lot combination application shall be provided to the City for our records.
2. Demolition permits shall be obtained prior to any demolition work beginning.
3. A cross access agreement shall be established with Ramsey County for the access on the northeast corner of the site.
4. The Lighting Plan shall be updated to include footcandle measurements at the lot lines for staff review.
5. A sidewalk shall be added by the applicant along the south property line adjacent with Willow Lake Boulevard. (with a window of installation and Petition and Waiver agreement arranged between the applicants and staff and included in the Development Agreement).
6. A timeline shall be established with City approval via a written agreement for the temporary off-site parking of vehicles on the adjacent vacant site and/or any other sites that are utilized during the demolition and construction phases of this project.
7. The City Engineer’s conditions as stated in the memo dated August 10, 2015.
8. The Fire Chief’s conditions as stated in the memo dated August 11, 2015.

- 9. The RWMWD conditions, including, but not limited to, obtaining a grading permit. The applicant should contact the Watershed Project Manager as soon as possible.
- 10. The applicant shall enter into a Development Agreement with the City
- 11. MnDOT Conditions as specified in their August 27, 2015 Review Letter.”

Ayes – 4

Nays – 0

The resolution was adopted.

OLD BUSINESS

None.

NEW BUSINESS

- A. Approve Resolution Authorizing City Administrator to Sign Master Subscriber Agreement for Minnesota Court Data Services for Governmental Agencies and Request Form for Minnesota Government Access (MGA) Login Account

Councilmember Johnson questioned if there was any cost to the City.

City Attorney Bell Beckman indicated there would not be any additional costs. The City is currently paying for MNCIS and MGA is replacing that system.

Upon motion by Auge, seconded by Johnson, it was

15-09-178 “RESOLVED, to Approve Resolution Authorizing City Administrator to Sign Master Subscriber Agreement for Minnesota Court Data Services for Governmental Agencies and Request Form for Minnesota Government Access (MGA) Login Account.”

Ayes – 4

Nays – 0

The resolution was adopted.

- B. Screening along Highway 96 for Oxbow Pond

Mayor Johannsen asked that this item be tabled to a workshop.

Upon motion by Auge, seconded by Johnson, it was

15-09-179 “RESOLVED, to table Screening along Highway 96 for Oxboro Pond to a workshop.”

Ayes – 4

Nays – 0

The resolution was adopted.

C. Discussion on Televising of Planning Commission Meetings

City Administrator Watson reported Councilmember Nyblom made the request. It is pretty easy to do and won't take much additional effort.

Planning/Community Development Director Fuhrman indicated the Planning Commission was in favor of televising the meeting and the questions surrounded the costs and if surrounding cities are currently doing this. She added other communities are televising their Planning Commission meetings.

Councilmember Fletcher indicated he was at the meeting and the Planning Commission was all right with televising the meeting. There were only four members at the meeting and a couple were actually more interested in having the workshop meetings televised. The Planning Commission is only an advisory group without any final authority and did not feel there was a great need of televising the Planning Commission meetings. There is more substance at the workshop meetings.

Mayor Johannsen stated the public is more than welcome to attend the workshops and that item is not before the City Council tonight.

City Administrator Watson stated it would cost about \$60 per meeting based on a four-hour minimum.

Councilmember Johnson asked how often the Planning Commission is meeting.

Planning/Community Development Director Fuhrman stated monthly but there are some months that the Planning Commission does not meet.

City Administrator Watson stated this was originally Councilmember Nyblom's request, so it could be tabled because he was unable to attend tonight's meeting.

Upon motion by Auge, seconded by Johnson, it was

15-09-180 "RESOLVED, to table the Televising of Planning Commission Meetings."

Ayes – 4 Nays – 0

The resolution was adopted.

D. Consider Setting October 7, 2015 Workshop and Agenda

City Administrator Watson reported potential items for the October 7, 2015 workshop include a discussion regarding health care zoning definition; discussion on screening at Oxbow Pond; and, discussion of televising the workshop meetings with a starting time of 6:00 p.m.

Upon motion by Johnson, seconded by Auge, it was

15-09-181 "RESOLVED, to set the October 7, 2015, Workshop and Agenda with a discussion regarding health care zoning definition; discussion on screening

at Oxbow Pond; and, discussion of televising the work shop meetings; with a starting time of 6:00 p.m.”

Ayes – 4

Nays – 0

The resolution was adopted.

COUNCIL AND DEPARTMENT REPORTS

Fire Chief Leier reported six months ago there was approval for a \$70,000 upgrade for dispatch. The fire department wrote a grant and received funds, which required a 25% match, which turned out to be \$17,000. Today the fire department applied for another grant to lower the City’s portion to 10%.

Assistant City Administrator Keefe had no report.

City Attorney Bell Beckman reported that McCullough filed a petition for a review of the Court of Appeal decision with the Minnesota Supreme Court, which is discretionary review and the City has filed a response. Today, the City received two petitions for appeal of the premises permit from White Bear Lake Hockey Association and Jimmy’s.

Councilmember Fletcher asked where they are appealed to and who is responsible for drafting the response.

City Attorney Bell Beckman stated the petitions have been sent to the League of Minnesota Cities Trust to determine if they will provide coverage and representation for the City. If they do not, the City Attorney’s office will prepare the response to the Court of Appeal.

Councilmember Fletcher stated step one is to determine if the League of Minnesota Cities Trust will take the case and asked what date the City needs to respond by.

City Attorney Bell Beckman replied we need to respond within 14 days.

Councilmember Fletcher stated the City will know relatively quickly if the League of Minnesota Cities Trust is responding otherwise your office will file the response.

City Attorney Bell Beckman stated in the affirmative.

Councilmember Fletcher questioned what the timeline is for the process.

City Attorney Bell Beckman stated they will file a brief and request oral arguments and we will file a response.

Finance Director Sundberg had no report.

Planning/Community Development Director Fuhrman reported the Planning Commission will meet on Tuesday with two public hearings: first is the Klein edition, a 4 lot subdivision, and the other is Kwik Trip located on the corner of Highway 61 and Buerkle Road.

City Engineer Graham reported the sanitary sewer lining project will soon begin, the Kohler Meadows Park storm sewer project is complete and he has stopped at the Goose Lake Road Bridge project.

City Administrator Watson reported he met with an expert at SEH regarding train whistles at quiet zones and hopes that in the next month, there will be information brought to a workshop.

Councilmember Fletcher reported on City Center Task Force interest in flower baskets and other ways to decorate the City Center area. Recommendations will be forthcoming.

Councilmember Johnson had no report.

Councilmember Auge reported the flashing speed sign in the school zone along Centerville Road is working and traffic is slowing down.

Mayor Johannsen had no additional announcements.

Upon motion by Auge, the meeting was adjourned at 8:35 p.m.

Respectfully submitted,

Kevin P. Watson, City Administrator

ATTEST:

Marc A. Johannsen, Mayor