

CITY OF MENDOTA HEIGHTS  
DAKOTA COUNTY  
STATE OF MINNESOTA

Minutes of the Regular Meeting  
Held Tuesday, August 21, 2007

Pursuant to due call and notice thereof, the regular meeting of the City Council, City of Mendota Heights, Minnesota was held at 7:30 o'clock p.m. at City Hall, 1101 Victoria Curve, Mendota Heights, Minnesota.

CALL TO ORDER

Mayor Huber called the meeting to order at 7:30 p.m. The following members were present: Councilmembers Schneeman and Vitelli.

Councilmembers Duggan and Krebsbach were excused.

PLEDGE OF ALLEGIANCE

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

AGENDA ADOPTION

Mayor Huber said Item 6.f. has already been discussed at a previous meeting and announced it would be removed from the agenda at this time.

Councilmember Schneeman moved adoption of the agenda as revised.  
Councilmember Vitelli seconded the motion.

Ayes: 3  
Nays: 0

APPROVAL OF MINUTES

Councilmember Schneeman moved to approve the minutes of the August 7, 2007 City Council meeting as presented.  
Commissioner Vitelli seconded the motion.

Ayes: 3  
Nays: 0

CONSENT CALENDAR

Mayor Huber asked City Attorney go review the revised resolution for the Mendota Plaza sign. Ms. Diehm said this resolution approves in part and denies in part the application that was reviewed by the City Council on July 3 and August 7. This resolution will allow the signage which will identify the store by name, but will not approve the box signs on the side as they are not in compliance with the aesthetic requirements.

Councilmember Schneeman moved approval of the consent calendar as presented, pulling item e for further discussion, and item f as it is not needed, and authorization for execution of any necessary documents contained therein.

- a. Acknowledgement of the Park and Recreation Minutes.
- b. Acknowledgement of the Fire Department June and July 2007 Monthly Report.
- c. Acknowledgement of the July 2007 Treasurers Report.
- d. Authorization for Mayor to sign Engagement Letter with HLB Tautges Redpath for 2007 Audit.
- e. Approval of Police Services Contract Terms with Lilydale.
- f. Approval of Parking Lot Construction at 1110 Centre Pointe Curve.
- g. Adoption of Resolution No. 07-76: "A RESOLUTION ESTABLISHING A 20 MPH SCHOOL SPEED ZONE ON MENDOTA HEIGHTS ROAD."
- h. Adoption of Resolution No. 07-77: "A RESOLUTION WHICH AUTHORIZES THE CITY OF MENDOTA HEIGHTS TO REQUEST A MN/DOT COOPERATIVE AGREEMENT PROJECT".
- i. Adoption of Resolution No. 07-78: "DENYING A SIGN PERMIT FOR MENDOTA PLAZA."
- j. Approval of the List of Contractors dated August 16, 2007.
- k. Approval of the List of Claims dated August 17, 2007 and totaling \$323,910.02.

Councilmember Vitelli seconded the motion.

Ayes: 3

Nays: 0

**ITEMS PULLED FOR DISCUSSION**

Item e: Mayor Huber referred to the memo from Chief Aschenbrener, dated August 15, 2007, regarding the Lilydale Police Services Contract, highlighting key points. Mayor Huber suggested that a motion be made to bring this item to the next Council meeting when all the Councilmembers are in attendance for a formal approval. Mayor Huber said Councilmember Krebsbach has already reviewed this document and is in agreement, and it seems that those in attendance at this meeting is in agreement. In the meantime, a signal should be sent to Mayor Swain and the Lilydale Council that this Council is in agreement with the key points.

Councilmember Vitelli moved to put this item on the next meeting agenda for discussion and formal approval, and to send a message to the City of Lilydale that the City of Mendota Heights is in agreement with the key points of the contract.

Councilmember Schneeman seconded the motion.

Ayes: 3

Nays: 0

PUBLIC COMMENTS

Mayor Huber announced the passing of former Planning Commission Member and City Council Member, Mr. Burt Anderson. Mayor Huber spoke of Mr. Anderson's extraordinary character and contributions to the city.

HEARING: LEMAY SHORES  
EASEMENT VACATION

Public Works Director Sue McDermott reviewed the request for vacating an existing drainage and utility easement on the Catholic Cemeteries property that will be replaced or duplicated with the LeMay Shores Plat.

Ms. McDermott this existing easement is no longer necessary. The applicant is Hoffman Homes, and they have requested vacation of this easement.

Mayor Huber asked for questions or comments from the audience.

There being no questions or comments, Councilmember Schneeman moved to close the hearing and to adopt Resolution No. 07-79, "A RESOLUTION APPROVING THE VACATION OF A DRAINAGE AND UTILITY EASTMENT."

Councilmember Vitelli seconded the motion.

Ayes: 3

Nays: 0

PLANNING COMMISSION  
VACANCY

Mayor Huber said the City needs to fill the vacant position on the Planning Commission. A workshop has been set for Tuesday, September 4<sup>th</sup> at 6:00 pm. to interview the three applicants for the position.

Councilmember Schneeman moved approval of the workshop meeting with Planning Commission applicants on Tuesday, September 4, 2007 at 6:00 pm at City Hall. Councilmember Vitelli seconded the motion.

Ayes: 3

Nays: 0

CITY HALL LANDSCAPE

Operations and Projects Coordinator Guy Kullander said the City Council has requested a new design plan for the shrubbery and other plantings around the City Hall building. The existing plantings are about 19 years old, and beyond their life expectancy. Council authorized Staff to enter into a contract with Damon Farber to come up with a concept plan which has been submitted to Staff and Council.

Mr. Kullander said DF-1 is the demolition plan, and DF-2 is the planting recommendation, which basically follows the same concept of the original plantings with the hedges

around the building. The original intent was to have two tiers of shrubbery, but the front row got out of hand at the very early stages, and all of the bushes have been clipped at one level. This new plan will re-establish the two tier and incorporates flowered shrubs as well.

Mr. Kullander referred to Plan KD-3 and said he has received feedback to open up the front area more, adding some limestone blocks and a bike rack. Mr. Kullander said the plan also indicates a walkway at the lower entrance for the Police Department's access door. Rainwater coming from the roof has damaged some plantings, and now that the building has new rain gutters, there should be no problem with new plantings.

Mr. Kullander has received two estimates, one which would cost in the range of \$22,000 to \$25,000, and would include removing everything and put in new shrubbery, plantings, and pathway. Mr. Kullander said the Council can decide to go with the Damon Farber plan or the alternate plan developed by Staff members, he will then go to contractors and bring back estimates at the next meeting.

Councilmember Vitelli said he would like to leave it up to Staff. Councilmember Vitelli said the shrubbery needs to be accessible for trimming. Mr. Kullander said the new shrubs will be more spaced out (the original landscaping contains 377 shrubs; the new plan will have 281). Councilmember Vitelli said he would like to leave it up to Staff's plan.

Councilmember Schneeman moved approval of Plan KD-3 for the landscaping of City Hall as presented. Councilmember Vitelli seconded the motion.

Ayes: 3

Nays: 0

#### MEDAL OF VALOR

Mr. Kullander said he will be bringing bids in to the next meeting.

Police Chief Aschenbrener introduced Melanie Masching, who is receiving the Medal of Valor, for her efforts in assisting a person down on the Great Rivers Trail below the Mendota Bridge. Chief Aschenbrener spoke of the calmness and effectiveness Ms. Masching exhibited as she tried to save this person's (a complete stranger) life, without ever having emergency medical training.

Chief Aschenbrener also acknowledged Mendota Heights Police Officers Mike Shepard and Jennifer Fordham, who responded to Ms. Masching's call.

Mayor Huber presented Ms. Masching with a plaque and thanked her for what she has done.

Chief Aschenbrener also acknowledged others involved in this incident, all working as a team effort:

- Dakota County Dispatch Center – handled the original call and tried to figure out where Ms. Masching was to get the medics on the scene.
- Healtheast – paramedics who responded.
- Allina – instructed and coached Ms. Masching with her CPR attempts until paramedics arrived.

Mayor Huber expressed his appreciation and that of the City Council for the services and efforts all of these people have done.

Councilmember Schneeman said it is wonderful that Ms. Masching had the composure that she did because she knows many people who had taken the classes and still panic when confronted with a situation. She commended Ms. Masching for her work.

Ms. Masching thanked all those involved in helping her, and said it was the officers who kept her calm. She was very nervous, and said the last CPR training she had of any kind was when she was in the 5<sup>th</sup> grade.

Mayor Huber thanked Ms. Masching and all those who train for these emergencies, and also expressed his condolences to the victim's family.

CONCEPT PLAN  
994 WAGON WHEEL TR.

Ms. McDermott said Staff received a concept plan for 994 Wagon Wheel Trail, which is located on the south side of Wagon Wheel Trail, adjacent to the new Kipp Addition and east of Rogers Lake Park.

Ms. McDermott said the applicant is Rakhma, Inc., which provides memory care living facilities in several areas of the Twin Cities, and is currently looking for some property to construct a new facility.

Ms. McDermott said the proposal is to build two buildings on this site. Planner Steve Gritman has prepared a report identifying issues:

- Require rezoning from R-1 to R-3 and the Comprehensive Plan Designation for high density residential. Rezoning this property would be considered “spot zoning” as the surrounding properties are guided low density residential housing.

- A PUD would be required because of having two separate buildings on one lot. The parcel is only about 2.5 acres in size and the ordinance requires a minimum of 5 acres for a PUD.
- The buildings are nearly 8,000 sq. ft. in area, which is significantly larger than the single family homes in the area.
- Residential PUD's are required to have no more than 25% impervious surface. This proposed plan would raise concerns.
- The Site Plan shows huge parking stalls and the applicant has indicated that they hope to utilize the parking lot at Rogers Lake Park for special events and visitor parking.
- Based on topography, there would be numerous storm water and utility issues to properly serve the buildings of this size.

Deb Rose, representing Rakhma, Inc., said she works for Health Service Innovations. Rakhma has been providing services for over 20 years to individuals living with Alzheimer's and other forms of memory loss. Care services are currently being provided in residential homes and over time, the patients are becoming increasingly frail and cannot handle the two story homes. A single story floor plan is a better option for these patients. Rakhma is planning on replicating these types of services on the east and west sides of the metro area. Mendota Heights is of interest because there has been an identified need in Dakota County and Mendota Heights is a very convenient location for those individuals currently residing in the existing service homes.

Ms. Rose talked about the importance of the environment to these patients, and it is key to stay in a residential area. A purchase agreement has been signed contingent on the approval of this proposal. Rakhma is also open to seeking other properties in the community if available.

Mayor Huber said he agrees there is a need for homes of this type, but is very concerned with the inconsistency of the zoning. Residents, when purchasing property, usually look around the area with some expectations of the long term use of this area, and that the City will not come in and change it to something a fair amount different than what they have expected. This proposal stands out as a situation where the neighbors, while not actually opposing this type of use, would question where the City is going with the development of the City in that area. Mayor Huber felt this is a right idea, but a wrong spot.

Councilmember Vitelli said he would encourage Rakhma to find other sites in Mendota Heights as the Council needs to be sensitive to the homeowners in that area. It would be unfair to them to spot zone. There are other issues relating to the square footage of the building. Councilmember Vitelli said he also recognizes the need for these services, and visited the website for more information, commending the organization for their outstanding work, but he would not support this proposal as presented.

Councilmember Schneeman said she agrees with Mayor Huber and Councilmember Vitelli, and asked the applicant if they will be asking for financial help from the City. Ms. Rollis said in an ideal situation, they would like to do some bonding with the City. Councilmember Schneeman said this is not a good place to put this facility as there would be so many problems with the neighbors. Councilmember Schneeman suggested the applicant continue to work with Staff to find alternative sites.

Mayor Huber said he knows Staff gets requests from time to time from people looking for land to develop, and suggested that Rakhma staff contact Staff to discuss potential sites.

An unidentified member of the audience asked if there was a mosque being built on the other side of Highway 35 on Wagon Wheel Trail. Mayor Huber said he was not aware of that. Ms. McDermott said no applications have been submitted for that site. A church has purchased the site and given Staff some preliminary plans, but no official applications have been made. The member of the audience asked if, should this church submit an application, would that include a zoning change as well. Ms. McDermott explained that churches are an acceptable use in residential areas as a conditional use. Ms. McDermott said this property was located on Wagon Wheel Trail at Highway 35E, just west of the proposed site requested by Rakhma.

Another unidentified member of the audience said she was curious about the parcel and asked who was purchasing this property and what the plans are. Mayor Huber said because there is no application before them, Council can't speak to this issue.

Councilmember Schneeman asked if this person lives on Wagon Wheel Trail. She responded that she did.

PILOT KNOB PHASE II

Mr. Kullander said the City, with the assistance of Bob McGillivray of Trust for Public Lands, has applied for

funding from various agencies to purchase the fifteen acre parcel of land owned by Acacia Cemetery. An appraisal has been done (\$1.888 million plus \$50,000 for transaction costs) and the cemetery has agreed to sell the land.

Of the granting agencies, each one has its own covenants and restrictions with accepting the grant money. Two of the grants require that the City has in place, a management plan of how they will manage and restore the site over a 20 year period.

Mr. Kullander gave an update on the process of the Pilot Knob Phase I site. The same type of plan will have to be developed for Phase II as was done for Phase I.

Mr. Kullander said the request tonight is to seek approval for Great River Greening to go ahead and do a final maintenance and management restoration plan similar to the one that was done in 2005. In this plan, it needs to define the trail system, overlook sites, and parking areas. Without this plan, grant applications will not be obtainable. Mr. Kullander said the City can approve this proposal with three different options:

- 1) \$18,500 – Basic Concept Plan – developed by Great River Greening and City Staff.
- 2) \$26,500 – involves more meetings by Great River staff and different college professors who had students doing concept plans for Pilot Knob and having more extensive meetings with the DNR and the Historical Society.
- 3) \$34,500 – bring in a professional artist to design a more impressive and prominent memorial.

Mr. Kullander said if the City goes with the \$18,500 plan, he sees that Staff and Great River Greening will come up with a concept plan, and the public and other public interest groups will have ample opportunity to see this plan. Mr. Kullander reviewed a timeline of this process, with the final approval on the agenda of the City Council's November 20<sup>th</sup> meeting, and will be distributed to the various grant agencies for review.

Mr. Kullander said if a plan is not put in place, the whole funding package would fall apart for this year and would have to begin the process all over again if the City wants to acquire the site. The property owners are beginning to wonder if the City will be interested in the site, and may opt to sell this land for housing development if the City waits too long.

Councilmember Vitelli said the City could be the beneficiary of several hundreds of thousands of dollars in grants. In order to be a viable candidate for those grants, the City needs a plan. Councilmember Vitelli suggested going with the basic plan (\$18,500) in order to qualify for the grants. Once these grants come in, there may be enough funds to facilitate more options in the restoration process.

Councilmember Schneeman said she agrees with Councilmember Vitelli and it would address all the needs to apply for the grants. Councilmember Schneeman said people don't understand how much work goes into this as Mr. Kullander has spent a lot of time on this, and Phase I was very successful, and is very confident that TPL will come up with the extra money as time goes on.

Councilmember Vitelli moved approval of Scenario #1: Management Plan with conceptual site design at a cost of \$18,500 as presented.

Councilmember Schneeman seconded the motion.

Ayes: 3

Nays: 0

Mr. Kullander said Staff involvement is pretty small as far as the efforts of Trust Public Lands is doing.

### PAR 3 STATUS REPORT

Mr. Danielson reviewed Jake Sedlacek's report, dated August 16, 2007 as Mr. Sedlacek was not able to attend the meeting. Mr. Danielson reviewed the bond proceeds and the breakout of spending. There is a balance of \$69,234.43 that can be used for improvements to the course, and he reviewed the list of needs that were included in the packet for Council's review. The needs exceed the money, however the first month of operation yielded good profit, and August is being a good month as well. Staff will have to look at revenues at the end of the year and hoping to accomplish all these needs next year.

### COUNCIL COMMENTS

Mayor Huber announced there will be a budget workshop next Tuesday, August 28<sup>th</sup>.

Councilmember Schneeman said she attended the Bluegrass Festival at the Village and said it was wonderful. She believes there will be another event on the third Thursday of September and recommended everyone in the community try to attend.

Councilmember Vitelli said ground was broken for the new large building at the Village and construction will soon begin.

Councilmember Vitelli said he has a new grandson, Vincent Vitelli, who was named after his great-great-grandfather, Vincenzo Vitelli, who immigrated from Italy.

ADJOURN

There being no further business to come before Councilmember Schneeman, moved to adjourn to the Budget Workshop. Councilmember Vitelli seconded the motion.

Ayes: 3

Nays: 0

Time of Adjournment: 8:30 p.m.

ATTEST:

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Rebecca Shaffer  
Recording Secretary

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John J. Huber  
Mayor