

CITY OF MENDOTA HEIGHTS
DAKOTA COUNTY
STATE OF MINNESOTA

Minutes of the Regular Meeting
Held Tuesday, February 19, 2007

Pursuant to due call and notice thereof, the regular meeting of the City Council, City of Mendota Heights, Minnesota was held at 7:30 o'clock p.m. at City Hall, 1101 Victoria Curve, Mendota Heights, Minnesota.

CALL TO ORDER

Mayor Huber called the meeting to order at 7:30 p.m. The following members were present: Councilmembers Krebsbach and Vitelli. The following members were excused: Councilmembers Duggan and Schneeman.

PLEDGE OF ALLEGIANCE

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

AGENDA ADOPTION

Councilmember Krebsbach moved adoption of the agenda as presented. Councilmember Vitelli seconded the motion.

Ayes: 3

Nays: 0

APPROVAL OF MINUTES

Councilmember Krebsbach asked that approval of the minutes of February 4, 2008 be tabled until the next meeting to allow Commissioner Duggan and Commissioner Schneeman to review them. Commissioner Vitelli seconded the motion.

Ayes: 3

Nays: 0

City Administrator Jim Danielson informed Council that Councilmember Duggan will not be present at the next Council meeting. Mayor Huber asked Staff to get some comments about the minutes from Councilmembers Duggan and Schneeman before the next meeting.

CONSENT CALENDAR

Councilmember Vitelli moved approval of the consent calendar as presented, pulling items k and n, and authorization for execution of any necessary documents contained therein.

- a. Acknowledgement of the NDC4 Meeting Minutes and Agenda.

- b. Acknowledgement of the January 8, 2008 Park and Recreation Commission Minutes.
- c. Acknowledgement of the January 8, 2008 ARC Commission Minutes.
- d. Acknowledgement of the January 2008 Treasurer's Report.
- e. Acknowledgement of the January 2008 Monthly Fire Department Report.
- f. Authorization for Temporary Liquor License, St. Peter's Church.
- g. Authorization for Purchase Order for Replacement of Radar Units.
- h. Authorization for Purchase Order for Repair of Underground Fuel Tanks.
- i. Authorization for Purchase Order to Purchase a Trailer.
- j. Authorization for Hagstrom-King Park Ball Field and Backstop Fencing.
- k. Authorization for Approval of Purchase Order for Street Sweeping.
- l. Approval of Patterson Dental Private Water Main Agreement and Authorization for Mayor and City Administrator to Sign it.
- m. Approval of Amendment No. 1 to Contract for Water Services between Board of Water Commissioners and the City of Mendota Heights and Authorize Mayor and City Administrator to Sign it.
- n. Adoption of Ordinance No. 415, "AN ORDINANCE AMENDING TITLE 2 OF THE CITY CODE".
- o. Adoption of Resolution No. 08-10, "A RESOLUTION DENYING A CONDITIONAL USE PERMIT AT 1196 NORTHLAND DRIVE."
- p. Adoption of Resolution No. 08-11, "A RESOLUTION ORDERING PREPARATION OF FEASIBILITY REPORT FOR THE SOMERSET PARK / EVERGREEN KNOLL REHABILITATION PROJECT."
- q. Adoption of Resolution No. 08-12, "A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO APPLY FOR A LOCAL TRAIL CONNECTIONS PROGRAM GRANT WITH THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES

FOR THE PILOT KNOB BIG RIVERS TRAIL CONNECTION PROJECT.”

- r. Approval of the List of Contractors, dated February 14, 2008.
- s. Approval of the List of Claims, dated February 14, 2008, totaling \$311,239.71

Councilmember Krebsbach asked to have Item n pulled and said she is in support of this, and would like the Council to look at terms for all of the commissions, particularly of the Chairs, and whether the Council will want to go to with four year terms. Councilmember Krebsbach said she is concerned that the City will cycle through Chairs, causing Chairs who will be terming out very close to the beginning of their leadership.

Councilmember Krebsbach said she is not in favor of term limits for the commissions.

Councilmember Krebsbach moved adoption of Ordinance 415: “AN ORDINANCE AMENDING TITLE 2 OF THE CITY CODE”.

Councilmember Vitelli seconded the motion.

Ayes: 3
Nays: 0

Mayor Huber pulled Item K to further discuss the street sweeping bids. Councilmember Krebsbach said there were two gentlemen in the audience that wished to speak on this item.

Public Works Director Sue McDermott said Staff annually sends out bids requests for street sweeping of the City. This year, bid forms were sent out to 8 firms and 5 bids were received.

Ms. McDermott said that in the bidding process in the past staff specifies that the City requires the contractor to use six Elgin Pelican Sweepers. Staff was contacted by Environmental Enhancements, Inc., who uses newer equipment called Regenerative Air Sweepers and they provided a bid with that equipment. The bid is higher per hour, but the equipment is able to do the work in less than the 240 hours that Staff has estimated. The total cost for this work was bid at \$15,680.00.

Ms. McDermott said it is typical that the City directs three staff members with three trucks following the six sweepers around, collecting the street sweepings. Ms. McDermott said that with the Regenerative Air Sweepers, the sweepings will be sent to several locations in town and then staff will pick up these sweepings on their own. This will save money on the sweep time and staff time.

Ms. McDermott said she consulted with City Attorney Tami Diehm, who felt that the City can award this service contract to Environmental Enhancements.

Two representatives from Reliakor, another company that submitted a bid, were in the audience wishing to speak on this matter. Mr. Josh Leegard and Mr. Mike Olman explained that they calculated at the suggested 240 hours, but they feel it would only take about 212 hours, giving a total cost of just less than what the others bid. Mr. Leegard said he feels his company was misled by what the City asked for, and they have other options that they could use. Mr. Leegard asked if the City would re-bid this work differently.

Ms. McDermott said last year the City used Pearson Brothers, which took 170 hours to sweep the City. Ms. McDermott stated that if Council does not want to award the bid to Environmental Enhancements, Staff will reject all bids and re-bid the entire project using a lump sum method so that everyone is on an equal playing field.

Mayor Huber asked City Attorney Diehm for some input. Ms. Diehm said while the City characterizes this as a request for bids, it is more a request for proposals because the City is seeking service from a company, and not buying a material item. The City has the right to award the bid to whichever company the City feels comfortable with based on the equipment they propose to use, the number of hours, the people they plan to staff, etc.

Mayor Huber said the Council has two options: 1) to accept the recommendation as it is and discuss

options for future years, or, 2) have Staff reject and re-bid.

Councilmember Vitelli moved to instruct Staff to reject the present bids and re-bid this project based on Public Work's re-statement of the request for bids.

Councilmember Krebsbach seconded the motion.

Ayes: 3

Nays: 0

DISCUSSION OF LIQUOR ORDINANCE AMENDMENT

City Clerk Kathleen Swanson said the City received a request from Paster Enterprises for an amendment to the city's liquor ordinance to reduce the required dining room size and seating for an on-sale liquor license. She informed Council that Mr. Richard Jahnke from Paster Enterprises, along with Ms. Lynn Bones, the broker for a license applicant, were present to respond to Council questions.

Mayor Huber asked if the recommendation was to go to a two-tier program as the first tier license would be for a larger facility, with dining areas greater than 2,000 sq. ft. The second tier would be for restaurants with dining areas of 1,000 to 2,000 sq. ft. The tier one fee is proposed to remain at \$10,000, but the tier two would be established at \$7,500.

Ms. Swanson said the smaller type of establishment would probably require different policing. Ms. Swanson said she has discussed this at length with Chief Aschenbrener.

Councilmember Krebsbach asked what the advantage is of the two tier system. Ms. Swanson said the City needs to justify fees that they charge for various items, licensing being one of them. Ms. Swanson said she felt it would be more appropriate to charge a lesser fee for those facilities that are smaller.

Ms. Swanson said when the City adopted this ordinance many years ago, there was absolutely no history on liquor in the community. The City had municipal liquor authorization and designed this

ordinance to be extremely restrictive knowing that the City could reduce the fees and requirements in the future but that it would be very difficult increase the requirements.

Mayor Huber said that the ordinance now excludes smaller establishments. Ms. Swanson said that was correct, and these are the establishments that the City will likely receive liquor requests for.

Mayor Huber said that the request from Paster Enterprises is related to a liquor application for Mr. Felipe Mata who has applied for an on sale liquor license for a Mexican Restaurant in the space formerly occupied by Ziggy's Deli in Mendota Plaza. This request from Paster has prompted Staff to look at how the City handles these licenses.

Mayor Huber said this seems reasonable to him and the premise seems to suggest that smaller businesses may have fewer problems, but any place, be it large or small, runs the risk of losing their license if the Police Department feels there are significant problems.

Councilmember Vitelli said he is okay with this request.

Councilmember Krebsbach said she is not okay with this. She is not ready to change the ordinance, and the Council should be looking at any changes on a case by case basis.

Councilmember Vitelli said he believes someone will be putting a restaurant in the Village, and that person will most likely need a liquor license. Councilmember Vitelli asked what tier this type of establishment would fall in. Ms Swanson responded that it is most likely a restaurant in the Village would be a smaller type. Ms. Swanson said it is anticipated that a larger one may be in Mendota Plaza if the development plans go through. Councilmember Vitelli said he would like to hear comments from Councilmembers Duggan and Schneeman on this. Councilmember Vitelli said he respects Councilmember Krebsbach's concerns.

Ms. Swanson said the ordinance allows for six establishments to serve intoxicating liquor on-sale. There is currently only one, and that is the hotel. Ms. Swanson said Sage Market and Wine Bar only serves wine and beer, and Brown College has an on-sale wine license.

Councilmember Krebsbach said it would be helpful to have an inventory.

Councilmember Vitelli suggested directing Staff to come back with a short presentation on the discussions held and taking input from Councilmember Krebsbach on the things she would like to see, talking in the broader sense of what the City wants to allow and what types of establishments the City would like to see.

Councilmember Krebsbach said the Council owes it to the residents to do this. Councilmember Krebsbach said there were reasons that the liquor license was created and it has served the City just fine.

Councilmember Vitelli moved to table discussion to the next meeting and have Staff bring a presentation.

Councilmember Krebsbach seconded the motion.

Ayes: 3

Nays: 0

Councilmember Krebsbach would like to have discussion with Ross Fefercorn and Paster Enterprises on what they anticipate in their areas.

HEARING: LIQUOR
LICENSE

The hearing on an application from Felipe's LLC for an on-sale liquor license for Teresa's Mexican Restaurant was tabled to the next meeting.

NPDES PHASE II ANNUAL MEETING

Ms. McDermott said every year the City is required to hold an annual meeting to discuss the City's storm water pollution prevention plan and to allow members of the public to comment on this. Ms. McDermott said at this time, she would like to give a lighter spin on this and read a poem that she created:

*On tonight's agenda we saved the best for last
The topic is the Storm Water Pollution Prevention
Plan,
Say that five times very fast.*

*The NPDES Program is federally mandated by the
EPA,
On a local level, we report to the Minnesota PCA.*

*The SWPPP is a requirement because we are an
MS4,
It outlines various BMP's with acronyms galore.*

*Out to the public we must reach,
So using Heights Highlites articles we try to teach.*

*About subjects such as Illicit Discharge Protection
and Elimination, Pollution Prevention, Public
Involvement and Participation,
Construction Site Runoff and Control.
Don't stop me now I'm on a roll.*

*Every year we clean out pond outlets and manhole
sumps,
Monitor wetlands, sweep streets and clean up dirt
clumps.*

*Last year several water quality projects we did
complete,
Such as bank stabilization and rain gardens near
the street.*

*We post storm water information on our website,
Now let's take comments from the public and call it
a night.*

Mayor Huber acknowledged there were no residents
present to speak on the matter.

Councilmember Krebsbach moved to close the
public hearing.

Councilmember Vitelli seconded the motion.

Ayes: 3
Nays: 0

COUNCIL COMMENTS

Councilmember Vitelli said the Heights Highlites is a tremendous publication and he is impressed by all the summer activities that are being offered for kids.

Councilmember Vitelli said he recently had his eyes examined and purchased glasses at the Eyes of Mendota and talked about how nice that business is. Councilmember Vitelli said residents should take more notice of what businesses are coming into the Village.

Mayor Huber said this cold weather brings no problems with the ice at the ice rinks. Even with this cold weather, he has seen people out skating and there seems to be more activity on the ice this year.

Mayor Huber said he also visited the Eyes of Mendota and was impressed by their selection of eyewear.

Councilmember Krebsbach said she visited the Sage Market recently to buy some milk and said it's so nice to have a grocery store in the area.

ADJOURN

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

Councilmember Krebsbach seconded the motion.

Ayes: 3

Nays: 0

Time of Adjournment 8:10 p.m.

Rebecca Shaffer
Recording Secretary

ATTEST:

John J. Huber
Mayor