

CITY OF MENDOTA HEIGHTS
DAKOTA COUNTY
STATE OF MINNESOTA

Minutes of the Regular Meeting
Held Tuesday, June 16, 2009

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

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

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

AGENDA ADOPTION

Mayor Huber referred to Item 10.d. and said that will be pulled for discussion at a workshop meeting.

Councilmember Duggan moved adoption of the agenda as presented.

Councilmember Schneeman seconded the motion.

Ayes: 5

Nays: 0

APPROVAL OF MINUTES

Councilmember Schneeman moved approval of the minutes of the regular meeting held on June 2, 2009 as presented.

Councilmember Duggan seconded the motion.

Ayes: 5

Nays: 0

CONSENT CALENDAR

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

- a. Acknowledgement of the NDC4 Meeting Minutes and Agenda.
- b. Acknowledgement of the Minutes from the June 9, 2009 Parks & Recreation Commission.
- c. Acknowledgement of Treasurer's Report for May 2009.

- d. Acknowledgement of the May 2009 Fire Department Monthly Report.
- e. Acknowledgement of Mendota Mdewakanton Pow Wow.
- f. Acknowledgement of Withdrawal of Planning Application.
- g. Approval of Request to Cancel July Parks & Recreation Commission Meeting.
- h. Adoption of Resolution No. 09-45: “RESOLUTION CALLING FOR A PUBLIC HEARING ON THE ISSUANCE OF A REVENUE REFUNDING NOTE AND AUTHORIZING THE PUBLICATION OF A NOTICE OF HEARING (ACADEMY OF THE VISITATION PROJECT)”.
- i. Adoption of Resolution No. 09-46: “RESOLUTION AWARDING A PROFESSIONAL SERVICES CONTRACT FOR PRELIMINARY AND FINAL DESIGN OF AN INTERSECTION IMPROVEMENT AT VISITATION DRIVE AND MENDOTA HEIGHTS ROAD AND PROVIDING NOTICE TO PROCEED”.
- j. Adoption of Resolution No. 09-47: “RESOLUTION ACCEPTING BIDS AND AWARDING CONTRACT FOR CHERRY HILL 2ND STREET REHABILITATION (PROJECT NO. 200903)”.
- k. Approval of Contractors List, dated June 11, 2009.
- l. Approval of the List of Claims, dated June 16, 2009, totaling \$276,047.20.

Councilmember Schneeman seconded the motion.

Ayes: 5
Nays: 0

Councilmember Krebsbach asked to have item “i” pulled for discussion. Public Works Director John Mazzitello said city staff has been working with the Visitation School and St. Thomas Academy for a couple of years on trying to find a solution for their traffic congestion along Mendota Heights Road, particularly in the early morning hours as parents are dropping off their children.

Mr. Mazzitello said the former Public Works Director had commissioned a traffic study done by a consultant and then had discussions on how the project would be paid for. Staff applied for funding through MnDOT under the American

Recovery Reinvestment Act, otherwise known as the economic stimulus bill. This project was selected to receive \$310,000 in construction money. The resolution before the Council is to award the design contract to design a round-about at Visitation Drive and Mendota Heights Road.

The round-about was selected as it would adequately provide the left turn movement from Visitation Drive onto Mendota Heights Road and would also help slow traffic on Mendota Heights Road in front of the schools without actually stopping the traffic and creating queue lines at a stop sign or traffic signal.

The preliminary estimate has come in at \$400,000 and any money over what was received by the government would be paid out of contributions from Visitation School of \$25,000 and St. Thomas Academy of \$20,000, and \$45,000 will come out of the city's state aid account.

Councilmember Krebsbach asked for clarification on how the traffic will move around the round-about. Mr. Mazzitello said this particular one will be a lot smaller than the ones that are in other cities such as Edina and Richfield. Mr. Mazzitello said neighborhood meetings will be held to get some feedback from residents, as well as the consultant will be volunteering to give classes for the parents of the school children. Mr. Mazzitello spoke about the rules on using the round-about.

Councilmember Schneeman congratulated staff on obtaining these funds.

Councilmember Duggan moved adoption of Resolution No. 09-46: "RESOLUTION AWARDED A PROFESSIONAL SERVICES CONTRACT FOR PRELIMINARY AND FINAL DESIGN OF AN INTERSECTION IMPROVEMENT AT VISITATION DRIVE AND MENDOTA HEIGHTS ROAD AND PROVIDING NOTICE TO PROCEED".

Councilmember Schneeman seconded the motion.

Ayes: 5

Nays: 0

**PUBLIC HEARING
LIQUOR LICENSE RENEWAL**

City Clerk Kathleen Swanson introduced the request for a liquor license renewal for On-Sale Institutional Wine License for the LeCordon Bleu College of Culinary Arts, saying that the public hearing was held over from the last council meeting due to incomplete material submittal. Ms. Swanson said Brown College has since submitted the necessary paperwork.

Mayor Huber re-opened the public hearing. Seeing no one come forth wishing to speak, Mayor Huber asked for a motion to close the public hearing.

Councilmember Duggan moved to close the public hearing. Councilmember Vitelli seconded the motion.

Ayes: 5
Nays: 0

Councilmember Duggan moved to approve the liquor license renewal for On Sale Institutional Wine License to Brown College for the Le Cordon Bleu College of Culinary Arts, Minnesota Room.

Councilmember Krebsbach seconded the motion.

Ayes: 5
Nays: 0

**DAKOTA COUNTY REGIONAL
ROADWAY VISIONING STUDY**

Mayor Huber said Councilmember Judy McManus and Councilmember Dick Williams from the Sunfish Lake City Council have been invited to sit in on this presentation. It is noted that Councilmember Williams was in attendance.

Mr. Mazzitello said Dakota County, in cooperation with MnDOT, is conducting a Visioning Study for an area of Dakota County highways. The boundary of the study area is I-35E (on the west), Highway 110 (on the north), Highway 52 (on the east), and County Road 26 / Diffley Road (on the south). This is a continuation of a previous study to identify long term traffic improvement projects and to identify existing traffic issues within that area. The consultant that was hired for this study is SRF Consulting Firm, the same one that did the city's feasibility report for the pedestrian improvements, and they have been working on gathering background information and establishing goals for the study. As part of their contract with Dakota County, they were asked to provide two meetings with all the city councils affected (Mendota Heights, Sunfish Lake,

Eagan, and Inver Grove Heights). This is the first of those two meetings. The intent of the first meeting is to provide the background information and inform the councils of the purpose of the study and some of the goals they hope to attain. The second meeting will be held towards the end of the study process in the fall or early winter that will outline the conclusions that they've come to and the list of improvements that come out of the Visioning Study.

Mr. Mazzitello said one of the improvements being analyzed as part of the study is whether or not an interchange is warranted at Delaware Avenue and I-494. Currently, this is an overpass with no access to the interstate. The cities of Eagan and Inver Grove Heights have requested that this be analyzed and that the study consider analyzing alternatives both with and without that interchange.

Mr. Mazzitello introduced Marie Cody from SRF Consulting Group. Ms. Cody said the overall goal of this study is to develop a long term roadway system vision that is supported by all jurisdictions and balances land use and transportation improvements to the designated areas. The study outcome hopes to provide that the overall system plan is intended to provide a framework revision that can be implemented over time by the study partners, enabling them to better plan for on-going development and the needed infrastructure changes from a local and regional standpoint.

Ms. Cody said the study will be looking at some roadway and intersection improvements and looking at some new alignments, developing some concept layouts to see what the right of way impacts are and access facing along I-494. Cost estimates and an implementation plan will then be created.

Ms. Cody said this study is not an official environmental process and is not an official access request. Ms. Cody said there is some regional growth happening outside this study area that will impact the area's major corridors, and reviewed maps showing the areas of concern, highlighting the space between I-35E and Highway 52, which will affect Highway 3 and Highway 149 as it will play a higher role in the transportation system.

Ms. Cody stated this study will look at safety, land use plans, intersection capacity, systems, environmental impacts, and policy down the line.

Study Advisory Committee meetings are being held on the second Tuesday of every month, which include representatives of each of the four cities, MnDOT, Met Council, FHWA, and Dakota County. An open house is scheduled for June 24th and notices have been mailed out. The open house will be from 4:30 pm to 7:00 pm at Sibley High School. Dakota County will be setting up a website for residents to get information.

Ms. Cody said there are 25 intersections that are being looked at, collecting data on peak hours, creating a model for existing conditions so that there is a baseline for how those intersections are operating today.

Councilmember Krebsbach said Lone Oak Road is a good size road and asked if this road will be extended to Highway 3. Ms. Cody said the study alternatives are going to include roadway expansions, setting aside I-494 and focusing on the major corridors. Councilmember Krebsbach asked where are the people trying to get to. Ms. Cody said part of the analysis is taking a look at the two major growth areas and they will use the regional model to see what the percentages are to and from that area. That information is not available at this time. Councilmember Krebsbach said traffic seems to be moving from east to west and not necessarily from north to south. Ms. Cody said there is a large movement to the west / northwest.

Councilmember Krebsbach asked if Highway 3 will be receiving some big federal dollars. Ms. Cody said she was not aware of that.

An analysis was conducted to identify where the failures are that lead to injury and property damage crashes. This data has been documented from approximately 2005 to 2007.

Councilmember Vitelli asked what the purpose is for the safety analysis. Ms. Cody said they want to determine alternative routes to be able to increase the safety of the roadways by avoiding the more congested areas.

Ms. Cody said the environmental issues are being studied in this area and as they use the aerials in the concept, they will look closely at land impacts such as lakes, bridges, and elevation changes.

Ms. Cody said this is a study that Dakota County has been leading, working with the other agencies in taking the north / south corridor study one step further, working in step with the timeframe of the comprehensive plan preparations. Ms. Cody said this planning is being done to work with the possible development growth of Eagan and Inver Grove Heights.

Councilmember Schneeman asked how many undeveloped acres are in Inver Grove Heights, which will all be developed eventually. Ms. Cody said she did not know Councilmember Duggan said it is over 3,000 acres and Eagan has about two-thirds of that.

Ms. Cody said these studies must be agreed upon by all four of the cities.

Councilmember Vitelli spoke of his concern about disruption to residents as Delaware is a residential road that happens to be a through street, and asked how the study takes this into account. Ms. Cody said a sub-group will be created to forecast the daily volumes that are being seen with only planned improvements and asking representatives from communities, who want to be involved, to work together in developing these roadway alternatives.

Councilmember Vitelli asked if additional lanes on I-494 and I-35 will be looked at. Ms. Cody said they are not going to include regional improvements. Councilmember Vitelli said one way to approach some of the increased traffic concerns would be to direct traffic onto these highways and provide extra lanes as he has a feeling that all this extra traffic will be led to streets that will be upsetting to communities. It would make more sense to direct this traffic southbound to Inver Grove Heights via the interstates rather than taking the traffic through the communities of Mendota Heights, Sunfish Lake and West St. Paul. Ms. Cody said they need to make sure the improvements are consistent with the state's plans for expansion. Councilmember Krebsbach said that not

looking at the expansions of the interstates is not a realistic forecast, and if there is a need out there, it should start with the state. Councilmember Krebsbach said if Eagan and Inver Grove Heights want to increase access to their developments, they should look at Lone Oak Road.

Councilmember Vitelli said MnDOT already took chunks of Mendota Heights for I-494 and I-35E, and if they need more lanes, they should add to those highways, and asking what the rest of the council thinks about MnDOT not even considering adding those lanes.

Ms. Cody said she is making these notations to take back to the committee.

Councilmember Duggan said Mendota Heights and Sunfish Lake are about 97% developed and the residents seem to be very happy with that. Councilmember Duggan said it seems that everything that is being done is in response to the potential development in Eagan and Inver Grove Heights. Councilmember Duggan spoke of his concerns about some major wetland areas along some of these roadways such as Argenta Trail. Councilmember Duggan said any interchanges along I-494 should be accessed from the south and not the north side. With the large interchanges of I-35E and I-494 already in Mendota Heights, it would add an insult by placing an interchange at Delaware. Councilmember Duggan said he would rather see the study done in the area south of I-494 and perhaps a rail transit would be favorable.

Councilmember Duggan asked what the roadways are that are considered major corridors. Ms. Cody said it would be Highway 149, Highway 63, Highway 110, and Highway 3. Ms. Cody said the intersections along these roadways are being analyzed to make sure that based on the volumes that are going in and out of the intersections; these intersections can handle the amount of cars during the peak hours.

Mayor Huber said Eagan and Inver Grove Heights have a very significant portion of land that is fairly significantly undeveloped at this point that will be developed sooner or later, and he believes the city leaders of those cities will be charged with thinking about what their city should look like. Understanding that this land will be developed is

essential and as the city leaders are trying to think that through, they do need to think through how people will be moved in and around that area. Mayor Huber said he applauds the county and state that they will not solely look at the debate as to whether or not an interchange should be put at Delaware and I-494, but that they are taking a much larger view to see what they should be looking at in the entire area and determine very long range planning. There will be much debate on how this will develop and will one thing force the other, and some folks think that if something is planned, there will be debate. Mayor Huber said while this does not say he supports the development of an interchange at Delaware and I-494, he does strongly support taking a comprehensive look at the movement of traffic through this entire area and recognizing that development will happen.

Councilmember Vitelli said he also disagrees with the dotted line that has been indicated on the map that runs through Mendota Heights and Sunfish Lake. The problem is with the development below I-494. The dotted line should be placed along I-494 and there is no issue and no reason to be looking at a traffic study that includes Mendota Heights and Sunfish Lake. Councilmember Vitelli said he would recommend that Dakota County move that line along I-494 and deal with the issue that rightfully Eagan and Inver Grove Heights have to deal with.

Councilmember Vitelli said if for some reason the study concludes that access has to be at the Delaware area, it should only be exiting to the south and enter from the north. There should be no widening of Delaware north of I-494. Mendota Heights would then be solving a problem that was created by development in Eagan and Inver Grove Heights. This is where the study should be focused.

Ms. Cody said the purpose of the dotted line as it is, is to make sure should a planned development occur, that they take a full look at what the impacts are to Mendota Heights and Sunfish Lake. There will be an equal amount of roadway scenarios with and without this interchange. The travel from east to west will also be considered as well as the north to south roadways.

Councilmember Krebsbach noted a lot of the workforce that comes from the south and moving north, and said she believes this is a misguided study that leads to a funnel approach.

Councilmember Schneeman said she does not think it is a misguided study, and that it is a very important study and these conversations are great.

Councilmember Duggan asked questions about the concept of the commercial development areas and about the concept of buffering.

Sunfish Lake Councilmember Williams said having an interchange at Delaware will do nothing but funnel traffic up from Inver Grove Heights and the notion of using Lone Oak Road is absolutely appropriate. Eagan and Inver Grove Heights should be paying the money to take less developable land and run this traffic that they want into Inver Grove Heights and go through Inver Grove Heights. Councilmember Williams said he sees no reason why the residents north of I-494 should be paying for this.

Councilmember Krebsbach asked if Argenta and Delaware are upgraded, will they carry trucks? Mr. Mark Krebsbach, Dakota County Engineer, said all trucks under 9 ton will be allowed. Mr. Krebsbach said regardless where the lines are drawn the traffic will go where the traffic goes and there will be development coming in the south at some point in time, and the county does not want to be asked ten to twenty years down the road why nothing was being done to be proactive.

Councilmember Williams said there is much concession that this is all being driven by the desires of Eagan and Inver Grove Heights to deal with their development plans.

Mayor Huber thanked Ms. Cody and Mr. Krebsbach for their presentation. Mr. Krebsbach said there is also federal money earmarked for Highway 3 from the north part of downtown Rosemount from Highway 149 for a mill and overlay, but no major reconstruction plans.

Mayor Huber thanked Councilmember Williams for participating.

UNITED PROPERTIES LLC/
BITUMINOUS ROADWAYS

Mr. Sedlacek reviewed the request for a conditional use permit for outside storage by United Properties, on behalf of Bituminous Roadways. This application was first heard at the May 22nd Planning Commission meeting and voted to recommend approval of this permit. The city council then reviewed this at their June 10th meeting, presenting some concerns with the application. United Properties has submitted documentation addressing these concerns and is present to discuss those concerns this evening. Mr. Sedlacek said the plan that is before the council at this time has been altered from the first plan that was presented at the last meeting. The primary difference is the fencing issue. At the Planning Commission meeting, the fence that was proposed at that time was compliant, and the applicant has since prepared an altered site plan that shows an 8-ft fence which is located within the right of way. Should the council consider the type of screening that is on this revised plan, a variance to the front yard setback would be required as well as an additional conditional use permit for the 8-ft fence.

Staff is requesting that the council first discuss the original conditional use permit to determine whether or not this is an appropriate use for this zoning district, and can it be adequately screened.

Mr. Sedlacek reviewed a map of the area, showing what is in the adjoining properties.

Councilmember Schneeman asked if staff received any feedback from Associated Bureaus. Mr. Sedlacek said they were notified but there was no feedback given. Councilmember Schneeman said they would have made their objections clear if they had any. It is noted that Associated Bureaus is a tenant and the building is owned by the Travelers Company.

Eric Simmer, United Properties, said he has prepared two separate drawings, one which shows the 8-ft fence on top of the berm which does require a variance and the conditional use for the height, neither of which are necessary. Mr. Simmer said the Planning Commission had requested the 8-ft fence. Commerce Drive is primarily screened by berms and pine trees. United Properties is open to applying for the variance and the additional

conditional use permit only if council desires to approve that particular site plan.

Mr. Simmer shared an elevation drawing which showed the heights and spacing of the proposed project, as well as computer renderings and pictures of what the current and proposed views would be in the business park with this project. Mr. Simmer shared that the fencing would be alternated with the pine trees, giving a broken up visual. The fencing would be of wood, and the applicant is willing to place an open alternative fence to comply with the city's standards.

Mayor Huber asked if this fencing would be for screening purposes only, and would there be an interior fencing that would be used for security purposes. Mr. Simmer said there is no need for an interior security fence.

Councilmember Krebsbach asked if the fueling area would be fenced. Mr. Simmer said the entire yard will be behind a fence and gate and it would be possible for someone to climb a fence, but a vehicle would not be able to enter. Mr. Ken Peterson, owner of Bituminous Roadways, said the pumps are locked up and shut down when there is no one around, so there are no security issues in this manner.

Mr. Peterson said he appreciates consideration of the council, and spoke of how the highway system will give better access for his vehicles.

Councilmember Duggan said he visited the facility on Dodd Road and noted there is no fencing or screening, and it is located around residential. Councilmember Duggan spoke of the quietness of the area, and noticed the fuel tanks, which he would appreciate the new facility giving those tanks some better security. Councilmember Duggan noticed one piece of equipment that seemed to be non-operational and expressed his concern about such vehicles in the new facility. Councilmember Duggan said he was very impressed with the facility and the neatness of the yard. The safety and security around the fueling station is excellent.

Councilmember Krebsbach said there is always the concern for what the future holds and there is a strong possibility

that the ordinance will be changed. If this is approved, this may affect United Properties other vacant property next door. Councilmember Krebsbach liked the fencing options and screening plans, and asked how the main entrance area would be handled. Mr. Peterson explained how he wanted this area to look, with the main entrance coming off at the north end of the property. Councilmember Krebsbach said she is concerned about how the office building will look from across the river, and said the office building would look nicer by locating it nearer to Associated Bureaus, flip-flopping the plan. Mr. Simmer talked about the concerns of the layout in relation to the topography and found that the proposed plan is really the best plan in fitting on this land.

Mr. Simmer said the city does require that fencing be placed around the yard, and explained how the fencing would look around the rest of the property, and shared the landscaping plan that will be followed.

Councilmember Duggan asked where the signage would be located. Mr. Simmer said that has not been discussed yet, but would assume some signage on the building and by the main entrance. More detail will come back on that.

Councilmember Duggan said he would prefer a 6-ft fence, and asked whether the fence would be board on board which would give a degree of openness, adding some additional screening. Mr. Simmer said they will do whatever the council prefers. Mr. Simmer said the property will be about 42% open space.

Mr. Simmer pointed out the pictures that were submitted showing the types of equipment.

Councilmember Krebsbach asked if the applicant has concerns about the security of the equipment. Mr. Peterson said he has no concerns. Councilmember Duggan asked if there will be people working at night. Mr. Peterson said there will be, and that they have no issues with people messing with the equipment.

Mr. Simmer said there was some talk previously about RJ Ryan and said that this company was in a different zoning district, so precedence was not set there.

Mr. Simmer provided key components and information about the tank storage and spill safeguards.

Mr. Simmer said the landscaping materials at the Dodd Road site would not be coming to the new site, as this is owned by another company that leases the property from Bituminous Roadways, and assured the council that there will be no material storage on the new site.

Mr. Simmer said the roads have been verified to handle the weight loads.

Councilmember Krebsbach asked for some discussion on the routes that the trucks will take, and asked how much would be on Pilot Knob. Mr. Peterson said there is not a lot of truck traffic in and out of the proposed maintenance facility, bringing about 10 trips a day. The trucks with the asphalt would not be coming to this facility.

Councilmember Schneeman said she would support the conditional use permit with the 6-ft fence.

Councilmember Vitelli said he will be voting against this request as he thinks it is too big of a complex for this area and the city would be sacrificing the tax base which would be very low and the city is not maximizing the use of structures and tax. Councilmember Vitelli said that although he is confident that Mr. Peterson will take good care of this facility, he is concerned that this may become something undesirable in the future.

Councilmember Duggan said having seen how neat and quiet the existing facility is, and that the new facility will be tucked into the site, and replacing trees and doing proper screening, this proposal would be more beneficial to the city than not. Based on how the screening will hide the equipment makes him feel comfortable, and seeing what the existing site looks like, Councilmember Duggan said he would support this application.

Councilmember Krebsbach said after considering what is now at the business park (large trucks and MnDOT's facility), she felt it would be arbitrary to not allow this business into the park and as this happens to be a very reputable business, she will support this but will want to

change the ordinance so that this would not be a permissible use.

Councilmember Duggan said he would not support a conditional use permit for the 8-ft fence. Mayor Huber said the 6-ft fence would not need the conditional use permit. The use is a conditional use permit, and the council will need to put conditions on that use.

Councilmember Vitelli said he thinks this is a mistake as it is opening up a door for other such uses, and no one in the open space across the street will want to build a two-story office building there.

Councilmember Krebsbach said she will definitely ask the council to consider changing the zoning for future purposes. She supports this application at this time as it is still a permitted use and a reputable business that will do well in the screening. United Properties will also realize that they cannot bring any other such uses into the park. In addition, this is located next to MnDOT and MnDOT does not make any attempt on beautifying their property.

Mr. Sedlacek handed out the resolution that was recommended for approval by the Planning Commission with their findings and conditions. Mayor Huber said the council will want those same conditions, and suggested including the condition that all vehicles that are used for on-road use are licensed and operable. Other conditions include

- 1) Staggered 6-ft fencing along the perimeter at the inset of the berm and landscape screening will be done. (No additional conditional use permit and variance would be needed).
- 2) Assurance that the applicant will keep 42% as open space.
- 3) Applicant to come back with signage plans at the appropriate time.

City Attorney Tami Diehm provided the proper wording of the resolution and suggested adding a condition that material storage is not allowed.

Councilmember Duggan moved to approve Resolution No. 09-48: " A RESOLUTION APPROVING A

CONDITIONAL USE PERMIT FOR OUTDOOR STORAGE AT LOT 2, BLOCK 1, MENDOTA HEIGHTS BUSINESS PARK 4th ADDITION”.

Councilmember Schneeman seconded the motion.

Mr. Sedlacek confirmed the additional conditions:

- 4) All vehicles and equipment stored on site are licensed and operable as practicable.
- 5) Material storage would not be allowed on site.

Mayor Huber said he is concerned about this use and its impact on the surrounding properties.

Councilmember Krebsbach said United Properties owns the other parcel and knows what will be going on here. In addition, MnDOT has made no attempt to have the building look attractive. Councilmember Krebsbach said she believes that the applicant will do a good job.

Ayes: 3 (Councilmembers Duggan, Krebsbach, Schneeman)

Nays: 2 (Mayor Huber, Councilmember Vitelli)

DISCUSSION OF RIGHT OF WAY VACATION PETITION FOR EUGUENIA AVENUE

The majority of the abutting land owners have reached an agreement to vacate the north 15 feet of Eugenia Avenue located east of Hiawatha Avenue. Staff recommends setting a public hearing on July 7th to consider vacating this portion of the street.

Councilmember Schneeman moved adoption of Resolution No. 09-49: “A RESOLUTION SETTING A PUBLIC HEARING ON A VACATION COMMENCED BY A PETITION OF A MAJORITY OF ABUTTING LANDOWNERS.”

Councilmember Duggan seconded the motion.

Ayes: 5

Nays: 0

DISCUSSION OF HOFFMAN-MENDOTA SHORE LLC CONTRACT RENEWAL

City Attorney Diehm said as requested, staff took a look at the existing agreement between the city and Hoffman-Mendota Shore LLC. Council had previously approved a contract for private redevelopment related to a proposed 60 unit multi family residential development to be known as Lemay Shores. The council approved the original agreement in June, 2007 and the agreement was negotiated in connection with a proposed planned unit development

and it provided an overall time line for the project. Originally, the expectation was that the developer would acquire that property by December 31, 2007. That fall, it became clear that the timeline was somewhat unrealistic and Hoffman came back to the city requesting an eighteen month extension to go ahead and acquire and develop the property. At the time, Hoffman felt that the acquisition would most likely be completed by March 30, 2009 and the city gave an extension to proceed with the property. That amendment was approved in October, 2007. Because of the continued lag in the housing market, Hoffman has now requested an additional extension. When the additional extension came forward, staff was asked to take a look at the agreement to make sure there were no additional issues to be considered. Three items have been outlined for the council's consideration:

1. The method by which park dedication was calculated. Park dedication in the agreement is calculated at \$2,700 per unit times 60 units and this is consistent with the city's current ordinance and with how park dedication is still calculated. The agreement provides an offset or credit for some trails that are going to be developed to connect this development with the Augusta Shores development. That credit is capped at \$25,000 and will be based on the actual cost of completing those trails. Ms. Diehm said based on this and based on the council's recent discussion on park dedication, staff does not believe there are any changes that need to be made to that provision.
2. In regards to the irrevocable letter of credit, the development agreement requires Hoffman to furnish a letter of credit in an amount equal to 125% of the cost of the work. Staff wanted to take a look at that estimate as this is several years later to make sure that the cost estimate is still accurate. Mr. Mazzitello has reviewed this estimate and is comfortable with the current amount.
3. The development agreement requires the developer to pay for the city's expenses. There are some outstanding city expenses and it seems that this would be a logical time to have the developer pay for those in connection with the second amendment.

Pat Hoffman said he has no comments and is in agreement with the city attorney's comments.

Ms. Diehm said when staff first received the request, based on the council minutes; it looked like the representation was that the closing would occur by March 30th. The actual language in the amendment provided the developer through June 30th to close, and an amendment and restated development agreement will ratify all of those previous terms and substitute the new date.

Councilmember Schneeman moved to grant the extension, and approve the amendment to the Development Contract and authorize the Mayor and City Clerk to execute the amended contract.

Councilmember Duggan seconded the motion.

Ayes: 5

Nays: 0

DISCUSSION OF CITY ADMINISTRATOR RETIREMENT

Mayor Huber said the council will be adjourning to a workshop after this meeting to discuss the process of seeking a replacement for the retiring City Administrator. City Administrator Jim Danielson said he has had thirty years with the city and has decided to retire. Mr. Danielson talked about his experience with the city and has enjoyed working with the city. Mayor Huber reflected on the years that Mr. Danielson has served and expressed the appreciation of the Council, and thanked Mr. Danielson for offering to stay long enough to help with the process of finding a replacement.

Councilmember Schneeman said Mr. Danielson made City Hall a happy place for people to work.

Councilmember Vitelli said speaking as a "retired old guy", that Mr. Danielson has made the absolute right decision.

Councilmember Krebsbach said she has watched Mr. Danielson's service moving from Public Works to the role of City Administrator and in more than one occasion, he has stepped into the role of City Administrator and has done a good job.

Councilmember Duggan thanked Mr. Danielson for all his work.

Mayor Huber moved to officially accept Mr. Danielson's letter of resignation. Councilmember Duggan seconded the motion.

Ayes: 5

Nays: 0

COUNCIL COMMENTS

Mayor Huber talked about the tough weather that was experienced for the Park Celebration. Councilmember Duggan thanked the Mayor and the other Mayors of the surrounding communities for their support, and stated there were a lot of people that still showed up.

Mayor Huber said Thursday night begins the "Third Thursday of the Month Music" at the Village at Mendota Heights.

Councilmember Krebsbach noted the closing of the Curley Furniture after 55 years, and the family has been a big part of the city, and wished them well.

Councilmember Vitelli said his class reunion was wonderful, the Sibley Class of '59. There was a tremendous turnout of 120 people at the Dodge Nature Center.

Councilmember Schneeman said the Par 3 is almost \$6,000 ahead and they are doing very well.

ADJOURN

There being no further business to come before the Council, Mayor Huber adjourned the meeting to a workshop to discuss the retirement of City Administrator Councilmember Duggan seconded the motion.

Time of Adjournment 10:00 p.m.

Rebecca Shaffer
Recording Secretary

ATTEST:

John J. Huber
Mayor