

CITY OF MENDOTA HEIGHTS
DAKOTA COUNTY
STATE OF MINNESOTA

Minutes of the Regular Meeting
Held Wednesday, February 3, 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 Krebsbach, and Schneeman. The following members were absent: Councilmembers Duggan and Vitelli.

PLEDGE OF ALLEGIANCE

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

AGENDA ADOPTION

Councilmember Schneeman moved adoption of the agenda as presented.

Ayes: 3
Nays: 0

Councilmember Krebsbach seconded the motion.

APPROVAL OF MINUTES

Councilmember Schneeman moved approval of the minutes of the regular meeting held on January 19, 2010 as corrected.

Ayes: 3
Nays: 0

Councilmember Krebsbach seconded the motion.

CONSENT CALENDAR

Councilmember Krebsbach moved approval of the consent calendar as presented, pulling item h for further discussion, and authorization for execution of any necessary documents contained therein.

- a. Acknowledgement of the December 2009 Treasurer's Report.
- b. Acknowledgement of the December 2009 Building Activity Report.
- c. Acknowledgement of the Dakota County 2009 Large Community Annual Report.
- d. Authorization for Purchase of a New Diagnostics Scanner.
- e. Approval of Sign Permit for 2283 Waters Drive, BHB Advisors, LLC.

- f. Approval of Sign Permit for 2339 Waters Drive, Changer Services.
- g. Approval of Out of State Travel for Review of Records Management System (RMS).
- h. Adoption of Resolution No. 10-10: "A RESOLUTION ADOPTING DATA PRACTICES POLICY."
- i. Adoption of Resolution No. 10-11: "A RESOLUTION SETTING A PUBLIC HEARING FOR THE RIGHT OF WAY VACATION ON WALSH LANE WAGENKNECHT'S ADDITION."
- j. Adoption of Resolution No. 10-12: "A RESOLUTION APPROVING FINAL PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR WATER TOWER REHABILITATION PROJECT."
- k. Approval of Contractors List, dated January 28, 2010.
- l. Approval of the List of Claims, dated February 3, 2010, totaling \$128,854.62.

Ayes: 3
Nays: 0

Councilmember Schneeman seconded the motion.

RESOLUTION NO. 10-10
ADOPTING DATA PRACTICES
POLICY

Councilmember Krebsbach asked staff to provide a recap of item h for the public.

City Clerk Kathleen Swanson explained that every public agency in the State of Minnesota is required to prepare and maintain a data practices policy and update it each year. The existing policy was adopted many years ago and the city has been relying on the Police Department's policy. Upon adoption, it will be used for administrative and general government policies, supplemented by the Police Department's policies. Ms. Swanson explained this policy indicates that the public has the right to see and obtain copies of public information. With proper identification and written request, the public can see private information on themselves and request that information to be released.

Councilmember Krebsbach moved adoption of Resolution No. 10-10: "A RESOLUTION ADOPTING DATA PRACTICES POLICY."

Councilmember Schneeman seconded the motion.

Ayes: 3
Nays: 0

PUBLIC COMMENTS

Kimberly Franson, 2170 Pilot Knob Road, stated she just learned that there is some movement to change the zoning on Pilot Knob. She stated she has not had time to research this matter, would like to receive notice of such consideration, and asked that Steven Kline be allowed a few minutes to speak on her behalf.

Steven Kline, speaking on behalf of Ms. Franson, stated she learned there may be an initiative to rezone property that used to be part of the Perron settlement. This property has been in Ms. Franson's family forever and Ms. Franson and her mother Jean Franson would like to be afforded the opportunity to be part of any decisions on change for that property. Mr. Kline explained the Fransons desire to live at their home for a long time and to improve their residence.

Mayor Huber noted consideration of the comprehensive plan is on the agenda tonight but since the full Council is not in attendance and additional time is needed for review and comment, it will probably be tabled to the next meeting. Mayor Huber stated he appreciates the comments made and asked Ms. Franson to provide staff with their contact information so if a change is considered, they can be contacted. He assured Ms. Franson and Mr. Kline that this Council would not consider changing anyone's zoning designation without first reaching out to the land owners and engaging them in a discussion.

Ms. Franson explained that in the past they have not received notice directly but would like to receive it so they can be prepared for the procedure.

Councilmember Schneeman asked who is living in the house. Ms. Franson stated her mother, Jean Franson, lives in the house and they intend to do some remodeling. Councilmember Krebsbach asked her to identify the location of this house on a map.

BID AWARD – PROJECT #200711

Acting Public Works Director/City Engineer Ryan Ruzek presented the twelve bids that were received and opened on December 30, 2009, for the Visitation Drive and Mendota Heights Road roundabout project. It is being funded by the American Recovery and Reinvestment Act (ARRA), the city's State Aid account, and pledges from Visitation School and St. Thomas Academy. He noted Danner, Inc.

submitted the low bid at \$440,001.24, which was \$40,000 higher than the original estimate. Staff has worked to secure additional pledges from the two schools and try to reduce the scope of the project, largely by allowing the contractor to construct the improvement without having to maintain traffic during construction.

Councilmember Krebsbach commended Visitation School and St. Thomas Academy for agreeing to help defray the cost of this higher bid. She asked the Council to table this consideration until it is decided what the traffic pattern will be on Lake Drive, which will be discussed at the March 2, 2010 meeting. Councilmember Krebsbach felt the Council needs to first determine if Lake Drive will be closed, or streets blocked from access to Lake Drive. She noted there may be some other solution that would be beneficial to the schools that has not yet been explored.

Councilmember Schneeman stated she did not support tabling consideration because a traffic study will be needed to consider closing Lake Drive. She stated she was at a St. Thomas event attended by 659 grandparents who left at the same time as the students and if there had been only one point of exit, it would have caused great congestion. She stated she would not support closing Lake Drive and allowing only one entrance to the school.

Councilmember Schneeman moved adoption of Resolution No. 10-13: "A RESOLUTION ACCEPTING BIDS AND AWARDING CONTRACT FOR VISITATION DRIVE AND MENDOTA HEIGHTS ROAD ROUNDABOUT PROJECT (PROJECT #200711)."

Mayor Huber stated he also believes that the bid award and the possible closing of Lake Drive are two separate issues. He stated the city has heard from residents in the Rogers Lake neighborhood who support closure while others are having second thoughts. Mayor Huber stated there may be several options such as a temporary closure now, during, or after the roundabout project is completed. Mayor Huber stated the Council made a commitment to the neighborhood and is cognizant of traffic coming through that neighborhood. He believes a study will be needed and that will not occur prior to awarding this bid. In addition, traffic level and safety on Mendota Heights Road needs to

be addressed. Mayor Huber expressed his appreciation for the schools contributing additional funds so this project can be completed and noted that staff will be working to bring down the project cost, so he will support awarding the bid.

Jim Losleben, 815 Hazel Court, stated because of noise and other issues, he was at first opposed but understands that if there is a safety issue it should be corrected. He stated he has watched the traffic patterns and thinks the biggest problem is people talking on cellular phones, perhaps even texting. Mr. Losleben stated he reviewed records of the city and state and learned there have been no apparent injuries and only three accidents at that intersection. He stated the cost is \$420,000 and begged the Council to find a better way to spend taxpayer money.

Dave Bjorklund, 2511 Dodd Road, stated that he has a Minnesota statistical printout of accidents that took place on Mendota Heights Road from Dodd to Lexington for a period of 10 years. He noted that a comment was previously made that safety consideration of intersections are driven by how many people have been hurt at those intersections. However, this project is not the installation of stop signs but spending \$420,000 to \$440,000 for a roundabout when there have been only four accidents and no injuries. He noted the four accidents at the entrance to Visitation and Mendota Heights Road resulted in three cases of property damage and only one case of injury or possible injury.

Mr. Bjorklund stated his concern with spending this large amount of federal, state and city money to build a roundabout at, he believed, the wrong intersection. He suggested that traffic for St. Thomas Academy is generated from Lake Drive and if that intersection is closed, traffic will be redirected without justification. Mr. Bjorklund stated all are proud of these two schools but he felt this consideration was being rushed at the expense of the taxpayer and he did not support spending this large amount of money on an intersection that has had no injuries. Mr. Bjorklund suggested there has not been a public hearing regarding this matter so if it is tabled, public input can be taken into consideration before making a decision.

Councilmember Krebsbach stated her concern is with this process since this has not been fully discussed by the City Council and the bids are good until March 23, 2010. She stated she also thinks all five members should be present for that discussion and motion.

Mr. Bjorklund stated Councilmember Vitelli had said that he objected to the indication this is a rush to make a decision because it had been talked about for over a year by the Council. However, the safety committee only talked about it twice during a year and a half so he did not consider it to be a long and drawn out process to discuss the safety issue.

Councilmember Krebsbach stated the roundabout may be approved even if the bids are tabled tonight but she believed the impact to Mendota Heights Road with a roundabout and Lake Drive are part of this consideration.

Mr. Bjorklund stated if the city is relying on statistics about accidents, then all intersections involved with the traffic pattern should be considered, such as Lake Drive and Dodd Road, which may have a higher number of accidents.

Mr. Losleben stated as a former member of the Council, he always considered the wish of the people and he is not aware of one resident who supports this project.

Mayor Huber stated it is unfortunate that it was suggested there has been no public hearing because he remembers two packed house meetings where public comment was heard. In addition, the City has reached out to the community multiple times including a mailing in the summer and the two well attended hearings in the fall.

Mayor Huber seconded the motion.

Mr. Bjorklund asked about the final price. Mr. Ruzek stated the contractor expressed a willingness to work with the City. Mr. Bjorklund stated it appears there is not yet a final price and asked how cost overruns will be funded. Mayor Huber stated both schools have indicated a willingness to participate in cost overruns and staff will work on possible project reductions. Mr. Bjorklund expressed concern that something could come up during

construction that has not been anticipated in the bid, such as soil corrections. He also doubted the low bidder would agree to additional reductions.

Councilmember Schneeman explained the bid price is higher than anticipated due to the higher cost of asphalt.

Ayes 2

Nays: 1 (Krebsbach)

CASE NO. 10-01 CLEAR WIRELESS

Assistant to the City Administrator Sedlacek presented the request of Clear Wireless to install three four-foot panels and two microwave dishes on the city's water tower. He displayed a diagram and described how the equipment would appear and the placement of ground equipment located inside the water tower. Mr. Sedlacek referenced the findings needed to consider a conditional use permit.

Mr. Sedlacek stated the Planning Commission considered this request at its January 26, 2010 meeting, held a public hearing, and made the finding that the request met the city's objective that new personal wireless service antennas be located on existing towers or support structures. The Planning Commission recommends approval on a 6-0 vote with the following conditions:

1. A Developer's Agreement shall be established between the applicant and city.
2. A building permit must be obtained prior to construction and installation.
3. The applicant shall provide an abandonment bond to the city as required by Section 12-1J-6.H.1.b of the zoning ordinance.
4. 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.
5. The applicant shall abide by all other regulations in Section 12-1J-6 of the zoning ordinance.
6. All work will be coordinated with the City Engineer and consultant overseeing the water tower painting project.

Mr. Sedlacek noted the final location of the second microwave disk had not yet been identified, so staff recommends one additional condition as follows:

7. The applicant shall provide an updated site plan with final location of all equipment with building permit materials.

Mr. Sedlacek stated no comments were received at the public hearing.

Maria Burmeister, with FMHC representing Clear Wireless, stated they have no objection to the added seventh condition. She stated they are new to the market and determining how the network will be laid out so the exact location remains to be determined.

Councilmember Schneeman moved adoption of Resolution No. 10-14: "A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR THE LOCATION OF A WIRELESS ANTENNA AND EQUIPMENT AT 2431 LEXINGTON AVENUE," as revised to add a seventh condition as recommended.

Councilmember Krebsbach seconded the motion.

Ayes: 3

Nays: 0

2030 COMPREHENSIVE PLAN

Mayor Huber said Councilmember Duggan has reviewed the comprehensive plan page-by-page and provided edits to staff but he was unsure whether Councilmember Vitelli has had enough time to complete his review. He asked the Council to consider tabling this matter for two weeks.

Councilmember Schneeman agreed, noting the 2030 Comprehensive Plan is over 100 pages so it takes time for a thorough review.

Councilmember Schneeman moved to table consideration of the 2030 Comprehensive Plan for two weeks.

Councilmember Krebsbach seconded the motion.

Ayes: 3

Nays: 0

LAND USE DESIGNATION

Assistant to the City Administrator Sedlacek used a map to identify the Pilot Knob area under consideration. He pointed out the parcels under city ownership and advised of the Pilot Knob Preservation Association (PKPA) request to change the land use designation of approximately nine acres included within the historic Pilot Knob site on the north end

of the Industrial Park, just south of Acacia Boulevard, along Pilot Knob Road. It is currently guided as industrial and the PKPA is requesting it be guided as open space. This was presented and discussed at the January 26, 2010 Planning Commission meeting. He stated this request has now been placed on the public record.

Councilmember Krebsbach stated she would need to better understand what is going on with Pilot Knob and what is in the best interest of the city.

Mayor Huber stated in two weeks the Council can discuss if it would support having this discussion and if so, direction can be given to staff to obtain more information. Mr. Sedlacek advised it would involve unbudgeted staff time to do that research.

City Administrator David McKnight clarified that the comprehensive plan will be before the Council in two weeks and the matter of Pilot Knob will return to the Council when the information is ready.

Councilmember Schneeman moved to table consideration of the Pilot Knob Preservation Association request for a change in land use designation to allow time for further staff research.

Councilmember Krebsbach seconded the motion.

Ayes: 3

Nays: 0

COUNCIL COMMENTS

Councilmember Schneeman listed of all the birds she had observed just today in her back yard. She also commented on a WCCO radio program about birding, which is a very interesting hobby. Mayor Huber agreed and commented on his interest in the changing seasons of nature.

Councilmember Krebsbach said she lives on the bluff, and they also have some birds including bald eagles.

ADJOURN

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

meeting.
Councilmember Krebsbach seconded the motion.

Ayes: 3
Nays: 0

Time of Adjournment 7:48 p.m.

Kathleen M. Swanson
City Clerk

ATTEST:

John J. Huber
Mayor

Prepared by Carla Wirth, Recording Secretary