

CITY OF MENDOTA HEIGHTS  
DAKOTA COUNTY  
STATE OF MINNESOTA

Minutes of the Regular Meeting  
Held Tuesday, May 4, 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 20, 2010 as corrected. Councilmember Vitelli seconded the motion.

Ayes: 5  
Nays: 0

CONSENT CALENDAR

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

- a. Acknowledgement of the Minutes of the April 27, 2010 Planning Commission Meeting.
- b. Approval of Out of State Training.
- c. Approval of Employment of Seasonal / Temporary Hires.
- d. Approval for Renewal of Annual Contract for Pavement and Sanitary Sewer Management.
- e. Approval of 2010 Contract for Invasive Plant Control in Valley Park.
- f. Approval of Purchase of Chief Vehicle and Trade In Vehicles.
- g. Approval of Contractors List, dated April 28, 2010.

- h. Approval of the List of Claims, dated May 4, 2010, totaling \$144,514.37.

Ayes: 5  
Nays: 0

Councilmember Schneeman seconded the motion.

#### PUBLIC COMMENTS

Mayor Huber noted that once again Police Chief Aschenbrener is wearing a black patch across his shield in acknowledgement of a fallen officer. He extended the Council's deep sympathy to Sergeant Bergeron's family and the Maplewood community.

CASE NO. 10-07  
AARON AND SARAH MACKE  
CRITICAL AREA PERMIT

Assistant to the City Administrator Sedlacek reviewed the application submitted by Aaron and Sarah Macke for a critical area permit for the construction of a single-family home at 744 Woodridge Drive. He displayed a map to identify the subject parcel that currently does not have a home on it. A critical area permit is required because the parcel is located within the Mississippi River corridor so the city can address potential impacts to the river.

The Planning Commission qualified its discussion by pointing out a lot split had been approved in 2008, and this is a legally conforming lot. He explained the first issue addressed by the Planning Commission was to determine the front footage of this through lot. He advised the planner had indicated that either Woodridge Drive or Sibley Memorial Highway could be the front yard. In this situation, the applicant designated the Woodridge Drive side to be the front and the Planning Commission adopted findings to use Woodridge Drive as the front of the lot.

It was noted the planner's initial report considered Sibley Memorial Highway to be the front so the height measurement would be made from the three-story elevation, resulting in the need for a building height variance. However, if using Woodridge Drive as the front, the measurement would be taken from the two-story elevation so the building is well within the requirements. The Planning Commission decided that frontage on Woodridge Drive was the most appropriate.

Mr. Sedlacek advised that the issue of setbacks resulted in considerable discussion. He used a map to describe the proposed building pad and the setbacks from the structure

to each lot line and the bluff, explaining the goal is to keep as far back from the bluff line as possible. It was noted the critical area ordinance charges the city to look at impact of the river corridor from the corridor area. The question posed by residents who lived around the property was the impact to their view of the corridor. Ultimately, after much debate, the Planning Commission found that preserving the bluff setback, trees, and views from the corridor was the responsibility of the city. He noted the meeting packet includes letters from residents with an opposing view.

Mr. Sedlacek described the neighboring residents' requested location of the house farther north to save their views from Maple Court Park. The applicant had provided their logic for the proposed location near the center of the lot to preserve views from the corridor and those looking across from the Ivy Falls corridor and public space area. It is also the best location to preserve four mature trees, which is a priority for both the city and applicant.

Mr. Sedlacek presented the concerns expressed about storm water management and that the city engineer had attested, as did the city planner, that they are comfortable with storm water descriptions and the grading plans. An issue of soil erosion was also raised with the need to keep the home location as far as possible back from the bluff. A suggestion was made that the home should be lower in size and that the back and side views of the garage would be most visible to Maple Park Court homes.

After much discussion, the Planning Commission found the application was in accordance with the Mississippi River corridor ordinance and put a number of conditions on their approval recommendation, which are listed in the Council packet. Those conditions include:

- Areas of 12% slope or greater shall be indicated on an updated site plan. If development is being proposed on slopes between 12% and 40%, the applicant shall be required to meet the conditions of Section 12-3-6.F.1.
- Adequate development practices will be maintained to ensure that gross soil losses shall not exceed the given requirements in 12-3-6.F.2. This shall be reviewed and approved by the city engineer.
- In no case shall development increase the rate of runoff.

- The drainage and storm water retention plans shall be subject to the approval of the city engineer.
- No finished grades shall exceed a slope of 40%.
- Any and all erosion control, storm water runoff, utility access, and similar structures shall be designed to be maintained, cleaned out, and otherwise operated without requiring the crossing of undeveloped lands in excess of 8% slopes with motorized heavy maintenance vehicles and equipment, such as bulldozers, trucks, and backhoes.
- The quality of water runoff and water infiltrated to the water table or aquifer shall be as high after development as it was before development of the site.
- All development, drainage, and grading plans shall be reviewed and approved by the city engineer.
- Applicants shall obtain a building permit prior to commencing construction.

Councilmember Duggan indicated that in 2008 when the lot split was approved, the Council's thinking was that a house could be built meeting all requirements including the critical area. However, a few challenges have arisen for several properties about bluff sight lines and their view being totally obliterated. He noted there had been a lot of discussion in relation to that concern and wondered how it can be addressed for 706 and 711 Maple Park Court.

Mr. Sedlacek explained the only direction code indicates is the view from the river corridor area and any time a structure is moved closer to the bluff it also impacts views from the opposite side.

Councilmember Duggan noted the request of Mr. Yackley to shift the home slightly towards the Hall home. Mr. Sedlacek advised that two residents had asked for the home to be shifted. He noted the home is currently 20 feet from the northern property line and 10 feet is required so they requested the home be shifted towards the north.

Councilmember Duggan asked how an emergency vehicle will turn around in the proposed driveway? Mr. Sedlacek displayed a map and described the proposed driveway design that included a turnaround area for ambulance and police cars; however, a fire truck may need to back out. He noted this is the case with many long driveways in Mendota

Heights and the code does not require a turnaround internal to the lot.

Councilmember Duggan stated the length of a driveway is not to exceed 500 feet. Mr. Sedlacek stated that measurement would have to be verified, but this is not the longest driveway in Mendota Heights.

Councilmember Duggan expressed concern with loss of visibility from the Yackley property (711 Maple Park Court). He asked where excess dirt will be stored, noting drainage is toward the Yackley and Russell properties. Acting Public Works Director/City Engineer Ruzek stated the grading plan was reviewed and the home does not appear to present a problem. He noted that a certified engineer prepared the applicant's drainage plans and flows cannot be increased to any point on the lot. He stated staff will work with the applicant to assure the construction occurs as presented.

Councilmember Duggan stated when the lot split was approved it met setback and lot size standards and he is uncomfortable with the process, noting this is one of the first times that this number of surrounding residents are not happy with an application.

Councilmember Krebsbach questioned the alignment of the driveway. Mr. Sedlacek used a diagram to point out the driveway location and turnaround area.

Councilmember Krebsbach asked about the height measurement of the home. Mr. Sedlacek used front and rear elevations to point out where the height measurements would be taken with Woodridge Drive as the front and Sibley Memorial Highway as the front. He advised that if Woodridge Drive is the front of the house, the height is less than 25 feet and all other setbacks are met. Mr. Sedlacek noted the fifth finding indicates that is the case.

Councilmember Krebsbach asked whether this is a flag lot? Mr. Sedlacek advised the lot has 100 feet of frontage on Sibley Memorial Highway and access to Woodridge Drive. Councilmember Krebsbach stated this lot was platted with Sibley Memorial Highway as the front. Mr. Sedlacek stated when platted, the north lot line, closest to the Hull property,

was considered the front. The city planner indicated either Sibley Memorial Highway or Woodridge Drive could be the front. However, with a through lot it is up to the determination of the party building the house.

Councilmember Vitelli asked if there is there any legal basis to deny this application? Mr. Sedlacek stated it is a legally conforming lot. Councilmember Vitelli asked if the Planning Commission recommended approval with findings and conditions? Mr. Sedlacek answered in the affirmative. Councilmember Vitelli asked if the city's planning consultant recommended approval with conditions? Mr. Sedlacek again answered in the affirmative.

Councilmember Schneeman stated the city approved this lot split in 2008 so people knew something would be built on the new lot. She commended the Planning Commission for doing an excellent job in asking pertinent questions.

Mayor Huber confirmed it was a legally conforming lot split two years ago and there was no legal basis to deny this application.

Councilmember Duggan referred to the July 1, 2008 Council minutes where he had asked if the address would be from Sibley Memorial Highway to which Mr. Sedlacek answered it would be from Woodridge Drive. He noted it was clarified in 2008 that Woodridge Drive would be the address. Mr. Sedlacek explained that is a reflection of what was intended at the time.

Councilmember Duggan noted the meeting minutes also indicate the applicant would have to work with the fire department on the turnaround, which has not yet occurred. Mayor Huber asked if this driveway requires turnaround space for a fire truck? City Clerk Swanson advised it does not.

Councilmember Duggan agreed that access cannot be gained from Sibley Memorial Highway because it is too steep. He wondered if the staff and Council made a mistake in not addressing the small amount of frontage on Woodridge Drive at the time of the lot split.

Mayor Huber and Councilmembers Schneeman and Vitelli took exception to the implication that the Council had made a “mistake.” Councilmember Vitelli stated the lot split was done correctly according to the rules of the city, this property owner has presented an application that meets every ordinance and rule, and the Planning Commission recommended approval along with the planning consultant.

Mayor Huber asked Councilmember Duggan if he is suggesting this was a nonconforming lot? Councilmember Duggan concurred it is a conforming lot but is pointing out that it does not comply with the federal Critical River Corridor requirement since it obstructed the view of two homes. He noted the issue of obstructed views is referenced in the consulting planner’s report.

Mr. Sedlacek again referenced the language of the city code indicating the goal of the critical area permit is to protect the view of the developed slope from the river and opposite riverbank. He clarified there is nothing in the city code that requires protection of the view into the corridor.

Councilmember Duggan stated the comprehensive plan does include that requirement, which trumps city ordinances. Mayor Huber stated he does not believe the comprehensive plan trumps city ordinances.

Councilmember Krebsbach stated this would be a flag lot if the address was always to be from Woodridge Drive. Mayor Huber clarified it is a through lot so it does not need a variance for a flag lot.

Sarah Macke, 744 Woodridge Drive, stated the house was placed to address concern with the bluff, the critical area, and to save trees. She advised of tree locations that will be protected and saved and that one declining white pine will be removed in the area of the driveway. Ms. Macke stated that while she understands the concerns expressed by 711 Maple Park Court, they had purchased their property after the lot split was approved and the home was designed and located on the lot. She stated she was willing to share this information with them, if asked.

Councilmember Duggan explained that requirements and variances run with the property, not the owner, so that

consideration is given whether the home is lived in or empty. He noted the 711 Maple Park Court home was existing before the lot split was approved so it has rights of protection. Ms. Macke stated they have complied with all required codes and she was addressing the concern raised by 711 Maple Park Court.

Councilmember Krebsbach asked if the building pad is on the existing lawn area? Ms. Macke answered in the affirmative and advised the surveyor felt it was a natural fit for the existing drainage.

Roger Yackley, 711 Maple Park Court, stated they live directly to the east of the property and were not surprised a home was being built on this lot but had no knowledge of who purchased the property. He stated they were not at the meeting when the lot split was approved because they did not yet own their lot. Mr. Yackley stated his concerns remain the same as expressed at the Planning Commission meeting based on the close location of the driveway and turnaround to their property line. He noted there is a much greater distance from the home to Sibley Memorial Highway than from the home to his property. He did not feel it would be a hardship to move the home forward (northerly) since it would still meet the front setback, the soil is stable enough, and the distance from the bluff would be adequate.

Mr. Yackley felt the through lot was approved with Sibley Memorial Highway as the front and indicated he and his attorney only had a little time to review past meeting minutes when the lot split and frontage was established. He stated they would like more time to review this information along with others who may be concerned with the sighting of the building.

Mr. Yackley suggested if the home is shifted, it would not be viewed from Sibley Memorial Highway or homes on the other side of the bluff. He noted that it had been indicated at the Planning Commission meeting that the city attorney had not been consulted about the front of the property and the Planning Commission admitted they had not viewed the 2008 meeting minutes. He believed the critical area permit should address the distance between properties to keep them apart as much as possible. He asked if there is any

impact regarding the string line rule to keep homes in alignment?

Mr. Yackley stated it is wonderful to save trees and stay away from the bluff but he does not see a hardship to move the house a small distance to the west and north, noting that location may impact fewer trees.

Councilmember Duggan asked Mr. Yackley if it would be easier to accept the loss of the bluff view the house has had for a long time if the applicant agrees to move the house and driveway turnaround farther from their property line? Mr. Yackley answered in the affirmative.

Mary Yackley, 711 Maple Park Court, stated they felt the critical area permit addressed aesthetics and opined that the Planning Commission seemed more concerned with moving it forward quickly than to listen to the residents concern with aesthetics.

Councilmember Krebsbach asked whether they wanted the house moved to the north or to the west? Mr. Yackley stated they want it moved west to create more space between the new home and their home which is built on a lower elevation than the proposed home. It would also allow more view and diminish the impression of height.

Councilmember Krebsbach asked about moving the home to the north? Ms. Yackley stated it would help to move the home as far north and west as setbacks allow.

Councilmember Vitelli moved adoption of Resolution No. 10-29, "A RESOLUTION APPROVING A CRITICAL AREA PERMIT FOR A SINGLE FAMILY HOME AT 744 WOODRIDGE DRIVE."

Councilmember Schneeman seconded the motion.

Councilmember Duggan asked whether the applicant would consider the proposal to move the house location west by fifteen feet to give the Yackleys more sight line and move the driveway turnaround farther from the Yackley home? Mayor Huber stated the discussion is to pertain to the motion and be amongst the Council. Councilmember Schneeman noted the Council cannot make that a requirement of approval. Councilmember Krebsbach stated

the city has always paid attention to sight lines and if moving the home five to ten feet makes a big difference to someone for all time, that should be considered.

Councilmember Vitelli stated his motion stands with the building location as presented. Councilmember Schneeman concurred and stated there are others with concerns and the Planning Commission took that into consideration.

Councilmember Duggan asked what the process would be if the applicant and neighbors agree to shift the home? Mayor Huber stated they would have to reapply. He noted that such a re-engineering would involve a lot of money and he would not ask them to do that because it is an unfair question to the applicant.

Councilmember Krebsbach asked when notices were sent to the neighbors about this application? Mayor Huber stated notices were sent prior to the April 27, 2010 Planning Commission meeting.

Mayor Huber stated his intention to support the motion. He noted the lot split approved in 2008 was a legal lot split and the application conforms with all ordinances. He stated this lot has a building envelope that allows the home to be sited in a number of locations but the requirement of this Council is to assure it conforms with the ordinance. He noted the Council could urge the applicant to relocate the home but the Council has no basis to say no to this application.

Councilmember Vitelli stated that is also his position and raised concern with establishing precedence for those who had built their home on the highest point of the land and could make similar requests of the Council.

Councilmember Krebsbach asked if the Council could not technically vote this down? City Attorney Diehm stated the matter before the Council is the critical area permit and to minimize impact of the development on the critical area. The findings presented by the Planning Commission support granting that permit. She stated there may be other findings; however, based on what is presented by the staff, city planner and Planning Commission, it supports granting the permit.

Councilmember Krebsbach stated her concern this is a flag lot. Ms. Diehm stated she is comfortable with the city planner's finding this is a through lot and designation of frontage.

Ayes: 4

Nays: 1 (Duggan)

CASE NO. 10-08  
ROY BESTER AND HAYLEY  
HEIDELBERG  
CONDITIONAL USE PERMIT

Mr. Sedlacek reviewed an application from Roy Bester and Hayley Heidelberg for a conditional use permit (CUP) for a six-foot tall fence within the 30-foot setback on a corner lot at 752 Mohican Lane. The planning application proposes a new six-foot high, alternating board cedar fence. Because the home is located on a corner lot, the placement of the six-foot fence within 30 feet of Pueblo Lane triggers the requirement for a conditional use permit.

During the Planning Commission meeting, discussion was held regarding the location of the lot lines. He advised that the applicants have submitted clarifying information on the lot line and fence location and are now requesting to construct at a distance of 30 feet from the curb, i.e., 14 feet from the property line. The applicants had originally requested to construct the fence on the property line.

Mayor Huber asked if this request change was appropriately submitted? Mr. Sedlacek explained the Planning Commission discussed the request for a six-foot fence on the property line. Mayor Huber stated if there is doubt whether this application revision was properly submitted, he would support holding over the decision.

Ms. Diehm stated it is difficult to receive last minute changes and if the Council has any questions as to procedure, there is adequate time to table consideration.

Councilmember Vitelli moved to table consideration of Planning Case 10-08, request of Roy Bester and Hayley Heidelberg for a CUP for a fence.

Councilmember Schneeman seconded the motion.

Ayes: 5

Nays: 0

CASE NO. 10-09  
KARYN PIMENTEL AND  
HAZEL WALLACE

Mr. Sedlacek reviewed an application from Karyn Pimentel for Hazel Wallace for a conditional use permit (CUP) for a five-foot tall fence within the 30-foot setback on a corner

## CONDITIONAL USE PERMIT

lot at 687 Second Avenue. The planning application proposes a new fence around the back yard, including a portion of fence taller than three feet within the 30 foot setback to Vandall Street, which triggers the requirement for a CUP. It was noted the fence is galvanized chain-link material and will match with existing fencing to the west and is common in the neighborhood.

Mr. Sedlacek used a site plan to describe the location and type of fence being proposed. It was noted the applicant stated that a four-foot tall galvanized fence would be installed from the west side of the home to the existing fence to the west. Three foot tall green vinyl coated fence would be installed along the rear of the property line and a four foot tall galvanized fence would run along the east side of the property and then connect back to the home. The original request was for a five foot fence, but the applicant is now asking for four feet in order to better match up with other fences in the area.

The Planning Commission put a number of conditions on their approval recommendation, which are listed in the Council packet. Those conditions include:

- The applicant shall obtain a fence permit prior to installation of the fence.
- The fence shall be constructed entirely upon the applicant's property.
- The fence shall meet the regulations established in Section 12-1D-6 of the city code.

Councilmember Vitelli moved adoption of Resolution No. 10-31, "A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR A FOUR-FOOT FENCE WITHIN THE 30-FOOT SETBACK ON A CORNER LOT AT 687 SECOND AVENUE." Councilmember Duggan seconded the motion.

Councilmember Krebsbach noted the City prefers to not have chain link fence but this neighborhood already has chain link fences. Councilmember Duggan noted the fence being matched is also chain link. He asked if the CUP fee is \$350? Mr. Sedlacek stated that is correct.

Councilmember Krebsbach asked if this fence would fit under a special permit? Mr. Sedlacek advised that any

Ayes: 5

Nays: 0

CASE NO. 10-10  
MAUREEN HAGGERTY  
WETLANDS PERMIT

fence over three feet requires a CUP.

Mr. Sedlacek reviewed the application from Maureen Haggerty for a wetlands permit to install native plantings, two plank bridges and an invisible fence wire at 790 Ridge Place. The fence wire is a single strand of wire buried underground to keep properly trained dogs on the property. He advised the city had previously approved a fence and the proposed project includes placing an invisible fence wire within the bed of the creek which crosses the property, to compliment the structured fence which was previously proposed up to 25 feet from the creek. The applicant is also requesting plank bridges, similar to what others use to cross the creek. The applicant described native plantings as an ongoing process and that plants would be acquired from nurseries specializing in native plants. The applicant agreed to conditions requiring that the plantings would be done to correct eroded areas, and the types of plants would need to be approved by the city's engineering staff.

During the public hearing, a number of concerns were expressed and it was noted there is an ongoing CUP for the fence structure that is not yet completed. There was also discussion about the construction of the invisible fence and plank bridges. Ultimately, public input was in support of the request to bury the invisible fence in the land and under the creek to cover it with sand and river rock that would not impede the stream.

The Planning Commission put a number of conditions on their approval recommendation, which are listed in the Council packet. Those conditions include:

- The invisible fence wire shall be buried and not laid on top of the ground throughout the yard.
- The invisible fence wire shall be placed entirely on the applicant's property and shall not be located in the undeveloped right-of-way.
- The land disturbance guidance document shall be adhered to.
- Specifics on the native plantings shall be provided to the city by the applicant.
- Exposed or eroded soil on the property shall be re-vegetated with appropriate wetland buffer plantings and grasses.

- All issues related to grading, drainage and erosion control of the site shall be subject to the review and approval of the city engineer.
- Previous CUP approval conditions continue to apply to existing or proposed traditional fencing on the property.

Councilmember Krebsbach stated she had voted against this fence plan the first time which left open the creek area so the dogs were not retained. Mr. Sedlacek reviewed the past discussion of the Council and suggestion made to use gates to retain the dogs but the applicant did not want to go along that recommendation so it was approved to construct the fence but it left a 50-foot gap, thus this request for an invisible fence to close that 50-foot gap. Councilmember Krebsbach stated support for this request to close the gap.

Councilmember Vitelli moved adoption of Resolution No. 10-32, "A RESOLUTION APPROVING A WETLANDS PERMIT FOR NATIVE PLANTINGS, TWO PLANK BRIDGES AND INVISIBLE FENCING AT 790 RIDGE PLACE."

Councilmember Krebsbach seconded the motion.

Ayes: 5  
Nays: 0

CASE NO. 10-11  
JULIE ROSGA  
REVISION TO CONDITIONAL  
USE PERMIT

Mr. Sedlacek reviewed an application from Julie Rosga for a conditional use permit (CUP) for a five-foot tall fence within the 30-foot setback on a corner lot at 1745 Lansford Lane. He noted this is a revision to a previous request. In the original application in 2009, the letter of intent with the planning application requested that the fence be located eight to ten feet from the curb, and the site plan showed the fence located eight to ten feet from the property line. Staff processed the request for the CUP from the site plan. The applicant learned of the mistake this spring, and is asking that the CUP allow for the fence to be along the property line. Mr. Sedlacek used a site plan to describe the location of the fence. It was noted the applicant has had a surveyor mark the property line, and will place the fence completely upon their property.

The Planning Commission put a number of conditions on their approval recommendation, which are listed in the Council packet. Those conditions include:

- The applicant shall obtain a fence permit prior to installation of the fence.

- The fence shall be constructed entirely upon the applicant's property.
- The fence shall meet the regulations established in Section 12-1D-6 of the city code.

Councilmember Schneeman moved adoption of Resolution No. 10-33, "A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR A FIVE-FOOT FENCE WITHIN THE 30-FOOT SETBACK ON A CORNER LOT AT 1745 LANSFORD LANE."

Councilmember Vitelli seconded the motion.

Councilmember Duggan stated his support of the application revision since the fence is needed to assure the safety of the applicant's child. He noted the applicant may need a letter addressing the de minimus encroachment on the city's right-of-way/easement. Ms. Diehm advised the meeting minutes will reflect the point was made that if any work is needed in the easement area, the city could require removal and would not be responsible for repair and/or replacement of the fence, if damaged.

Ayes: 5

Nays: 0

#### RENTAL HOUSING ORDINANCE

City Administrator McKnight reviewed that at the April 6, 2010 Council meeting, a resident shared concerns about rental property in his area and staff was directed to review the city's rental housing ordinance and determine what is being done by other municipalities. He advised the current rental housing ordinance was passed on April 4, 2006, and requires each rental property to obtain a license each year. Once a license application or renewal is received, staff checks to make sure property taxes are paid, utility payments are current, and there are no unresolved code enforcement issues. The current ordinance allows inspection by the city administrator to ensure compliance with applicable code provisions. The city has issued 38 rental property licenses for 2010. There is no fee associated with the rental property license. It is assumed that this list is incomplete because it is a volunteer program.

Staff's research with other municipalities found a full range in how they handle rental housing from having no rental licensing program, to ordinances similar to the Mendota Heights ordinance, to extensive rental housing ordinances. The more extensive rental housing ordinances require

periodic inspection of the property. Staff discussed this information and is requesting additional Council guidance. He advised that a more stringent ordinance that includes yearly inspections would result in a budgetary impact as the city is currently short one code enforcement officer due to a leave of absence.

Councilmember Vitelli recommended the ordinance be left unchanged and enforced as it is written. He noted there are ordinances to deal with excessive parking on the street but he does not support inspecting homes. Councilmember Vitelli suggested that staff monitor what happens in South St. Paul to see if there are legal challenges.

Councilmember Schneeman stated her support to charge a rental license fee of, perhaps, \$50.00 to cover staff time spent on rental properties.

Councilmember Krebsbach stated support to require a permit and fee so the city knows who the rental owners are and a periodic inspection to ensure preservation of the city's residential stock. She asked if the city can limit the number of rental units in a residential neighborhood? Ms. Diehm stated some communities have tried to restrict ownership and number of rental properties, especially if related to college living, but it requires a detailed and in-depth ordinance. She advised that it would be difficult to put into place with the city's current ordinance.

Councilmember Krebsbach stated support for the St. Louis Park and Edina ordinances, charging a rental license fee, and conducting periodic inspection. She also supported monitoring what other cities are doing.

Councilmember Duggan stated concurrence with Councilmember Vitelli's position to retain the same ordinance and not charge a fee. However, if the city adopts a new ordinance, he felt the West St. Paul regulations went too far but he would support looking at the Bloomington ordinance. Councilmember Duggan stated he thinks the city has sufficient staff to investigate individual complaints that are received without making language changes to the ordinance.

Mayor Huber stated he has had no problems or concerns with this next door neighbor, which is a rental property. He explained that he hopes this or a future Council, should the need arise to act, takes that action quickly to avoid having a problem within a residential block that may difficult to correct. Mayor Huber suggested staff remain vigilant and encouraged residents to be aware that code enforcement occurs on a complaint basis so if they are unsure of a situation they should call staff. He supported making no ordinance change at this point.

## ROGERS LAKE PROPOSAL

Mr. McKnight noted the Rogers Lake weed control issue was discussed during the April 20, 2010 meeting and the Council directed staff to present a recommendation on work to be performed in 2010, determine how to deal with the runoff/erosion control issue on Wagon Wheel Trail, and educate neighbors on how to reduce the impact of the storm sewer outlet off Bluebill Drive. City staff discussed the proposed 2010 treatment plan with Tom Gertz of Midwest Aqua Care and he recommended applying to the Minnesota Department of Natural Resources (MnDNR) for the full 15 acres, which this lake is eligible for since it would serve more homeowners. The proposed application area includes 4.5 acres on the north side of the lake, 9.6 acres on the south side of the lake, and .86 acres around the fishing pier for a total of 14.96 acres. Mr. Gertz recommends two applications for submerged weed control. The second application would be at the discretion of the City.

Mr. McKnight indicated that Midwest Aqua Care submitted a quote of \$325 per acre if 15 acres are treated, totaling \$4,875, or \$375 per acre if a lesser amount is approved by the MnDNR. If the MnDNR were to approve eight acres, similar to 2009, the cost would be \$3,000. The Council had indicated a willingness to spend up to \$5,000.

Mr. McKnight advised he spoke with a MnDNR representative who was familiar with the 2009 treatment and he questioned the need for this kind of treatment on the lake and the low number of residents who applied for individual permits in 2009, which may have impacted what the MnDNR approved in 2009.

With regard to the runoff/erosion issue on Wagon Wheel Trail, staff recommends that issue be dealt with during the

2011 reconstruction of Wagon Wheel Trail. This will allow Council and resident input on what would be appropriate. To educate the neighbors regarding the impact of storm sewer runoff into Rogers Lake off Bluebill Drive, Public Works staff will be taking training on runoff issues on May 6, 2010. Mr. Ruzek intends to work with the contractor conducting this training to develop educational material for all Mendota Heights residents to inform them of the impact of runoff on all lakes and ponds.

Mr. McKnight presented staff's recommendation to make application for 15 acres of treatment as recommended by Midwest Aqua Care and authorize staff to work with them on the quote for treatment of Rogers Lake at a cost dependent on the number of acres approved by the MnDNR. Staff is also requesting a consensus of support on its plan to deal with the Wagon Wheel Trail runoff/erosion issue and resident storm water education issue.

Councilmember Vitelli moved approval of the application to the MnDNR for the permit to control aquatic plants, algae, swimmers itch, and leeches for 15 acres of Rogers Lake and authorize staff to work with Midwest Aqua Care on the treatment amount that is approved by the MnDNR. Councilmember Schneeman seconded the motion.

Mr. Doug Hennes stated that he had noted the MnDNR concern that Mr. McKnight addressed and over the weekend delivered an informational packet to 20 home owners to encourage them to sign up. He indicated they support staff's recommendation. Councilmember Duggan stated his support for the MnDNR to charge a blanket neighborhood fee rather than an individual property permit. Mr. McKnight stated staff received a telephone call advising that Aqua Care has been making telephone calls to neighbors about treatment and clarified it is not the city making the calls.

Ayes: 5

Nays: 0

#### COUNCIL COMMENTS

Councilmember Duggan stated he visited The Medicine Shoppe and found it to be a vast improvement over the previous business. He encouraged residents to visit this welcoming drug store business.

Councilmember Duggan announced the fire department is looking for volunteers and encouraged participation.

Councilmember Duggan announced that St. Thomas Academy scored 11<sup>th</sup> in the nation in chess.

Councilmember Krebsbach commented on the Mendota Plaza groundbreaking she attended with Councilmembers Duggan, Schneeman and Vitelli along with city staff, the Pastors and their contractors. She commented it is good to see this progress.

Mayor Huber thanked everyone for their work at the recent city clean up day including staff who gave of their time. He stated it seemed the new location worked well. Mr. Sedlacek stated the concern had been with handling traffic on Mendakota Drive but it was not an issue and most of the feedback from residents and vendors was positive. He advised that \$1,472 was received and 236 residents took advantage of the event to get rid of materials, including a lot of scrap metal.

Councilmember Schneeman added her thanks to staff.

Councilmember Vitelli noted the Council was informed of City Clerk Swanson's intention to retire after serving Mendota Heights for 38 years. He stated Ms. Swanson has done a wonderful job for the city but he believed it was the right decision for her to retire and enjoy life.

Mr. McKnight announced the Dakota County neighborhood meeting and open house on transportation is tentatively scheduled for May 26, 2010, 4:00 p.m. to 6:00 p.m. for the open house, and 7:00 p.m. to 8:30 p.m. for the informational meeting. Councilmember Duggan requested this topic be placed on the Council's agenda for the first meeting in July.

ADJOURN

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

Ayes: 5  
Nays: 0

Councilmember Schneeman seconded the motion.

Time of Adjournment 8:50 p.m.

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Kathleen M. Swanson  
City Clerk

ATTEST:

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John J. Huber  
Mayor

Prepared by Carla Wirth, Recording Secretary