

CITY OF MENDOTA HEIGHTS
DAKOTA COUNTY
STATE OF MINNESOTA

Minutes of the Regular Meeting
Held Tuesday, April 6, 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. Councilmember Duggan had notified Council that he would be absent.

PLEDGE OF ALLEGIANCE

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

AGENDA ADOPTION

Ayes: 4
Nays: 0

Councilmember Vitelli moved adoption of the agenda as amended to remove Item 8d, Amendment to Verizon Lease at the Water Tower.
Councilmember Krebsbach seconded the motion.

APPROVAL OF MINUTES

Ayes: 3
Nays: 0
Abstain: 1 Schneeman

Councilmember Vitelli moved approval of the minutes of the regular meeting held on March 16, 2010 as presented.
Councilmember Krebsbach seconded the motion.

CONSENT CALENDAR

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

- a. Acknowledgement of the Minutes from the March 9, 2010 Parks and Recreation Commission Meeting.
- b. Acknowledgement of the Minutes from the March 23, 2010 Planning Commission Meeting.
- c. Acknowledgement of the Retirement of Firefighter Ken Weisenburger Effective July 4, 2010, with regret.
- d. Acknowledgement of the Resignation of Firefighter Pat Noack Effective February 18, 2010, with regret.

- e. Acknowledgement of the Resignation of Maureen Brackey from the Parks and Recreation Commission, with regret.
- f. Approval of Sign Permit for 750 Main Street, Suite 104 (Medicine Shoppe Pharmacy).
- g. Approval of Sign Permit for 720 Main Street, Suite 208 (American Family Insurance).
- h. Approval of Sign Permit for 1230 Northland Drive (LSI).
- i. Approval of Sign Permit for Mendota Plaza.
- j. Approval of the Sale of the 1996 Chevrolet SUV by Sealed Bids.
- k. Approval of 2010 MSAS Traffic Counts Bid.
- l. Approval of City Administrator Signature on Temporary Storage Units for Water Tower Project.
- m. Approval of City Administrator Signature on Lease With Versatile Vehicles for Golf Cart.
- n. Approval of a Temporary Liquor License for the Beth Jacob Congregation on Sunday, June 27, 2010, and Waiver of License Fee.
- o. Approval of Mayor Signature on the Joint Powers Agreement Between Dakota Law Enforcement Agencies to Establish and Maintain a Records Management System.
- p. Approval of Low Bid for the Repair of City Hall Fire Sprinkler Dry System Piping.
- q. Approval of 2009 Par 3 Annual Report.
- r. Adoption of Resolution No. 10-22, "A RESOLUTION TO PARTICIPATE IN ALL HAZARD MITIGATION PLANNING PROCESS."
- s. Adoption of Resolution No. 10-23, "A RESOLUTION AUTHORIZING THE TRANSFER OF CERTAIN PROPERTY TO MENDOTA MALL ASSOCIATES, LLP."
- t. Approval of Contractors List, dated March 31, 2010.
- u. Approval of the List of Claims, dated April 2, 2010, totaling \$165,436.61.

Councilmember Schneeman seconded the motion.

Ayes: 4

Nays: 0

SIGN PERMIT FOR MENDOTA PLAZA Councilmember Krebsbach asked what is being considered with Item 6i.

Assistant to the City Administrator Jack Sedlacek presented artist renditions of the three signs under consideration for Mendota Plaza, noting they were discussed during the PUD consideration. He used a site plan to identify the location of the proposed signs and described the changes to each sign.

Councilmember Krebsbach asked if all signs are to the same standard and what would be included on the Mendota Plaza sign. Mr. Sedlacek explained it is an existing sign that will be re-skinned and the old drawings in the packet were intended as a reference of what is existing.

Councilmember Schneeman moved approval of the sign permit for Mendota Plaza.

Councilmember Vitelli seconded the motion.

Ayes: 4

Nays: 0

PUBLIC COMMENTS

Ross Fefercorn, RMF Entities, Ltd., updated the Council on their new tenant, the Medicine Shoppe, and introduced pharmacist Dan Koski who will be taking over the Snyder's Drug space.

Mr. Fefercorn advised of the musicians hired for the music series this summer, which will now be held monthly on Wednesdays, starting June 16, 2010. The Council agreed with the suggestion of Councilmember Vitelli to provide a link on the City's website to the summer music series information.

Dan Koski, the Medicine Shoppe Pharmacy, said he has been a pharmacist for 30 years and had looked for an opportunity to expand the physical confines of his current location. This location in Mendota Village is double his current square footage and offers a drive-thru pharmacy. They currently have a substantial delivery business and the Medicine Shoppe is the largest pharmacy franchise in the country, though not as well known in Minnesota. Mr. Koski stated he is happy to have Stan Starkman join his staff, noting he has many loyal followers and will be a good addition to the Medicine Shoppe since they have the same philosophy to provide personal customer service.

Councilmember Krebsbach commented that people have mentioned that Snyder's did not "feel as warm." Mr. Koski

stated the Medicine Shoppe will be a drastic change from what Snyder's offered, with a more open display floor plan, a comfortable environment, seating area with flat screen televisions showing health and educational information while customers wait for their prescriptions, and they will provide medication therapy management.

Councilmember Krebsbach asked about their hours of operation. Mr. Koski stated they will be open 9:00 a.m. to 7:00 p.m. Monday through Friday, 9:00 a.m. to 4:00 p.m. on Saturdays, and 11:00 a.m. to 3:00 p.m. on Sundays. They are still operating at their Robert Street location and anticipate opening in Mendota Heights on April 26, 2010.

Mayor Huber welcomed the Medicine Shoppe to Mendota Heights and stated that he knows an employee of theirs who has had nothing but great things to say about the Medicine Shoppe.

Councilmember Krebsbach asked if Snyder's signs will be removed. Mr. Koski answered in the affirmative and explained they will use a decorative window cling and are looking into the option of backlit window boxes.

Stan Starkman, formerly of Snyder's Drug and Highland Drug, and resident of Mendota Heights since 1955, stated he knows a lot of people in the area are looking forward to the Medicine Shoppe because of the high level of service it provides.

**PUBLIC COMMENT
RENTAL LICENSING**

Ned Rukavina, 1704 Vicki Lane, expressed concern with the increase in single-family rental properties, including a number in his neighborhood. He felt this should also concern the city and its citizens since it may impact property values and the police department is being called frequently, which costs tax dollars. Mr. Rukavina stated he has talked with city staff who have been helpful and suggested they research what other cities are doing to enforce rental licensing and annual inspections.

Mayor Huber explained that most times the Council does not take formal action on public comments so that staff has time for review and research.

City Administrator David McKnight stated staff has looked at the specific addresses and are dealing with some specific code complaints. City staff is looking for direction from Council on the rental housing policy and if any changes are desired.

Mayor Huber stated the Council addressed rental licensing several years ago so it may be appropriate to see if it is or is not working well.

Councilmember Krebsbach agreed and supported adding annual interior inspections to assure the quality of the home.

Mr. Rukavina stated it is difficult to keep track of how many people are living in the house but six or more vehicles in the driveway and street raises the question of whether they are all family members.

The Council concurred with the suggestion of Councilmember Vitelli that the matter be referred to staff to research what other communities are doing and provide a recommendation.

CASE NO. 10-04,
VERIZON WIRELESS CUP

Mr. Sedlacek reviewed the application from Verizon Wireless for a conditional use permit (CUP) for expansion of ground equipment at 2431 South Lexington to include a generator for existing wireless service. He noted this would be an addition to equipment the applicant already has at this site. Mr. Sedlacek presented a map to point out the subject site and a site plan that identified the existing water tank, location of existing Verizon Wireless equipment, and proposed location of a generator that would provide eight hours of backup power should there be an outage.

Mr. Sedlacek stated the screening would be similar to that used for the AT&T equipment. The public works superintendent reviewed the application and requirement for maintenance free materials.

The Planning Commission discussed this on March 23, 2010, and put a number of conditions on their unanimous approval recommendation, which are listed in the Council packet. Those conditions include:

- Lease shall be amended to reference the additional ground equipment.

- A building permit must be obtained prior to construction and installation.
- The applicant shall provide an abandonment bond to the city as required by Section 12-1-J6.h.1.b of the Zoning Ordinance.
- The applicant shall abide by all other regulations in Section 12-1-J6 of the zoning ordinance.
- Coordination with the city engineer during the city water tower rehabilitation project.
- The provider shall bring existing Verizon Wireless equipment and facilities up to OSHA standards.

There were no comments at the public hearing.

Councilmember Vitelli stated his support for the application since Verizon provides good coverage, the equipment is not intrusive, and its customers need service should there be a power outage.

Councilmember Vitelli moved adoption of Resolution No. 10-24, "A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR THE EXPANSION OF GROUND EQUIPMENT FOR A WIRELESS FACILITY AT 2431 LEXINGTON AVENUE."

Councilmember Schneeman seconded the motion.

Ayes: 4

Nays: 0

CASE NO. 10-05. STEIN
WETLANDS PERMIT

Because neither the applicant nor his contractor was in attendance, Mayor Huber indicated the Council would proceed with the next agenda item and return to this matter once they were in attendance.

CASE NO. 10-06, MCKASY
CRITICAL AREA PERMIT

Mr. Sedlacek reviewed an application from Bert McKasy, 1294 Aspen Way, for a critical area permit to erect a four-season porch and deck. He used a map to identify the subject site in the Opus development and a site plan to describe the existing home and location of the proposed four-season porch and deck. Mr. Sedlacek explained the proposed project would increase the built area of the home, which triggers the requirement for a critical area permit. He advised there are a number of townhomes in this development with a similar four-season porch and deck arrangement. The city planner did not find any impact to the Mississippi River Critical Area since the impervious

surface increase is minimal and existing landscape will remain in place, and it aesthetically fits with the area.

Mr. Sedlacek advised that Greg Quail, a resident of the Opus development, spoke at the public hearing in favor of the application but indicated there was an error on the site plan and that the deck would extend two to three times farther than indicated on the plan. The Planning Commission included a condition in its motion that the applicant submit an updated site plan with corrected measurements, which has occurred.

The Planning Commission put two conditions on their unanimous approval recommendation, both of which have been met.

Councilmember Krebsbach asked what is the lot number? Mr. Sedlacek used a map to identify the subject site and stated it is lot 17.

Councilmember Vitelli moved adoption of Resolution No. 10-25, "A RESOLUTION APPROVING A CRITICAL AREA PERMIT FOR A FOUR-SEASON PORCH AND DECK AT 1294 ASPEN WAY."

Councilmember Schneeman seconded the motion.

Ayes: 4
Nays: 0

AMEND VERIZON WIRELESS LEASE This item was removed upon adoption of the agenda.

ROUNABOUT PROJECT

Acting Public Works Director/City Engineer Ryan Ruzek reviewed that the Council had awarded the contract to construct a roundabout at the intersection of Visitation Drive and Mendota Heights Road using ARRA funds. Using ARRA funds requires the City to follow the Administer Federal process (Federal Aid Delegated Contract Process) as outlined by Mn/DOT. Staff developed a Request for Proposal (RFP) seeking the services of a qualified consultant to provide construction services that include field staking, resident inspection, and administration for an ARRA funded roundabout. Six proposals were received, reviewed and scored by staff, with the highest score received by Bolton & Menk, Inc.

Mr. Ruzek recommended that Council authorize Bolton & Menk, Inc. to provide construction services for the

Visitation Drive and Mendota Heights Road roundabout project at a cost not to exceed \$24,810. Their work will include construction oversight, surveying, and reporting to the State.

Councilmember Krebsbach questioned the work tasks that will be conducted by Bolton & Menk, Inc. Mr. Ruzek stated they will do surveying, management inspection, and be the liaison between the contractor, community, school district, and the city. He advised they have licensed surveyors on their staff.

Councilmember Vitelli moved to authorize Bolton & Menk, Inc. to provide construction services for the Visitation Drive and Mendota Heights Road roundabout project at a cost not to exceed \$24,810.

Councilmember Schneeman seconded the motion.

Ayes: 4

Nays: 0

CASE NO. 10-5 (CONTINUED)
STEIN WETLANDS PERMIT

Mayor Huber noted that William Stein was still not in attendance to answer the Council's questions about his wetlands permit application to install a ground source heat pump.

Councilmember Vitelli moved to table Case No. 10-5, Stein wetlands permit, to the next Council meeting and direct staff to ask Mr. Stein to attend.

Councilmember Schneeman seconded the motion.

Ayes: 4

Nays: 0

CITY ADMINISTRATOR UPDATE

City Administrator David McKnight indicated that Dakota County representatives will attend the Council's April 20, 2010 meeting to make a recommendation on their Regional Roadway Visioning Study. It is expected the Council will take action at its first meeting in May 2010.

Mr. McKnight announced the annual Clean Up Day is on Saturday, May 1, 2010, from 8:00 a.m. to 2:00 p.m. at Mendakota Park. He advised additional details are included in the most recent edition of the *Heights Highlights*. Mr. McKnight announced the Great River Greening Overlook Dedication is scheduled at Pilot Knob on Wednesday, May 19, 2010, at 11:30 a.m.

Mr. McKnight said there are two openings on the Park and Recreation Commission and encouraged residents to make application, noting the deadline is April 23, 2010.

COUNCIL COMMENTS

Mayor Huber congratulated City Attorney Tami Diehm, who was chosen as one of the *Minneapolis/St. Paul Business Journal's* 2010 "40 Under Forty."

Mayor Huber congratulated the Sibley Men's Basketball Team for its terrific tournament play, the game against Hopkins that went into double overtime, and taking a third place finish.

Councilmember Schneeman stated she swam in a Park Rapids lake last night on a dare with her grandchildren.

Councilmember Vitelli stated in 1958 he played on Sibley's basketball team. Councilmember Vitelli recognized two young men who were in attendance. They stated they are Boy Scouts, attending as part of a badge requirement.

ADJOURN

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

Ayes: 4
Nays: 0

Councilmember Schneeman seconded the motion.

Time of Adjournment 7:41 p.m.

Kathleen M. Swanson
City Clerk

ATTEST:

John J. Huber
Mayor

Prepared by Carla Wirth, Recording Secretary