

CITY OF MENDOTA HEIGHTS
DAKOTA COUNTY
STATE OF MINNESOTA

Minutes of the Regular Meeting
Held Tuesday, July 1, 2008

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, Schneeman and Vitelli. Councilmember Krebsbach was absent.

PLEDGE OF ALLEGIANCE

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

AGENDA ADOPTION

Councilmember Duggan moved adoption of the agenda as presented. Councilmember Schneeman seconded the motion.

Ayes: 4
Nays: 0

APPROVAL OF MINUTES

Councilmember Vitelli moved to approve the minutes of June 17, 2008 as amended. Commissioner Duggan seconded the motion.

Ayes: 4
Nays: 0

CONSENT CALENDAR

Councilmember Schneeman moved approval of the consent calendar as presented, pulling item j for discussion, and authorization for execution of any necessary documents contained therein.

- a. Acknowledgement of Minutes of the June 10, 2008 Park and Recreation Meeting.
- b. Acknowledgement of the Minutes of the June 24, 2008 Planning Commission Meeting.
- c. Acknowledgement of the May 2008 Treasurer's Report.
- d. Acknowledgement of the Mendota Heights Fire Department May 7, 2008 Monthly Report.

- e. Acknowledgement of the June 2008 Building Activity Report.
- f. Acknowledgement of the Dakota County Comprehensive Plan Review.
- g. Acknowledgement of the Victoria Curve Turnback.
- h. Authorization for Purchase Order to Total Construction and Equipment for Light Retrofitting at Fire Station.
- i. Authorization for Sale of Unused MSA Self Contained Breathing Apparatus.
- j. Authorization for Signing of Republican National Convention Joint Powers Agreement with the City of St. Paul.
- k. Approval of Permanent Full Time Non-Probationary Status for Officer Peyton Fleming.
- l. Approval of Sign Permit for Snyders Drug Store – 750 Main Street, Suites #104 and #105.
- m. Authorization for the issuance of a building permit for the Installation of Two Overhead Doors at 2506 Northland Drive.
- n. Adoption of Resolution No. 08-39: “A RESOLUTION AUTHORIZING MENDOTA HEIGHTS TO ENTER INTO A GRANT AGREEMENT WITH DAKOTA COUNTY TRAFFIC SAFETY GROUP.”
- o. Adoption of Resolution No. 08-40 “A RESOLUTION ACCEPTING DONATION”.
- p. Adoption of Resolution No. 08-41 “A RESOLUTION APPROVING FINAL PLANS AND SPECIFICATIONS, AND AUTHORIZING ADVERTISEMENT BIDS FOR CALLAHAN PLACE STREET IMPROVEMENT PROJECT (PROJECT #200802)”.
- q. Approval of the List of Contractors, dated June 27, 2008.
- r. Approval of the List of Claims, dated July 1, 2008, totaling \$315,381.10.

Councilmember Vitelli seconded the motion.

Ayes: 4
Nays: 0

Councilmember Duggan asked to have item j pulled and said this is a significant event for the State of Minnesota, and he would like to have Police Chief

Aschenbrener review what the involvement of the city will be.

Chief Aschenbrener said the involvement will hopefully be limited to the three officers that will be sent to the City of St. Paul. Two of these officers will serve on the bike patrol and the other will be with the mobile field force out of Bloomington.

Chief Aschenbrener said that the League of Minnesota Cities feels that since Mendota Heights is close, the city should sign and orchestrate the joint powers agreement.

Councilmember Schneeman said a lot of people in the area are renting out their homes for this event, and a lot of those homes are in Mendota Heights.

Chief Aschenbrener said the department will be identifying potential issues.

City Attorney Tami Diehm said the police chief has done a nice job of summarizing, and while there are some different terms that the city may want to negotiate if they were doing this individually; the reality is that this is an agreement that has been presented to many metropolitan and outside communities. The League has taken the lead on negotiating this on behalf of the city.

Councilmember Duggan asked for clarification that no changes can be submitted to St. Paul. Ms. Diehm said that was correct.

Councilmember Vitelli asked if this document has language to make sure there is adequate insurance and liability coverage for the officers should they be injured or any actions they may take.

Chief Aschenbrener said that language is fairly boiler plate. The insurance that would first be tapped in relation to this is a \$10 million policy that has been taken out by the Republic National Convention, and he believes that during the last two conventions, the most ever paid out was \$600,000 in insurance claims.

Councilmember Schneeman moved to authorize execution of the Republican National Convention Joint Powers Agreement with the City of St. Paul. Councilmember Vitelli seconded the motion.

Ayes: 4
Nays: 0

NDC4 WEBSTREAMING

Jodi Miller, NDC4, said the web streaming was launched on June 24, 2008 with the Planning Commission meeting. Ms. Miller introduced Dennis Raftery and Zack Peterson, who will be giving a brief presentation on how the web streaming will work.

Ms. Miller thanked City Staff: Nancy Bauer, Linda Shipton and Mary Hapka for spending many hours training and working on the agenda posting and Stacy Kaiser for the internet connection and IT work and most of the other staff for being helpful in one way or another. Ms. Miller also thanked the NDC4 cable casters for all the work they have been done.

Ms. Miller reviewed the costs that have been incurred throughout this process, which came in well below what was estimated.

Ms. Miller said in the last six days of June, there were almost 300 unique visitors to their website, which is normal and will be able to track how many visits are made to the meetings.

Ms. Miller updated the Council on the most recent board activities and programming updates.

Councilmember Vitelli said he visited the web streaming and complimented Ms. Miller and her team as this is an outstanding productivity improvement. He explained how he viewed the Planning Commission meeting, and how it was so user friendly to listen to portions of the meeting. The resolution and indexing is excellent and the \$9,000 is well spent.

Mr. Raftery went through the web streaming process and explained all of the options for residents to access the city's meetings.

Councilmember Vitelli asked how much memory per hour is required to save the meetings. Councilmember Vitelli said another reduction in cost would be to someday not need to have the meetings transcribed if the Council can just save these meetings in a digital format.

Councilmember Duggan asked Ms. Diehm on what is required by state law. Ms. Diehm said right now, it is required to have written minutes, but perhaps in the near future, that may be an alternative.

Mr. Raftery said these meetings are kept through Granicus for one year and then start rolling off.

Councilmember Schneeman said she really loves to watch the Planning Commission in Inver Grove Heights.

LIQUOR LICENSE HEARING

City Clerk Kathleen Swanson said Council opened this hearing at their June 17th Meeting and continued to this evening as required by city ordinance. Ms. Swanson said the investigations have all been completed and everything is clear. Staff recommends approval of the license.

Mayor Huber asked owner Tom Magnuson if there has been a start date indicated. Mr. Magnuson said they are hoping for August 6th. Mr. Magnuson said the hours of operation will be Sundays through Thursdays from 11:00 am to 10:00 pm.

Mayor Huber said his wife has some friends that had visited the location in South St Paul and they had a lot of good things to say.

Mayor Huber asked for questions and comments from the audience.

There being no questions or comments, Councilmember Duggan moved to close the hearing and to authorize the issuance of an on-sale wine and

3.2 malt liquor license for Windy City Pizza, dba Tommy Chicago's Pizzeria.

Commissioner Schneeman seconded the motion.

Ayes: 4

Nays: 0

CASE NO. 08-16, ANDERSON

Assistant to the City Administrator Jake Sedlacek introduced the application for a variance to the side yard setback for the property at 2498 Pond Circle East. The applicant wishes to install a ramp for wheelchair access to their home. Mrs. Peterson, who is now in a wheelchair due to having MS, needs to have access to the home. Mr. Sedlacek said the ramp itself is an allowed use within 5-ft of the setback, but the variance is needed for the driveway where the ramp will be accessed from.

Mr. Sedlacek said the Petersons have looked at other options. Mr. Sedlacek indicated on the map how this property is bordered by three rights of way and stated that here is a 30-ft setback for each of those. The proposal is to extend the driveway down to be 15 feet from the property line.

Ms. Sedlacek said the ramp has been constructed out to the point to where the driveway would be.

The Planner found that this was a reasonable use of the property and the hardship was identified as the three rights of way created a unique condition on the property. The Planner felt this fit with the comprehensive plan and a public hearing was held which no one spoke to.

The Planning Condition approved the variance application 5-0 (Viksnins and McManus absent). Mr. Sedlacek noted the changed language in the resolution from the original.

Mayor Huber asked if anyone in the audience wished to speak to this. Hearing none, Mayor Huber closed the public hearing.

Councilmember Duggan moved adoption of Resolution No. 08-42: "A RESOLUTION APPROVING A 15' VARIANCE TO THE SIDE

YARD SETBACK AT 2498 POND CIRCLE
EAST.”

Councilmember Vitelli seconded the motion.

Ayes: 4

Nays: 0

CASE NO. 08-7, OSTROSKY

Assistant to the City Administrator Jake Sedlacek introduced the application for a variance to the side yard setback for the property at 1680 Lexington Avenue.

Ms. Sedlacek said this is a single family lot zoned for use of single family, and located in the critical area. The lot has sat vacant for a number of years, and during that time, entertained a number of different alternatives, including a multi family unit which would not fit with the character of the neighborhood.

Mr. Sedlacek said the application tonight is to retain the property as a single family property, but the applicant would like to make some additions to the home. The variance to the side yard setback is needed to build on top of the existing garage and to build a new garage in front of the existing home.

Mr. Sedlacek said the City of Lilydale is very concerned about a variance in the critical area and it is important to note that this is a variance to the side yard setback and not the critical area.

Mr. Sedlacek said there was a concern about the public notice process and said the City is not required to have a public hearing on a modified site plan review. The Planning Commission conducts the public hearings on these.

Mr. Sedlacek reviewed the site plan and explained how the applicant is proposing to build on top of the existing garage, and will not be building closer to the side yard setback. Mr. Sedlacek said the hardship was identified as given the size of the lot, given the critical area requirements, there is a very, very small building envelope and the home is located close to the side yard in the first place.

Staff feels this is a reasonable use of the property in terms of the variance. Mr. Sedlacek said in terms of the critical area modified site review, Staff looks at anything that is a proposed improvement to a project or property to make sure it does not have a negative aesthetic impact or natural impact upon the Mississippi River corridor. In this case, the applicant does not propose any increase to the impervious area as they will be building over an existing garage and over some existing driveway.

The applicant will be re-roofing the structure and there is no increase of the structure height. The community's view of this home is limited to a short passage along Lexington looking up the driveway.

The primary concern at the Planning Commission public hearing was that there is some type of assurance that there be adequate screening from the Overlook Condominiums and ensuring proper vegetation is there. The Planning Commission added to the approval a condition that the applicant limit any vegetation removal. The applicant was very agreeable to that. The only change to the vegetation is some trimming of a box elder tree that is hanging over the home.

Councilmember Duggan asked when the home was built. Mr. Ostrosky said it was built in 1952. Councilmember Duggan said there were different rules and regulations developed since then.

Councilmember Duggan said he was glad to see there is no increase in impervious surface. Councilmember Duggan said he has visited the site many times and spoke of a time developers wanted to put in multi-housing which he was very opposed to. Councilmember Duggan said he is delighted that someone is stepping forward to improve this property, and it would make sense to clean up some old vegetation.

Mr. Sedlacek shared a picture of the existing home and a rendition of the proposed improvements.

Mayor Huber asked if anyone in the audience wished to speak to this application. No one came forward wishing to speak.

Councilmember Schneeman asked the applicant if he has gutted the existing home. Mr. Ostrosky said he has done some removal of parts that were destroyed already, but some of the existing home remains the same. Councilmember Schneeman said this is quite an unusual piece of property and an unusual house. Councilmember Schneeman said she is all in favor of this application.

Mr. Jim Krakowski is a resident of the Overlook Condominiums and said he has concern about the easement along the driveway. Mr. Krakowski said he is fine with what the applicant wants to do, but feels this easement must be addressed. Mayor Huber, upon the advice of the City Attorney, informed Mr. Krakowski that this would be a personal matter between the property owners and the city does not need to be involved in this.

Councilmember Duggan referred to the proposed resolution and said Item #1 designates this property as having a unique condition and things have changed since 1952. Councilmember Duggan suggested that the Council remove Item #2 which says a hardship exists as Item #1 covers this. Mr. Sedlacek said this has been included as the addition is being placed on top of the existing non-conforming building and the Planning Commission felt this was a reasonable request. Ms. Diehm said it is important to reference the existence of a hardship because that is one of the standards that is required to meet. Ms. Diehm said the Council could, if more comfortable, say that a hardship exists as the location of the home was approved through a previously granted variance. Councilmember Duggan said he is comfortable with however the Staff wishes to work this resolution.

Councilmember Duggan moved adoption of Resolution No. 08-43: "A RESOLUTION APPROVING A 5' VARIANCE TO THE SIDE YARD SETBACK AND CRITICAL AREA

MODIFIED SITE PLAN REVIEW FOR 1680
LEXINGTON AVENUE.”

Councilmember Vitelli seconded the motion.

Ayes: 4
Nays: 0

CASE NO.08-18, HULSE

Assistant to the City Administrator Jake Sedlacek introduced the application for a proposed lot split for the property located at 754 Woodridge Avenue. This property is also within the critical area.

The applicant has an existing lot which is 4.29 acres and the proposal is to split off one lot of 1.75 acres in area. This lot would have 100 feet of lot width. The plans show a house pad but there is no home existing at this time. Mr. Sedlacek indicated how the driveway would be laid out.

The Planning Commission took comments during the public hearing, mostly about the concerns of having a home built in the critical area, while understanding the property owner's right to develop. There was also discussion regarding preservation of trees. The Planning Commission voted 5-0 (Viksnins and McManus absent) with five conditions as outlined in the Staff Report.

Mayor Huber asked Ms. Diehm if she is satisfied that the 100-ft width is appropriate. Ms. Diehm said that she is fine with that.

Councilmember Duggan asked if this 100-ft width determines the address of the house. Mr. Sedlacek said the street address would be off Woodridge.

Councilmember Duggan said in light of some challenges of Woodridge Ave., he cautioned the city and new property owner to be sure the curb cut is done to address drainage issues.

Councilmember Duggan asked to be sure that there is proper room for emergency vehicles. Mr. Danielson said when the plan comes forward to build a home, Staff will have to work with the Fire

Department to make sure they are satisfied with the turnaround.

Councilmember Duggan asked for clarification on the easements along the front property lines and rear property lines. Mr. Sedlacek said this is standard practice for Mendota Heights.

Mayor Huber asked if anyone in the audience wished to speak to this. There were no comments.

Councilmember Schneeman said the street is beautiful now with the curb and gutter that was installed.

Councilmember Schneeman moved adoption of Resolution No. 08-44: "A RESOLUTION PRELIMINARY AND FINAL PLAT FOR IVY RIDGE ADDITION."

Councilmember Duggan seconded the motion.

Ayes: 4

Nays: 0

DISCUSSION ON REPLACEMENT OF PUBLIC WORKS DIRECTOR

Mr. Danielson said Staff has received 6 applications and all meet the requirements for the job. Mr. Danielson said he is looking for Council help in interviewing the candidates.

Mayor Huber asked when the interviews will take place. Mr. Danielson said he would like to get these done the week of July 7th, later in the week.

Councilmember Duggan and Councilmember Schneeman would be willing to do the interviews on July 10th or 11th, and Mr. Danielson will be contacting Councilmember Krebsbach to see what her schedule is. Only two Council members can do this.

COUNCIL COMMENTS

Mayor Huber announced there will be fireworks on the 4th of July at Mendakota Country Club starting at dusk.

Police Chief Aschenbrener reminded everyone of the fireworks restrictions.

Councilmember Duggan said his 4th grandchild has not arrived yet, but he still has his brother.

ADJOURN

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

Councilmember Vitelli seconded the motion.

Ayes: 4

Nays: 0

Time of Adjournment 8:05 p.m.

Rebecca Shaffer
Recording Secretary

ATTEST:

John J. Huber
Mayor