

CITY OF MENDOTA HEIGHTS
DAKOTA COUNTY
STATE OF MINNESOTA

Minutes of the Regular Meeting
Held Tuesday, March 18, 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 Duggan, Krebsbach, Schneeman and Vitelli.

PLEDGE OF ALLEGIANCE

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

AGENDA ADOPTION

Councilmember Krebsbach move adoption of the agenda as presented. Councilmember Duggan seconded the motion.

Ayes: 5

Nays: 0

APPROVAL OF MINUTES

Councilmember Vitelli moved approval of the minutes of March 4, 2008 as presented. Commissioner Krebsbach seconded the motion.

Ayes: 5

Nays: 0

CONSENT CALENDAR

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

- a. Acknowledgement of the Minutes from the March 11, 2008 Park and Recreation Commission Meeting.
- b. Acknowledgement of the February Treasurers Report.
- c. Acknowledgement of the Fire Department Monthly Report for February 2008.
- d. Authorization for Sell / Destroy VHF Radios.
- e. Authorization for Purchase of Computer Server.

- f. Authorization for Purchase of Workstation Components for New Accounting Position and I.T. Coordinator Workstations.
- g. Approval of Salary Adjustment for City Clerk.
- h. Adoption of Resolution No. 08-17, "A RESOLUTION ACCEPTING FEASIBILITY REPORT AND CALLING FOR A PUBLIC HEARING ON SOMERSET PARK / EVERGREEN KNOLL REHABILITATION PROJECT (PROJECT #200802)."
- i. Approval of the List of Contractors, dated March 18, 2008.
- j. Approval of the List of Claims, dated March 18, 2008 totaling \$185,026.79.

Councilmember Duggan referred to item e. and suggested that the City take the money from the sale of the radios and use toward the cost of the computer server. Mayor Huber said he would consider that as well.

Councilmember Duggan referred to item f. and suggested that this work is done for a cost not to exceed \$5,600.

Councilmember Duggan seconded the motion.

Ayes: 5

Nays: 0

Councilmember Krebsbach asked to have Item a pulled and referred to the Parks and Recreation Commission minutes, page 3, Lacrosse/Soccer /Football field in Friendly Marsh Park.

Councilmember Krebsbach asked for clarification that this paragraph is talking about the area that was presented to the Council as few months ago as a potential soccer field / lacrosse field.

Councilmember Krebsbach said the Council had asked to have access coming off Mendota Plaza.

Councilmember Krebsbach said in this paragraph, it says the only access point is Apache Street.

Councilmember Krebsbach said any time there is discussion on this, she would like to have access included that there is access off Mendota Plaza as the Council has previously requested.

Councilmember Duggan moved to accept item 6 a as presented

Councilmember Krebsbach seconded the motion.

Ayes: 5

Nays: 0

LIQUOR LICENSE TERESA'S
MEXICAN RESTAURANT

City Administrator James Danielson stated that the city has received an application for an on-sale liquor license from Felipe's LLC for Teresa's Mexican Restaurant. The restaurant is proposed to be located in the Mendota Plaza in the space formerly occupied by Ziggy's. Council conducted the initial hearing on the liquor license application on March 4. In accordance with the city's ordinance, action on the request was tabled to this meeting.

Mr. Danielson said some of the staff recently had lunch at the Teresa's Mexican Restaurant in Lakeville to see what it was like. Staff was very pleased with their experience.

Mayor Huber said Councilmember Duggan was not able to attend the past several meetings, and asked if he had a questions or comments. Councilmember Duggan said he already submitted his comments to staff, and he is in support of the proposed two tier licensing system.

Councilmember Krebsbach said she would like to know what the hours of operation would be.

Richard Jahnke, the senior leasing representative for Paster Enterprises, said the operation in Lakeville does not keep late hours, and usually closes about 10:30 pm. Mr. Jahnke said this is not required by Lakeville ordinance, but that Mr. Mata prefers to close after the dinner business is done.

Councilmember Krebsbach asked Mr. Danielson what the City of Mendota Heights requires for operation. Mr. Danielson said it is 1:00 am.

Councilmember Krebsbach said there is a very successful bar in Mendota that has extended their hours to 2:00 am, and the City of Mendota granted this extension. Mr. Danielson said the City of

Mendota gave this establishment 10 days out of the year to keep the establishment open until 2:00 a.m.

Councilmember Krebsbach said Mendota Heights has been very successful as a city, and a little bit of change is always good.

Councilmember Krebsbach referred to Councilmember Vitelli's comments in the March 4 minutes (page 8) where he pointed out that granting this license would not mean that Paster Enterprises is going to get three liquor licenses for Mendota Plaza.

Councilmember Vitelli asked if the license goes away should Mr. Mata decide not to stay in Mendota Plaza. Mayor Huber said this was discussed at the last meeting, and if the applicant gives up this restaurant, they cannot sell or give away this license.

Councilmember Vitelli moved authorization for the issuance of an on-sale intoxicating liquor license to Felipe's LLC for Teresa's Mexican Restaurant, subject to approval by the state.

Councilmember Schneeman seconded the motion.

Councilmember Duggan asked to make a friendly amendment to require the restaurant to close at 10:30 pm Sunday through Thursday, and to midnight on Friday and Saturday.

Councilmember Schneeman said she does not want to put any restrictions on this business.

Councilmember Krebsbach said if the Council approves this license application, the Council cannot do anything about the hours of operation at another meeting.

City Attorney Tami Diehm suggested if the Council wanted to place conditions they should be put in place at the time the license is approved.

Mayor Huber said he is not in support of putting a closing time on this license.

Councilmember Duggan said he would be comfortable with putting a condition attached to the license to allow for future discussion on the operation hours.

Ms. Diehm said the Council needs to differentiate between what businesses choose to do as far as their closing time and what the City is legally requiring them to do. It is important for the City to look at what requirements were placed on other establishments, and not when establishments voluntarily choose to end their service.

Mayor Huber said liquor licenses differ from the regulations of a wine bar. Ms. Diehm said that was correct.

Assistant to the City Administrator Jake Sedlacek said he has some experience in liquor licensing in other communities. Mr. Sedlacek said it is not common to put hour limits on the front end with a vendor like this, and under statute, this license is a privilege that is at any time reviewable by City Council. If there were to be any issues, or if the City is seeing some troublesome behavior, the City would have legal cause to re-visit the conditions of the license and limit hours if it were in the public interest. Mr. Sedlacek said this restaurant is in a particular location that is under planned unit development discussions and being subject to planning applications gives the City one more level of authority. The City has more leverage on the impact of the hours.

Councilmember Krebsbach said she would like to limit the time now and would recommend 11:00 pm Sunday through Thursday, and 1:00 am on Friday and Saturday.

Councilmember Schneeman said she does not want to put any restrictions on this license and doubts that this business will stay open real late. Councilmember Schneeman said she does not believe this restriction should be put on a new business starting out, unless there is a problem.

Councilmember Krebsbach said if a business has a problem because it is not open until 1:00 am, then she does not think the Council would want this business in Mendota Heights.

Councilmember Schneeman asked what the City should do when there are parties at the Mendakota Country Club that go until 1:00 am.

Councilmember Krebsbach asked if Councilmember Schneeman is interested in restricting the country clubs as well.

Councilmember Duggan said he made this friendly amendment, but would be comfortable with the motion as it is.

Councilmember Krebsbach said she is not comfortable with this motion and thinks it would be very difficult to make any changes in the future.

Mayor Huber asked Councilmember Vitelli if he would agree to the amendment. Councilmember Vitelli said he would not as there is a law in the city that these businesses can stay open until 1:00 am.

Ayes: 4

Nays: 1 (Councilmember Krebsbach)

PAR 3 IMPROVEMENTS

Mr. Sedlacek presented the proposal for improvements to the Par 3 clubhouse, which needs accessibility upgrades. Mr. Sedlacek said there has been a funding source identified as the Community Development Block Grant (CDBG), which provides federal funding that can be used for a variety of projects. These dollars will cover the restrooms, doorways, and entrance ramp into the building.

Mr. Sedlacek said Staff has been working with RB Architects, who has recommended Dick Bjorklund Construction as the general contractor. Landscaping will be done by the city staff.

Mr. Sedlacek said the estimated cost is \$76,000, and Staff does not know what they will find when they start tearing down the siding. The City would be responsible for \$20,000 and that is about the

amount that is remaining in the capital funds that were set aside when the golf course was purchased.

Mr. Sedlacek said the contractor threw in a contingency of \$7,000, bringing the total budget to \$83,710 for the improvements.

Councilmember Vitelli asked if this was reviewed and supported by the Parks and Recreation Commission. Mr. Sedlacek said there have been discussions, but no formal approvals have been made.

Councilmember Schneeman said the Parks and Recreation Commission is very supportive of this.

Councilmember Krebsbach asked who the principal is of RB Architects. Councilmember Schneeman said it was Bob Burrow, a resident of Mendota Heights.

Councilmember Vitelli moved authorize City Administrator Danielson to sign the proposed professional services contracts.

Councilmember Schneeman seconded the motion.

Ayes: 5

Nays: 0

PAR 3 TURF MAINTENANCE

Mr. Sedlacek said Jerry Murphy has agreed to conduct the turf maintenance for the 2008 golf season. Mr. Sedlacek reviewed the contract for Mr. Murphy.

Councilmember Krebsbach asked if Mr. Murphy had a contractual relationship with Somerset. Councilmember Duggan said he did not.

Councilmember Duggan said Mr. Murphy retired from Somerset with great honors.

Councilmember Vitelli said he is very pleased with having Mr. Murphy work for the Par 3.

Councilmember Vitelli moved authorize Assistant to the City Administrator Jake Sedlacek to sign the contract.

Ages: 5
Nays: 0

Councilmember Schneeman seconded the motion.

Councilmember Duggan referred to Item #9 in the contract and change to read “GM Management shall be solely responsible for, and shall pay when due, all its estimated tax, ...”

Councilmember Duggan asked if any staff is covered under this contract, or is it separate. Mr. Sedlacek said anyone doing maintenance on the course under this contract would be a GM Management employee.

2008 STREET SWEEPING

Public Works Director Sue McDermott said the City re-bid the 2008 street sweeping project and sent out a revised request for proposals. Five bids were received and the low bidder is Pearson Bros, Inc. in the amount of \$11,540. The City budgeted \$18,000 for this project.

Pearson Bros, Inc. was also the successful bidder last year, and their costs came in within \$200.

Staff recommends awarding the contract to Pearson Bros., Inc.

Councilmember Duggan moved approval of a purchase order to Pearson Bros, Inc. for an amount not to exceed \$11,540.

Councilmember Vitelli seconded the motion.

Ayes: 5
Nays: 0

COUNCIL COMMENTS

Councilmember Duggan gave an update on the health of his brother, and thanked everyone for their prayers and support.

Councilmember Krebsbach asked for an update on the school sports.

Councilmember Schneeman said St. Thomas plays New Prague on Wednesday night, and if they win, they will go to State.

Councilmember Krebsbach said they also won the hockey tournament.

Councilmember Schneeman said she recently talked to Jerry Murphy at the Lilydale Garden Center, who told her he already saved the City \$15,000 by getting a different person to cut down the trees.

Councilmember Vitelli wished everyone a Happy Easter.

Mayor Huber said spring is just around the corner, and Gateway Bank's 5K run is the first Saturday in June.

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 8:00 p.m.

Rebecca Shaffer
Recording Secretary

ATTEST:

John J. Huber
Mayor