

CITY OF MENDOTA HEIGHTS
DAKOTA COUNTY
STATE OF MINNESOTA

Minutes of the Regular Meeting
Held Tuesday, September 4, 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 Duggan, Krebsbach, Schneeman and Vitelli.

PLEDGE OF ALLEGIANCE

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

AGENDA ADOPTION

Councilmember Krebsbach recommended amending the agenda to table Items G, H, and I. to allow Council more time to review the information. Councilmember Krebsbach said she did not have time to thoroughly go through the packet because of the holiday. Councilmember Vitelli said he has the same concern, however there are people in the audience regarding these issues and it may be better to listen to the arguments and what the intent is of these cases. Councilmember Krebsbach said she would not want to make any decision at this time. Councilmember Schneeman said it would be best to hear what the people in attendance have to say and more studying of the material should be done before making any decisions. Councilmember Duggan agreed with this and asked to have the language for Item F changed to say "Additions to the Accessory Structure". Mayor Huber said there will be some discussions and commentary on these items and the agenda will stand as presented.

Councilmember Schneeman moved adoption of the agenda as presented.

Councilmember Duggan seconded the motion.

Ayes: 5

Nays: 0

APPROVAL OF MINUTES

Councilmember Schneeman moved to approve the minutes of the August 21, 2007 City Council meeting as corrected. Commissioner Vitelli seconded the motion.

Ayes: 3

Nays: 0

Abstain: 2 Duggan, Krebsbach

CONSENT CALENDAR

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

- a. Acknowledgement of the August 28, 2007 Planning Commission Minutes.
- b. Acknowledgement of the July 2007 Building Activity Report.
- c. Authorization for Purchase Order for Replacement of Grass Fire Apparatus.
- d. Authorization for Purchase Order for Council Chambers Technology Update.
- e. Approval of Rejection of Bids for Lilydale Watermain Extension.
- f. Approval of Sign Permit for Eyes of Mendota at 738 Main Street.
- g. Adoption of Resolution No. 07-80, "A RESOLUTION PROVIDING FOR THE SALE OF \$1,595,000 G.O. IMPROVEMENT BONDS, SERIES 2007A."
- h. Approval of the List of Contractors dated September 4, 2007.
- i. Approval of the List of Claims dated September 4, 2007 and totaling \$92,566.75.

Councilmember Duggan commented on Item e. by saying a letter should be sent to the Lilydale City Council and that also, should the applicant come back to this Council ever, they shall first pay for all the time and engineering services before they are even considered. Mayor Huber directed staff on this.

Councilmember Duggan commented on Item g. by complimenting Staff and financial people for saving the City money by combining efforts.

Councilmember Krebsbach seconded the motion.

Ayes: 5
Nays: 0

PLANNING COMMISSION
APPOINTMENT

Mayor Huber said the interviewing for the vacancy on the Planning Commission has been completed, and there were three very good candidates. Mayor Huber recommended that Mr. Litton Field be appointed to fill this vacancy.

Councilmember Schneeman moved to appoint Mr. Litton Field to the Planning Commission.

Councilmember Krebsbach seconded the motion.

Ayes: 5

Nays: 0

BID AWARD

Operations and Projects Coordinator Guy Kullander said the City has received two bids for the city hall project.

Natureview Landscaping bid \$27,298.00 and Blaeser Landscape bid \$22,507.50.

Mr. Kullander recommended that the City accept the bid from Blaeser Landscape.

Councilmember Vitelli moved to award the contract for the City Hall Landscape Improvements to Blaeser Landscaping for their low bid of \$22,507.50. Councilmember Krebsbach seconded the motion.

Ayes: 5

Nays: 0

CASE NO. 07-27, HUGHES

Assistant to the City Administrator Jake Sedlacek reviewed the application for a critical area permit. The applicant wishes to construct a screen porch to the rear of his home, which is in the Critical Area and located at 1117 Orchard Place. The Planning Commission heard this case on August 28th and did not have a lot of questions. There was no public comment, and the Planning Commission recommended approval of this permit.

Councilmember Schneeman moved adoption of Resolution No. 07-81, "A RESOLUTION APPROVING A CRITICAL AREA PERMIT AT 1117 ORCHARD PLACE" as presented.

Councilmember Vitelli seconded the motion.

Ayes: 5

Nays: 0

CASE NO. 07-28, OLSTEIN

Assistant to the City Administrator Jake Sedlacek reviewed the application for a critical area permit for the property located at 1954 Glenhill Road. There are four related improvements proposed for this property:

- Addition of a patio
- Replacement and four foot extension of the existing deck
- Landscaping

- Construction of an accessory shed

The Planning Commission heard this case on August 28th and did not have a lot of questions. Public Works Director Sue McDermott reviewed the site to ensure there will be no drainage problems and is comfortable with this proposal. There was no public comment, and the Planning Commission recommended approval.

Councilmember Krebsbach asked about the drainage in that area. The applicant, Mr. Al Olstein, said there is no drainage of water to his lot from the surrounding lots, and reviewed the layout of that area indicating the swale and explained how the water flows.

Councilmember Duggan asked about the boulders used in the landscaping. Mr. Olstein said they are limestone.

Councilmember Duggan asked the applicant if there is any consideration for screening from the neighbor. Mr. Olstein said the placement of the shed is amongst all the wooding of the lot, and cannot be seen except during the winter months.

Councilmember Duggan moved adoption of Resolution No. 07-82, "A RESOLUTION APPROVING A CRITICAL AREA PERMIT AT 1954 GLENHILL ROAD." as presented.

Councilmember Vitelli seconded the motion.

Ayes: 5

Nays: 0

CASE NO. 07-29, TORINUS

Assistant to the City Administrator Jake Sedlacek reviewed the application for a wetlands permit to construct a swimming pool to the rear of the home, which is located at 767 Pondhaven Lane. The Planning Commission heard this case on August 28th and expressed concerns about the drainage of the pool. The applicant indicated that the water would be drained into the street/city sewer system.

Mr. Sedlacek said both the pool and the proposed fencing meet all setback requirements, and the fencing will actually serve as a buffer of approximately 45-ft to the wetland.

Councilmember Duggan asked for clarification on the drawing on how the buffer area will be affected by the pool. Councilmember Duggan suggested that the resolution

include language that will address the measurements in relation to the wetlands side.

Councilmember Vitelli moved adoption of Resolution No. 07-83, "A RESOLUTION APPROVING A WETLANDS PERMIT AT 767 PONDHAVEN LANE" as presented. Councilmember Schneeman seconded the motion.

Ayes: 5
Nays: 0

CASE NO.07-30, SARGENT

Assistant to the City Administrator Jake Sedlacek reviewed the application for a critical area permit to allow an accessory building at 1040 Highway 13. The Planning Commission has heard this case on August 28th and found there will be no negative impact to the critical area and there will be no landscaping alterations. There were no public comments, and the Planning Commission recommended approval of this permit.

Councilmember Duggan asked about any screening on this building. Ms. Sargent said the neighbors will not be able to see this shed at all because of the tree lines.

Councilmember Duggan moved adoption of Resolution No. 07-84: "A RESOLUTION APPROVING A CRITIC AREA PERMIT AT 1040 HIGHWAY 13" as presented. Councilmember Vitelli seconded the motion.

Ayes: 5
Nays: 0

CASE NO. 07-31, PATTERSON COMPANIES

Assistant to the City Administrator Jake Sedlacek reviewed the site plan and request for a wetlands permit at 1031 Mendota Heights Road. This site plan shows how the applicant wishes to expand their facilities and combine their two lots.

Mr. Sedlacek reviewed details of the parking and a staging area for construction activities and for snow storage.

Mr. Sedlacek said this is a large parcel, but about 1/3 of it is under water (Rogers Lake). The overflow parking is within the 100-ft setback to Rogers Lake and therefore a wetlands permit is needed. Mr. Sedlacek said the City Code requirement for parking spaces is 20-ft, the applicant is

proposing parking spots to be 18-ft, however the drive lanes will be increased. The net of the parking area will then remain the same.

The east side of the lot contains non-conforming parking which has been grandfathered in so no action will be taken in that area.

There was no public comment at the Planning Commission meeting and the commission recommended approval of this site plan and wetlands permit.

Councilmember Krebsbach asked about the process that will be used for the four conditions in the staff report. Mr. Sedlacek said these issues will have to be signed off by the engineer. Councilmember Krebsbach said the Planning Commission recommended approval but then seemed to have placed a second stage of review. Mr. Sedlacek said the recommendation was made by Councilmember Duggan to strike the Planning Commission from having to review this again, but they will need to have approval from the City Council on the landscaping plan.

Mr. Tim McILwain, HCM Architects, on behalf of Patterson Dental Companies, is the applicant on this project.

Mr. McILwain said he does have a landscaping plan which was part of the submittal package labeled PL-1. There was some confusion when speaking with the Planning Commission on the tree removal on the project. Mr. McILwain explained how the trees will be replaced on the existing parking islands. Mr. McILwain reviewed the plans for the main entry plaza, indicating there will be considerably more trees in the final plan.

Mr. McILwain said the distance of the existing driveway in relation to St. Thomas Academy is actually 15-ft to the property line. Because of the school being in an R-1 district, the setback should be 20-ft. This is the existing driveway, which has been there since 1984. Councilmember Schneeman said this is grandfathered in.

Councilmember Duggan asked about the additional driveway. Mr. McILwain said this was proposed previously but they have now decided not to go forward. He indicated another driveway on the plan that will alleviate the

congestion to the existing entrance to the east, and this driveway is not under MnDOT control.

Councilmember Duggan asked how many employees will be at this facility. Mr. McILwain said there will be about 400.

Councilmember Duggan asked if the applicant would consider a right turn only near the academy. Mr. McILwain said this driveway has always been the main one, and people are used to it the way it is.

Councilmember Duggan asked if there would be any consideration to leave the area near the infiltration pond as open green space and not pave that area. Mr. McILwain said this is a very reasonable request. The contractor may want to put some class 5 in that area so the equipment is not sitting in mud. In addition, there may be other staff coming in periodically for training, and they may need to park there.

Councilmember Vitelli asked Mr. McILwain if he has any problems with the proposed resolution. Mr. McILwain said he does not.

Councilmember Vitelli moved adoption of Resolution No. 07-85: "A RESOLUTION APPROVING SITE AND BUILDING PLAN AND A WETLANDS PERMIT AT 1031 MENDOTA HEIGHTS ROAD" striking numbers 2 and 5. Councilmember Duggan seconded the motion.

Ayes: 5
Nays: 0

CASE NO. 07- 32,
MENDAKOTA COUNTRY
CLUB

Assistant to the City Administrator Jake Sedlacek reviewed the application for two building additions to the existing clubhouse (one to the dining area and one to the storage area). The Planner did not find any negative impacts upon the parcel or the neighborhood regarding these additions and felt it fits with the character of the neighborhood.

The applicant has additional room to expand parking if needed by the maintenance facility.

Ms. McDermott expressed her concern about the need for a grease trap and the Planning Commission included this condition in their recommendation for approval. The

applicant has agreed to install this grease trap to the satisfaction of the City Engineer.

Mr. Jeff Lory, President of the Mendakota Country Club, said the dining room will be reconfigured to open up the entryway/receiving area, but will not increase the seating.

Councilmember Krebsbach said the Country Club has been good to the community by offering space for many events such as weddings and banquets. Residents will want to know how the changes will look.

Councilmember Duggan moved adoption of Resolution No. 07-86, "A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR AN ACCESSORY STORAGE BUILDING AT 2075 MENDAKOTA DRIVE" as presented.

Councilmember Krebsbach seconded the motion.

Ayes: 5
Nays: 0

CASE NO. 07-33,
MENDOTA MALL
ASSOCIATES

Assistant to the City Administrator Jake Sedlacek reviewed the request for an amendment to the Comprehensive Plan and change to the current zoning for 750 Highway 110. Mr. Sedlacek reviewed the concept plan and spoke on some of the history of this area.

At the time of the original purchase of the land, the multiple zoned areas were not "cleaned up." This parcel is currently guided with three different land use designations: Mixed Use PUD (MU-PUD), Nature Preserve (NP), and High Density Residential (HR). The property is also zoned with three different designations: Shopping Center (B-4), Low Density Residential (R-1A) and High Density Residential (R-3). The applicant, Paster Enterprises, wishes to combine the three designated zones into one, that being the Mixed Use PUD.

Councilmember Krebsbach said the Comprehensive Plan gets reviewed every 10 years, and this plan is the driver for the community. Any amendments are given a lot of thought. Councilmember Krebsbach expressed her desire to table this until the Council has time to further review more information.

Mr. Sedlacek said Staff could not find out how these designations got to where they are.

Councilmember Duggan said as he reads the Comprehensive Plan and the Zoning Ordinance in relation to what constitutes MU-PUD, he wants clarification from Staff on whether it is required that under the MU-PUD, that residential development be constructed. Is this a requirement, or to the discretion of the Council. City Attorney Tami Diehm said it is her understanding that it allows for residential, but does not require it.

Mayor Huber asked if a parcel that was guided and zoned MU-PUD was developed over a period of time as retail, would the City have violated its own zoning ordinance and Comprehensive Plan requirements if that last piece of land was also developed retail, and thereby not developing it as a mixed use. Ms. Diehm said if the MU-PUD development occurs over stages, and the City finds the developer is only developing one type of use and not a mixed use, it is the Council's responsibility to re-guide or re-zone that as strictly the business or the commercial.

Councilmember Vitelli said he is uncomfortable with this parcel being converted to all PUD without a specific plan by the applicant, and would like to see some residential plans in the concept plan at this time. If the Council approves this change to the PUD at this time, they may lose control of this parcel. If the applicant is asked to come forth with a proposal with commitments on where the residential buildings will go in that area, then he would feel more comfortable.

Councilmember Vitelli said there are three proposals before the Council this evening, asking for changes to the plan without having any type of proposal on how the parcels will be used. Councilmember Vitelli said he will oppose any change to a MU-PUD at this time.

Councilmember Krebsbach said when there are three of these before the Council, the Council needs to step back and see if there should be any improvements collectively. Councilmember Krebsbach said she is not in support of this request at this time without a specific proposal to look at.

Councilmember Duggan referred to the Nature Preserve portion and said if this is rezoned, would this land lose the designation of the underlying zoning of Nature Preserve, because he does not believe that the Dodge Nature Center would want to lose that buffer, nor does he wish that either. Mr. Sedlacek referred to the map and explained how the split in this zone is partially owned by the State and by Paster Enterprises. If the State were to give up their piece, the land would revert back to the Dodge Nature Center.

Councilmember Duggan asked if the Council approved this request, would that change the zoning on that sliver of land to MU-PUD and lose the Nature Preserve combination of a buffer to the area immediately to the east. Mr. Sedlacek said this is what the applicant is requesting.

Mr. Sedlacek reviewed the plan and noted the dimensions of each zone. Mayor Huber said he sees hundreds of feet of green space butting up to this 80-ft buffer. Councilmember Duggan said if this proposal goes forward, the retail building as proposed will sit on this space. Mayor Huber said he does not see the harm in that as there is so much green space and 80-ft is not going to change the character.

Mayor Huber said he agrees with everyone on the Council about the rest of the concerns and is hesitant to move forward with this change.

Aaron Hemquist, RLK Incorporated, 6110 Blue Circle Drive, Minnetonka, is the engineer on this project. Mr. Hemquist reviewed the master plan which includes a Walgreens. Mr. Hemquist said the plan contains plans for a housing component, but he does not know for certain if this will be developed. Mr. Hemquist said the MU-PUD is necessary to continue these plans, which include retail, restaurant and re-skinning of the existing building as the Phase I. Mr. Hemquist said they would entertain the housing, office and child care use as the plan develops.

Councilmember Vitelli said that the applicant, by saying they would "entertain" these things, is not making any commitment. Councilmember Vitelli said the applicant would be gaining a large benefit because they are asking the City to convert or rezone a big zone of the R-1 to mixed use, but the plan shows only about 1/3 of the land use would be for any housing. Councilmember Vitelli said he would not

want to even discuss this zoning change until he sees some specifics on where the residential will be coming in.

Councilmember Krebsbach said the green space will go away and there will be more impervious surface.

Mr. Hemquist said this is a catch-22 at this point because they can't present a plan until the designation change is done as the different zoning breaks the parcel up.

Mayor Huber said what he is hearing is that on one hand, the applicant said they can't do something unless the City changes and the City does not want to change the zoning until the applicant presents a plan. Is this something that lends itself to a developer's agreement? Ms. Diehm said Staff would not recommend a developers agreement because the land use decision needs to be based on a certain procedure that includes holding a public hearing to take comments from neighbors. The City would not want to have the neighbors think that this has already been pre-decided before the public process was completed, however it is possible to package them all together and have them all considered at the same time so that the applicant does have some assurances that when the project with the rezoning and the Comprehensive Plan amendments come forward, they can also present a concept plan as well. Ms. Diehm reminded the Council that any Comprehensive Plan amendments must go through the Metropolitan Council. Mayor Huber said he believes there is not a chance that the Metropolitan Council will turn this down. Ms. Diehm said the Metropolitan Council will likely be supportive of the Council's decision.

Councilmember Krebsbach said this is an improved plan and the shopping center and Walgreens is a good idea, but feels that the rest of it is not a benefit to the City. Councilmember Krebsbach said she would like to see the R-1A remain.

Councilmember Vitelli said this is a request to give up 1.75 acres of R-1 so that a commercial development can take place. Councilmember Vitelli said there is no guarantee and asked the applicant to reconfigure where the R-1 / residential zoning is to be.

Councilmember Krebsbach said they already have challenges with the signage in the PUD with Mendota Plaza.

Councilmember Krebsbach said the Council has been careful in planning the city over the last twenty years, and this property is very important to the city. Councilmember Krebsbach said she appreciates what is coming forward with Walgreens and the shopping center.

Mayor Huber said he is concerned with the impervious surface which seems to be high. He is also concerned about tying in the residential aspects.

Mr. Hemquist said he does not feel that putting residential in so close to Highway 110 would be a good idea.

Howard Paster, owner of the property, said there was a work session in August which Councilmember Vitelli was unable to attend. He believes the residential aspect was discussed at that time. Mr. Paster said he is investigating the residential aspect very heavily but at this point, there are a couple of things they are working on (Walgreens, redevelopment of the existing shopping center) and feels confused on the direction that the City is giving.

Councilmember Krebsbach said she consistently has said she wanted to see green space along the buffer and take that strip of retail out.

Mayor Huber suggested the applicant takes what they've heard at this meeting, and the previous workshop, and come back to the City with a more defined plan for the residential. Mayor Huber said the applicant has been relatively reserved as to the level of commitment about definitively putting residential in this plan. Mayor Huber said the Council is also relatively reserved to what was guided all along as residential, to be changed to commercial. The Council needs to see a more defined level of what the residential use will be.

Mr. Paster said one of the difficulties is that with the way the City has the PUD designation, there is no specific percentage as far as housing.

Mr. Paster said he is also confused on the comments made about the impervious surface as there needs to be parking space for people to come to patronize the shops and businesses. Mayor Huber said if the impervious surface meets the PUD requirement, then he is happy. If it doesn't,

then that suggests there are too many buildings being proposed.

Councilmember Schneeman said she appreciates the applicant's attendance and everyone wants to see this plaza succeed, and that's why the Council is being so careful to give the applicant the best guidance. More residential would soften this area. Residents in the community are really very interested in what is going to happen to this property, and will support it if it's done really well.

Councilmember Duggan said he is still concerned about the creek, which has been there for many, many years, and is a part of what makes Mendota Heights special.

Councilmember Duggan said he is very concerned about the large swathe of the added parking and the existing parking is not particularly attractive.

Councilmember Duggan asked if the applicant has considered coming forward with proposals for just the Walgreens and the existing building. Mr. Paster said they have not, but depending on what happens to this request, they may go in that direction. Councilmember Duggan referred to his previous suggestion of not doing the building next to the Dodge Nature Center but doing it in conjunction with the western edge of the proposed restaurant and perhaps an L-shaped, keeping it as an outlot. It would also make more sense to have housing along that edge. Councilmember Duggan said the proposed resolution states that this will not alter the essential character of the neighborhood, which is totally incorrect.

Mr. Hemquist said there has been a lot of talk on how this ties into the nature center and indicated on a drawing how the top of the building will be in line with the Nature Center, and adding a hedge or landscape buffer.

Mr. Paster said they met with Mr. Napier and Mr. Van Gundy of the Dodge Nature Center to show them these plans. Mr. Paster said there is a letter in the Council packets that says they oppose any building placements that will be looking into the nature center or any patios that will be directed towards the nature center.

Councilmember Krebsbach moved to table Case No. 07-33 until the next City Council Meeting.
Councilmember Vitelli seconded the motion.

Ayes: 5
Nays: 0

CASE NO. 07-34
OLD FIRE SITE

Assistant to the City Administrator Jake Sedlacek reviewed the request for an amendment to the Comprehensive Plan change and change to the current zoning for 2144 Dodd Road.

Mr. Sedlacek reviewed the map showing this location, which is the old fire hall site and has been sitting vacant for a number of years. Council and Staff have been approached a few times about potential development of this site.

Proposed requests have come to purchase the land for commercial development. This site has been discussed at a Council/Planning Commission work session regarding the Comprehensive Plan. At this meeting, Staff received feedback from Council is that the community seems to feel this would be a good fit for business use. The Planner's position was that it also fits as a good business use and the appraiser felt the same way.

It was previously brought to Staff's attention by Councilmember Duggan that a business lot requires 20,000 sq. ft of space. These three lots combined only total 18,300 sq. ft. This information was then conveyed to the City Attorney, who was then enroute to the Council meeting and it is unknown if she has had the opportunity to address this issue. Therefore, the zoning on this proposal does not fit the minimum lot requirement

Ms. Diehm said she spoke briefly with Mr. Sedlacek and Mr. Danielson and believes this would be an item that would be appropriate to table to give Staff some addition time to put together that information and give back to Council.

Mr. Sedlacek said there are some residents in the audience at this time who may like to speak to this issue in the meantime, and the Council may want to get some feedback as well.

Councilmember Duggan said rezoning to a B-2 could include the possibility of three stories, which would be a

legal use. But in keeping with the character of the neighborhood, it's important to recognize that the buildings in the area are single story. Landscaping, screening, buffering are all critical items to consider in relation to the proximity of the residents along Fox Place. If the City does go forward and decide to change this, will there be some controls put in place to restrict development to single story. Mayor Huber said that would be possible as the City owns the property.

Mr. Sedlacek said there were a lot of residents speaking at the public hearing before the Planning Commission, and Ms. McDermott was able to provide information on many of the issues raised. In her memo, dated September 4, 2007, she states that the land can be sold, as portion of it was donated and the other portion was purchased. She also confirmed that the old fire hall was demolished correctly and there are no environmental issues/hazards of concern. There are drainage issues on the parcel, and a lot of residents are concerned about that. There are also code enforcement issues with the Fischerville property and Staff has been actively working on these over the past few years and continues to have issues with this property. Because this is a city-owned parcel, the City does have control over what goes in there and this is something that the Council can take as much public feedback as they want to. Any business district allows up to three stories, but if the City wished to sell the property, they could put such conditions on this during the process.

Councilmember Duggan said the Comprehensive Plan states in 12-1L-9 that the applicant (that being the City) should take exceptional conditions as the basis for an amendment, and the Council may wish to get further clarification from the City Attorney on what this may entail.

Mayor Huber asked Ms. Diehm to research if the City can impose conditions in the sale of this property that any further purchasers/owners of this property cannot build anything taller. Ms. Diehm said as the current owner of the property, the City can record private restrictions on that property and can also include in the deed when transferring the property certain restrictions on that property. There are some restrictions on how long you can burden a property for how many years.

Councilmember Vitelli said that it bothers him that this proposal, like the case before this one, is asking for amendments and rezoning without even seeing a plan.

Councilmember Duggan said he believes there was one proposal that was submitted to the City, but Staff determined it was incomplete. Ms. Diehm said the recommendation was to follow this course of action for the same reason that was discussed with the last application, and that is these land use decisions have to follow a specific process. Part of that process is to have input from neighbors and residents. If the City goes forward with the sale, and the property is sold to somebody who has a specific plan, it may give the impression to the residents that the decision has already been made, and that public process does not follow through. It is Staff's recommendation to have the City Council follow this process to decide what the proper use of this property would be, and then once that is determined, the City could solicit bids or put it up for sale in any manner they choose to do. Ms. Diehm reiterated the importance of having the public hearing input process.

Mayor Huber asked if there were any residents in the audience wishing to speak on this matter.

Beth Olson, 2153 Fox Place, said her husband has been very busy talking to neighbors on this project, to the point he has laryngitis and can only speak to the City Council through representation by his wife. The Olsons submitted a petition and letter stating their wishes that the property not be rezoned for commercial use. Mrs. Olson spoke of the current business owners in the area that are undesirable neighbors.

Brad Herbert, 2158 Fox Place, said Dodd Road has some businesses, but is predominately residential and would like to see it remain that way. Mr. Herbert said there are plenty of commercial businesses just down the road.

Dennis McCardle, 2159 Fox Place, talked about the drainage issue along the private road, which is actually a spillway, and explained how the properties on Dodd are higher, leaving water to run off down onto the properties along Fox Place.

Laurie Weinzettel, 2140 Dodd Road, said originally when the old fire hall existed, there was a deep manhole which

took in water and directed it to the spillway. Since then, the City put in storm sewers. Ms. Weinzettel said no one has ever been to this property to clean out these storm sewers. Ms. Weinzettel said one of the neighbors, Mr. Chad Trochlil, usually cleans them out twice a year, and asked that the City check these sewers more regularly.

Ms. Weinzettel said this property should be sold “as is” and let the buyer seek any rezoning depending on their proposed use. Ms. Weinzettel said the lot size may only be about 16,000 sq. ft. because of her easement through that lot.

Chad Trochlil, 2145 Fox Place, said his property is directly behind the old fire hall lot. Mr. Trochlil said the City needs to consider the size of the property in relation to any development, and it’s hard to figure out what will fit in there. A building taller than the one story will definitely alter the character of the Friendly Hills neighborhood.

Leslie Strom, an interested party in purchasing the parcel, spoke on what her intentions have been. Ms. Strom said she grew up in the Friendly Hills neighborhood, and currently lives in Mendota Heights. Ms. Strom has an environmental consulting firm, and was seeking to purchase this property to relocate her business. Her goal is to remain in the City as a business owner and build a nice, little office building. Ms. Strom shared a drawing of what she envisioned, and said she did not think there would be such strong opposition to this rezoning request. Councilmember Duggan said this is a concept that was presented to the City as a requirement for the RFP about 4 weeks ago. Ms. Strom said on a personal note, she feels it is unfortunate that people are having issues with the current commercial properties and fear that these issues will increase with any additional commercial use.

Councilmember Vitelli said this type of development would accentuate the problem more than a residential development because of the increased impervious surface.

Ms. Strom said that after the public hearing at the Planning Commission, she and her husband both wonder about even wanting to purchase the property if there are so many issues with this area, and therefore may not be interested in it at all.

Ms. Strom said all these issues and concerns may deter any potential buyer from even purchasing the property.

Mayor Huber said he believes the parcel in question has been for some time a problem, and he recognized that there are problems with the next door neighbors. The City would never go out and purchase a parcel of this size and hang on to it. Council's intent on this project is that there is this parcel that has been a maintenance issue for the City, and would be better served to sell this land.

Alan Olson, 2153 Fox Place, inquired about renters on this property. Mayor Huber said it would be allowable as long as it is consistent with the business use.

Councilmember Vitelli said he believes that if the City zones this as residential, there would be no problems.

Councilmember Duggan said depending on Staff's finding on the legality of the lot size, it may need to be that way.

Councilmember Krebsbach moved to table Case No. 07-34 until the next City Council Meeting.

Councilmember Duggan seconded the motion.

Ayes: 5

Nays: 0

CASE NO. 07-35, CITY
OF MENDOTA HEIGHTS

Assistant to the City Administrator Jake Sedlacek reviewed the request for an amendment to the Comprehensive Plan change to the current zoning for some small parcels of City owned and County owned land that abut the Mendota Plaza.

The City owned parcel is currently guided and zoned HR. The County owned parcel has three different land use designations: MU-PUD, NP, and HR. The County property is also zoned with three different designations: B-4, R-1A, and R3.

Staff feels it would be appropriate to clean up this area and have one land use designation.

The Planning Commission voted 4-0 to recommend approval of the conditional use permit in accordance with the Planner's recommendations as stated in the Planner's report.

Mr. Danielson said that considering what was done with the Paster property, it may be advisable to table this application to the next meeting to see what happens with the Paster property, as they are tied together. Paster Enterprises

indicated that they may be willing to work with the County on lot line adjustments.

Ms. Cari Gill, representing the Dakota County CDA, said the County does not have any immediate plans for this land, and this case was initiated by City Staff to have consistent land zoning. The County has had some discussions with Paster Enterprises in the past on selling / buying property between the two and may be able to do something to allow for residential in that area. Ms. Gill said the County concurs that the rezoning makes sense. Ms. Gill said there are some constraints because of a Met Council trunk line that runs through this property, as well as some sanitary sewer lines.

Councilmember Duggan said this is less than 5 acres, which is required for a PUD, and asked if this is something else that should be addressed. Mayor Huber asked why this would be a PUD. Councilmember Duggan said it may be better to rezone this for residential to either R-2 or R-3.

Councilmember Duggan moved to table Case No. 07-35 until the next City Council Meeting.
Councilmember Schneeman seconded the motion.

Ayes: 5
Nays: 0

TAX FORFEIT LAND

City Administrator Jim Danielson said they were notified by the County that there are two parcels of land north of Trunk Highway 13 that are sandwiched in between some other land that is owned by the City of St. Paul for park. Staff recommends that this land not be developed as it is steep sloped and in the Critical Area, and is heavily wooded. To avoid having it redeveloped, Staff recommends that the city request that the land be conveyed to the city for public use. Mr. Danielson said there could be maintenance costs associated with this property (land slide, tree disease).

Mayor Huber said he does not want to see it given to another city, and it is fine to keep it vacant as it is. Councilmember Krebsbach said there is an alternative option to sell this property, but feels this should be taken as tax forfeited.

Councilmember Krebsbach moved adoption of Resolution No. 07-87, "A RESOLUTION REQUESTING DAKOTA COUNTY TO CONVEY TAX FORFEITED LAND TO THE CITY OF MENDOTA HEIGHTS."

Councilmember Duggan seconded the motion.

Ayes: 5
Nays: 0

2008 PROPOSED BUDGET AND LEVY

Finance Director Kristen Schabacker said there was a budget workshop and all the changes have been made to the proposed 2008 budget. Ms. Schabacker said the proposed 2008 budget is 4.3% greater than 2007. The preliminary levy is 7.14% from 2007 and once this levy is adopted and certified to the County, it cannot be increased but it can be decreased. The County will send out notices to the residents in November based on this preliminary levy. There will be a truth in taxation hearing held on the first Monday in December and the tax rate for the city will decrease approximately 8.7%. This translates to a home in Mendota Heights, whose value increases approximately 8.5%, who will see the City's portion of the property tax raised approximately what was proposed with the referendum.

Councilmember Vitelli moved adoption of Resolution No. 07-88, "A RESOLUTION ADOPTING 2008 PROPOSED BUDGET," Resolution No. 07-89, "A RESOLUTION APPROVING TENTATIVE 2007 LEVY COLLECTIBLE IN 2008," and Resolution No. 07-90, "A RESOLUTION APPROVING FINAL 2007 TAX LEVY FOR SPECIAL TAXING DISTRICT NO. 1 COLLECTABLE IN 2008." Councilmember Schneeman seconded the motion.

Ayes: 5
Nays: 0

COUNCIL COMMENTS

Mayor Huber said there has been some noticeable tree damage in the City with the recent storms and Staff has been busy with cleanup.

Councilmember Krebsbach said she just returned from Napa Valley. In comparison, she said the City of Mendota Heights has been developed well without a lot of franchises in the city and has retained a special quality of life. Councilmember Krebsbach wished families well on the return of the school year.

ADJOURN

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

Ayes: 5
Nays: 0

Time of Adjournment 10:15 p.m.

ATTEST:

Rebecca Shaffer
Recording Secretary

John J. Huber
Mayor