

CITY OF MENDOTA HEIGHTS
DAKOTA COUNTY
STATE OF MINNESOTA

Minutes of the Regular Meeting
Held Tuesday, January 5, 2010

Pursuant to due call and notice thereof, the regular meeting of the City Council, City of Mendota Heights, Minnesota was held at 7:00 p.m. at City Hall, 1101 Victoria Curve, Mendota Heights, Minnesota.

CALL TO ORDER

Mayor Huber called the meeting to order at 7:00 p.m. The following members were present: Councilmembers Duggan, Krebsbach, Schneeman and Vitelli.

PLEDGE OF ALLEGIANCE

Council, the audience and staff recited the Pledge of Allegiance.

AGENDA ADOPTION

Councilmember Duggan moved adoption of the agenda as presented.

Ayes: 5

Nays: 0

Councilmember Krebsbach seconded the motion.

APPROVAL OF MINUTES

Councilmember Duggan moved approval of the minutes of the regular meeting held on December 15, 2009, as corrected.

Ayes: 5

Nays: 0

Councilmember Vitelli seconded the motion.

CONSENT CALENDAR

Councilmember Vitelli moved approval of the consent calendar as presented, pulling items b and d for further discussion, and authorization for execution of any necessary documents contained therein.

- a. Acknowledgement of the Minutes from the December 22, 2009, Planning Commission Meeting.
- b. Acknowledgement of the November 2009 Treasurer's Report.
- c. Acknowledgement of the November 2009 Building Activity Report.
- d. Authorization to issue Purchase Order for Police Department Copy Machine.
- e. Authorization for Out of State Conference.
- f. Authorization for Mayor to Sign Contract for GASB 45 Implementation Assistance.

- g. Adoption of Resolution No. 10-01: "RESOLUTION APPROVING THE APPLICATION OF THE CITY OF MENDOTA HEIGHTS FOR FISCAL YEAR 2010 DAKOTA COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDING."
- h. Adoption of Resolution No. 10-02: "RESOLUTION ESTABLISHING 2010 CITY DEPOSITORIES OF FUNDS."
- i. Adoption of Resolution No. 10-03: "RESOLUTION ACCEPTING PLEDGED SECURITIES FOR 2010."
- j. Adoption of Resolution No. 10-04: "RESOLUTION ACCEPTING WORK AND APPROVING FINAL PAYMENT FOR JOB #200213, IMPROVEMENT NO. 2008-04 – CALLAHAN PLACE."
- k. Approval of Contractors List, dated December 28, 2009.
- l. Approval of the List of Claims, dated January 5, 2010, totaling \$395,709.88.

Councilmember Dugan seconded the motion.

Ayes: 5

Nays: 0

NOVEMBER TREASURER'S REPORT

Councilmember Duggan noted that from seven years ago when he started on Council, the city is at about the same financial position so citizens should know the Council and staff are being very fiscally conservative and careful with the money the residents have entrusted to them. He congratulated everyone for doing that.

Councilmember Duggan moved to acknowledge the November 2009 Treasurer's Report.

Councilmember Vitelli seconded the motion.

Ayes: 5

Nays: 0

POLICE DEPARTMENT COPY MACHINE

Councilmember Duggan asked about the compatibility of the used copy machine with existing equipment, and any guarantee since it is used equipment, and anticipated maintenance issues.

Police Chief Aschenbrener advised that the photocopy machine is on loan to the department and is currently operating within their existing network so it is compatible. The service agreement for the new copy machine, which has color capacity in printing and scanning, will increase \$7

per month. This agreement covers all maintenance and is guaranteed at that rate for 24 months.

Councilmember Duggan moved to authorize issuance of a purchase order for the police department copy machine.

Councilmember Vitelli seconded the motion.

Ayes: 5

Nays: 0

PUBLIC COMMENTS

Councilmember Krebsbach noted several residents are present to speak to the Delaware Avenue issue, which is at the end of the agenda.

SERVICE AWARDS

Mayor Huber explained it is the tradition of Mendota Heights to recognize employees for their service to the city at the first meeting of the new year. It was noted that a reception had been held prior to the meeting to recognize the service of a number of city employees who had reached benchmarks of 5, 10, 15, 20, 25, 30, and 35 years of service to the city. Mayor Huber stated his job as Mayor has been easy because of the city employees' dedication on a daily basis, which makes Mendota Heights a fine community for all to live in. Mayor Huber read in full and presented service awards to the following employees:

| | |
|---|----------|
| Ryan Ruzek, Acting Public Works Dir/City Eng. | 5 years |
| Scott Goldenstein, Fire Department | 10 years |
| Jay Taylor, Fire Department | 10 years |
| Ron Katzenmaier, Fire Department | 15 years |
| Tom Shields, Fire Department (retired) | 20 years |
| Lambert Derks, Custodian | 20 years |
| Jamie Lerbs, Fire Department | 30 years |
| Jim Danielson, City Admin. (retired) | 30 years |
| Paul Berg, Code Enforcement | 30 years |
| Tom Olund, Public Works Superintendent | 35 years |

Staff introduced their family members who were in attendance. The audience, staff, and council members responded with a round of applause.

APPOINT ACTING MAYOR

Councilmember Schneeman moved to nominate Councilmember Vitelli as Acting Mayor during 2010. Councilmember Duggan seconded the motion.

Ayes: 5

Nays: 0

DESIGNATE OFFICIAL NEWSPAPER

City Clerk Kathleen Swanson advised that the city received a letter from Lillie Suburban Newspapers, the publisher of the *South-West Review*, requesting it be designated as the official newspaper for 2010. She said the rate for the first insertion is less expensive and the second insertion is more expensive than charged in 2009 but the city does few second insertions.

Councilmember Schneeman moved to designate the *South-West Review* as the city's official newspaper for 2010. Councilmember Duggan seconded the motion.

Ayes: 5

Nays: 0

2010 FEE SCHEDULE

Ms. Swanson advised the current schedule of fees charged by the city for various services was adopted in 2004. Since that time, the city's cost for providing some of the services has increased and new services are now being provided that should be included. She said the only significant revisions to the fee schedule relate to park use fees and antenna leases. All of the fees are in line with what is charged by other cities included in the AMM survey or are lower.

Councilmember Krebsbach asked if \$10 per card for fingerprinting would be charged. Ms. Swanson stated that is correct and you need to be a Mendota Heights resident or employee of a Mendota Heights business. The charge to receive two cards is \$20. Councilmember Krebsbach asked if that fee covers the city's cost. Ms. Swanson stated it is the fee recommended by the Police Department. In prior years, the fee was \$5, which was not enough to cover the cost of the service.

Councilmember Duggan referenced the planning fee schedule and suggested charging \$100 for 0-10 units, \$50 for 11-40 units, with no maximums.

Councilmember Krebsbach stated her support for staff's recommendation. Ms. Swanson explained that because of the economy, staff recommends no change in this fee, which has been the same since 2004. She noted Councilmember Duggan is suggesting \$100 per unit for the first 10 units and then \$50 per unit without a cap. Ms. Swanson suggested keeping the \$250 minimum charge.

Council consensus was reached to make this change.

Councilmember Duggan referenced the false fire alarm fee of “\$150 for the third and each successive alarm per year.” He suggested a revision to indicate: “\$150 for the third alarm and \$150 for each successive alarm per year.” Council consensus was reached to make this change.

Councilmember Duggan referenced the proposed resolution and suggested a revision to the second whereas to indicate: “Whereas, the cost of services rendered is ever increasing and new services occur which require a fee; and” Council consensus was reached to make this change.

Councilmember Duggan moved adoption of Resolution No. 10-05: “A RESOLUTION REVISING SCHEDULE OF FEES FOR SERVICES,” as amended above, and to direct staff to prepare draft ordinance amendments to implement said fees that are set by ordinance.

Councilmember Schneeman seconded the motion.

Ayes: 5
Nays: 0

CASE NO. 09-40 – CLEAR WIRELESS CUP FOR ANTENNA CO-LOCATION

Assistant to the City Administrator Jake Sedlacek described the location and reviewed the application submitted by Clear Wireless, LLC, for a conditional use permit (CUP) to install cellular antenna and microwave dishes on an existing cell tower. The affected parcel is zoned B-1, guided as Limited Business, and used as a cell tower site that is owned by AT&T. Mr. Sedlacek explained the proposed project utilizes an existing pole to provide a new wireless service. He displayed a diagram of the existing tower and proposed equipment, noting the scope of the project includes three four-foot panels and two microwave dishes. This will promote communication within the community.

Mr. Sedlacek advised that no questions were asked during the Planning Commission’s public hearing. The commission discussed the critical area since the site is within the critical area, but planning staff did not feel the request involved a critical area permit, as there are no changes to the ground area with the request.

The Planning Commission put a number of conditions on their unanimous approval recommendation, which are listed in the Council packet. Those conditions include:

1. A building permit must be approved prior to construction.
2. The applicant shall provide an abandonment bond to the City as required by Section 12-1J-6.H.1.b of the Zoning Ordinance.
3. The proposed antenna shall comply with all FCC regulations. The applicant must submit proof of any applicable federal, state, or local licenses to the Council prior to receiving a building permit.

Councilmember Duggan asked about spacing between the antennas and whether the color of the proposed equipment will blend with existing equipment. Mr. Sedlacek stated the City requires that equipment be painted a color to match.

Lawrence Coleman, FMHC Corporation, representing Clear Wireless, explained they are a wireless service provider that is new to the Twin Cities market and hope to have their system deployed by late next summer and offer service to the public the fall of 2011. He displayed a diagram of their cabinet equipment and a picture comparing their antenna size, noting it is considerably smaller and closer to the monopole than the equipment used by other cellular carriers, reducing the visual impact. He stated it is their policy to co-locate. The spacing is approximately five feet from tip-to-tip and six feet from the existing dish at the bottom of the tower.

Councilmember Krebsbach asked about their customer base. Mr. Coleman stated it will be business and residential customers and include wireless modem service at home or business at half the price of Comcast. They provide not only voice communications in the phone market but also internet access from mobile devices.

Councilmember Krebsbach noted the application is not for the maximum height and asked about impact of the bluff on coverage. Mr. Coleman explained this tower is owned by AT&T. Their radio frequency engineers examined this site and found it would be sufficient. He stated this location would be their initial deployment and they are also looking at the city's water tower, Henry Sibley High School, and the Eagle Ridge Condominium site to fill gaps in service to meet the needs of their customer base.

Councilmember Schneeman noted the application indicates 65 feet high, which is 10 feet below the tower height. Mr. Coleman stated that is correct and AT&T is at the top of the tower.

Councilmember Vitelli moved adoption of Resolution No. 10-06, "A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR THE LOCATION OF WIRELESS ANTENNA AND EQUIPMENT AT 894 SIBLEY MEMORIAL HIGHWAY."

Councilmember Krebsbach seconded the motion.

Councilmember Duggan questioned whether the applicant will be asking for poles higher than the mandated 75-foot maximum height. Mr. Coleman stated they are trying to work within the city's code for the initial sites. He noted that Henry Sibley High School and the water tower are located on hills. They had considered a light pole replacement at the Mendota Elementary School but their principal did not feel a 75-foot pole was appropriate to replace the light pole so their backup plan is to use Eagle Ridge.

Ayes: 5

Nays: 0

CASE NO. 09-41 - MENDOTA
HEIGHTS - WETLANDS PERMIT

Mr. Sedlacek presented the city's application for a wetlands permit to maintain a stormwater pond at the Par 3 golf course. He advised this need was identified by public works staff who were working on storm sewers. Mr. Sedlacek presented a diagram of the subject site, noting the location of the pond outlet, and explained that sediment has built up so it was identified as a site that needs to be cleaned. He explained the Acting Public Works Director made application to remove 50 yards of material. There will be no changes to the area or geography of the pond and it will be an improvement for collection of storm water runoff.

Mr. Sedlacek stated the Planning Commission considered this application and discussed how the need was identified. It was noted that staff checks the outlets every five years. Staff supports the project and would supervise the work to assure it meets the requirements of the city's ordinance. He advised that staff received several phone calls asking about the project.

The Planning Commission made a number of findings with their unanimous approval recommendation, which are listed in the Council packet. Those findings include:

1. The project meets the intent of the Wetlands Ordinance.
2. The project has been reviewed and approved by the city engineer.
3. The project is necessary as a function of the city's stormwater management system.
4. The project will improve the function of the pond as a wetland.
5. The grading and vegetation surrounding the pond will be unchanged.
6. The shape of the pond will be unchanged.

Councilmember Duggan asked if this project will result in less sediment in ponds. Acting Public Works Director/City Engineer Ryan Ruzek stated the city will be using more salt than sand this winter, which should result in less dredging of the ponds.

Councilmember Schneeman moved adoption of Resolution No. 10-07, "A RESOLUTION APPROVING A WETLANDS PERMIT FOR THE MAINTENANCE OF A STORMWATER POND AT 1695 DODD ROAD."

Councilmember Duggan seconded the motion.

Ayes: 5

Nays: 0

REVISED SANITARY SEWER CHARGES

Finance Director Kristen Schabacker stated that at its October 6, 2009 meeting, the Council approved an increase in the sanitary sewer rates. While implementing the rate change, it came to staff's attention that some areas were not mentioned in the resolution. Ms. Schabacker advised that staff has prepared a new resolution that addresses multiple dwelling charges, the commercial tier amounts, and the surcharge charged to users outside of the city. No rates were increased from the resolution that was adopted in October of 2009 - it is only being revised to provide clarification.

Councilmember Schneeman moved adoption of Resolution No. 10-08, "A RESOLUTION SETTING SEWER RENTAL CHARGES FOR SINGLE FAMILY DWELLINGS, MULTIPLE DWELLINGS, AMENITY STRUCTURES, SCHOOLS, CHURCHES, PUBLIC

BUILDINGS, and COMMERCIAL AND INDUSTRIAL USERS.”

Councilmember Vitelli seconded the motion.

Councilmember Duggan referenced page three of the resolution and suggested it indicate: “...whose water is metered may be petitioned for adjusted billings...” Ms. Schabacker stated staff revised the wording to indicate: “...whose water is metered may petition for adjusted billing...”

Councilmember Duggan referenced the third whereas, and suggested it indicate: “Whereas it is appropriate users pay on the basis of sewage generated; and,”

Council consensus was reached to amend the resolution as suggested by Councilmember Duggan.

Diane Berfelz, 688 West Wentworth, asked if approval will result in a 37.5% increase. Mayor Huber stated that is correct and explained this increase was approved because Mendota Heights’ rates were very low and could have been increased higher to meet the standard. Ms. Berfelz commented that this is a big increase to do all at once.

Councilmember Krebsbach explained that the sewer fund has been subsidized each year from the general fund.

Councilmember Duggan noted that fees charged to the city by other agencies, such as the Metropolitan Council Environmental Services, have increased over the past several years yet the city’s annual revenues have remained relatively flat. He stated this is an increase of 37.5% but when looking at rates charged by other cities, this rate is still below the average charged by comparison cities.

Councilmember Krebsbach agreed and noted the Metropolitan Council Environmental Services’ fee will continue to increase. Ms. Schabacker added that the last few years, operating fees have fallen short of operating costs.

Ayes: 5

Nays: 0

SECURITY SYSTEM FOR PAR 3

Mr. Sedlacek explained the city purchased the Par 3 Golf Course in June of 2007. At that time, the course had a simple security system and the clubhouse had a camera system to monitor the register and patio/first tee. He advised that the current security system is operable but not monitored and the camera system no longer works.

Ms. Sedlacek advised staff collected proposals for the installation of a new security and camera system at the clubhouse. Each proposal includes a security system with digital recording, door contacts, motion sensors, glass breakage, and an audible alarm. He explained that additional cameras could be added, as an option, and having the inside camera will protect staff and create a record should there be vandalism or theft of product at the club house. Mr. Sedlacek presented the three quotes and explained that if approved, it would be funded from golf course fund reserves.

Councilmember Vitelli asked why the bidders did not include the same number of cameras. Mr. Sedlacek stated the bidders went to the site and quoted what they felt was appropriate.

Councilmember Krebsbach asked about monitoring service. Mr. Sedlacek explained that should something happen, such as glass broken, it would go to the monitoring company who would call 911. He advised that all bidders have good references. The city currently uses Electro Watchman for its sprinkling system monitoring.

Councilmember Vitelli requested an opinion from the police chief regarding the cost. Police Chief Aschenbrener stated the current system is not functional and a panic system would be good if it could be tied into the police department's system. He explained the proposed security system would provide a document should there be a loss. It is both a preventative measure and provides more security for the city's employees. He suggested the city add fire and water flow monitoring during winter months.

Councilmember Vitelli stated one camera is fine and he accepts the recommendation of the police chief.

Mr. Sedlacek stated staff can revamp proposals to integrate fire and water flow into the system. He explained staff had

recommended the project be awarded to Floyd Security, which submitted the low bid of \$1,775 for the equipment and a \$29 per month monitoring fee.

Councilmember Vitelli moved to authorize staff to complete a purchase order with Floyd Security in the amount of \$1,775 for equipment (one camera, 4-channel recorder with 500GB hard drive), and \$29 per month monitoring fee, and to add water and fire monitoring with the total cost not to exceed \$3,000.

Councilmember Krebsbach seconded the motion.

Ayes: 5

Nays: 0

BID SUMMARY – PROJECT #200711

Mr. Ruzek presented the twelve bids that were received and opened on Wednesday, December 30, 2009, for the Visitation Drive and Mendota Heights Road roundabout, consisting of storm sewer, street paving, and related appurtenant work for Visitation Drive and Mendota Heights Road. Mr. Ruzek advised the engineer's estimate was \$400,000 and the low bid was received from Danner, Inc. in the amount of \$440,001.24, or about 10% over the engineer's estimate. Because of the bid amounts, staff has looked at reducing the project scale and scope and the option of asking for additional funds from the school.

Mayor Huber stated it would be difficult for the city to cover this additional cost so he supports staff opening discussion with St. Thomas and Visitation about additional funding, and to look at the project design to see if anything can be done that results in a cost savings. However, the city wants a project that fully meets all of the requirements.

Councilmember Vitelli agreed and suggested staff be allowed to review the design and make a recommendation.

Councilmember Duggan asked about the deadline to accept bids. Mr. Ruzek advised the bids are good for 30 days and can still be accepted on January 19, 2010. He explained the project bid includes unit prices for quantities so if the project is scaled back, the project cost would be reduced. Staff can also look at whether the number of street lights can be reduced from four to two. Mr. Ruzek said the specifications are written so the city has the ability to reduce quantities.

Councilmember Duggan asked if the other bidders need to be notified if the specifications are changed. Mr. Ruzek explained the city would not change the specifications but should the project scale be reduced by 20 feet, it would reduce the cost.

City Attorney Tami Diehm explained that by not acting on the bids and waiting, staff can take a closer look at the options and give the Council better direction on whether those steps can or cannot be taken.

Councilmember Duggan asked if the agreement signed with WSB indicates that the city is liable for any overages. Mr. Ruzek explained if the city enters into a contract with the contractor for that bid amount, the city is responsible for any overages.

Councilmember Krebsbach asked if the city is responsible for any overages if it goes forward with the project. Mr. Ruzek explained the agreement is between the school and the city, not the school and the state. The city is responsible for all costs so if there is an overage, the city would collect funds from the school.

Mayor Huber said the city would be responsible to pay all of the costs to the contractor but would be collecting funds from the federal government, Visitation, and St. Thomas.

Councilmember Krebsbach stated she had voted against this project along with Councilmember Duggan and one reason was that the city was responsible for overages.

Councilmember Duggan noted the city got these bids less than a week ago so it has not had much time to analyze the bids. He supported not taking action on the bids to allow time for staff analysis and recommendation.

Councilmember Krebsbach stated in two weeks she would like to see the anticipated overage and what would be changed in the design of the roundabout. Mr. Ruzek explained that would be at the east and west ends on Mendota Heights Road and the north end of Visitation Drive, and based on the bids staff knows the quantities to build the roundabout as designed.

Councilmember Duggan stated he wants to “play fair” with all bidders. Ms. Diehm advised that issue will be considered and if the scope is changed to a degree that it changes the scope of the project from the bids that were sent out, staff will recommend the project be rebid.

No Council action was taken. Staff will review the bids and project design and present a recommendation at the next Council meeting.

UPDATE ON MENDOTA HEIGHTS
SUNFISH LAKE REGIONAL
TRANSPORTATION COMMITTEE

City Administrator David McKnight advised that the MendotaHeights/Sunfish Lake Regional Transportation Committee met on Friday, December 18, 2009, to discuss the Dakota County Regional Roadway Visioning Study (RRVS) that is currently underway. It was noted the city’s local committee includes Mayor Huber, Sunfish Lake Mayor Park, Tami Diehm, Ryan Ruzek, David McKnight, and Tom Madigan from Foth. Mr. McKnight provided a summary of the topics discussed during the meeting as indicated on the written summary provided in the Council’s meeting packet.

Councilmember Krebsbach asked if Dakota County is looking at other designs or options. Mr. McKnight stated they talked about seven or eight options and that has not changed. Mr. Ruzek explained that Brian Sorenson, Dakota County Transportation Department, will attend the SAC meeting tomorrow afternoon where the best options for study will be narrowed down.

Councilmember Krebsbach noted at the Inver Grove Heights open meeting, Mark Krebsbach said it was early in the process. She stated she wants to assure they bring forth all other options such as the suggestion by former Councilmember Jill Smith to have a connection to Highway 3 off I-494, all within Inver Grove Heights. Mr. Ruzek stated it will be a committee meeting but he is not sure it is a public meeting. He stated he is a technical advisor on the committee who will speak for Mendota Heights along with Tom Madigan from Foth, who is fully versed. Councilmember Krebsbach noted this is a key meeting.

Councilmember Vitelli asked about getting memorandums to Tom Egan, Rick Hansen, and Jim Metzen to ask if they support or oppose an interchange at Delaware Avenue.

Mr. McKnight explained that he and Mayor Huber crafted the letter to describe Mendota Heights' position on this issue and asked for their support. The letter did not include a "where do you stand and what is the benefit to Mendota Heights" question but there will be more letters to come. Mr. McKnight reviewed who received this letter.

Councilmember Duggan stated there seems to be a lot of momentum in the visioning group, which has more resources, and he is worried that Mendota Heights is behind and needs to become more engaged in this process. He felt that it was not good enough to just say "no" to a development but, rather, Mendota Heights needed ammunition to show good reasons and define other options. He noted the city has hundreds of residents whose homes and value of homes are tuned into this matter, and the entire community will be impacted.

Mr. McKnight stated staff will get the information from Foth on Monday morning and provide it to the Council.

Mayor Huber stated he is pleased to see residents here tonight because the city needs numbers of residents to attend meetings, contact people, and write letters. He noted the transportation committee is the government side of it to state our case but the city also needs a separate residential grass roots group to be involved that can draw on solid information that is provided by the city and its consultant. He felt the city needed two parallel groups, working in cooperation but not subservient to each other. Mayor Huber noted the city's commissions cannot do anything on their own, everything comes to the Council that meets every two weeks, which is not nimble. Whereas a citizens group can operate under its own rules, determine who should be included (residents and/or non-residents) acting appropriately with the city serving as a conduit to assure information is accurate. He noted that both groups will support the same outcome but a citizen's group should be separate from Council influence and have a broader effort as opposed to a singular government impact. Mayor Huber noted the Dakota County Board makes the decision in this case.

Councilmember Duggan suggested the city hold a community-wide meeting where staff can present and

explain the different options. He felt input from Foth would be an excellent start and the sooner the better.

Mayor Huber said this will be a long-term process that may take years and there is a need to define what success will look like. He noted it would be easy to say success looks like a single recommendation from the visioning statement that does not include an interchange at Delaware Avenue and failure is a recommendation for an interchange at Delaware Avenue. However, success may be three or four options that are equally viewed as potentials to handle traffic in this area to be looked at in future studies. Mayor Huber noted there are no dollars to build this interchange tomorrow or next year and he doubts this will be the last study. If the interchange cannot be entirely killed, one part of success may be to assure there are other credible options that should be looked at going forward. He stated he does not want to dictate that to a resident group, but they should look at that as more information comes forward and other alternatives are revealed.

Councilmember Duggan stated he hopes that as more information is generated, it can be shown there are other options and what is currently proposed does not make sense.

Michael Noonan, 2258 Field Stone Drive, stated he appreciates the Mayor's comments, which reflect what the Ad Hoc group has talked about, and he endorses the recommendation of Councilmember Duggan with respect to engaging the community. He stated it is his perspective that Mendota Heights has not been well served by the County in terms of providing all the information, and accurate information would go a long way in terms of understanding and being able to come together as a community to mobilize a three-legged strategy: technical, legal and political. Mr. Noonan felt a political strategy has to be grass roots with a broadened base since it also impacts West St. Paul. He also felt the School Board would have something to say about adding a stream of traffic from West St. Paul on the interchange due to the safety of turning movements to Sibley School. He felt all recognized that it is not a short-term solution and development will happen in Inver Grove Heights and Eagan, but the key is how that development takes place and

how traffic can be dissipated so an interchange is not necessary. He commented on several critical pieces of the puzzle that were not in place at this time and areas of potential impact that need to be placed on the table so there can be meaningful consideration of the alternatives. Mr. Noonan suggested that success is defined in advancing an alternative that reduces impacts.

Councilmember Krebsbach felt the most powerful leg is legal and had suggested in June that the city look at adverse impact. Mr. Noonan stated a legal strategy would focus on individual property rights since some may be faced with condemnation. In terms of adverse impacts, he felt it could become a regulatory taking to a certain extent but until the full extent of the proposal is known, they are “firing in the dark” and unable to pose the correct questions to an attorney to determine the legal impacts or affects.

Councilmember Duggan noted such a plan will have a huge impact on the questionable ability of residents to sell. He felt the City had to step forward to help owners who may be impacted by debunking it entirely or getting more information.

Kevin Moore, Delaware Avenue resident, stated he will be negatively impacted in regard to the interchange. He stated he echoes Mr. Noonan’s thoughts and would like several residents to be members of the Ad Hoc so they can provide a conduit between to the two groups. Mr. Moore stated residents and the Council agree on most points and including residents would provide transparency.

Ms. Billie Slater, 2464 Pond Circle East, stated she is an involved citizen and has written to the Council, thinking the Council is to strongly represent residents and speak for them. She noted the meetings are not put on by neighborhoods but by professional engineers and consultants. Ms. Slater felt a letter from the Council is a more powerful letter. Mayor Huber explained that is why the Council hired Foth to do the professional engineering work, which will be shared and arm residents with information that can be reiterated. Ms. Slater asked each Councilmember to state their individual position or a group position in representing the city’s residents.

Councilmember Duggan stated the Council has done that in the past and will do so again. He reviewed that in 2005-2006, the Council clearly indicated “absolutely not” and Sunfish Lake did the same. In June of 2009, the Council clearly said “absolutely not” and stated its objections. Councilmember Duggan said 150 residents clearly showed their objections at the Inver Grove Heights meeting open house. He noted Mayor Huber is correct that Inver Grove Heights is not happy with Mendota Heights’ position.

Ms. Slater stated she had attended the Inver Grove Heights meeting and was dismayed at the response from consultants when they indicated they didn’t care what happened because they lived in Plymouth and Woodbury. She asked the Council if they feel they are being heard.

Councilmember Duggan answered “no” and he felt the city needed to let Dakota County know about those responses. He advised that some of the city’s representatives have indicated they need to wait for the final study and final report before making a decision. He again stated his support to hold a community meeting pertaining to an interchange at I-494 and Delaware Avenue.

Mayor Huber reviewed comments in Mr. McKnight’s letter pertaining to the city’s comprehensive plan and numerous indications from the city that the proposed interchange was not acceptable in the past, today, or in the future.

Councilmember Krebsbach noted that study may take some time but the city needs to strategize and be ready with a legal response. She commented that the Beard Group built the interchange at Ostwego for \$2 or \$3 million, noting money could be coming forward so the city needs to determine options and be ready. Councilmember Krebsbach suggested that after a community meeting, maybe there should be several resident observers on the committee. She pointed out that residents have political power with county and state representatives. She stated she is not interested in spending consultant time to identify their motivation - it is because they want to develop. She wants to spend consultant time in considering options and supported bringing in West St. Paul.

Councilmember Vitelli felt the city needed to ask its elected state and county representatives directly whether

they would ever support making Delaware Avenue a major artery for north/south traffic from Inver Grove Heights and Eagan to drive to downtown St. Paul.

Councilmember Schneeman stated it bothers her because people's fortunes are in their properties and they are in dire concern. She stated it also involves a sense of fairness because Eagan and Inver Grove Heights will benefit at the expense of Mendota Heights. Councilmember Schneeman noted the County Commissioners need to be contacted and one phone call from a resident is worth a hundred. She noted the Mendota Heights Council strongly supports its residents.

Councilmember Vitelli suggested getting input from the committee who worked to prevent a portion of I-35E from becoming more than a 45 mile per hour limit, noting they were very effective.

Mayor Huber stated that while this will be a long-term process, there are pieces that will move fast. He stated he would be fine putting several residents on the committee so the information can get out to the residents as soon as possible.

Councilmember Duggan suggested residents submit the names of two residents to attend Ad Hoc meetings to facilitate communication with the community. He also supported holding a community meeting to present and discuss the findings from Foth.

Mayor Huber pointed out that no one knows what Foth will come up with and he felt those findings should be looked at first by the city. He stated he does not want Foth placed in a position of defending the Dakota County Visioning Study. He supported appointing several residents to attend the Ad Hoc meeting and to allow the Council time to think further about the best way to get the Foth information out to the community in a manner that is usable to them.

Councilmember Duggan suggested Foth present its report at the next Council meeting and the Council then discuss whether to hold a community meeting. Mayor Huber stated the city would need to talk to Foth Engineering to see if they could be ready to make a presentation in two weeks.

Councilmember Krebsbach felt the Foth report should come to the Council first to assure the Council is organized, unified, and focused. Mayor Huber agreed.

Councilmember Krebsbach stated after that point, the Council can consider having a community meeting and provide suggestions on strategy.

Mr. McKnight advised that Mr. Madigan is not available in two weeks. He stated the city will get Foth's report on Monday, and staff will review it and prepare a report.

Mr. James Neuharth, 2458 Pond Circle, stated residents need information that is valid and reliable related to this issue. Mr. McKnight advised where the information from Foth can be found on the city's website and stated that Dakota County also has a link. Mr. Neuharth asked about Sunfish Lake. Mayor Huber advised that Sunfish Lake and its officials are also against the proposed interchange and in lock step with Mendota Heights.

Becky Rabuse, Delaware Avenue, Sunfish Lake, commented on a past project with I-494 and lack of communication between Mendota Heights and Sunfish Lake, which she did not want repeated. She explained that as part of the I-494 project, Sunfish Lake residents fought for a long time and ran into problems with the state constantly reappointing people. However, they were successful in keeping it out of Sunfish Lake.

Mayor Huber stated staff will provide the information as soon as possible and asked residents to appoint two representatives to attend the committee meetings and act as conduits to get information from the city to their group and also provide information to the city. He assured the residents that all are working on the same page.

COUNCIL COMMENTS

Councilmember Vitelli said he had talked to Public Works Director Mazzitello, who is deployed to the Bagram Air Base north of Kabul, Afghanistan, through a software program called Skype. Councilmember Vitelli explained that Mr. Mazzitello has the full responsibility for any runway work at the Bagram Air Force base and is second in command for all other base facilities.

Councilmember Schneeman said the skating rinks are well used, noting 50 people were recently at Wentworth Park. She congratulated resident Erica MacDonald who will be appointed as First Judicial District Judge this coming week.

Mayor Huber thanked the public works staff for the great work they are doing on the city's streets.

Councilmember Duggan extended condolences to Sandra and Nob Krebsbach on the passing of a family member.

ADJOURN

There being no further business to come before the Council, Councilmember Schneeman moved to adjourn the meeting.

Councilmember Duggan seconded the motion.

Ayes: 5

Nays: 0

Time of Adjournment 9:02 p.m.

Kathleen M. Swanson
City Clerk

ATTEST:

John J. Huber
Mayor

Prepared by Carla Wirth, Recording Secretary