

CITY OF MENDOTA HEIGHTS
DAKOTA COUNTY
STATE OF MINNESOTA

Minutes of the Regular Meeting
Held Tuesday, April 20, 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 Duggan, Krebsbach, Schneeman and Vitelli.

PLEDGE OF ALLEGIANCE

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

AGENDA ADOPTION

Councilmember Duggan moved adoption of the agenda as presented.

Ayes: 5
Nays: 0

Councilmember Vitelli seconded the motion.

APPROVAL OF MINUTES

Councilmember Schneeman moved approval of the minutes of the regular meeting held on April 6, 2010 as presented. Councilmember Vitelli seconded the motion.

Ayes: 4
Nays: 0
Abstain: 1 (Duggan)

CONSENT CALENDAR

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

- a. Acknowledgement of the Minutes from the April 13, 2010, Parks and Recreation Commission Meeting
- b. Acknowledgement of the March 2010 Building Activity Report
- c. Acknowledgement of the March 2010 Fire Department Report
- d. Acknowledgement of the March 2010 Treasurer's Report
- e. Authorization for County to Administer Wetland Health Evaluation Program (WHEP)

- f. Acknowledgement for Purchase of Data Collector for Engineering Department
- g. Approval of Third Amendment to Verizon Lease at Water Tower
- h. Approval of the Hiring of Engineering Intern
- i. Approval of the Hiring of Seasonal Staff
- j. Approval of Workers Compensation Renewal
- k. Approval of Mendota Police and Fire Billing Agreement
- l. Approval of Sign Permit for 1520 Commerce Drive (Bituminous Roadways)
- m. Approval of City Administrator Signature on Joint Powers Agreement with Dakota County for Cost Share Related to Purchase of Aerial Photography
- n. Adoption of Resolution No. 10-26: "A RESOLUTION AUTHORIZING THE 2009 YEAR END TRANSFERS"
- o. Approval of Contractors List, dated April 15, 2010
- p. Approval of the List of Claims, dated April 20, 2010, totaling \$199,155.31

Ayes: 5

Nays: 0

Councilmember Duggan seconded the motion.

WETLAND HEALTH EVALUATION PROGRAM (WHEP)

Councilmember Krebsbach asked to comment on item 6e. She noted the fee to monitor the two wetlands is \$2,700 and yet the memorandum indicated \$900 per wetland. Acting Public Works Director/City Engineer Ruzek explained that three wetlands are monitored by volunteers and the data will be crosschecked for error between the two communities.

Councilmember Duggan requested an explanation of wetland designation. Mr. Ruzek explained the Copperfield wetland is designated MH-2, meaning it was the second wetland monitored with this program and the Wagon Wheel Trail (North) wetland is designated as MH-14, meaning it was the fourteenth pond monitored with this program.

It was the consensus of the City Council to authorize staff to continue the WHEP monitoring program in 2010.

VERIZON LEASE AMENDMENT

Councilmember Krebsbach asked to comment on item 6g and asked if the request for a larger area is to service the

water tower antennas or for storage? Assistant to the City Administrator Sedlacek explained the expanded lease area is for the CUP approved at the last meeting for a fenced in area for the generator.

Councilmember Schneeman moved to authorize the Mayor and City Clerk to sign the Verizon Lease amendment. Councilmember Vitelli seconded the motion.

Ayes: 5

Nays: 0

PUBLIC COMMENTS

Councilmember Schneeman announced she would not be running for reelection in November. She said she has been an advocate of term limits because she believes new people bring a unique perspective to the City. She stated she has served happily for twelve years on the City Council and six years on the Park and Recreation Commission and will not seek reelection for the City Council in November. She stated she will deeply miss working with the dedicated staff but has made this difficult decision. She encouraged residents to file for office, and to walk the neighborhoods while campaigning to meet residents rather than taking campaign money. She stated that while she has been called brutal and ruthless she has also received many positive comments.

Mayor Huber said that this past Saturday he and Councilmember Krebsbach attended the fourth annual "A Million Shades of Green Gala" sponsored by the Great River Greening Organization. He announced that Mendota Heights was selected as the 2010 Environmental Community Partner of the Year, which was a great honor. The city was selected based on its work to save and restore the Pilot Knob site in partnership with MnDNR, Dakota County, and Trust for Public Land. He thanked those involved at Green River Greening, including Bob Viking and Deborah Karasov, for this recognition. Mayor Huber presented the award received to staff for display at City Hall. He reviewed the background of and recognized Patsy Huberty who was honored as the 2010 Individual Environmental Steward of the Year.

Councilmember Krebsbach stated it was a wonderful evening and Mayor Huber did a great job speaking. She commented on the environmental stewardship of Patsy Huberty, noting she deserved this recognition.

Councilmember Schneeman explained that Patsy Huberty grew up across the street from her husband and after she married, she and her family moved to Mendota Heights and she is a good recipient for this honor.

PUBLIC HEARING
WALSH LANE RIGHT-OF-WAY

Mr. Ruzek stated that Kay Avenue, originally platted as Lakeview Drive, was intended to continue farther east connecting with Summit Lane. However, it is no longer needed and once vacated is proposed to be dedicated back to the property owner.

Mayor Huber opened the public hearing at 7:12 p.m.

No one appeared to address the Council.

Councilmember Krebsbach moved to close the public hearing at 7:12 p.m.

Councilmember Vitelli seconded the motion.

Ayes: 5
Nays: 0

Councilmember Duggan moved adoption of Resolution No. 10-27, "A RESOLUTION APPROVING A STREET RIGHT-OF-WAY VACATION."

Councilmember Krebsbach seconded the motion.

Ayes: 5
Nays: 0

ROGERS LAKE WATER QUALITY

Tony Kinzley, teacher of Environmental Studies at St. Thomas Academy, stated students are in attendance to present the 2009-2010 Chemical Assessment of Rogers Lake, which was prepared as part of an Environmental Studies Program.

Riley Lee explained that Rogers Lake was tested to learn about the scientific process to monitor the health of the lake, to be aware of positives and areas of improvement, and maintain the health of the lake for future generations. He indicated the water quality testing program encompassed five student groups that collected data from six sites on Rogers Lake on a weekly basis for 12 weeks. Nine chemical tests were performed and site data was averaged for all test dates. In addition, new probe interfaces were utilized. Mr. Lee displayed a map and described the six test site locations. He also displayed the fall 2009 data, noting all but two are in the acceptable

range, two are borderline, and it was found the pH was slightly acidic.

Ben Rascher advised of the test criteria: dissolved oxygen levels were found to be well within the acceptable range;; fecal coliform was found to be well within the safe range for swimming; B.O.D.5 identifies the amount of oxygen used over five days and indicates biodegradable waste input and it was found to be within the acceptable range; nitrates needed at low levels for normal plant growth were found to be within the acceptable range; turbidity measures water clarity and were found to be very clear; and total solids that measures clarity and dissolved particles were lower than in the past and within the acceptable range.

Nathan Lafeen described levels of pH that were found to be acceptable. He explained the change in temperature between two sites may indicate thermal pollution but were found to be acceptable. Total phosphates were found to be just within the acceptable range. He said possible sources of phosphates are fertilizer and soil runoff, input of leaves, leaky sewer system, and pet wastes.

Calvin Dumar reviewed the overall rating system using a composite score of all nine tests and advised that Rogers Lake tested in the good rating at 75.58 out of a scale of 0-100. He displayed a graph depicting historical data for Rogers Lake, noting there is an upward trend in water quality for the last five years. Mr. Doomer then addressed methods to keep Rogers Lake healthy by continued use of buffer zones, minimizing use of fertilizer, and keeping fertilizer, yard and pet waste out of storm sewers so it does not run into the lake. He displayed several pictures of functional buffer zones on Rogers Lake as well as pictures showing a lack of buffer zones and those that need work on Wagon Wheel Trail, residential yards, and the storm sewer on Rogers Lake. Mr. Doomer concluded the presentation by advising the data indicates that Rogers Lake is in good condition. The City of Mendota Heights and Rogers Lake residents appear to be caring for the lake and continued good habits will keep Rogers Lake healthy.

Councilmember Krebsbach asked for a description of the probes used for testing. Mr. Dumar explained a different probe is used for each of the tests and has a small computer

interface. Councilmember Krebsbach asked if the same sites have been tested since 1992. Mr. Kinzley explained they have stopped testing three sites but still test the other sites.

Councilmember Krebsbach said she had not previously heard the comment about the storm sewers. Mr. Kinzley stated the important thing is to educate residents to keep fertilizer, grass clippings, and leaves out of the street and gutter so they do not go down the storm sewer.

Diane Berfelz, 688 West Wentworth, asked if this includes sand that is put down during the winter time? Mr. Kinzley stated if sand is not removed, it would definitely wash into the lake.

Councilmember Vitelli complemented the Academy team, stating it is the best and most professional presentation made during his ten years on the Council. Mayor Huber concurred and stated they did a good job.

SPRING CLEAN UP

Mr. Sedlacek announced the Mendota Heights Spring Clean-Up 2010 will be held on Saturday, May 1, 2010, from 8:00 a.m. to 2:00 p.m. He stated it will be held at a new location this year, Mendakota Park, 2171 Dodd Road. He displayed a flyer that identified the items that will and will not be accepted and a site map depicting points of access and circulation through the site. Mr. Sedlacek advised that hazardous household materials can be recycled that same day at the Dakota Recycling Zone.

Mr. Sedlacek also announced the community shred event to be held on Saturday, May 1, 2010, from 9:00 a.m. to 12:00 p.m., at American Bank and sponsored by the bank. He noted there is no charge and shredding personal documents is an essential step towards protection from identity theft.

Councilmember Duggan asked if there will be a sign at Mendota Plaza to advise of the new location? Mr. Sedlacek answered in the affirmative. Councilmember Duggan suggested that Mendakota Court residents be notified that this activity will occur. Mr. Sedlacek stated that is a good idea and he will notify those residents. He stated staff will do their best to assure cars are stacked inside the park area.

Councilmember Schneeman reminded residents that items cannot be dropped off prior to 8:00 a.m. or after 2:00 p.m.

Mayor Huber thanked city staff and volunteers who will help with this event.

2010 STREET RECONSTRUCTION BID AWARD

Mr. Ruzek presented the eleven bids received and opened on Wednesday, April 14, 2010, for the 2010 Street Reconstruction and Rehabilitation Project. He noted the proposed project includes reconstructing Diego Lane, Esther Lane, John Street, Simard Street, Spring Street, Valley Lane, View Lane, and the rural and urban sections of Miriam Street.

Mr. Ruzek advised that the low bid was submitted by GMH Asphalt Corporation in the amount of \$1,021,688.11. It was noted the Engineer's estimate was \$1,263,716.30. GMH Asphalt Corporation has many years of experience and satisfactorily completed work in Mendota Heights in the past. Staff recommends the bid be awarded to GMH Asphalt Corporation.

Councilmember Duggan asked when these streets were last paved? Mr. Ruzek stated they were constructed in 1976 and the streets receiving a mill and overlay were constructed in 1986.

Councilmember Schneeman moved adoption of Resolution No. 10-28, "A RESOLUTION ACCEPTING BIDS AND AWARDING CONTRACT FOR 2010 STREET RECONSTRUCTION AND REHABILITATION PROJECT (PROJECT #200910)."

Councilmember Krebsbach seconded the motion.

Ayes: 5
Nays: 0

ROGERS LAKE UPDATE

City Administrator David McKnight noted that during 2009, the city participated in costs to treat Rogers Lake to control weeds. The Council originally approved spending up to \$15,000 during 2009 but the actual amount spent was just under \$5,000. At that time, the Council had indicated it was not committing to funding beyond 2009 and wanted to see results before making future commitments. Another issue is whether all bodies of water in the city should be treated in the same manner. He requested Council direction.

Councilmember Schneeman stated her support to participate in treatment of Rogers Lake since it has public access. She noted residents have also helped, and the lake is doing well so it is important to continue treatment. Councilmember Schneeman stated she would like a rack of canoes at Rogers Lake Park that could be rented so residents could enjoy the lake.

Councilmember Vitelli stated support for the city to treat lakes, but not ponds, and if a resident initiates a request for treatment, that the city pay 30% of the treatment cost and residents be allocated 70%, based on lake frontage. He noted the city owns about 50% of the Rogers Lake frontage so the city would pay for that frontage. With regard to defining what a pond is and what a lake is, he would suggest the city use the labeling that existed in 2009 that identified three lakes (Rogers, Augusta, and Lemay Lakes).

Councilmember Duggan stated his support to also treat ponds. He referenced an e-mail from Tim Carlson that recalled a challenge in Apple Valley when money was not invested in a water body resulting in a huge cost to rebuild it. Councilmember Duggan expressed concern this will happen if the city only treats its lakes and not other bodies of water. He said that he will personally spend about \$160 for Copperfield Pond and would like to talk to the DNR about its \$35 fee for each permit. Councilmember Duggan stated he believes the city and its residents benefit from all the waters, paths, greenery, and parks that make the city more attractive. He stated he supported spending \$5,000 this year for Rogers Lake and the remaining \$10,000 to treat other water bodies, noting if ponds get cattails it would be more costly to recover water quality.

Councilmember Krebsbach expressed support to treat Rogers Lake to keep it as open water as long as scientific analysis is that it is not turning into a marsh. Testimony last year indicated that eventually it will become a marsh. She noted that last year's \$5,000 treatment was very successful and asked if there was a funding match? It was noted that the DNR had chemically sprayed a route through Rogers Lake to create a boating channel.

Mr. McKnight explained the city applied to treat 15 acres and was approved to chemically treat 8.5 acres which was a

50 foot wide loop. It was noted that the city spent \$4,700 for this treatment.

Councilmember Krebsbach stated support to cap the expenditure at \$5,000 and to establish a guideline of how long the city would chemically treat Rogers Lake. She stated she would not oppose treating the other two lakes.

Councilmember Schneeman stated \$5,000 is not much of a cost when compared to the cost for tennis courts and she thinks more residents enjoy viewing Rogers Lake than use the tennis courts.

Councilmember Krebsbach stated the city has to assure it maintains a strong financial position going forward. She suggested a policy be developed on how the \$5,000 is attributed and that it be a cap.

Councilmember Vitelli stated he supports the establishment of a policy and that \$5,000 is a cap, noting Rogers Lake is a real asset used by the public.

Mayor Huber stated he also supports establishment of a policy and to start with treatment of the city's lakes. He invited residents to provide input.

Pat Hickey, 2303 Swan Drive, stated he concurs with the comments of the Council and commended St. Thomas Academy for its work with students to monitor Rogers Lake. He noted the DNR recognized Rogers Lake as a recreational use lake, which separates it from the definition of other bodies of water. He stated there was great use of Rogers Lake last year with canoes and paddleboats and a 2.5 foot northern was caught. He strongly urged the Council to establish a long-term plan and strategy, which will become more critical if Rogers Lake turns into a marsh. With regard to funding, he stated that \$500 to \$700 was spent for individual permits. He stated that last year there was disappointment that the DNR treated only 8.5 acres. He explained that the treated loop was noticeable for a while but once residents did the same treatment along their shorelines, it opened the water.

Councilmember Krebsbach stated it is voluntary with residents at this point but a policy could consider a match of

funding. She noted it is a good investment by residents to also treat their shoreline so the lake is cleared even more.

Mr. Hickey concurred and stated he also supports Councilmember Schneeman's suggestion to have canoes available for rent. He advised that last year three residents got a DNR permit and this year five permits have been obtained.

Councilmember Duggan stated 25 residents help treat the Copperfield Pond and DNR also does some treatment.

Mayor Huber stated if the city does treatment and resident participation expands, it will benefit the lake quality. He asked why the DNR only approved half of the area for treatment last year and how many acres would be applied for this year. Mr. Ruzek recommended application be made for the same area, 15 acres, but he anticipates it will be the same treatment as last year.

Mr. Hickey stated last year it was decided to treat 8.5 acres in a loop path, partly based on keeping the cost down and to see if it would work. Since it worked so well, he suggested a larger area be treated this year. Mr. Hickey noted Mendota Heights is a 50% owner along with the DNR, St. Thomas Academy, and Visitation. He stated Rogers Lake was a public lake so he felt it was not fair to expect ten residents to fund most of the costs. He urged the Council to "go green" by addressing runoff issues at Wagon Wheel.

Councilmember Duggan noted Wagon Wheel will be reconstructed in two years and it will be addressed at that time.

Doug Hennes, 2351 Swan Drive, concurred with comments made by Mr. Hickey and encouraged the Council to not put a cap on the number of years that Rogers Lake will be treated. Mr. Hennes pointed out it was 2007 when the residents complained about the mounds of stuff in the lake, only three summers ago. In 2008, it was not bad and it got a lot better in 2009 with the treatment. Mr. Hennes stated he is involved with Metropolitan Council lake testing each week and found there is a significant amount of weed growth in the lake. He felt treatment needed to continue for

several years to see what patterns are created, perhaps treating a different area of the lake in 2010, as recommended by the DNR. Mr. Hennes stated residents are willing to do a match and their own treatments but in terms of a percentage match, unless it is mandated, some residents may be paying too much.

Mr. Hennes addressed the high amount of erosion on Wagon Wheel. He stated it is good to see people fishing in that area but also a traffic hazard and he is concerned someone will be injured. He stated if fishing is banned from that area and the sides built up with vegetation, it would reduce erosion and improve the water quality. He suggested people be directed to fish from the pier in the park.

Councilmember Vitelli suggested staff prepare a 2010 Rogers Lake treatment plan for Council's consideration, a recommendation on how to reduce areas of erosion and correct areas around the culvert, and how to alert residents to not allow grass clippings and yard waste in the street so it ends up in the storm sewer outlet and damages Rogers Lake.

Councilmember Duggan stated there are a lot of educational materials at City Hall and from the DNR.

Councilmember Duggan moved to approve contributing \$5,000 to maintain the clarity of Rogers Lake. Councilmember Krebsbach seconded the motion.

Councilmember Vitelli stated he supports treating Rogers Lake but would prefer to receive the staff recommendation before taking action on the expenditure. Councilmember Schneeman concurred and noted staff may come up with more ideas. Mr. Ruzek advised the company that did the treatment last year submitted a quote of \$325 per acre.

Councilmembers Duggan and Krebsbach withdrew the motion and second on the floor.

Mayor Huber noted the Council has indicated support to fund treatment of Rogers Lake in 2010, to establish a long-term cooperative policy, and to strongly encourage residents to acquire DNR permits.

ACQUISITION OF EASEMENTS

Mr. Ruzek explained that as part of the Mendota Heights Road/Highway 55 intersection improvement project, the city is requesting a permanent roadway easement from three properties within the project limits. The easements are necessary due to the widening of the intersection for the addition of turn lanes.

Mr. Ruzek noted the city has reached agreements on two of the three properties. The city is requesting 4,209 square feet from Tempco with compensation of \$16,836 for this area and an agreement was reached with Esslinger Corporation for no fee for 42 square feet. Mr. Ruzek presented staff's recommendation that the Council approve this purchase with payment from the Municipal State Aid account.

Councilmember Krebsbach moved to authorize the City Administrator to execute the necessary deed documents and approve the expenditure for the easement acquisition. Councilmember Schneeman seconded the motion.

Ayes: 5
Nays: 0

COUNCIL COMMENTS

Mr. McKnight reminded the Council of the Mendota Plaza ground breaking on April 29, 2010, at 3:00 p.m. and asked them to inform staff if they are able to attend.

Mr. McKnight reminded residents of the two Park and Recreation Commission vacancies and that applications will be received until April 23, 2010.

Councilmember Duggan stated Councilmember Schneeman's family did a fabulous job at the St. Thomas Academy's fund raising event.

Councilmember Duggan commented on the following: July 24, 2010, fund raiser at TK's that supports the canine division; a new store opening, Bella Boutique, by local owner Cindy Schweiger; Bernie Friel's election to the Explorers Club; and that he had been impressed with the new Bituminous Roadways corporate office.

Councilmember Krebsbach agreed that the Bituminous Roadways office is first rate. She commented on the recent

Sibley High School's father/daughter dinner dance and that Ann Lauman received the Athena Award from Sibley.

Councilmember Schneeman reported on her attendance at the Twins baseball opening game and other Mendota Heights residents and businessmen who were seated in the same section.

Councilmember Vitelli encouraged residents to make application for appointment to the Parks and Recreation Commission, noting it is a fun group to work with. He stated there are two vacancies and this Commission is a good way to begin service to the city.

Councilmember Vitelli announced that Guy Kullander, who has been with city for 28+ years, will be retiring on May 15.

Councilmember Duggan complimented Mayor Huber on his letter published in the *Heights Highlights* about the importance of supporting local business.

Mayor Huber reminded residents that June 5, 2010, is Celebrate Mendota Heights Parks day along with the 5K run/walk sponsored by Gateway Bank.

ADJOURN

Ayes: 5

Nays: 0

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

Councilmember Duggan seconded the motion.

Time of Adjournment 8:12 p.m.

Kathleen M. Swanson

City Clerk

ATTEST:

John J. Huber

Mayor

Prepared by Carla Wirth, Recording Secretary