

CITY OF MENDOTA HEIGHTS
DAKOTA COUNTY
STATE OF MINNESOTA

Minutes of the Regular Meeting
Held Tuesday, September 15, 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 Schneeman moved adoption of the agenda as presented.

Councilmember Duggan seconded the motion.

Ayes: 5

Nays: 0

APPROVAL OF MINUTES

Councilmember Vitelli moved approval of the minutes of the regular meeting held on September 1, 2009 as corrected.

Councilmember Duggan seconded the motion.

Ayes: 4

Nays: 0

Abstain: 1 (Mayor Huber)

CONSENT CALENDAR

Councilmember Vitelli moved approval of the consent calendar as presented, pulling items c, e, and j for further discussion, and authorization for execution of any necessary documents contained therein.

- a. Acknowledgement of the Minutes from the September 8, 2009 Parks and Recreation Commission Meeting.
- b. Acknowledgement of the Minutes from the August 25, 2009 Budget Workshop.
- c. Acknowledgement of the Par 3 Update.
- d. Acknowledgement of the August 2009 Monthly Fire Department Report.

- e. Authorization of RMS.
- f. Authorization for Landscaping of Par 3.
- g. Authorization for Out of State Training.
- h. Authorization for Issuance of Purchase Order for Removal / Control of Invasive Plants in Valley Park.
- i. Approval of Painting Quotes for Station Apparatus Bay Area and Hose Tower.
- j. Approval of Request to Waive Conflict of Interest.
- k. Approval of Sign Permit Request for 750 Main Street, Suite 105 - The Olive Grove.
- l. Adoption of Resolution No. 09-77, "A RESOLUTION PROVIDING FOR THE SALE OF \$745,000 G.O.BONDS, SERIES 2009A."
- m. Approval of Contractors List, dated September 11, 2009.
- n. Approval of the List of Claims, dated September 15, 2009, totaling \$163,921.32.

Councilmember Duggan seconded the motion.

Ayes: 5
Nays: 0

Councilmember Duggan asked to have item c pulled and talked about the Par 3, congratulating Assistant to the City Administrator Jake Sedlacek in following Councilmember Vitelli's recommendation in submitting more detailed reports, saying that Mr. Sedlacek has done an outstanding job in presenting a report that is very legible and up to date.

Councilmember Duggan moved approval of the Par 3 Update.

Councilmember Vitelli seconded the motion.

Ayes: 5
Nays: 0

Police Chief Aschenbrener gave a background on item e, saying that the police department has taken the Council's recommendation very seriously that spending money is not where the department wants to go. In looking at this further, Chief Aschenbrener said he came to the realization that there is nothing that the department can do as far as the CAD server and warranty which are instrumental for the operations of the communications center and the 911 center would not function without those being replaced. The CAD server comes off of its warranty in two years and the CAD licenses will expire about the same time, costing about three-quarters of a million dollars across the

consortium for LOGIS. With that in mind, Chief Aschenbrener talked about the police records management system (RSM) which was replaced and upgraded in 2005 from a non-functional, non-compliant system. The city's police department is now in compliance and has one of the best record systems in the county. Chief Aschenbrener said he recommends that the city opt out of the records management through LOGIS and take on more work taking on a records management solution with the other agencies in Dakota County who are opting out of LOGIS. Chief Aschenbrener said that was not to say he will not come back to the Council at a later time saying that LOGIS did due diligence and that is the best available option. But at this point, he is not comfortable with the recommendation that was presented as it is not a solid in-service product anywhere in the country. There are other agencies in the county that are interested in partnering to look at this and develop a joint RFP, and the police department for the City of Mendota Heights would like to opt out of the LOGIS RMS product and opt into the CAD mobile application, and begin a partnership to explore developing an RFP to bring back to the Council in the future with an expenditure for records management.

Councilmember Krebsbach asked if the computer systems in the patrol cars will be impacted. Chief Aschenbrener said that is the mobile application and that is part that is being replaced by LOGIS, and at this point the RFP from LOGIS is good until January 31, 2010. LOGIS will be negotiating a contract with Motorola between now and January 31. If they don't come to terms at that point, the RFP will be null and void and they are back to the table because there is only about a two year window left on the CAD server.

Councilmember Krebsbach asked if the chief's recommendation will bridge any transfer of software in terms of good response and service that is being provided by LOGIS. Chief Aschenbrener said they would remain with LOGIS partially, leaving LOGIS only for the records management portion.

Councilmember Duggan asked how many communities are taking the same step. Chief Aschenbrener said in Dakota County, those communities include West St. Paul, South St.

Paul, Inver Grove Heights, Hastings (noting they have their own records management system), Burnsville, Farmington, and the Dakota County Sheriff's Office. Staying with LOGIS would be Rosemount, Lakeville, Apple Valley, and Eagan.

Councilmember Duggan said the Council always has a challenge when dealing with a contract that is soon to expire, where they have to scramble. Motorola had a challenge two years ago and there are not many other providers out there, which makes it difficult for the police department as well as the City Council in having to make decisions.

Chief Aschenbrener talked about the RFP committee for this project, coming from a mix of executives, IT people, records management people, and 911 dispatchers and supervisors.

Councilmember Krebsbach moved to authorize the police chief to move forward with exploration of a partnership with other interested Dakota County area Law Enforcement Agencies for RMS and to authorize the police chief to notify LOGIS in writing that Mendota Heights will use the CAD and Mobile applications but not the RMS. Councilmember Duggan seconded the motion.

Ayes: 5
Nays: 0

Chief Aschenbrener talked about the new system that is being implemented that will act as a communications network for emergencies throughout the county. This mass telephone communications system is known as "Code Red," which is jointly owned by the cities in the county, and incorporates the entire 911 database in the county. On Wednesday, September 16, 2009, the DCC will be running a test message throughout the system, and residents can get more information through the department's website.

Councilmember Duggan asked what kind of emergency situations would be dealt with. Chief Aschenbrener explained it could be for a lost child, or to notify of an escaped criminal.

City Attorney Tami Diehm addressed item j and said professional rules limit the ability of lawyers to represent

clients in matters that are adverse to the lawyer's former client. The Minnesota Rules of Professional Conduct provide that a lawyer that has formerly represented a client in a matter shall not represent another person in the same or a similar matter in which that new person's interest may be adverse to the former client.

In late August, Dan Schleck informed staff that he had been retained by Maureen Haggerty to represent her actions involving her property at 790 Ridge Place. The city currently has an outstanding code enforcement action pending related to that property and there is a conditional use permit application that has been submitted. The original CUP was granted in October of 2005, and that is the basis for the code enforcement action and the current CUP application. At that time, Dan Schleck served as the city attorney to the City of Mendota Heights through his employment with Winthrop and Winstein. In that role, Mr. Schleck drafted, reviewed and analyzed certain documents and code provisions that will likely come into play in the code enforcement proceedings as well as the CUP application. Because of that, the Rules of Professional Responsibility requires that the city consent to the representation in this case. The rules generally prohibit a lawyer from representing a client that is adverse to their former client as well as revealing confidential information that may have been gained through that representation.

Mr. Schleck has asked the city to grant a waiver which would waive the conflict of interest regarding this case. Ms. Diehm said there are three rules that come into play, the first being the rule that generally prohibits the representation, the second rule is a rule prohibiting revealing confidential information that may have been acquired during the prior representation of the city, and the third rule is a prohibition against the lawyer using information that they gained during representation against that client in the future. If the Council is inclined to grant any kind of waiver, staff recommendation would be that the Council waive the right to representation, but not to waive the right to use any information gained during his work as the city attorney or revealing any confidential information.

Councilmember Vitelli said he would oppose the waiver as he does not believe the Council should add any complexity to the case.

Councilmember Duggan asked if Mr. Schleck represented the city years ago in connection with the Haggerty case. Ms. Diehm said during the time the original CUP application was being considered by the Planning Commission and the City Council, Mr. Schleck was actively serving as the city attorney, however staff has not gone through documentation to determine at what level he was involved.

Councilmember Duggan asked if the Council chooses to go against Ms. Diehm's recommendation, what impact will that have on the 60-day rule. Ms. Diehm said there will be no impact, adding that the application for the CUP has been questionable on whether it was complete and staff has taken the position that because there was a public hearing scheduled, the clock started then for the 60-day rule, and the city had extended that for another 60 days. The current time period for review expires in November, 2009. The letter that was sent to Mr. Schleck clarifies the time limits of the 60-day rule and informed him that staff was unable to grant a waiver without permission of the Council.

Councilmember Vitelli said he does not believe it is necessary for the Council to grant the waiver and to have the city be at risk.

Councilmember Krebsbach said she also believes this is a conflict issue and although the Council cares about all issues in the city, this would add complexity and she would not support the waiver.

Councilmember Schneeman said she agrees also because there is litigation involved and that puts the city in a bad situation.

Mayor Huber said he was comfortable with either way, but will support the majority of the Council.

Councilmember Krebsbach moved to deny the request to grant a waiver.

Councilmember Vitelli seconded the motion.

Ms. Diehm said at the direction of the Council, staff will prepare a letter to Mr. Schleck with the Council's decision.

Ayes: 5

Nays: 0

2009 AIRPORT PLAN OF ACTION

ARC Chair Liz Petschel presented the ARC Plan of Action, which is a document that sets realistic goals and measureable objectives. Ms. Petschel noted that this plan was given to the Mayor and City Council members for review and highlighted some of that document.

Meetings have been held with Carl Rydeen regarding planes flying outside the corridor, obtaining a motion from MAC that the FAA must abide by the corridor. As a result, corridor compliance has been great this past year. Air traffic controllers go through repeated training to know where this corridor is and the rules that apply.

The inequity of the nighttime distribution of planes has been very challenging off the south parallel, due to a resolution that Eagan brought to NOC saying that because of the number of operations that were occurring at night, there is no need to use Runway 17. ARC disagreed with this resolution and the motion passed by only one vote. All of those operations previously going off Runway 17 are now on 12 Left. Now, Mendota Heights has been taking over 55% of the nighttime operations. Ms. Petschel shared some statistics on the percentages of planes flying off the various runways.

Ms. Petschel talked about the issues that were taken to the Legislature, resulting in some meetings with MAC to talk about the various concerns. Ms. Petschel talked about the new MAC Commissioner, John McDonald, who is a resident of Copperfield, and is agreeable to come to any meeting where he can help expedite concerns from ARC.

There will be a face to face meeting with MAC and Jeff Hamel in October where there will be a review of current updates from ARC. It is one of the goals of ARC to sustain relationships with MAC and elected representatives. ARC also has great support from Rep. Rick Hansen.

Ms. Petschel said ARC worked closely with John Bergman, who is the at-large NOC representative and said Gretchen Keenan was appointed to represent Sunfish Lake in terms of airport issues, and will be attending regular ARC as a permanent guest.

There will be a joint ARC meeting with the City of Eagan on November 18th at the Mendota Heights City Hall, trying to find more creative ways to do community outreach and talk about the capital improvement plan.

Ms. Petschel said on October 6th, Dennis Voge and Chad Leqve will be doing a presentation at the City Council meeting regarding the MAC capital improvement plan, which includes huge upgrades at the Humphrey Terminal (upgrades such as curbside check in and other services that Lindbergh offers) as well as the Lindbergh terminal (more parking). Ms. Petschel said this plan is immense and ARC has been visiting with Eagan and Minneapolis to get more input from those communities as well. Ms. Petschel said she has some concerns about the future projections regarding operations, which show by 2020-2025, operations will be 630,000 operations per year, which means the airport will be operating at the maximum. Ms. Petschel said she does not see the airport operating much differently by then as technology advances, but feels that at some point, as the airport grows to that spectrum, some one is going to ask for a third parallel runway. Ms. Petschel talked about the effects of the Delta / NW merger and how business is coming more to Minneapolis as opposed to Cleveland. Also, she sees Southwest Airlines possibly coming to Minneapolis using it as a major hub, also recognizing that this may have advantage in having more choice and driving down ticket prices.

Councilmember Schneeman said she appreciates having Ms. Petschel speak tonight as there are many people in the audience. Ms. Petschel has been very instrumental in improving relationships with the cities and with MAC, FAA and all the different representatives. Ms. Petschel said the ARC works very hard to present themselves in a professional manner, making sure they are well prepared and maintain credibility.

Councilmember Duggan said many of the people in the audience (a very large group) live in the affected areas of the flight corridors and said that Ms. Petschel, as well as her predecessor, has done a marvelous job of building a relationship with both the MAC and the FAA.

Councilmember Duggan said Ms. Petschel is the most highly regarded non-official representative, working with ARC, a highly organized, professional and studied group.

Councilmember Duggan said he was surprised with the projected numbers (operations) being greater than they were projected before 9-11, and said that the Council looks to ARC to ask these questions and find out information as the Council needs to know long before 2020 as to what exactly will be done at the airport. Councilmember Duggan said a third runway would most likely be over St. Peter's Church and continue on to the north side of Highway 110. Councilmember Duggan said it would be better to maintain the existing airport instead, and build another airport in a different area of the metropolitan area.

Ms. Petschel said because of the new procedure off the end of the runway at night, non peak flights will be scheduled to fly out over I-494 and I-35E. The beauty of this is that the bulk of flights are flying over the freeway and not over homes.

Mayor Huber thanked Ms. Petschel for her report and for her great work on these issues.

VISITATION DRIVE/MENDOTA HEIGHTS ROAD ROUNDABOUT PROJECT UPDATE

Mayor Huber said this is not a public hearing, however the Council would like to review this project and obtain public input. Mayor Huber explained how the process will be handled and said no decision will be made this evening, but that the Council wishes to gain a lot more of information.

Public Works Director John Mazzitello presented a project update on the Visitation Drive / Mendota Heights Roundabout project, providing a summary of past and future anticipated events related to this project. This summary is as follows:

- Summer 2007 – the city and Visitation hired a consultant to complete traffic study to analyze traffic

congestion at Visitation Drive and Mendota Heights School.

- August 2007 – traffic study is complete and provided eight different alternatives. Selection of the preferred alternative was tabled due to the inability to fund a construction project.
- October 2008 – Visitation and St. Thomas Academy met with the city to discuss funding and alternative selection.
- November 2008 – the schools selected a roundabout at Visitation Drive as the preferred alternative, which was the city’s second best alternative, the best being a roundabout at Lake Drive and Mendota Heights Road with a right-in/right-out at Visitation Drive.
- December 2008 – the schools asked the city to apply for the American Recovery and Reinvestment Act (ARRA) funding, known as the Economic Stimulus Funds.
- January 2009 – the Council authorizes the application for the ARRA funds.
- February 2009 – the City completed application for the ARRA funds.
- May 2009 – the Met Council selected the project under “local projects” funding under ARRA.
- June 2009 – project is officially selected and added to the MnDOT State Transportation Improvement Plan (STIP).
- June 2009 – the Council approved the design contract with the consultant to complete plans for the project.
- July 2009 – the City and the Council hold a public open house to present the project and gain input from residents. Two hundred ninety one (291) invitations were sent to neighboring properties as well as to the parents of students, faculty, and staff for both schools. The open house was sparsely attended. Mr. Mazzitello apologized to the residents for the short notice of the meeting.
- August 2009 – a petition was received from residents of the neighborhood located immediately to the north of the schools citing their opposition to the temporary northern access to Lake Drive that is proposed as part of the project.
- September 2009 – the Council holds a project update meeting with the opportunity for public comment. City’s consultant is present to provide additional information.

- October 2009 – request for approval of final plans and authorization to advertise for bids to construct the project will be presented at the October 20th City Council meeting. (This could alternatively take place at the November 3rd City Council meeting.)
- November 2009 – final plans need to be submitted for MnDOT review.
- January 2010 – Advertise for bids to construct the project.
- February 2010 – award the project to the successful bidder.
- June 2010 – begin construction
- August 2010 – construction to be completed.

Mr. Mazzitello said as part of the project, access to Visitation must be maintained throughout the construction project because Visitation Drive is the only way in and out of main parking lot of the school. A supplemental access is necessary as there will be times during the project where the access to Visitation Drive will be closed. There must be a way for student, faculty, staff and emergency vehicles to get in and out of the property while the roundabout is under construction.

The location of the temporary access will be on the north end providing access onto Lake Drive directly across from Rogers Avenue. This was selected because it is the shortest, easiest and most convenient place to put an access point, and it is also the cheapest. Gravel will be placed between Rogers Drive and the parking lot to construct a temporary access. Mr. Mazzitello stressed that this will be only a temporary situation. After construction, this area will be re-vegetated and the fence will be reinstalled. The temporary access is only to be utilized during times when access to Visitation Drive will not be possible during construction. Mr. Mazzitello said staff looked at other areas to provide temporary access and determined that this was the only logical place from an engineering standpoint.

Part of the rationale for the project is the accidents that have occurred on Mendota Heights Road from 2000 to 2008. Mr. Mazzitello shared those figures which showed 27 accidents occurring, three of which involved serious personal injury. These statistics do not include any

accidents west of Lake Drive, nor do they include any accidents at St. Thomas Academy.

Chuck Rickert, WSB & Associates, consultant for the project, said back in late August, 2007, a traffic study was done to look at a variety of alternatives along Mendota Heights Road and the general area around the schools. Some items coming out of that study have already been addressed, such as speed zones and additional crosswalks. It was found in that study that the intersection of Visitation Drive and Mendota Heights Road needed some type of traffic control. Existing traffic conditions are showing that area as level E (on a scale from A through F, with A being the best). This is a very congested area, especially during morning peak hours. Mr. Rickert said although this proposal is not the preferred alternative, some sort of traffic control is needed. Traffic signal, roundabouts and right-in/right-out was looked at. Since that time, as part of the plans submitted to MnDOT to apply for federal funding, an intersection control evaluation needed to be done and what that report does, is look at in more detail what the options for traffic control are for that intersection and how it impacts the other adjacent intersections.

This study substantiated that the best alternative was to install a roundabout at this time for this intersection. A signal at this location did work but would at certain time back up traffic to Dodd Road, where the roundabout has traffic always moving, but on a slower pace at 20-mph.

One of the concerns that MnDOT has had relates to what happens to the traffic between Visitation Drive and Dodd Road, and it was found that even looking at the year 2030, that concern will not occur. The traffic will not back up along Mendota Heights Road nor will it back up along Dodd Road.

MnDOT is currently reviewing these plans but has not yet given formal approval.

Mr. Rickert reviewed the proposed layout. Mr. Rickert said the roundabout will help the speed along this stretch of roadway, and will reduce accidents about 40%. The personal injury reduction is 90%.

Dr. Dawn Nichols, Director of Visitation School, said it is Visitation's intention that upon completion of the project, the temporary access will be returned to its original condition. Dr. Nichols said at one time, consideration was given to a more long term access but will not be done. Dr. Nichols said something has to be done for the safety of the students, staff, neighbors and others in that area. Dr. Nichols said they are grateful that this opportunity has arisen in connection with the timing of the federal stimulus funding, but Visitation would have done this work regardless. Dr. Nichols said they appreciate having expert advice from the city during this process.

Councilmember Krebsbach asked Mr. Rickert if he felt comfortable that this roundabout will accommodate the traffic from St. Thomas' activities, such as football games. Mr. Rickert said it will and a single lane roundabout such as this will carry up to 15,000 cars per day. Right now, there are about 4,000 cars a day traveling this road.

Councilmember Krebsbach asked how teenage drivers will handle using this. Mr. Rickert said roundabouts are a new commodity and it will be something that drivers of all ages will need to get used to. Mr. Rickert said there are a variety of tools that can be used to teach teenage drivers in the school about the use and safety of the roundabouts. Mr. Rickert said he does not have any statistics on teenage drivers and roundabout, but can provide that information if needed.

Councilmember Krebsbach said this recommendation of the roundabout does not include another access point for Visitation as a funnel off should the roundabout become too busy. Mr. Rickert said the recommendation does not.

Councilmember Duggan said the report shows that traffic on Mendota Heights Road will increase at a rate of 4% to 6% per year, and that the St. Thomas Academy and Visitation School does not seem to be a major part of this change in traffic volume. Councilmember Duggan asked for confirmation that this means that the school traffic will not create the change in traffic volume. Mr. Rickert said this is correct, and that the traffic volume was determined by the Met Council traffic model, looking at where people are going to and coming from. As I-494 increases in

traffic, traffic is going to find alternative routes. Those are the types of traffic, the thru-traffic, that will impact this area.

Councilmember Duggan asked if the level of traffic accidents presented is considered high, medium or low. Chief Aschenbrener said this would be above average.

Councilmember Duggan said neighbors are saying this is not the best solution, and would like to have an engineer's report on the relationship between the best solution and the second best solution that is being presented. Mr. Rickert said the overall level of service at Dodd Road and Mendota Heights Road was improved with the No. 1 solution, which was the right-in/right-out plan. The intersection of Lake Drive and Mendota Heights Road went down in service level slightly because of the additional traffic from Visitation. The overall level of service at that intersection stayed well below the level of service D and E. On an overall system, looking at a roundabout at Lake Drive and Mendota Heights Road was the better solution.

Mayor Huber asked Mr. Mazzitello to confirm that both Mendota Heights Road and Visitation Drive are public streets. Mr. Mazzitello said that was correct.

Mayor Huber asked Mr. Mazzitello to confirm that 80% of this project will be funded by the federal stimulus money, and 10% will be funded by Visitation and St. Thomas Academy, and the other 10% comes from the city. Mr. Mazzitello said that was correct, and that the total preliminary cost estimate is \$400,000. As part of the competitive process in pursuing the stimulus funds, offering a matching contribution increased the city's score. Visitation School offered to pay \$25,000, St. Thomas Academy offered to pay \$20,000, and the city pledged to match whatever the schools provided, bringing a total of \$90,000. The city's contribution will come out of the municipal state aid account which is money that is received each year from MnDOT for maintenance of city streets that connect to major roadways. Mendota Heights Road is one of them. This funding does not come out of the levy property taxes and is out of a state funded account that the city receives every year.

Mayor Huber opened the public comment period.

Sarah Herschbach, 2344 Kressin Avenue, said she can't walk her children along that roadway because there are no sidewalks along Dodd Road and is very concerned about the safety of the children in that area as there is a lot of fast moving traffic. Mrs. Herschbach said she would rather see the city spend the money on other projects.

Mayor Huber asked Mr. Mazzitello to comment on the traffic flow through the Rogers Lake neighborhood. Mr. Mazzitello said part of the reason behind this proposal is to alleviate the congestion not just on Lake Drive and Visitation Drive, but along Mendota Heights as well. A roundabout is designed to be free flowing so traffic does not come to a complete stop. Mrs. Herschbach asked about the backup from the stop light at Dodd Road. Mr. Mazzitello said based on the results he has seen, there is a minimal risk of traffic backing up into the roundabout. Mr. Rickert further explained how the models indicate the traffic flow through the roundabout in relation to the stop light timing.

Gail Misner-Elias, 2340 Rogers Avenue, said she is concerned that when the temporary access is opened, it will not remain temporary. Mrs. Misner-Elias asked if the city can ensure that the safety of the many small children in that area. Mr. Mazzitello said as part of the bid documents, the contractor will be required to remove that driveway when the roundabout is complete and that those documents are public document that can be provided to any resident upon request. Mr. Mazzitello said the Council has made it painfully clear that this access will be closed, however there are no guarantees that there will be incidents. Mr. Mazzitello said the access road will only be utilized during the closing of Visitation Drive which he assumes to be a two to three week time period and school will not be in session so the traffic will be minimal.

Mayor Huber said the Police Department will be monitoring that area closely and do as much as possible to ensure the safety of the children.

Michael Misner-Elias, 2340 Rogers Avenue, said he understands the purpose of the construction, but wonders

why the public funds are being used for what is essentially access to the private school. Mayor Huber said this is a public intersection with an accident rate is very serious and it is the responsibility of the City Council to address these accidents. Mayor Huber said Visitation School is contribution to this project as is St. Thomas Academy.

Jim Losleben, 815 Hazel Court, said he read the WSB and Associates' Traffic Study Report as well as doing some research on the internet, read the Insurance Institute for Highway Safety and attended neighborhood meetings at Visitation. Mr. Losleben then went to the neighborhood with a petition signing up seventeen people within an hour. Mr. Losleben said he was amazed on the amount of opposition to this project. Mr. Losleben said he is concerned about safety because he had a major accident at the St. Thomas entrance, having a young man exiting St. Thomas Academy and hit Mr. Losleben head-on going 40-mph. Mr. Losleben said the Insurance Institute for Highway Safety said that roundabouts are not appropriate everywhere, and that intersections that may not be good candidates are roadways that have high unbalanced traffic flows (very high volumes on the main roads and light traffic on the side streets), which is exactly the situation here.

Mr. Losleben said the WSB report indicates that there is a significant amount of more traffic on Mendota Heights Road than on Visitation Drive. Mr. Losleben said it sounds like there is a problem for about one hour in the morning and one hour in the afternoon five days a week, nine months out of the year which adds up to about 4% of the time there is a problem. Mr. Losleben said the city is then spending \$400,000 plus for a 4% problem. Mr. Losleben said the neighborhood is already getting hammered with noise with the airplanes and the traffic at Dodd Road and Mendota Heights Road with trucks and motorcycles.

Mr. Losleben said he believes that Lake Drive should be cut off and something better planned for both intersections. Mr. Losleben said he is concerned about spending public money on private issues and is concerned about some of the City Council members that are very, very attached to this school and voting for some of their very favorite people. Mr. Losleben said he would feel more comfortable with

some of the City Council members excusing themselves from this matter. Councilmember Schneeman said she resents that statement as all of the children of Mendota Heights means a lot to everyone no matter what their religion or what school they go to and acknowledged many accidents that have happened at other schools in the community that the City Council as a whole has addressed and expressed their concerns. Councilmember Schneeman said she resents being told that she is only doing this because she is attached to the school.

Mr. Losleben said he is requesting that the city stop where it is at and work with the citizens to come up with a plan that everyone can live with to make this a safer and better situation.

Mr. Mazzitello said the Insurance Institute does not render opinions on traffic solutions such as signal controls from an insurance standpoint, but the American Association of Transportation highway officials and the Federal Highways Administration both highly encourage roundabout development for situations like this, acknowledging Mr. Losleben's comments on the percentage of traffic during certain times of day. With that, staff believes that this is the right solution for those peak hours of the day. Mr. Mazzitello said staff can certainly take the approach to work with the residents on a better plan, however the timing of the economic stimulus plan may not be in everyone's favor as plans need to be submitted by November 13th. Mayor Huber said staff has looked at various solutions such as stop lights, stop signs, roundabouts and no changes at all and does not know of any other options. Mr. Mazzitello said they have looked at a variety of different solutions, and the consultant presented a report with eight different alternatives. There is a stop sign existing at Lexington and a signal at Highway 55 and Highway 149, and said the roundabout would provide free flowing traffic and in the engineering opinion, and having discussed with the schools their desires and having land available to construct an improvement, this is the best practical solution.

Mayor Huber said the Council is absolutely united that there is not going to be an access on Lake Drive and Visitation understands that very clearly and when the

schools were constructed in the 1960's, the Council at that time clearly said that traffic would be going to Mendota Heights Road.

Mr. Clark Wickman, 897 Bluebill Drive, said he is a civil engineer and represents private land owners' interest when it comes to access, circulation and land development. Mr. Wickman asked if there will be a formal meeting after this where the Council will be voting. Mayor Huber said the Council is currently gathering input and staff will be sending out the proper notification again for the meeting. The intention is that after tonight, the Council will have this discussion brought back for the second meeting on October 20th. It is his understanding that this decision could be made at the November 3rd if there are issues that the Council is still not certain about.

Mr. Wickman said the city is saying that their preference would be to have a right in / right out access and it is the preference of the school to have the roundabout. Mr. Mazzitello said that is correct, and that the right in / right out provided the best level of service at Dodd Road and Mendota Heights Road, which is the failing intersection in the 2027 analysis. The second best alternative is the roundabout. Mr. Wickman expressed his concern about the roundabout being so close to the intersection at Dodd Road. Mr. Wickman said he has consulted with other traffic engineers and other school districts with similar access concerns to gather some more expert advice. Mr. Wickman said he has not seen any discussion so far as to the school dealing with their internal structure to remedy the situation. Mr. Wickman said he has seen no indication that any consideration for a different access further to the west to improve site lines has been made as the school has a considerable amount of property.

Councilmember Krebsbach asked Mr. Wickman if he was in opposition to the roundabout. Mr. Wickman said he opposed a roundabout in this location and believes that the simplest solution would be to move it to the west.

Councilmember Duggan said Mr. Wickman seems to be recommending some criteria for a certain solution which the Council will take and study with the engineers the validity of this solution that is being proposed. Mr.

Wickman said the reports are jumping to control devices before the spacing issues are being looked at.

Councilmember Krebsbach said it is clear that the school does not want to access to the north because of the impact to the neighborhood, and it still needs to be determined by MnDOT where or not that location of the roundabout as proposed is in an acceptable location.

Mr. Rickert said there is an obstacle with shifting the roundabout and access to the school to the west as there is a major storm water conveyance system that runs through that area and shifting the road over would bring the road right into the middle. Mr. Rickert said there would be some major environmental issues that would to be dealt with if the road was shifted.

Councilmember Krebsbach asked if the calculations include the possibility of traffic shifts should Delaware Avenue open up and connect to I-494. Mr. Rickert said the traffic volumes that are assumed for 2030 assumed whatever Met Council, MnDOT and everyone has in their plan. If that was in their plans, then it was included. Mr. Mazzitello said a full access interchange at I-494 and Delaware Avenue is not currently in the Met Council plans.

Robert Glockert, 2378 Rogers Avenue, said he has been at this address for 50 years, and witnessed the construction of St. Thomas Academy and Visitation School. Mr. Glockert said he is very happy to hear that the Council is against the access onto Lake Drive and believes that the general consensus is that a more proper location for a roundabout would be at Lake Drive and Mendota Heights Road. Mr. Glockert asked the Council to halt the current proposal to allow the residents to work with the Council on other options. Mr. Glockert said it would not seem unreasonable to have an entry to the school at the current location, and another exit point from the school further west. Then there will be no need for a roundabout or a traffic signal. Mr. Glockert is concerned for the safety of the children in the neighborhood and that the traffic moves at a very high speed. He is concerned that a roundabout will create more traffic running on Cheri Lane, Bluebill Avenue, and Lake Drive. Mr. Glockert said the snow plows may also have some problems getting through the roundabout. Mr.

Glockert said these streets are also narrow and parking is currently allowed on both sides. With the increased traffic, the roads will need signage to allow for parking on only one side of the street.

Eric Palmer, 2371 Kressin Avenue, said he has lived here for two years and is concerned about the high level of speed that the high school students travel, and that they will not want to use the roundabout. Mr. Palmer said he is opposed to shifting traffic from Mendota Heights Road onto Lake Drive because of the resistance issues on Mendota Heights Road as the students will not want to use the roundabout. Mr. Palmer said he is not opposed to the temporary access on Lake Drive as long as it remains temporary. Mr. Palmer said he has been almost rear-ended on numerous occasions coming out of his driveway as well as almost being hit while crossing the road to get his mail.

Mayor Huber said the reality is that a future council can or may be able to change things, but at this time, the current council cannot bind that future council from making other decisions. But after 50 some years of having a City Council, it has been emphasized that traffic is not to be directed into that neighborhood.

Mr. Mazzitello said Mr. Rickert may be able to speak to the possible resistance of using the roundabout through his models, and the staff of St. Thomas Academy and Visitation School may be able to speak to the behavior of parents, students and staff. One of the prevalent comments during the early stages of this project was as cars queue up on Visitation Drive coming south and having to wait for the left-hand turn, they become frustrated and end up going right onto Mendota Heights Road and another right onto Lake Drive, and then loop back around to Dodd Road. With the roundabout, that particular movement should be eliminated. Mr. Mazzitello said he would assume that most of this traffic that Mr. Palmer speaks about is St. Thomas traffic and not Visitation traffic. Mr. Palmer said that the roundabout will only clog up Mendota Heights Road more.

Mr. Rickert said he is in agreement with Mr. Mazzitello's comments.

Mr. Palmer said he would not be in opposition of taking into consideration some mechanisms of putting some resistance on Lake Drive such as speed bumps, and if the issues are with Lake Drive, maybe a roundabout is a good idea.

Larry Kazmersak, 874 Cheri Lane, said he has dealt with roundabouts that held up to 6 lanes and they worked, but he does not believe a roundabout will work here. Mr. Kazmersak asked how many cars can be placed between Visitation Drive and Dodd Road at the stop light as it does not seem that a lot of cars can sit there without having to circle back into the roundabout. Mr. Kazmersak said the cars may start turning onto his street and there will also be a problem with cars backing up from Dodd Road. There is also a lot of speeding along Cheri Lane. In addition, there are no sidewalks between the two schools and the girls cross in between the parked cars. Mr. Kazmersak said he would agree that Visitation Drive should have the one way in and then another exit further down Mendota Heights Road and also to have proper sidewalk and cross walks installed.

Jennifer Naas, 2370 Swan Drive, said she is opposed to this project for the reasons others have already spoken of, and stop signs need to be installed on Lake Drive while the temporary access is there. Ms. Naas said no one has talked about the detour that will be in effect during construction time. Ms. Naas said her children are not to play in their front yard because of the speed at which the St. Thomas students are traveling. Ms. Naas suggested that the two schools may consider staggering their start times.

Mr. Mazzitello said the suggestion of having stop signs at Rogers Avenue and Lake Drive is an excellent idea and will have that incorporated into the plans, and the reason the detour has not been addressed is that staff is not entirely sure a detour will be necessary. The contractor will be instructed that two lanes remain open on Mendota Heights Road at all time. Mr. Mazzitello said should a detour be necessary, staff will notify all the appropriate residents.

Sylvia Cook, 2526 Clairemont, talked about the condition of Mendota Heights Road which is in substandard condition. Ms. Cook said she called City Hall to find out

that there are plans to possibly repave the road from Delaware Avenue to Lexington Avenue in four to five years. Ms. Cook said that was not acceptable to her. Ms. Cook said she is absolutely opposed to the roundabout project as she is not convinced that this is nothing but a very expensive project and it seems that funds need to be very expediently spent by the deadline. Ms. Cook said she also is very upset about the current construction work where it seems that no work, or very little work, is taking place at this time. Mr. Mazzitello said this is not a city project but is an Excel Energy project and the city has been on them daily about the progress they are making.

Dave and Dick Bjorklund, owners of the property located on the southwest corner of Mendota Heights Road and Dodd Road, are home builders with a long time history of family living in the community. Mr. Dave Bjorklund said they have built many homes in the community and that while they are not seeking preferential treatment, they want to be at the table. In the total discussion this evening, there has been no mention about the Bjorklunds being the closest neighbor to the roundabout. The Bjorklunds feel that they are being ignored through this project. The Bjorklunds have been in front the city numerous times trying to resolve traffic issues by Condon Court, where they are located.

Mr. Dave Bjorklund said he recently talked to city staff to discuss how they can further develop their parcel, only to be told that they need to move their access to the property because Condon Court is too close to the intersection of Dodd Road and Mendota Heights Road. After trying to work with Visitation to buy an easement to access the road further to the west, Visitation did not want to sell.

Mr. Dave Bjorklund said they are not objecting to the roundabout, but believes there needs to be a solution for the traffic and congestion at this intersection. However, the city needs to anticipate the fact that the Bjorklunds will be still be coming to the city to talk about their land that they would like to develop and they don't want to hear at that time that they should have been at the discussion of the roundabout.

Mr. Dick Bjorklund asked if the curbing running eastward toward Dodd Road going to continue to the intersection as

it would block their driveway. Mr. Rickert indicated that the curbing will not extend to the intersection and would not block their intersection. Mr. Dick Bjorklund said he does not know if the roundabout is the best design either, but he envisions the car backup and it's almost impossible for him to exit Condon Court and turn left onto Mendota Heights Road. Mr. Dick Bjorklund indicated on the map where he would like to see an access of the roundabout onto their property.

Councilmember Krebsbach asked how many access points can be placed on a roundabout.

Mayor Huber said MnDOT took away Visitation's access to the east and there is no point talking about an access to Lake Drive.

Mr. Dave Bjorklund indicated where the power lines and the pipe lines run and said this is not buildable land, but could serve as an access from them. Mr. Dave Bjorklund said he would like to see Visitation take them into consideration to make sure they are able to properly use their land when possibly altering the roadway which will also affect their land.

Dan Broos, 2360 Rogers Avenue, first acknowledged that Councilmember Duggan is a proud supporter of St. Thomas Academy and Councilmembers Krebsbach and Schneeman are proud supporters of Visitation School. Mr. Broos said he was at first angry that his elected officials be objective throughout this decision, and feels like this is a conflict of interest. Mr. Broos said he now believes that this roundabout is not the solution as it is too close to Dodd Road, and single points of entry are single points of failure whether talking about a roundabout which is going to slow traffic down and send high school kids from both schools another way.

Councilmember Krebsbach said it has been a common goal of the Council to keep traffic off Lake Drive and having no access to the north. That does complicate what happens on Mendota Heights Road. Mr. Broos said he would consider thinking outside of the box where instead of having Lake Drive sealed off and then Visitation can have an access off

to the west. Visitation is a bigger school now and they need a second access.

Joyce Selg, 867 Bluebill Drive, said she has lived there since 1973 and the students have no respect for the residents in that neighborhood as they walk into the roadway and having to stop traffic, making obscene gestures to motorists. Ms. Selg asked what will happen if the roundabout goes in and it does not work well, then the city will have to come back and redo the whole thing. Ms. Selg said the noise issue must be addressed.

Mike Kozel, 889 Bluebill Drive, said there are no proper play areas for the neighborhood children and they end up playing into the streets. Mr. Kozel said semi trucks tend to get hung up in roundabouts and are prone to tipping over. Mr. Kozel said Patterson has a lot of traffic coming onto Lake Drive and asked if they have any semi trucks going in and out of that property. Mr. Kozel said he is opposed to this roundabout as he feels it is not the right use for this area. Mr. Kozel said if Lake Drive is used, the city may want to consider setting up concrete barriers at Rogers Drive, Swan Lane and Kressin Avenue to isolate the temporary traffic.

Former Mayor Charles Mertensotto, said he has spent thirty years listening to all this and when he first came into this community in 1959 there were only 2,250 people. Mr. Mertensotto said this study began in 2007/2008 and nothing was done about it. But as soon as the federal stimulus money became available and not the city has a way of doing this, the roundabout is the result of getting the federal money. If it was not for this federal money, the city would not be doing this project. Mr. Mertensotto said this project is not good for either Visitation or St. Thomas, it adds more to the destruction of the Rogers Lake neighborhood. People are moving into this neighborhood because it is quiet, and because there are no parks or playgrounds, the children are playing in the driveways and streets. The whole plan does not address the neighborhood and is only focused on Visitation School. This is not good for Visitation to begin with and there is a better plan available if only the Council will agree to work with the residents.

Mr. Mertensotto said he feels that Lake Drive needs to be cul-de-saced as there is no reason for this roadway to go through. That way, the schools could have year-round access onto Lake Drive or Mendota Heights Road. Mr. Mertensotto said the notice that was sent out only addressed the roundabout, but not the opening onto Lake Drive. Mr. Mertensotto reminded everyone that the state aid funding really comes from taxpayers, and that ISD 197 had solved their own similar problems themselves without any assistance. While Visitation and St. Thomas are contributing, there is no public benefit to this project.

Duane Taylor, 2338 Kressin Avenue, is a 42- year resident of the neighborhood and suggested making an exit from Visitation in the area where the girls are crossing the street.

Mr. Wickland said the solution is clearly that Visitation needs more than one access point and proposed that the City Council and Visitation School consider that Visitation construct a 24-foot wide drive out in an area that they have between their building and chain link fence (which now holds 40-ft in width) and construct an access point that outlets onto their already provided access onto Lake Drive, and the city could temporarily place type-3 barricades up in the bituminous and shut down the access point highlighted in red on the plan, see how this whole system functions with plenty of site distance and flat grades.

No one else was wishing to speak.

Mayor Huber gave his sincerest thanks on all the input taken and recognized that this project is causing a great deal of anxiety of the residents.

Councilmember Schneeman thanked everyone for coming and all the ideas that were expressed will be taken into consideration.

Councilmember Vitelli said a lot of good points were brought up tonight and his eyes were opened to a lot of issues more than he was aware of before this meeting. Councilmember Vitelli thanked everyone for staying so long as he has learned a lot tonight.

Mr. Glockert said he hopes that the City Council will give the residents an opportunity to work with the council on a solution to what is being proposed, and that the temporary drive is taken away.

PUBLIC HEARING

694 WENTWORTH AVENUE

Public Works Director John Mazzitello introduced a resolution to adopt and confirm an assessment for 694 Wentworth Avenue for a structural construction demolition project. Mr. Mazzitello said this item was before Council on August 4, 2009 and was passed and adopted. However, due to an error in public notification and publishing, the public hearing must be re-accomplished.

Mayor Huber opened the public hearing. Seeing no one come forward wishing to speak, Councilmember Duggan moved to close the public hearing.

Councilmember Krebsbach seconded the motion.

Ayes: 5
Nays: 0

Councilmember Duggan moved to approve Resolution No. 09-78: "A RESOLUTION ADOPTING AND CONFIRMING ASSESSMENT FOR 694 WENTWORTH AVENUE STRUCTURE DEMOLITION PROJECT (PROJECT NUMBER 200907)".

Councilmember Vitelli seconded the motion.

Ayes: 5
Nays: 0

MATTHEW CUNNINGHAM 561 HIAWATHA VARIANCE

Mr. Sedlacek reviewed Planning Case No. 09-31 which is a request for a variance for a 4-ft. side yard setback and a 3-ft. variance to the setback from a principal structure to an accessory structure.

The applicants are wishing to construct a home addition at 561 Hiawatha Avenue. A complete planning application was submitted on August 3rd and was heard at the Planning Commission Meeting on August 25th. The August 3rd date started the 60-day review period, which will expire on October 2, 2009. There were no comments heard at the Planning Commission public hearing.

The applicant has since provided an updated site plan, which proposes to demolish the existing garage and attaching a new garage, eliminating the need for the variance for the distance between the home and the garage. Mr. Sedlacek explained that the proposal does not change the request for the variance on the east side of the property but would require an additional 6-ft. variance to the side yard setback on the west side as well as another variance to allow a garage that totals 352 square feet, less than the required 440 square feet for newly constructed garages.

The applicant has described their hardship to be the small size of the existing home and expressed their desire for a full kitchen and dining area, were are reasonable uses of the property. The garage format is also the best compromise for creating usable space while lessening the impact on setbacks.

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

Mr. Matthew Cunningham, 561 Hiawatha Avenue, said his neighbor to the east was in total support of this project. Mr. Cunningham said he had asked this neighbor if he would be willing to sell some of the property along this lot line, the neighbor did not want to sell.

Councilmember Vitelli moved to approve Resolution No. 09-79: "A RESOLUTION APPROVING VARIANCES TO THE SIDE YARD SETBACKS AND TO THE MINIMUM GARAGE SIZE FOR A REMODELING PROJECT AT 561 HIAWATHA AVENUE" as revised. Councilmember Schneeman seconded the motion.

In response to Councilmember Duggan's request, Mr. Sedlacek confirmed the language in the resolution which shows the correct variance distances, changing the 4-ft. variances to the proper 6-ft. variances.

Councilmember Duggan said he supports this as he had previously visited the property and had suggested to Mr. Cunningham that he ask his neighbors to the east if they wished to grant an easement or some type of arrangement. The neighbor does not want to do that. Councilmember Duggan said he also recognizes that the applicant's roof is a

new roof and it would be impossible to change the roofline any other way without destroying the roof, which would not make any sense.

Ayes: 5

Nays: 0

ST. THOMAS ACADEMY
USE OF CANNON

Mr. Mike Burns, Principal of St. Thomas Academy, said about four years ago, the academy used a replica of a civil war cannon to shoot off during the Homecoming touchdowns. Mr. Burns said at that time, they received approval by the city for such a use. Mr. Burns said he had no idea what the sound volume would have been until after the fact, recognizing that it was very loud.

Mr. Burns said the school would like to do this again this year for their Homecoming game. Mr. Burns said he was recently at the Irish Fest this summer and spoke with a person that was in charge of firing off such a cannon at that festival, which was the same person that did the firing at St. Thomas Academy four years ago. Mr. Burns said that at the Irish Fair, the load was much less. Mr. Burns said for the upcoming game, they would lessen the load and change the direction of the cannon so that it would be directed southward along the I-35 corridor. Mr. Burns said the school will notify the community of this event. The game is scheduled for October 9th at 7:00 p.m..

Councilmember Vitelli moved to approve St. Thomas Academy's request to shoot the cannon at the Homecoming Game with conditions set forth by Council.

Councilmember Schneeman seconded the motion.

Ralph Dumond asked to speak to this issue and talked about how he and his wife experienced the event four years ago, that the cannon was so loud it frightened them. Mr. Dumond said he was greatly offended by this experience and has since expressed his concerns to the city.

Mr. Dumond said when he called the police dispatcher, he was told that there were hundreds of calls received and has since asked Mr. Burns to consider the amount of the load and to test it first in his own back yard. Mr. Dumond also sent a letter to the school expressing his concerns and has yet to hear from him. This is just simple disdain on their

part and was not important enough to respond to either him or any other callers.

Mr. Dumond said he is in total support of the school, but was not happy about this event, and asked that this event be addressed by the proper authorities, the police department, that there be someone there should responses are needed to complaints.

Mr. Burns apologized to Mr. Dumond that the school did not properly respond and that the event that took place was a tremendous blast.

Mr. Burns said the cannon usage at the Irish Fest was not that loud and he has been working with those people to help St. Thomas in their attempt to use the cannon more appropriately. Mr. Burns said if they use the cannon it will be directed down I-35E.

Councilmember Schneeman asked if this is done at other schools. Mr. Burns said the University of Minnesota has one and is a smaller version.

Councilmember Duggan said he checked with the fair director and asked if there were any complaints. The director responded that there were none. Councilmember Duggan suggested that the school do a test firing in the direction that the school is proposing to be done at an appropriate time. Mr. Dumond should then be notified and he can determine if it is an objectionable noise at the time and reminded the Council that there is a noise ordinance that says "all unnecessary noise and vibrations are not permitted". Councilmember Schneeman said that applies to fireworks also. Councilmember Duggan said there is a difference between fireworks and this cannon.

Councilmember Vitelli withdrew his motion.

Councilmember Krebsbach said she would like to have comments from Chief Aschenbrener.

Chief Aschenbrener said he believes that the recommendation forwarded by Mr. Dumond is a very good one and there will be officers present at the game to

monitor any complaints that should come in regarding the noise, and if so, will shut the cannon down immediately.

Chief Aschenbrener said it would be appropriate to fire the cannon in the direction of I-35E so that it will not fire over the City of Eagan.

Councilmember Krebsbach asked about people driving along the freeway and hearing the cannon. Chief Aschenbrener said if the cannon is more like it was at the Irish Fair, it should not be an issue. The previous event four years ago brought phone calls from the airport wondering if someone was trying to shoot down airplanes.

Chief Aschenbrener said he does not believe it will be a problem with passing motorists.

Councilmember Krebsbach asked for confirmation that this is a one-time approval. Mr. Burns said that was correct. Councilmember Krebsbach said the Council should be very specific and identify this use as Homecoming night for 2009.

Councilmember Duggan suggested that the DCC be alerted as well.

Councilmember Krebsbach said if that is the case, this should not be done as if someone is driving along and they are frightened, this could be a fun event turned tragic.

Councilmember Duggan said that is why he is suggesting a test fire, and noting that the cannon blast at the fair may have had a softer noise because of the tents and buildings that may have served as a buffer.

Councilmember Duggan moved approval to permit the use of a cannon during the St. Thomas Academy Homecoming Game of 2009, with a test fire done before hand, under the supervision of the Police Department.

Councilmember Vitelli said there is a cost for testing this as the cannon will need to be moved to the location. Mr. Burns said it would be a double cost.

Mayor Huber asked Chief Aschenbrener if there will be police there anyway. Chief Aschenbrener said there will be several officers there. Mayor Huber said it would not be like there would be a need for additional officers, adding staff time solely for this process.

Councilmember Krebsbach suggested that the school would be working with the University of Minnesota to see how they load their cannon.

Mayor Huber talked about his experience with the firing four years ago and although he was not happy about it, he is willing to give this a try erring on the side of a softer blow.

Councilmember Schneeman said the police department should use some discretion because a very disgruntled person may call in. Mayor Huber said one disgruntled person is too many.

Councilmember Vitelli asked where it will go from here, having other people wanting to shoot off cannons. Mayor Huber said it needs to be on a case by case basis.

Ron Burfield, 688 West Wentworth, said there is a noise ordinance and some of the Council seems to be saying this does not apply in this situation. Councilmember Duggan said the ordinance does not define what it means by “unnecessary” noise. Mr. Burfiend expressed his concern on the cannon in relation to the way the world is today with always being on alert.

Councilmember Schneeman seconded the motion.

Councilmember Krebsbach said she will not support this because the two points on the recommendation have both changed as the cannon is not going to be aimed at I-494 nor will it be comparable to the University of Minnesota’s cannon.

Ayes: 2 (Councilmembers Duggan and Schneeman)

Nays: 3 (Mayor Huber, Councilmembers Krebsbach and Vitelli)

City Administrator Jim Danielson said the school has also applied for a fireworks display permit which was approved by the Fire Marshall.

CREDIT CARD PROCESSING

Finance Director Kristen Schabacker said on August 18th, the Council discussed the use of credit card processing for the city. Ms. Schabacker provided additional information as was requested at that time.

Ms. Schabacker provided the following information:

- The city does not necessarily need to accept credit cards, but is a convenience for the residents, particularly at the Par 3.
- The benefit for the city is the reduced cash transactions at the Par 3, which would require less staff time in verifying the cash and making the deposits to the bank.
- There is a cost to process credit cards of about \$500 (one time cost) to purchase the machine, and about \$49 setup fee. There are monthly fees, a yearly fee and a transaction fee based on the amount of usage.
- It is estimated at the Par 3 that the city would incur \$2,200 in fees in the first year.
- It is estimated that that fees would be about \$3,000 for transactions at City Hall for the first year, the highest percentage of use would be for payment of permits, recreation programs. It is noted that the city currently offer a program where residents can register for recreation programs online and use a credit card.
- There does not seem to be any revenue lost at City Hall as residents normally would pay by cash or check for permits.

Ms. Schabacker said according to the Par 3 manager, about 1 out of every 25 people will leave because they don't have cash or check.

Councilmember Vitelli said this is an added cost to the city and there is no need for it.

Councilmember Schneeman said she likes the convenience of the credit card.

Mayor Huber said he would support this as he thinks this is probably a push as the lost revenue given up is a push on what the city will lose.

Councilmember Schneeman moved to authorize staff to accept credit cards at the Par 3 and City Hall.

Councilmember Duggan seconded the motion.

Ayes: 3 (Mayor Huber, Councilmembers Duggan and Schneeman)

Nays: 0 (Councilmembers Krebsbach and Vitelli)

COUNCIL COMMENTS

Councilmember Vitelli said he learned a lot tonight about the roundabout and the concerns of the residents. It was a very good session and he will be doing some re-thinking on this.

Councilmember Schneeman talked about the wonderful presentation that Mayor Huber gave today about the acquisition and restoration of Pilot Knob at the Trust for Public Land. Mayor Huber said the board wanted to look at a couple of sites that they have been participants in and talked about the work Guy Kullander did to help the Mayor prepare for this event.

Councilmember Krebsbach reminded everyone of the September 26th golf outing at Par 3 beginning at 10:00 am.

Councilmember Duggan talked about the event he attended last Thursday, and his visit to Holy Family Catholic Church.

ADJOURN

Mayor Huber said the Council will be adjourning to a closed session to discuss LELS.

There being no further business to come before the Council, Councilmember Schneeman moved to adjourn the meeting to a closed session to consider LELS.

Councilmember Duggan seconded the motion.

Time of Adjournment 11:15 p.m.

Rebecca Shaffer
Recording Secretary

ATTEST:

John J. Huber
Mayor