

CITY OF MENDOTA HEIGHTS
DAKOTA COUNTY
STATE OF MINNESOTA

Minutes of the Regular Meeting
Held Tuesday, March 3, 2009

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

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

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

AGENDA ADOPTION

Councilmember Krebsbach moved adoption of the agenda as corrected.

Councilmember Vitelli seconded the motion.

Ayes: 3

Nays: 0

APPROVAL OF MINUTES

Councilmember Vitelli moved approval of the minutes of the regular meeting held on February 17, 2009 as presented.

Councilmember Krebsbach seconded the motion.

Ayes: 3

Nays: 0

CONSENT CALENDAR

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

- a. Acknowledgement of the Minutes from the February 24, 2009 Planning Commission Meeting.
- b. Acknowledgement of the Building Activity Report for February, 2009.
- c. Authorization for Repair of Public Works Garage.
- d. Approval of the HiPP Memorandum of Understanding

- e. Approval to table 08-11 Final PUD and Final Plat for the Mendota Mall Associates.
- f. Approval of the List of Contractors dated February 25, 2009.
- g. Approval of the List of Claims, dated March 3, 2009, totaling \$161,382.73.

Councilmember Krebsbach seconded the motion.

Ayes: 3

Nays: 0

Mayor Huber pulled item d and asked if anyone has any interest in being the council representative to serve on the HiPP Steering Committee. Assistant to the City Administrator Jake Sedlacek has also indicated that he is willing to serve as the staff representative.

Councilmember Krebsbach asked when the meetings will be held. Mayor Huber said that has not been determined yet, but past practices have been that the meetings were held on Friday morning. Councilmember Krebsbach said she cannot do early Friday mornings.

Mayor Huber asked if the Council wished to participate. Councilmember Krebsbach said she would like to have a chance to discuss this more and suggested laying this topic over to the next City Council meeting.

Mayor Huber asked staff to put this on the agenda for the next council meeting.

PUBLIC COMMENTS

Ron and Diane Berfelz, 688 W. Wentworth Avenue, asked to speak to the property located at 694 West Wentworth. Mrs. Berfelz said that at the February 17th City Council meeting, Mayor Huber instructed staff to get bids for abatement of the property and Councilmember Vitelli asked that the bidders also indicate how soon they can start the project. These bids were to be obtained over the past two weeks and the results presented at the meeting this evening. City Administrator Jim Danielson said they are working with the attorneys on this and March 10th is the date that the bids can be opened. Those bids will be addressed at the next council meeting.

Mayor Huber informed the audience that Council had met earlier this evening to conduct interviews with applicants for the Park and Recreation Commission. Mayor Huber said there were a lot of very good candidates and encouraged those candidates that did not make the position to keep apply for upcoming positions.

Councilmember Krebsbach moved to appoint Steve Commers to the Mendota Heights Parks and Recreation Commission.

Councilmember Vitelli seconded the motion.

Ayes: 3

Nays: 0

PUBLIC HEARING

HEARING; 2009 STREET IMPROVEMENTS

Public Works Director John Mazzitello said as part of the city's on-going street reconstruction and rehabilitation program, staff is proposing a project that would reconstruct Hunter Lane and Orchard Place, as well as a portion of Culligan Lane that does not currently have curb and gutter. In conjunction with this project, the city is proposing to rehabilitate Veronica Lane and a portion of Culligan Lane that currently does have curb and gutter, and Glenhill Road.

On January 6, the City Council adopted a resolution authorizing staff to prepare a feasibility report which was presented on February 3. That feasibility report was accepted and a public hearing was ordered for this evening.

Mr. Mazzitello reviewed the feasibility report, which provides the cost of construction for the project and establishes the assessment values for the assessed properties. Those properties that would be assessed for reconstruction would be assessed \$8,000 and most properties assessed for rehabilitation would be assessed at \$2,238.24.

On February 18, staff held a neighborhood meeting which was very well attended, 40 properties of the 76 proposed properties attended the meeting. A number of issues were brought forward for discussion and questions for staff. Among those were 1) could the project be delayed due to the current economic situation, 2) access to the properties during construction, 3) the width of the road that is

proposed for 28 feet, 4) the purpose and need for storm sewer being installed. One resident brought up that he would like to have storm sewer installed on Orchard Circle to replace the existing ditch. A number of residents were concerned about the project changing grades of Hunter Lane. Several questions were asked about the assessment and how it could be paid, and other topics included driveway apron replacement and options for storm water treatment as it pertains to the installation of storm sewer vs. vegetated ditches. Since that meeting, a number of comments were received:

- Mr. Wes Cutter, 1169 Veronica Lane, expressing his support of the project as well as some of the other neighbors that are also in support.
- Gene and Pauline Chaput, 1835 Hunter Lane, expressing their desire to have the project deferred to a later date and that the streets be given some separate consideration from city policy with regard to curb and gutter.

Also included in the Council packet is a copy of a petition that was submitted to the city last Friday, which was put together by Mike Kurtz at 1827 Hunter Lane. This includes signatures of property owners from 35 of the proposed assessed properties (67 individuals signed the petition). This petition states “We the undersigned residents of Hunter Lane and Orchard Place request that the Mayor and City Council of Mendota Heights do not proceed with the proposed reconstruction plans of any kind for street improvements on Hunter Lane, Orchard Place and adjacent streets. The main objections we have are: 1) We think the street is adequate for the number of houses and size of the lots, and 2) We do not think we can incur more debt and expense during these severe economic times.”

- Gene and Pauline Chaput, 1835 Hunter Lane, expressing their desire to have the project deferred to a later date and that the streets be given some separate consideration from city policy with regard to curb and gutter.

Mr. Mazzitello provided more input from residents to the City Council at this time that includes the following comments:

- Robert Fogt and Elizabeth Zilen, 1145 Orchard Place, stating that they agree with the project and would prefer not to postpone it, but do not feel comfortable with the cost at this point in time.
- Carol Adams, 1991 Hunter Lane, expressing her support of the project.
- Dawn Campion, 1836 Hunter Lane, giving her opinion of reluctant support for the project, believing that the reconstruction needs to happen but is nervous about the assessment value.
- Brad Smith, 1819 Hunter Lane, stating his opposition to the project and that reconstructing the road with curb and gutter is not necessary.
- Scott and Jenny Van, 1870 Hunter Lane, stating they do not believe storm sewers are necessary on Hunter Lane and would prefer not to have curb and gutter, and provided links to websites that talk about the benefits of vegetated storm drainage.

Mr. Mazzitello pointed out the copy of the January 18, 2008 memo outlining the program for future street reconstructions in the city through the year 2013.

Mayor Huber asked Mr. Mazzitello to talk about the option of doing some of the work now and waiting to do some later. Mr. Mazzitello explained how the project would be much cheaper in the long run to do the whole project at one time.

Mayor Huber opened the public hearing.

- Jon Mathisrud, 1860 Hunter Lane, said they don't have a water problem in the 26 years they lived there. The street is in good condition and does not need curb and gutter, and this is not a good time to spend the money.
- Patricia Juliette, 1920 Glenhill Road, said she is in support of having her section done.
- Anne Hunter, 1171 Orchard Place, said she believes the property across the street from where the water pools by the Chaput's property has had some significant problems, and can this be remedied without total reconstruction. Mr. Mazzitello said the problem that exists on that property is that the roadway contributes to it and it is not the only problem that exists. To make a

fix to just that part of the roadway will not completely solve this problem.

- Martha Whitcomb, 1200 Culligan Lane, said her family supports the project, and is concerned that the residents are not saying no to the project, but merely putting it off for a few years. Ms. Whitcomb said it may be better to do the project now instead of hedging the bets of what the costs may be in five years. (Mayor Huber explained the city's policy of the assessment process.)
- Mike Kurtz, 1927 Hunter Lane, talked about the process he took in gathering signatures for the petition, getting a general consensus that residents want to delay this project. Councilmember Krebsbach said it also seems that the residents are saying that they like the current look. Mr. Kurtz said this is a generational neighborhood where people live and their children also have properties here. These people like the rural setting. Mayor Huber talked about some of the roads that are breaking up because they don't have curb and gutter, and thanked Mr. Kurtz for the work he did on this.
- Wes Cutter, 1169 Veronica, said part of the issue is that this is a long street and engulfs a lot of issues. Parking seems to be an issue and believes the street should be widened.
- Scott Van, 1870 Hunter Lane, said he does not see how a 6-ft wider street with curb will address the parking issues, and said the street is quite narrow in that it is hard to have two cars pass at the same time. Mr. Van talked about the water problems and said they can be dealt with on a smaller scale, such as using a vegetative ditch and grassy areas. Mr. Mazzitello said they are looking at a storm sewer in this area is because of the grading differences, which can create problems with easements and legal issues about unwanted water on properties. In addition, there are varieties of soil conditions that can create problems.
- Anne Hunter, 1171 Orchard Place, said she does not recall at the last meeting that there was any discussion about the water main and in the preliminary report, it indicates that St. Paul Regional Water Services has recommended replacing the existing water main and hydrants, that the water main is 6-in. cast iron pipe and has a break frequency that exceeds their limits, and that their proposal is to install an 8-in. ductile iron pipe and

replace the hydrants. Ms. Hunter asked what the significance is of having a 6-in. cast iron pipe as opposed to the 8-in. ductile iron pipe and why is this important. Ms. Hunter said she is also opposed to the curb and gutter and to the widening of the street. Mr. Mazzitello explained that any utility line, roadway, hydrant, concrete sewer pipe has a design life. Cast iron pipe was the design standard when this water main was put in (during the 1960's) and is approaching the end of its design life. The industry standard now is ductile iron pipe, which is more flexible and carries a higher pressure, and lasts longer than cast iron. As long as the road was going to be reconstructed, this would be the ideal time to replace those water mains. Mayor Huber said St. Paul Water is responsible for Mendota Heights water systems and whenever the city is contemplating a road reconstruction project, they always engage the City of St. Paul in determining when those water mains should be replaced.

There being no further questions or comments from the audience, Councilmember Vitelli moved to close the public hearing. Councilmember Krebsbach seconded the motion.

Ayes: 3
Nays: 0

Councilmember Vitelli said he is hearing that many of the people are saying to hold off because of financial concerns. People wanting and not wanting curb and gutter seem to be split 50-50. Councilmember Vitelli said he feels this is financially driven and would recommend holding off for another five years.

Mayor Huber asked the audience if, by a show of hands, that the petition to hold off due to financial concerns fairly represents where the community is on this. The majority of the audience raised their hands.

Councilmember Krebsbach said the neighborhood meeting was well attended and she believes the petition is the most extensive petition she has seen on an issue on the Council agenda for a long time, and it is clear that those on Hunter and Orchard are not in support of this proposal. Councilmember Krebsbach said this is a unique street and residents seem to want to preserve that by not having curb and gutter installed. Councilmember Krebsbach said she

has always been in support of neighborhoods that wished to preserve that uniqueness in their communities.

Mayor Huber said this proposal needs a unanimous vote which will not happen tonight as there are two council members absent, and asked the audience to continue dialogue on this.

- David Olin, 1136 Orchard, said Mr. Kurtz talked to him and his mother, who lives at 1140 Orchard Place, and they don't have a position and would be fine either way.
- Elizabeth Zilen, 1145 Orchard Place, said they have a position similar to Mr. Olin, but believe a storm sewer would be a good thing, and the curbs would be better aesthetically and environmentally. Ms. Zilen said she has a drainage ditch that she would like to see gone, but is also worried about the funding and would like to see this postponed.
- Dennis Galligan, 1845 Hunter Lane, is against this proposal and said he has some water ponding in front of his house which he would like to see resolved, but does not want to pay the \$8,000 to see the whole street resolved. Mr. Galligan said he does not see a lot of problems in his neighborhood, and asked how extensive the problem is. Civil Engineer Ryan Ruzik explained some of the bigger problems indicating those areas on the map.

Mayor Huber talked about how well staff and residents work together to find solutions, and that the city tries to support the residents' concerns.

Councilmember Vitelli said he believes perhaps in a few years this same group may decide that the work needs to be done.

Mr. Mazzitello said if there are specific design issues the neighborhood wants, staff has through the design process worked with residents to make sure that their concerns are addressed as best as can be.

Mr. Scott Van, 1870 Hunter Lane, talked about Dr. Fishman, a previous resident, cutting down trees and mowing his lawn up to the roadway, which caused a lot of

the water problems. Mr. Van talked about preserving more natural grasses to serve as drainage passages for runoff in the mean time, and perhaps building up some blacktop in areas to direct the runoff into the ditches.

Councilmember Krebsbach said she lives on Culligan, and as a resident would support the reconstruction, but as a City Council person, she will support a request to put this project off.

Councilmember Vitelli moved to **deny** Resolution No. 09-16: “A RESOLUTION ORDERING OF IMPROVEMENT PROJECT AND PREPARATION OF PLANS AND SPECIFICATIONS FOR STREET RECONSTRUCTION ON ORCHARD PLACE, HUNTER LANE, AND THE RURAL SECTION OF CULLIGAN LAKE AND REHABILITATION OF GLENHILL ROAD, VERONICA LANE, AND THE URBAN SECTION OF CULLIGAN LANE,” and to direct the Public Works Department to put this proposal on the shelf.

Councilmember Krebsbach seconded the motion.

Ayes: 3

Nays: 0

PLANNING CASES

Mayor Huber asked if the representatives for the next three cases were in attendance. Mr. Sedlacek noted that only Mr. Eric Bergum, representing property owner Tom Gavin, was in attendance. Mayor Huber asked to open this case first.

CASE NO. 09-05, BERGUM

Assistant to the City Administrator Jake Sedlacek reviewed a map showing the location of 1199 Culligan Lane, which is zoned as Single Family Residential and is located into the Critical Area.

The property owners are seeking approval to have an open porch over the front entryway to the home, supported by the existing home and two new posts at the end of the existing front stoop. Mr. Sedlacek indicated how the home is situated between two other homes, and how the string rule would apply. The Planning Commission found a hardship as having the need for protection from the elements as well as making the home aesthetically pleasing and voted 6-0 (Field absent) in favor of recommending approval of the variance.

As the property is located within the Critical Area, a permit is also needed. As part of this project, no landscaping or paving will be done, therefore the project should not have any negative impacts in the area. Staff also recommends approval of the Critical Area Permit as presented.

Councilmember Vitelli moved to approve Resolution No. 09-16: "A RESOLUTION APPROVING A CRITICAL AREA PERMIT AND A VARIANCE TO THE FRONT YARD SETBACK AT 1199 CULLIGAN LANE".

Councilmember Krebsbach seconded the motion.

Ayes: 3

Nays: 0

CASE NO. 09-01 YARDSCAPES, INC.

Assistant to the City Administrator Jake Sedlacek reviewed the map showing the location of 665 Hidden Creek Trail, which is single family home, zoned R-1 and guided for low density residential. The applicant is requesting approval of a wetlands permit that would accommodate the construction of a fence within the wetland buffer in side portion of the property.

Mr. Sedlacek said that there was some concern expressed during the public hearing on January 27. After hearing the responses from the public hearing, the Planning Commission voted to table this discussion until the February 24 Planning Commission meeting to allow time for the applicant and the home owners association to have more dialogue. The city received a letter the next day from the Hidden Creek Homeowners Association informing the city that they no longer in opposition to this request for a permit.

Councilmember Vitelli moved to approve Resolution No. 09-17, "A RESOLUTION APPROVING A WETLANDS PERMIT FOR 665 HIDDEN CREEK TRAIL."

Councilmember Krebsbach seconded the motion.

Ayes: 3

Nays: 0

Knudsen Carpentry, Inc.
Variance to the Front Yard Setback

Assistant to the City Administrator Jake Sedlacek reviewed a map showing the property at 629 Hampshire Lane, a single family home in the R-1 district.

The applicant is seeking to construct a new open porch and is requesting a variance as the supports for the proposed porch would extend into the front setback area of the home.

Councilmember Krebsbach moved to approve Resolution No. 09-18: "A RESOLUTION APPROVING A VARIANCE TO THE FRONT YARD SETBACK AT 629 HAMPSHIRE DRIVE".

Councilmember Vitelli seconded the motion.

Ayes: 3

Nays: 0

COUNCIL COMMENTS

Councilmember Krebsbach said she recently read about a bike overpass in Columbia Heights, which received federal money for this project. Councilmember Krebsbach said she would like to see this project done in Mendota Heights crossing over Highway 110 by Dodd Road should the city receive any government grants that could be obtained. Mr. Mazzitello said given the rules of the Economic Recovery Act, the construction time table would not fit the city's pedestrian project currently in place and staff will keep the council informed of any updates and changes regarding this. City Attorney Tami Diehm said money given to Columbia Heights was granted by Congress about 18 months ago and is not technically part of this first round of stimulus money. Councilmember Krebsbach said the city should keep in contact with Congresswoman McCollum on this.

Councilmember Krebsbach said discussions of such a bike pass have been in place for at least the past ten years, and is very much needed for safety.

Mayor Huber talked about an article he read in the Saint Paul Pioneer Press' Tuesday edition that talked about League of Minnesota Cities that referred to proposed legislation to allow local governments to keep departmental budget recommendations, preliminary drafts and other preliminary documents a secret until the Mayor presents the budget to the City Council. Mayor Huber said this was totally unacceptable and he was not in favor of this. Mayor Huber said he will be writing letters to the League of Minnesota Cities, as well as Mendota Heights legislative representatives stating his opposition.

Councilmember Vitelli said he agrees with the Mayor's comments about the League of Minnesota Cities, and is amazed that such a suggestion was made. Councilmember Vitelli talked about a newspaper article in the Saint Paul Pioneer Press' Tuesday edition that talked about a not so good Samaritan that helped a women free her car from a snow bank only to steal the car. Mendota Heights police apprehended the suspect shortly thereafter. Councilmember Vitelli said it is amazing how well the city's police department quickly finds people, and how well they respond.

Mayor Huber said he has received a lot of calls from residents, all wishing to express their thanks for the wonderful job done by the city's snow plow crew. Mr. Danielson said staff has also received many calls this year like this.

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 8:15 p.m.

Rebecca Shaffer
Recording Secretary

ATTEST:

John J. Huber
Mayor