

CITY OF MENDOTA HEIGHTS  
DAKOTA COUNTY  
STATE OF MINNESOTA

Minutes of the Regular Meeting  
Held Tuesday, February 16, 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, Schneeman and Vitelli. The following member was absent: Councilmember Duggan.

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: 4  
Nays: 0

Councilmember Vitelli seconded the motion.

APPROVAL OF MINUTES

Councilmember Vitelli moved approval of the minutes of the regular meeting held on February 3, 2010 as corrected. Councilmember Schneeman seconded the motion.

Ayes: 4  
Nays: 0

NEIGHBORHOOD MEETING

Mayor Huber announced that the Dakota County transportation staff will host a neighborhood meeting on Thursday, February 25, 2010, from 4:00 to 6:00 p.m. at Trinity School to discuss the status of the Dakota County Regional Visioning Study.

CONSENT CALENDAR

Councilmember Krebsbach moved approval of the consent calendar as presented, pulling item 6g for further discussion, and authorization for execution of any necessary documents contained therein.

- a. Acknowledgement of the NDC4 Meeting Minutes and Agenda.
- b. Acknowledgement of January 2010 Treasurer's Report.
- c. Acknowledgement of Mutual Aid Agreement Adjustment with Eagan Fire Department.

- d. Authorization for fire department out of state travel.
- e. Authorization for the Mayor and City Clerk to sign Clear Wire Lease for the water tower.
- f. Approval of Purchase Order to Tri State Bobcat for the purchase of an angle broom and jackhammer for the Bobcat.
- g. Approval of Mendota Plaza Developers Agreement Amendment.
- h. Approval of Seasonal Employment Job Descriptions and Job Postings.
- i. Appointment of Assistant Fire Chief, Training Officer, and Assistant Training Officer.
- j. Approval of Contractors List, dated February 10, 2010.
- k. Approval of the List of Claims, dated February 16, 2010, totaling \$164,673.53.

Councilmember Vitelli seconded the motion.

Ayes: 4

Nays: 0

Mayor Huber congratulated Assistant Fire Chief Dave Dreelan, Fire Training Officer Roy Kingsley, and Assistant Training Officer Dale Stein on their appointments.

## MENDOTA PLAZA AGREEMENT

Assistant to the City Administrator Jake Sedlacek stated he understands the plans are ready to go and Council has approved building permits for the site. When Paster Enterprises is ready, the city will sign off on the plats and the project will proceed. He explained there was a delay in construction and because the timeline is part of the developers agreement, any change in it requires an amendment to the PUD. The agreement outlines the new timeline for the project. Legal staff has reviewed the document and found the amendment pertains entirely to the timeline and changes no other items in the document.

Ken Henk, Paster Enterprises, explained they had planned to start construction this past fall and had completed a Phase I environmental study but the financial agency required a Phase II study since a dry cleaner had been on this property. That study was completed by Braun Intertech and found dry cleaning chemicals in the soils from the early 1970s. An action plan was prepared, submitted to the MPCA, and approved. Mr. Henk stated the remedial plan is expected to be approved in the next three to four weeks, which will satisfy their lender. He stated they will now start construction this spring, commencing with the remodel of the existing building. Mr. Henk said the west section

will be removed and existing tenants will be moved further inward to make way for Walgreens, which will start construction late summer. All of the site improvements west of the waterway will be completed starting in May through the end of 2010. All paving in that fifteen acre area, site lighting, and landscaping will be completed later this year so Walgreens can open in the spring of 2011. They will delay work on Lots 3, 4, and 5 (the remaining five acres east of the waterway). Mr. Henk stated they had received city approvals almost a year ago but in today's economy, the retail rents that could be generated do not warrant construction costs. They are now looking at a construction start in 2011 and opening in 2012 for that area.

In response to questions by Councilmember Krebsbach, Mr. Henk explained that they are changing items 10-19 on the schedule, Exhibit A, and items 1-9 remain the same. They will complete item 11, interim financing, next month pending completion of the environmental study. He stated the contamination was contained on the property of the dry cleaner business and they will install monitoring walls by McDonalds and Amoco, east and west of the building to determine the plume of the chemicals. He estimated that 300 to 400 yards of material will be removed from the site, so it is advantageous that they will be removing the building. Item 12, grading and utilities, will start when the winter weather breaks. Paving, lighting and landscaping will follow Walgreens, start this summer and be completed later this year. Item 15 pertains to all of the buildings. The east retail, two buildings along Highway 110, will start the summer of 2011 and open in 2012. Councilmember Krebsbach asked about item 16, tenant improvements. Mr. Henk explained a chart of information and which buildings are represented in each column of information. They are currently at item 17, relocating the end cap tenants. About 100 feet of the middle portion of the building will be removed initially so the new storefront can be put in. Once the three tenants are relocated, their portion will be demolished so they do not have to be shut down.

City Attorney Tami Diehm explained the amendment to the agreement and advised it only pertains to the timeline.

Councilmember Schneeman moved to authorize the Mayor and city clerk to sign the Planned Unit Development

Agreement between the City of Mendota Heights and Mendota Mall Associates LLP.

Councilmember Vitelli seconded the motion.

Ayes: 4

Nays: 0

Councilmember Krebsbach stated in these economic times, Mendota Heights is blessed to have this development.

MEDAL OF MERIT  
SHARRON THOMSON

Police Chief Mike Aschenbrener stated he is proud that this honor is being given to Ms. Thomson. He stated that police get used to seeing people, on a regular basis, do the wrong thing and it is a wonderful thing when someone steps up and does the right thing. Police Chief Aschenbrener explained that in October of 2009, Ms. Thomson witnessed a personal injury crash at the intersection of Lexington Avenue and Victoria Curve and decided to get a good look at the driver who fled from the accident. She was able to get a good description and license plate number and then returned to assure Abbie Miller was all right. Police Chief Aschenbrener read the department's policy for the issuance of the Citizen's Award of Merit and stated that when citizens take this type of action, it assists the department.

Ms. Thomson stated she is glad it turned out the way it did.

Ms. Miller stated that Ms. Thomson is her hero. She stated she has lived in Mendota Heights for 40 years and often drives through this area, and when this accident occurred it was a life changing experience. She stated she saw the vehicle coming up the hill and said, "Please turn around and chase this person," and Ms. Thompson did. Ms. Miller stated this is an emotional event, she is proud to meet Ms. Thompson, and glad she is receiving this honor.

Mayor Huber read in full and presented Sharron Thomson with a Citizen's Award of Merit for her actions on October 10, 2009. He stated he is greatly honored to present this award to Ms. Thomson on behalf of the entire community.

Police Chief Aschenbrener stated the second part of the award is a letter from the City of Mendota Heights thanking Ms. Thomson for going above and beyond, which resulted in the arrest of the drunk driver who fled the scene.

The Council, staff and audience responded with a round of applause. Mayor Huber thanked Officer Shepard for

REGIONAL ROADWAY  
VISIONING STUDY

nominating Ms. Thompson for these awards.

Acting Public Works Director/City Engineer Ryan Ruzek explained that in December, the cities of Mendota Heights and Sunfish Lake contracted with Foth Infrastructure and Environmental to analyze the Dakota County Regional Visioning Study.

Tom Madigan, Foth Infrastructure and Environmental, provided a presentation of the Regional Roadway System Visioning Study to review what Dakota County had prepared to date and the recommendation of their engineer. He stated the report objectives were to consider safety and capacity, noting that at times these objectives may conflict. Foth looked at the analysis and findings including the land use development assumptions that were consistent with the comprehensive plans of both communities. The question is the timing of development. He advised the assumptions used for traffic patterns and volumes were found to be appropriate with or without an interchange at Delaware Avenue because there will be an increase in volume as these areas develop. Mr. Madigan stated they found Delaware Avenue needs safety improvements north of Highway 110 at some point in time. Foth believes that due to potential volumes, an interchange at I494 should be a consideration since the other roads cannot handle the additional traffic that will be generated.

Councilmember Krebsbach stated she believes that Dakota County has to look at widening and using Lone Oak Road as a main artery into that development. Mr. Madigan stated the overall diagram shows all the options for each road and Lone Oak Road is part of that plan. Councilmember Krebsbach asked Mr. Madigan if Foth is saying that an interchange is the only answer. Mr. Madigan stated it is not the only answer but is part of a total package to solve the problem that will occur with growth in the future.

Mr. Madigan stated not much has been done with regard to environmental impacts so there is more to do. Foth thinks Delaware Avenue is not a good choice for an interchange location and there is a better location. He noted an interchange at Delaware Avenue would have significant impacts on properties, but at this point not much has been done to analyze property impacts.

Mayor Huber acknowledged Sunfish Lake residents who were in attendance.

Mr. Madigan presented Foth's recommendations, saying they believe there is a need for another interchange at I494 at some point in the future. He noted this study is a long-term view of the future and he credits Dakota County for taking this approach because he too often sees things go forward without planning, and cities and residents suffer when traffic is not addressed. Mr. Madigan stated they believe Alternate E, the interchange to the east, is a better solution from a traffic standpoint. He displayed a map of the area noting the alignment of Delaware Avenue and location of Alternate E that is more centered where development may occur within Inver Grove Heights. He stated impacts to property and the environment are too great at Delaware Avenue and impacts would be to a much lesser degree at the Alternate E location, which they will point out to Dakota County.

Mr. Madigan displayed a chart identifying improvements and noted the county is proposing the expansion of Lone Oak Road from four to six lanes near I-35E, and Alternate E is part of the County's package.

Councilmember Krebsbach stated there may be federal stimulus funds or a developer that could fund the interchange so it could happen sooner. She stated she would like to see Lone Oak Road included and asked who would fund it. Mr. Madigan stated it could be funded in the same way, federal stimulus or by a developer. Councilmember Krebsbach commented on the current congestion and asked Foth to include early improvement at Lone Oak Road as one of the top three bullets.

Mr. Madigan stated they think Delaware Avenue, at some point in time as traffic increases, needs to be improved to three lanes with designated left turn lanes, as proposed by Dakota County north of Highway 110. Foth felt it was an appropriate design option in the future to allow drivers safe access in and out of their driveways on Delaware Avenue.

Councilmember Krebsbach asked if the plan is to also lower the elevation. Mr. Madigan agreed visibility is a problem and that there would be impacts to properties on

both sides. An urban design may cause the least impact and would include curb and gutter with stormwater, requiring an additional six-foot expansion on each side to accommodate two travel lanes plus turn lanes. Mr. Madigan said retaining walls would be included to support the road and minimize property impacts. He noted that Mendota Heights has a consistent fifty foot right-of-way from the center line. Councilmember Krebsbach asked how far into the property it would encroach. Mr. Madigan estimated six feet on both sides with retaining walls where needed to minimize property disruption.

Mr. Madigan presented steps going forward, noting it will be presented to Dakota County. He stated the items still needed are an interchange warrant study that would be submitted to the Federal Highway Administration to determine whether another interchange will be allowed, an environmental review if the County Board decides to move forward, and access approval of Mn/DOT.

Councilmember Krebsbach asked about implications to Dodd Road and if the county is looking at expanding that interchange. Mr. Madigan stated that has been considered, noting the fact finding chart in the county's report addresses that interchange.

Mr. Madigan stated Dakota County will have to seek funding and once that is accomplished, schedule the design.

Mayor Huber stated he and the city administrator met with County Commissioner Egan, Brian Sorenson and Mark Krebsbach from Dakota County Transportation Department and Sunfish Lake Mayor Molly Park, and concern was expressed when discussing Alternate E about the pressure it would put on the interchange of Highway 55 and Argenta. Mr. Madigan stated Brian Sorenson has indicated the west ramps at Robert Street are too close to each other with Alternate E.

Councilmember Krebsbach asked about an upgrade to Highway 3. Mr. Madigan stated that has been discussed, noted the chart indicates an upgrade to add lanes as well as the interchange.

Mayor Huber stated this study includes many projects. He

noted that as the concept moves forward, the county will likely start doing some projects as a piece of the overall plan. Mayor Huber stated that a third lane on Delaware Avenue would be a very dramatic change and could be done long before an interchange is built. Mr. Madigan agreed that would have an impact and stated all of the alternative projects will be adjusted as information comes forward on environmental issues and funding.

Councilmember Vitelli stated he learned how broad the scope of this project is and that regardless of where the interchange is located, there will be increased traffic on Delaware Avenue and Dodd Road. He asked if Eagan and Inver Grove Heights have a well defined plan for what will go into these sites on which this study is based? Mr. Madigan used a map to point out areas of approved projects in Inver Grove Heights and explained their land use plan and zoning map include the types of development that would be considered. From Foth's perspective, it will develop at some time and generate additional traffic. No one knows the volume of traffic but the model considers the proposed land uses and determines the type of traffic trips that could be generated. Foth thinks what they have come up with is reasonable, though it is not exact.

Councilmember Krebsbach stated Mendota Heights should describe what it wants Delaware Avenue to look like, such as 50<sup>th</sup> Avenue in Edina or Vernon Avenue. She stated Councilmember Duggan had suggested not having three lanes the entire alignment. Mr. Madigan stated the number of driveways will influence the need for having the center lane and safety is expected to be addressed in the design.

Councilmember Krebsbach commented on the ability to give a driver the sense they have entered a different place through landscaping and tree canopy. Mr. Madigan stated he does not know about the process used by Dakota County to allow community input on the design features. Acting Public Works Director/City Engineer Ruzek stated the city is involved with Dakota County on the design north of Highway 110 and believed it would be the same on the south side.

Michael Noonan, 2258 Fieldstone Drive, stated residents felt their concerns were ignored at the November 2009 open house but now Foth is bringing those concerns to light. He

felt impacts of a Delaware Avenue interchange would be significant and there are alternatives that could mitigate the impact. Mr. Noonan stated the community supports measures taken within Inver Grove Heights and Eagan to mitigate impacts to Mendota Heights and Sunfish Lake, and to make improvements to Robert and Dodd to enhance those intersections to convey the traffic. If a third interchange is necessary, the neighborhood would look for a location that mitigates the impact to property owners at Delaware Avenue and I494. In terms of what Delaware would look like, he felt it needed to retain its current character and a 100 foot right-of-way was too generous for 38 feet of traffic lanes. Instead of having the city's consultant do the work, he challenged the county to do the "heavy lifting" to address all the impacts to driveways and houses that backed onto Delaware Avenue, as well as impacts to wetlands and topography. He expressed concern with regard to the timing and cost, should any costs be assessed. Mr. Noonan stated the Foth study adds credibility to concerns the neighborhood had expressed so they can now go forward to ask questions. He stated the public meeting on February 25, 2010, is very important because it allows for all parties to come together to hear one set of facts. He encouraged all those in Sunfish Lake and Mendota Heights to attend and ask questions needed to assure the impacts are mitigated to the greatest extent possible.

Councilmember Schneeman stated her appreciation to Mr. Noonan for his involvement and the knowledge he brings to the issues. She stated everyone wants to do the right thing but the city needs to raise these issues.

Mr. Madigan clarified that just because there is a 50-foot right-of-way in Mendota Heights, does not mean the project will extend to the property edge.

Mayor Huber announced the Dakota County Transportation staff will host a neighborhood meeting on Thursday, February 25, 2010, from 4:00 to 6:00 p.m. at Trinity School to discuss the status of the Dakota County Regional Visioning Study.

Councilmember Krebsbach asked about the speed on Delaware Avenue. Mr. Madigan stated it is currently 45 miles per hour and he cannot see it being changed.

Mayor Huber thanked Mr. Madigan for their ongoing good work, noting Mendota Heights and Sunfish Lake will be engaged with this issue for a long time to come.

Councilmember Krebsbach stated she is pleased Inver Grove Heights Mayor Tourville has talked about Alternative E. She stated that is a good alternative, and otherwise her position is no interchange.

Mayor Huber stated he and Mayor Tourville have had several conversations and he agrees with him that it serves no purpose for cities to take shots at each other but they need to sit down as leaders and discuss it.

Mr. Madigan stated he will attend the open house and he may be acting as the Master of Ceremonies. Councilmember Krebsbach asked him to bring up Lone Oak Road.

#### SPRING CLEAN UP

Assistant to the City Administrator Sedlacek announced the City's Spring Clean-Up 2010 will be held on Saturday, May 1, 2010, from 8:00 a.m. to 2:00 p.m. at Mendakota Park, 2171 Dodd Road. He displayed a flyer that listed the materials that will and will not be accepted, encouraged all to participate at this new location, and Mendota Heights' identification will be required to participate. Mr. Sedlacek described how the documents will be securely shredded.

#### 2030 COMPREHENSIVE LAND USE PLAN

Assistant to the City Administrator Sedlacek explained the 2030 Comprehensive Plan update, which started in May of 2007, is nearing completion. He advised that the five changes directed by the Council at its February 3, 2010, meeting have been made.

Councilmember Krebsbach asked that the park section be somewhat rewritten by Mr. Sedlacek to clarify park holdings, open space owned by the city, open space owned by others, and clearly identify neighborhoods that do not have a park. She noted the chart does not identify Pilot Knob or the Dodge Nature area. Mr. Sedlacek stated both are mentioned in the parks and recreation description section but not included in the matrix chart.

Councilmember Schneeman noted the Foss parcel has been sold and is no longer available for park land. Mr. Sedlacek

stated that regardless of the ownership, the city's view for that property has not changed.

Kimberly Franson, 2170 Pilot Knot Road, asked what action is being taken by the Council? Mayor Huber explained the process to submit the comprehensive plan to the Metropolitan Council for their review and comment.

Ms. Franson stated she has not had the opportunity to review the plan. Mayor Huber explained this plan has no change to her land. He described the process to consider a change to the land use designation, which would include notice to surrounding properties and amendment of the comprehensive plan.

Councilmember Schneeman moved approval to submit the 2030 Comprehensive Plan update to the Metropolitan Council.

Councilmember Krebsbach seconded the motion.

Ayes: 4

Nays: 0

#### POLICE MOBILE RECORDS

Police Chief Aschenbrener explained the City has opted out of the LOGIS records management system. The computer aided dispatching is part of the city's Dakota Communications Center bill and the public mobile computer (PMDC) software will come from Motorola through the LOGIS consortium. Police Chief Aschenbrener stated the Mendota Heights Police Department will be charged \$18,012 for the licenses to operate the PMDC system in its marked cars. Chief Aschenbrener suggested five options for payment, ranging from one payment to five payments, noting there will be an interest charge of 3% beginning on February 1, 2011.

Finance Director Kristen Schabacker stated since the city is under levy limits, it would be hard to budget it in one or two years so three years would be more workable. If paying from reserves, she would recommend a one time lump payment. She advised the city is getting 2% on recent investments and a 3-4% yield on older investments.

Councilmember Vitelli stated if 3% is being received he would recommend three years of payments but if only 1% is being received, he would recommend paying from reserves in one lump sum and to replenish the amount from

reserves.

Councilmember Krebsbach supported paying in one lump sum since it is \$18,000.

Councilmember Vitelli moved authorization to purchase the police mobile computer software and computer aided dispatching software through a lump sum payment, and to replenish the fund used to pay for this purchase.

Councilmember Schneeman seconded the motion.

Ayes: 4

Nays: 0

#### MSP LONG TERM COMPREHENSIVE PLAN LETTER

Liz Petschel, Chairperson of the Airport Relations Commission, referenced the letter drafted by the ARC in response to the 2030 MSP Long Term Comprehensive Plan Draft (LTCP) that MAC has brought forward. She informed the Council of the roundtable meeting held with all the cities surrounding the airport that she had attended with Mr. Sedlacek, concerns raised, and potential impacts of the new plan. Ms. Petschel advised that noise will increase appreciably over Mendota Heights but since the homes have been constructed with noise insulation it will not be as great an impact. She stated this plan indicates the new north/south runway 17/35 over the Mall of America will increase by 30%, so the single greatest increase will be over Richfield, the closest city to a runway in the United States. Ms. Petschel stated that concern over a third parallel runway was vocalized in the ARC report. The biggest concern is spending up to \$2.5 billion to take the airport to capacity, since there is no vision of where it goes from there. She raised other options that have not been considered to accommodate that increase in air traffic and indicated the ARC letter generally held concerns by most every community surrounding the airport.

Councilmember Krebsbach asked when the other noise increases will happen. Ms. Petschel stated that is a good question and she believes the noise will gradually increase if the economy improves, the price of oil stays reasonable, Delta continues to expand, and Southwest develops a major operation. She noted MAC has indicated growth will be need based and there will be no speculative building at the airport. MAC has indicated the next assessment in five years will provide a better snapshot of where they will be. However, Mendota Heights needs to stay on top of this

issue since Delta is making significant shifts in its fleet.

The Council thanked the Airport Relations Commission for their work on this matter.

Councilmember Vitelli moved authorization for the Mayor to sign the letter to the MAC.

Councilmember Schneeman seconded the motion.

Ayes: 4

Nays: 0

#### COUNCIL COMMENTS

Councilmember Krebsbach commended Parks Commission Chair Paul Portz for his 10 years of dedicated service and work on the Par 3. The Council concurred.

#### ADJOURN

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

Councilmember Schneeman seconded the motion.

Ayes: 4

Nays: 0

Time of Adjournment 8:36 p.m.

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Kathleen M. Swanson

City Clerk

ATTEST:

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John J. Huber

Mayor

Prepared by Carla Wirth, Recording Secretary