

CITY OF MENDOTA HEIGHTS  
DAKOTA COUNTY  
STATE OF MINNESOTA

Minutes of the Regular Meeting  
Held Tuesday, August 18, 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

Councilmember Duggan moved adoption of the agenda as revised.  
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 August 4, 2009 as corrected. Councilmember Krebsbach seconded the motion.

Ayes: 5  
Nays: 0

CONSENT CALENDAR

Councilmember Duggan moved approval of the consent calendar as presented, pulling items g, i, j and o 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 July 2009 Treasurers Report.
- c. Acknowledgement of the Par 3 Update.
- d. Authorization for Issuance of Purchase Order for Street Striping and Paint Markings.
- e. Authorization for Issuance of Purchase Order for Trail Repair, Maintenance and New Construction in Friendly Hills Park / Decorah Lane.

- f. Authorization for Issuance of Purchase Order for Tennis Court Maintenance.
- g. Approval of the Traffic Safety Committee Meeting Summary and Recommendations.
- h. Approval of Hiring Michael Albers for Civil Engineering I Position.
- i. Approval of Sign Permit Request for 1225 Northland Drive – ARRT.
- j. Approval of Sign Permit Request for 750 Main Street, Suite 150 –Expert Hearing and Audiology.
- k. Adoption of Resolution No. 09-66: “A RESOLUTION FORMALLY ACKNOWLEDGING THE RECEIPT OF THE GIFT FROM INTERNATIONAL EVENT MANAGEMENT TO THE CITY OF MENDOTA HEIGHTS.”
- l. Adoption of Resolution No. 09-67: “A RESOLUTION APPROVING THE ISSUANCE AND SALE OF A RECREATIONAL FACILITIES REVENUE REFUNDING NOTE, SERIES 2009 AND AUTHORIZING THE EXECUTION OF DOCUMENTS RELATING THERETO (SAINT THOMAS ICE ARENA PROJECT).”
- m. Approval of Contractors List, dated August 13, 2009.
- n. Approval of the List of Claims, dated August 18, 2009, totaling \$215,441.46.

Councilmember Schneeman seconded the motion.

Ayes: 5

Nays: 0

Mayor Huber asked Police Chief Mike Aschenbrener to review the Traffic Safety Committee report.

Chief Aschenbrener said the committee met on August 4<sup>th</sup> and discussed five items. Members of the committee include himself, as well as Councilmember Vitelli, Public Works Director John Mazzitello, Fire Chief Maczko, and Planning Commissioner Mike Povolny.

The following items were reviewed by the committee:

1. Striping request for 1<sup>st</sup> Avenue from Dodd Road to Clement. *Recommendation was to take no action at this time as it is important for drivers to get accustomed to the traffic calming at the intersection.*

2. Striping and stop sign request at Mendakota Drive and Mendakota Court to include the access road to Mendakota Country Club. *Recommendation was stripe Mendakota Road with a double yellow line separating the eastbound and westbound lanes and white fog lines on the outside of the lanes to establish the designated parking area along the south side of Mendakota Road. Also, it was recommended to paint a STOP bar at the existing STOP sign at the drive entrance to the country club.*
3. Deer Crossing signage on Wagon Wheel Trail near Rogers Lake. *Recommendation was to take no action at this time as there have been no history of incidents along this roadway.*
4. Project advisory signage request for the Visitation Drive and Mendota Heights Road roundabout project. *Recommendation was to take no action at this time as the committee feels that the expense is not warranted as this project has been in the public eye for three years.*

Councilmember Duggan said he received a phone call today from a resident requesting a status report on the Mendota Heights Road roundabout. Councilmember Duggan told the resident that the project was put on hold at this time. The resident told Councilmember Duggan that he felt that the information on the roundabout was misleading and the neighborhood meeting held at Visitation did not address noise issues and elevation changes from where the signage is and Dodd Road.

Councilmember Duggan said he is not certain there is enough traffic generated in this area to warrant having a traffic and noise study.

5. Speed Limit signs on Concord Way. *Recommendation is to not place speed limit signage along Concord Way in the Kensington Estates subdivision as the speed limit is 30 mph as dictated by the Minnesota Statute for unposted roadways.*

Councilmember Krebsbach asked if the committee meetings were open to the public. Chief Aschenbrener said they are, but that there is no formal public posting of notice.

Councilmember Duggan moved approval of the Traffic Safety Committee Meeting Summary and Recommendations.

Councilmember Schneeman seconded the motion.

Ayes: 5  
Nays: 0

Councilmember Krebsbach asked to have item i pulled and said she attended the ARRT dedication and that this is a very well established organization that does testing for radiographers across the country, and noted the nice emblem they are using for their signage.

Councilmember Krebsbach moved to approve the sign permit request for 1225 Northland Drive – ARRT.

Councilmember Schneeman seconded the motion.

Ayes: 5  
Nays: 0

Councilmember Krebsbach asked to have item j pulled and said she is not in favor of this particular signage as it does not keep with the character of the other signage in that development. Mr. Sedlacek said all the signage needs to be approved by Ross Fefercorn.

Councilmember Schneeman moved to pull the request for the sign permit for 750 Main Street, Suite 150 – Expert Hearing and Audiology until the Council has more of a chance to review this.

Councilmember Krebsbach seconded the motion.

Ayes: 5  
Nays: 0

Mayor Huber referred to the memo from Chief Maczko requesting that the city purchase six pagers as part of the fire department's on-going pager replacement program. Mayor Huber noted the savings and asked if Council had any questions for staff.

Councilmember Schneeman moved to approve a purchase order to Ancom Communications, Inc. for the purchase of six pagers in the amount of \$3,456.35.

Councilmember Vitelli seconded the motion.

Ayes: 5

Nays: 0

#### PUBLIC COMMENTS

Mr. Clark Wickman, 897 Bluebill Drive, was asked by his neighbors in the Rogers Lake neighborhood to speak on their behalf, and expressed concerns about the Visitation site. The residents are asking what considerations has Visitation made in terms of their left turn out on Mendota Heights Road.

Mayor Huber said Public Works Director Mazzitello was not present at the meeting this evening, and spoke on his behalf. Staff has reviewed several scenarios and challenges on that intersection. Mr. Wickman spoke of some accidents in that area over the years and said there is a safety issue at that location. Mayor Huber said he asked Chief Aschenbrener previously about this and the Chief responded that the numbers seem quite a bit higher than expected.

Chief Aschenbrener said the department looked in-depth at the entire corridor from Dodd to Lexington on the total number and severity of accidents, working with the engineer on several scenarios on internal routing through Visitation's property and traffic volumes and flows along the entire corridor. Chief Aschenbrener said there are some problems here that need addressing.

Mayor Huber said it is his understanding that during the construction phase, there needs to be a different way to get into the project, and there was a suggestion to put in a temporary access from Lake Drive during construction and gate the temporary access, with the possibility of having this access used as a permanent access. Mayor Huber said it is not desirable to have traffic in and out of Visitation and St. Thomas using Lake Drive. Mayor Huber said he can't imagine anyone supporting a permanent access on Lake Drive, and believes that the Council is sensitive to the fact that the neighbors in that area do not want that either.

Councilmember Krebsbach said Mr. Mazzitello sent the Council a detailed memo prior to the Council meeting stating that this is a temporary use during the construction and anything that would be a permanent use would open a

permit process and it will depend on what the level of construction is to make that access point handle any construction traffic. When the construction is over, this access will not be available to use. Councilmember Krebsbach said the Council is concerned about this traffic and is sure that the last thing Visitation would want is to have traffic going through there. Councilmember Krebsbach said she also thinks that from a school security aspect, it is not wise to have a back access that is not closely monitored.

Councilmember Schneeman said this area also houses the monastery for the nuns and this is to be a quiet area with as little noise and traffic as possible.

Councilmember Duggan said the Council, upon reviewing the final designs, can make a determination that this temporary access is removed when the construction is completed.

Mr. Wickman said he is hopeful that there will be more follow-up meetings and discussions on these proposed improvements. Mr. Wickman, being a civil engineer, talked about the limited circulation of roundabouts.

Mayor Huber said this will be discussed further at the September 15<sup>th</sup> City Council meeting. Councilmember Krebsbach said it may be important to have a statement from the traffic engineer on this project.

Councilmember Duggan reminded the Council that there are deadlines on this project, and appreciated the issues brought forth by Mr. Wickman.

Councilmember Schneeman said it would be nice for Mr. Wickman to spend some time and discuss this with Mr. Mazzitello when he returns.

Mayor Huber thanked Mr. Wickman for his comments.

Dr. Jennifer Noss, 2670 Swan Drive, said she read the notice that was sent by Visitation and there was nothing in the notice that this would impact Lake Drive and if there had been, she would have been at their neighborhood meeting.

Dr. Noss spoke of the speeding and reckless driving on Lake Drive, coming from St. Thomas students, parents and faculty. When the day care center was built year ago, there was a request that an access be constructed on Lake Drive.

Councilmember Duggan said he would like to ask staff to conduct a traffic volume study on Lake Drive during peak hours.

Dr. Noss said residents get little help and support from Visitation and St. Thomas regarding their traffic concerns. Councilmember Duggan asked that staff send a letter to Visitation and St. Thomas mentioning these concerns.

CASE NO. 09-28, LUCKE/  
KAMMUELLER

Mr. Sedlacek reviewed Planning Case No. 09-28 which is a request for a variance for a 5-ft. side yard setback located at 1250 Dodd Road. This case was before the Council at the August 4<sup>th</sup> meeting. There was a lot of discussion on this application at that meeting, and there was a motion to deny the variance. As there was a recommendation from the Planning Commission to approve, and when the Council votes differently, staff needs to come back with a revised resolution with the appropriate findings of fact. Staff has provided a draft resolution for denial with the findings that were provided by the planning staff. Staff also received some feedback from Councilmember Duggan that there may be more discussion on this. Staff was also approached by the applicant to provide more information to the Council on the nature of the request. This information has been added to the Council packets.

The action at this time is to consider a resolution on this matter that was that had a failed motion at the last meeting. Additional information provided includes updated language to the resolution that was reviewed at the last Council meeting, including language changes suggested by Councilmember Duggan which have been reviewed by legal staff. Mr. Sedlacek said Councilmember Duggan has some further revisions to the resolution at this time.

Councilmember Krebsbach said the Council voted to deny. Mayor Huber said the Council actually voted not to

approve and asked the City Attorney to speak to this matter.

City Attorney Tami Diehm said at the last meeting, there was a motion to approve the variance, and that motion failed on a 2-3 vote. Typically when that happens, because it is important for the city to have written findings of fact, staff generally prepares a resolution of denial and that is what was done in this case. Ms. Diehm said in response to the information that the motion to approve had failed, the applicant also started looking at the options of moving the garage closer to the house and some of the other issues, and presented staff with additional information about some drainage problems on the site. Because of that, and because of the uncertainty and not wanting to wait until yet another meeting, staff proactively prepared two resolutions for this meeting. The motion from the last meeting did not pass, so the Council should pass a resolution one way or another.

Mayor Huber asked if the Council right now did nothing, the reality is that the applicant's request has been active as it was not denied and the motion to approve was not favorably received. So if the Council did not do anything tonight, the applicant would then not be able to build the structure.

Ms. Diehm said the Council has properly considered the application and if nothing were done tonight, and the applicant wanted to force another vote, he could submit a new application. Nothing in the code prohibits the applicant from re-applying. Nothing prohibits the Council from taking action at this time.

Councilmember Duggan said he visited the property again with Mr. Danielson, Mr. Sedlacek and Mr. Mazzitello. In examining the property again, it was found that the foundation of the structure was very much in question, and to continue to use that garage was in question. Councilmember Duggan said he has learned that the garage will be coming down in its entirety. Councilmember Duggan said residents are now required to build a side by side two-stall garage, and after seeing the condition of the existing foundation, the applicant will have to replace it

with a new garage that fits with the ordinance of a two-stall garage.

Councilmember Duggan passed out his revised resolution rewording some of the language.

Councilmember Schneeman asked if Ms. Diehm has reviewed this. Councilmember Duggan said she has.

Councilmember Duggan said this revised resolution has much of what was in the resolution at the last meeting, adding about 2 or 3 more points.

Councilmember Duggan said he has learned that the applicant can build the side by side two-stall garage but would need the variance to allow going into the side yard setback. Councilmember Duggan said the city does not permit a house to not have a garage, whether attached or detached. Mr. Danielson said that was correct.

Councilmember Duggan said a hardship can be found in the city's requirement of a side by side two-stall garage, and this is the only place that the garage can be placed and there are no other options.

Councilmember Duggan said there are issues with the contours of the property. Councilmember Duggan said information shows that the location and construction of the current garage contributes drainage issues and made the existing foundation deteriorate. This information was not submitted at the last Council meeting.

Councilmember Duggan said the placement of the home on the narrow lot creates a hardship because the applicant cannot comply with the side yard setback requirements without using a variance.

Councilmember Krebsbach asked about removing the breezeway. Councilmember Duggan said they cannot remove this because there is drainage that runs through there. Mr. Mazzitello had confirmed this fact and had helped construct some of this revised language.

Councilmember Krebsbach said she is concerned about the Council members drafting a resolution as an advocate for a

particular case. Ms. Diehm said after the last meeting, staff took the direction of preparing a resolution of denial, and also prepared a resolution of approval with Councilmember Duggan providing some comments in terms of what he felt should be changed on the resolution that was presented in the packet.

Councilmember Vitelli said he is also bothered by all of the advocacy and having a Council member re-do the resolution. Councilmember Vitelli said he has changed his mind on this and would rather cast a simple light on this, being that he has found out earlier this week that there are two issues that he was completely unaware of. One issue is that he thought the breezeway could go away and there would be no need for a variance. However, Mr. Mazzitello and Mr. Danielson found that without that stairway that currently exists in the breezeway, the applicant would not have an acceptable entrance to the basement. This issue was not brought up at the last meeting. The second issue is drainage, which means that if the breezeway were eliminated, there could be some serious drainage issues with some neighbors as the water drains through this breezeway area. Councilmember Vitelli said these reasons alone are enough for him to support this application.

Mayor Huber asked the applicant to come forward. Mr. Arnold Lucke, architect for the Kammuelers, is from McGuire Courteau Lucke Architects, Inc. in St. Paul, MN.

Mayor Huber asked if the applicant is committing that this project will be complete within a twelve month period. Mr. Lucke said he is committed to that.

The Council then discussed the resolution with Ms. Diehm on the wording that should be in this resolution, making sure that the drainage and the basement stairway is included in the resolution as findings of fact. Upon consensus, Ms. Diehm will revise the resolution of approval as agreed upon by the Council.

Councilmember Vitelli moved to approve Resolution No. 09-65: "A RESOLUTION APPROVING A 5' VARIANCE TO THE SIDE YARD SETBACK FOR A GARAGE ADDITION AT 1250 DODD ROAD" as revised.

Councilmember Krebsbach commended Councilmember Duggan for his work in the suggested revisions.

Councilmember Duggan seconded the motion.

Ayes: 5

Nays: 0

#### CREDIT CARD PROCESSING

Finance Director Kristen Schabacher presented her request for the city to accept credit card payments at City Hall and the Par 3 Golf Course.

Ms. Schabacher explained that two machines would have to be purchased at \$450 each, with initial set up fees of \$49, a monthly fee of \$7.50 and an annual fee of \$49.

Councilmember Vitelli said this proposal is lacking a definition of a need, and there is no cost benefit analysis completed. Residents have grown accustomed to paying cash or check.

Councilmember Duggan asked how much business would be lost at the Par 3 if the city does not offer credit card services. Ms. Schabacker said she has not heard of any instances at the Par 3 and that the patrons are used to paying with check or cash.

After some discussion, the Council felt that even though this would be a convenience to residents, the city would not be making money on this and therefore feel there is no benefit to the city. Mayor Huber said there may be a need for study on this issue.

Councilmember Schneeman said that a lot of residents like to sign up for programs online. Ms. Schabacker said the city currently offers online registration for park and recreation activities, and the city already has a process for them to do so by paying by credit card. The amount of money that people have paid by credit card is roughly \$26,000 for these programs, and the amount paid by cash or check is roughly \$30,000.

No further action / direction has been taken by the Council.

AUDIT RFP

The City of Mendota Heights went out for RFP's for auditing services in September, 2003. HLB Tautges Redpath was selected as the city's Auditor. The city has not been out for RFP's in the past six years.

Ms. Schabacker recommended that staff be directed to solicit RFP's from accounting firms in the metro area and asked that two Council members participate in the interviews.

Councilmember Krebsbach said she is not able to serve on the panel, but would like to receive the incoming RFP's. Ms. Schabacker said she will amend the RFP to include that copies be sent to the Council members and to two staff members.

Mayor Huber and Councilmember Schneeman agreed to be on the panel.

Councilmember Duggan moved to authorize staff to solicit Requests for Proposals for Audit Services and select Mayor Huber and Councilmember Schneeman to participate in the interview process.

Councilmember Schneeman seconded the motion.

Ayes: 5

Nays: 0

Councilmember Duggan suggested that this process also be used in selecting other services such as planning services.

COUNCIL COMMENTS

Mayor Huber said on Saturday, September 12<sup>th</sup>, the Dakota County Technical College will be having an event that they asked him to attend. Mayor Huber said he is not able to attend, and asked if at least one Councilmembers would like to participate in a three-hole disc golf competition.

Mayor Huber said he will not be at the next Council meeting. Councilmember Schneeman said she will be there to preside.

Councilmember Duggan said the Village recently did their once a month music where Clearwater Hot played and they were very well received. The Village will sponsor another musical event on Thursday evening.

Councilmember Duggan said TK's is doing a car show again this weekend which benefits the West St. Paul Canine Unit. Councilmember Duggan said the parks department is doing something on Wednesday as well.

Councilmember Duggan asked Mr. Sedlacek to review the information about the upcoming Par 3 Golf Course events. Mr. Sedlacek said one is September 22<sup>nd</sup> for children and the other one is September 26<sup>th</sup> for Council members and city staff.

ADJOURN

Mayor Huber said the Council will be adjourning to a closed session to consider land acquisition and then following that, to a workshop to review city administrator candidate responses.

There being no further business to come before the Council, Councilmember Duggan moved to adjourn the meeting to a closed session to consider land acquisition and then following that, to a workshop.

Councilmember Krebsbach seconded the motion.

Time of Adjournment 8:35 p.m.

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Rebecca Shaffer  
Recording Secretary

ATTEST:

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John J. Huber  
Mayor