

CITY OF MENDOTA HEIGHTS  
DAKOTA COUNTY  
STATE OF MINNESOTA

Minutes of the Regular Meeting  
Held Tuesday, October 7, 2008

Pursuant to due call and notice thereof, the regular meeting of the City Council, City of Mendota Heights, Minnesota was held at 7:00 o'clock p.m. at City Hall, 1101 Victoria Curve, Mendota Heights, Minnesota.

CALL TO ORDER

Mayor Huber called the meeting to order at 7:00 p.m. The following members were present: Councilmembers Duggan, Krebsbach, Schneeman and Vitelli.

PLEDGE OF ALLEGIANCE

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

AGENDA ADOPTION

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

Ayes: 5  
Nays: 0

APPROVAL OF MINUTES

Councilmember Vitelli moved to approve the minutes of September 16, 2008 as corrected. Commissioner Krebsbach seconded the motion.

Ayes: 4  
Nays: 0  
Abstain: 1 (Mayor Huber)

CONSENT CALENDAR

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

- a. Acknowledgement of the NDC4 Meeting Minutes and Agenda.
- b. Acknowledgement of the September 2008 Building Activity Report.
- c. Acknowledgement of the 2008 Audit Memo.
- d. Authorization for Payment and Online Services for Recreation Programs (RevTrack).

- e. Authorization for Purchase Order for Network Printer.
- f. Authorization for Purchase Order for Control of Invasive Plants in City Parks.
- g. Authorization for Purchase of a Welding Fume Extractor.
- h. Authorization for ARC to reschedule October Meeting.
- i. Authorizing for Designating Christmas Eve as a Floating Holiday.
- j. Approval of Sign Permit for 750 Main Street, Suite #215 – Clerestory Advisors.
- k. Approval of Sign Text for Two Signs to be installed at Historic Pilot Knob.
- l. Approval to Schedule Election Canvassing Board for November 4.
- m. Adoption of Resolution No. 08-65: “A RESOLUTION APPOINTING 2008 GENERAL ELECTION JUDGES.”
- n. Adoption of Resolution No. 08-66: “A RESOLUTION FORMALLY ACKNOWLEDGING THE RECEIPT OF THE GIFT FROM HUGO AND SUE BLACKFELNER AND GEORGIANNA MEYER TO THE CITY OF MENDOTA HEIGHTS.”
- o. Adoption of Resolution No. 08-67: “A RESOLUTION AUTHORIZING THE ISSUANCE OF REQUEST FOR PROPOSALS FOR COMPLETION OF FEASIBILITY REPORT ON PEDESTRIAN IMPROVEMENTS AT HIGHWAY 110 AND DODD ROAD”.
- p. Adoption of Resolution No. 08-68: “A RESOLUTION DECLARING COSTS TO BE ASSESSED, ORDER THE PREPARATION OF PROPOSED ASSESSMENT ROLL, AND ESTABLISHING THE DATE OF THE ASSESSMENT HEARING FOR THE BRUCE COPPECK RESIDENCE PROJECT (PROJECT NO 200812)”.
- q. Adoption of Resolution No. 08-69: “A RESOLUTION DECLARING COSTS TO BE ASSESSED, ORDER THE PREPARATION OF PROPOSED ASSESSMENT ROLL, AND ESTABLISHING THE DATE OF THE

ASSESSMENT HEARING FOR THE  
CALLAHAN PLACE RECONSTRUCTION  
PROJECT (IMPROVEMENT PROJECT NO  
200804)".

- r. Adoption of Resolution No. 08-70: "A RESOLUTION ACCEPTING WORK AND APPROVING FINAL PAYMENT FOR JOB NUMBER 200809 SOMERSET PARK / EVERGREEN KNOLL MILL AND OVERLAY; TOWN CENTER OVERLAY".
- s. Adoption of Resolution No. 08-71: "A RESOLUTION ACCEPTING WORK AND IMPROVING FINAL PAYMENT FOR JOB NUMBER 200723, MARIE CREEK STABILIZATION".
- t. Approval of the List of Contractors, dated October 2, 2008.
- u. Approval of the List of Claims, dated October 7, 2008, totaling \$817,575.66.
- v. Acknowledgement of Minutes from the September 23, 2008 Planning Commission Meeting.
- w. Authorization for Purchase of a Fairway Mower for the Par 3 Golf Course.

Mayor Huber referred to item d, "Authorization for Payment and Online Services for Recreation Programs," and said Staff's intent is to have the credit card charge be included in the fee for the program.

Mayor Huber referred to item h, "Authorization for ARC to reschedule October Meeting", and said ARC would like to reschedule their meeting to October 29<sup>th</sup> to accommodate a guest speaker. Councilmember Krebsbach asked who the speaker is. Councilmember Duggan said he believes it is Rep. Hansen. City Administrator Jim Danielson said it is a technical advisor, who will be advising ARC on the current advances in the airport industry. Councilmember Schneeman asked if it is at the same time. Mr. Danielson said that will be at 7:00 pm.

Councilmember Duggan asked to comment on item k, "Approval of Sign Text for Two Signs to be

installed at Historic Pilot Knob,” and said he recently saw a man who looked like Bruce White, which reminded him that Mr. White had presented language at the Council Meeting in May. Councilmember Duggan said at that time, he had a challenge with that language and the Council agreed to have that language changed. Councilmember Duggan said the language is now more acceptable, and is on the calendar at this time for approval.

Councilmember Duggan referred to item o and said Councilmember Vitelli at the last meeting indicated he was willing to serve with Councilmember Krebsbach on the committee and asked if this needs to be acknowledged as part of the consent calendar. Mayor Huber said he is fine with this as long as the rest of the council is. Councilmember Schneeman said she would like to be an alternate for this.

Councilmember Schneeman seconded the motion.

Ayes: 5

Nays: 0

#### PUBLIC COMMENTS

Vern Edgerton, Second and Vandall, said a stop sign is needed at the corner of Second and Vandall as Vandall has become a drag strip from First to Fourth Street. Mr. Edgerton said there is transient traffic, trucks and school buses coming off of Dodd Road and through the neighborhood. Mayor Huber asked for clarification on where Mr. Edgerton would like to have the stop sign located on Vandall. Mr. Edgerton said there should be a three-way stop (north bound and south bound on Vandall and west bound on Second).

Mayor Huber said the Council will direct this request to the Traffic Safety Committee, which includes the Police Chief, to have a review done of the situation, and explained this process to Mr. Edgerton. Mayor Huber asked Mr. Edgerton to visit with Chief Aschenbrener after the meeting.

Agnes McCluney, 1502 Vandall St., said she received a letter about assessing the street project and asked if this will be discussed this evening. Mayor Huber said it will be.

ASSESSMENT HEARING  
AVENUES /KAY AVE/ WALSH LN

Public Works Director John Mazzitello reviewed a map of the road reconstruction project that includes the Avenues, Kay Avenue and Walsh Lane. Mr. Mazzitello said this project is substantially complete and Staff is ready to hold the assessment hearing. The total project cost is \$3,045,900 of which the amount assessed will be \$950,550. The assessed value will be dispersed over the properties throughout the project area based on a varying degree of work performed (road rehabilitation, utility rehabilitation as well as new curb and gutter).

Mayor Huber opened the public hearing.

Doug Griep, 1905 Walsh Lane, asked if his assessment of \$7,803.00 is correct. Mayor Huber said it was.

Nick Hansen, 721 3<sup>rd</sup> Avenue, said he first received a memo that had an estimated cost which was lower than what the final assessed cost is. Mr. Hansen asked what factors increased the price. Mr. Mazzitello said he was not employed by the City when the feasibility study was done last fall and does not know how the estimated figure was arrived upon. Mr. Hansen said he is referring to the total cost, which was estimated at the December 18, 2008 City Council meeting as \$2,452,000.

Mr. Danielson said some projects have been combined to get to the final number. Mr. Danielson said the cost of the work was what the City expected it to be but suspects that some other projects were combined for financing. Finance Director Kristen Schabacher said in December, 2008, the city decided to do a full replacement of the water main. Mr. Hansen said he was at the meeting and said it seemed that there was a strong public vote to do that. Ms. Schabacker said there were two totals: one was to replace a portion and one was to replace the total, and this did not affect the assessments as the City funded this portion differently. The City bonded for half the replacement and used the money received from water surcharges to fund the other half.

Mr. Hansen stated that as someone who was originally opposed to the project, he has been very pleased with the project and the care that the construction company took with the residents' properties.

Vern Gunderson, 1916 Walsh Lane, asked what it will cost him. Mayor Huber said the assessment on this property is \$7,803 and is the total he needs to pay. Mr. Mazzitello asked Mr. Gunderson if he had curb and gutter replaced. Mr. Gunderson said he did not have curb and gutter previously and this is all brand new. Mr. Mazzitello said this may have been one of the projects that was combined into the Avenues project and the curb and gutter was just included in the street reconstruction cost, so there is not a separate line item for curb and gutter costs.

Todd Adrian, 1549 Dodd Road, said he repoured his whole driveway and was told by Staff that he would receive credit back for the portion that the city was supposed to do. Mr. Adrian said he would like to see this on paper. Mayor Huber showed where the \$704 credit was given. Mr. Adrian said he had a large pile of black dirt in his yard and was mistakenly taken by the landscapers who graded the road with it and would like to have this replaced. Mayor Huber suggested that the resident was fine with everything but lost an estimated amount of black dirt. Mr. Mazzitello said he will take care of it.

Byron Lind, 647 2<sup>nd</sup> Avenue, said this project is beautiful, but he has a concern about the snowplowing damaging the curb and gutter. Mayor Huber said the first lift was put down and a second one will be put down next spring, allowing for a season for settling. Mr. Mazzitello said the snow plow crews will get close to the curb but they will take care to preserve it.

Nellie Debruyn, 678 Brookside Lane, said she has an undeveloped lot on 1<sup>st</sup> Avenue and asked about the interest rates on this project, asking how the City justifies the 6% interest rate. Mayor Huber said this is a long term rate and the resident has the

opportunity to it pay back over 19 years, and it is no different than what the mortgage companies are charging. Ms. Debruyn said she has not found one that charges that much, and said she believes this is unjustifiable in this economic climate.

Mayor Huber said he appreciates her comments but 6% on a long term loan is a fair rate. Ms. Debruyn said it might have been ten years ago, but now feels this is gouging.

Councilmember Krebsbach asked what the rates have been on other projects. Ms. Schabacker said it has been at 6% over the last couple of years, previously being 7%.

Agnes McCluney, 1502 Vandall St., said the interest rate at 6% is twice what they are getting at the bank. Ms. McCluney asked for information on how to pay these assessments. Ms. Schabacker said there is a prepayment period for 30 days after this hearing, in which residents can pay a portion of the assessment in order to avoid interest. After that thirty days, the assessments will be certified for collection with the annual property tax. Residents will see this on their property taxes for the next 19 years at 6%. Mayor Huber said if residents pay their taxes semi-annually, one-half of the 2009 assessment would be due on May 15<sup>th</sup> and the second half is due October 15<sup>th</sup>; then it would be on the property tax bill for the next 19 years. It would be shown on the statement as a separate line item called street assessment.

Mayor Huber said residents can also pay the full amount and not have to pay interest, but would have to pay it off within 30 days starting October 8<sup>th</sup>. Ms. Schabacker said all assessments that are not paid at that time will go to the county to put on their tax statements.

Councilmember Schneeman suggested that residents contact Ms. Schabacker with any questions in the future.

Bob Sullwold, 667 1<sup>st</sup> Avenue, asked if the City can do a traffic assessment on 1<sup>st</sup> Avenue as there are bumpouts that are not slowing people down. Mr. Sullwold said he would like to see a stop sign on 1<sup>st</sup> Avenue. Mr. Mazzitello said that issue has been raised to Staff in the last couple of weeks, and this is on the agenda for the next Traffic Safety Committee meeting. Mr. Sullwold said he appreciates that and said when the street was being constructed, he saw a construction worker almost get hit by a school bus recently.

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

Councilmember Vitelli seconded the motion.

Ayes: 5

Nays: 0

Councilmember Duggan moved adoption of Resolution No. 08-72: "A RESOLUTION ADOPTING AND CONFIRMING ASSESSMENTS FOR THE AVENUES AND KAY AVENUE / WALSH LANE RECONSTRUCTION PROJECT (PROJECT NO: 200802, IMPROVEMENT NO. 2008-01)."

Councilmember Vitelli seconded the motion.

Ayes: 5

Nays: 0

ASSESSMENT HEARING  
SOMERSET PARK /  
EVERGREEN KNOLL

Public Works Director John Mazzitello said this project has a total cost of \$531,204. The amount proposed to be assessed is \$163,705.

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 adoption of Resolution No. 08-73: "A RESOLUTION ADOPTING AND CONFIRMING ASSESSMENTS FOR THE SOMERSET PARK / EVERGREEN KNOLL REHABILITATION MILL

AND OVERLAY PROJECT (PROJECT NO. 200809, IMPROVEMENT PROJECT NO: 2008-02).”

Councilmember Krebsbach seconded the motion.

Ayes: 5

Nays: 0

Councilmember Duggan moved adoption of Resolution No. 08-74: “A RESOLUTION DEFERRING THE MAKING OF ASSESSMENT AS TO PROPERTY LOCATED AT 702 ROUND HILL ROAD (IMPROVEMENT PROJECT 200802).”

Councilmember Schneeman seconded the motion.

Ayes: 5

Nays: 0

#### RESTORATION OF HISTORIC PILOT KNOB

Operations and Project Coordinator Guy Kullander gave an update on some of the activities that have occurred at Pilot Knob. Two weeks ago, an event was held and pictures were shown of that event, highlighting the volunteers and Great River Greening staff. Mr. Kullander said a seeding operation was held, involving cleaning up some debris and raking up the ground. Mr. Kullander said the event was also attended by Representative Hansen, Councilmember Duggan, former Planning Commission Chair Sally Lorberbaum, Parks Commissioner Paul Portz and Parks Commissioner Larry Craighead.

Councilmember Duggan said an extensive and impressive tour was given by Wiley Buck, and the event was attended by people from many organizations.

Councilmember Krebsbach said this all looks very good.

Mr. Kullander said Great River Greening prepared a four-page brochure that was included in the council packet, and they will be interested in re-doing the first page to give more emphasis on the role the City of Mendota Heights played in taking the stewardship of preserving and restoring this site. Mr. Kullander said the brochure will be on the next Parks Commission agenda, and he wanted to get

some feedback from the council on any other things they would like to see in this brochure. This will come back to the council for final approval and funding.

Councilmember Duggan said he was impressed with how well everyone worked together and stated it is open to the public for those both inside and outside the city. Councilmember Duggan said Mr. Kullander did a yeoman's work in hauling a lot of stone and timber and wood, which may be kept on site for future bonfires.

Mr. Kullander said Great River Greening sets up all the volunteer and funding sources, and there are many other corporations that contributed to this.

Councilmember Duggan asked if a list could be provided of the organizations that contributed so that it could be displayed at City Hall.

#### CASE 08-26, KAPPES

Assistant to the City Administrator Jake Sedlacek reviewed the planning case in which the applicant is seeking a wetlands permit for the property located at 683 Apache Lane.

The permit is to construct a fence in the back yard with a couple of gates along the sides of the home. The applicant is proposing to install white vinyl fencing on the two sides of the home along the lot lines and on the western side of the lot, they will be extending the fence back to the property line, leaving the back open. The applicant has indicated that she has two new dogs and there is currently invisible fencing along the back property line that works fine when the power is turned all the way up. However, when the power is up, the dogs are afraid to come off the deck.

Mr. Sedlacek said the Planner found no negative impact to the wetland at the September 23<sup>rd</sup> Planning Commission Meeting. There were some questions to clarify the nature of the fencing which does meet all code requirements.

There were no public comments at that meeting and the Planning Commission voted 6-0 (Field absent) to recommend approval of the wetland permit as proposed.

Councilmember Krebsbach asked for clarification on the map where the white vinyl fencing will be. Mr. Sedlacek reviewed the drawing and indicated how all the fencing will be laid out.

Councilmember Duggan said the neighbors have all signed the petition in favor of this work.

Councilmember Schneeman asked what the applicant will do with the wooden fence near the pond. Mr. Sedlacek said that is where the invisible fencing is located and the applicant will have to provide more detail on the wood fence.

Mr. Sedlacek said if the applicants decide to fence in the back of the yard, they would have to apply for another wetlands permit.

Councilmember Krebsbach asked if the neighbors were told where this white vinyl fencing would be located. Mr. Sedlacek said letters went out to the neighbors, informing them of this application and directing them to Staff with any questions.

Councilmember Krebsbach recommended including information on these types of fences in those letters, letting residents know what the materials will be as there have been issues in the past with the white vinyl glowing at night.

Mayor Huber recommended that Staff research Councilmember Krebsbach's comments and explore what can and what can't be done and come back to a future council meeting with their findings.

Mr. Sedlacek said as soon as planning applications are submitted, they are public documents and the notifications are very simple so that residents can request that information.

Councilmember Schneeman said the ordinances should also be reviewed as there is some specific language in the ordinances that address this.

Councilmember Vitelli said he would make the motion to approve recognizing that the Planning Commission and the City Planner both recommended approval, providing conditions.

Councilmember Duggan noted that the Planner's Report provided a narrative on what the materials of the fencing would consist of.

Councilmember Vitelli moved to adopt Resolution No. 08-74: "A RESOLUTION APPROVING A WETLANDS PERMIT AT 683 APACHE LANE." Councilmember Schneeman seconded the motion.

Ayes: 5

Nays: 0

CASE 08-27, GOBLISCH

Assistant to the City Administrator Jake Sedlacek said the applicant is not in the audience at this time. Mayor Huber asked if the applicant was aware of the meeting. Mr. Sedlacek said the applicant was told at the September 23<sup>rd</sup> Planning Commission meeting that this case would be at the council, and an email was sent from Mr. Sedlacek to remind the applicant of the meeting.

Mayor Huber asked the council members if there is a desire to discuss this case, giving the applicant a second chance to show up at the next council meeting, or vote on the recommendation of the Planning Commission to deny the application.

Councilmember Vitelli said while he is not sympathetic to the applicant for not showing up, he would like to delay this case to give the applicant a chance to attend the meeting as it is a major issue for the applicant, and give the applicant the opportunity to receive feedback from the council.

Councilmember Vitelli moved to table Planning Case No. 08-27 until the next City Council meeting.

Mayor Huber asked Mr. Sedlacek to notify the applicant that this application has been tabled to the next City Council meeting but not beyond. Mayor Huber asked Mr. Sedlacek to check and make sure the council is acting well within the 60-day period. Mr. Mazzitello said the application was made on August 29, 2008 and the time line will be 60 days from that date.

Councilmember Duggan asked if notices go out to applicants via mail notifying the applicant of their case being on the agenda. Mr. Sedlacek said the applicant is always told at the Planning Commission that their application will be on the next City Council agenda with the date and time. Mr. Sedlacek said he also sends out a copy of the staff memo and a reminder of the City Council meeting's date and time.

Councilmember Schneeman seconded the motion.

Ayes: 5

Nays: 0

CASE 08-25, ZONING TEXT  
AMENDMENT

Assistant to the City Administrator Jake Sedlacek said originally this concept was brought before council in June with the idea of having a retail center and hotel combination on a lot located on the southeast corner of Pilot Knob Road and Northland Drive, which has been long sought after for a restaurant use. United Properties has been before the council several time expressing that they have not been able to find a suitable restaurant for this site, giving this a 25-year effort, and now feel it is time to move on to the next concept. Based upon feedback from the tenants in the industrial park, United Properties has come back to the City with this concept plan. The feedback at the June council meeting was positive and United Properties has been working with Staff on bringing the concept into a planning application status which was done and heard at the August 26<sup>th</sup> Planning Commission Meeting and at the September 2<sup>nd</sup> City Council meeting.

Mr. Sedlacek reviewed the application for a 4-story hotel on the eastern portion of the lot and a small retail service center on the western portion of the lot. Mr. Sedlacek said this plan seems to fit the needs of the area and is desirable to the Council, but there are a few hurdles that need to be cleared up to meet the city codes. The application looks and acts a lot like a PUD, however by doing it in this manner, the City is retaining as much control as possible over the site. A PUD in the City requires a minimum of 5 acres and this site is just under 4 acres. Planner Steve Gritman has proposed, with the assistance of city staff and the city attorney, a conditional use permit with new language as a zoning amendment that will allow a mixed use site with certain conditions applied to it.

There were a number of concerns raised at the September 2<sup>nd</sup> City Council meeting and those are listed in the Staff Report. One of the concerns relates to cooking in the hotel rooms. Staff recommended language which would strike the prohibition on cooking in the hotel definition in the city code. Mr. Gritman is recommending amending the language to provide the common language in the Twin Cities area, by defining a hotel definition as: “A building containing (8) or more guest rooms in which lodging is provided for compensation, with or without meals, and which is open to ~~transient or permanent guests or both, and where no provision is made for cooking in any~~ ~~guestroom,~~ and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge.”

Mr. Sedlacek said there was some discussion on whether or not a new definition should be made for an “extended stay” hotel, or should the current definition be modified. Mr. Sedlacek said planning and legal staff felt that this was the appropriate way to approach this problem as it gives the city the flexibility as is outlined in this conditional use permit and in any conditional use permit in the industrial zone. Mr. Sedlacek said this application proposes to have cook tops in the rooms.

Councilmember Krebsbach asked why the city would not want to define a “residential hotel”. Mr. Sedlacek said planning staff felt that this was more commonly accepted language and this also gives the city control over specific applications that come before the council. Councilmember Krebsbach said she does not see how this gives the City control. Mr. Sedlacek said the City can dictate conditions in the conditional use permit.

Councilmember Krebsbach said there still needs to be a definition of an acceptable size of a hotel room to have cooking. Councilmember Krebsbach said she would like to have something defined in the ordinances relating to this. Mr. Sedlacek said the hotels have a good idea of what their layouts are in each individual hotel, and that the City relies on the expertise of the hotel designer, and staff does not feel that the City should be working on the designs.

Councilmember Krebsbach said she understands that the hotels have their standards for their industry, but feels that the City should have a definition that is separate from this that defines what a “residential hotel room” is.

Councilmember Duggan said he agrees with Councilmember Krebsbach on having a definition of the “extended stay” hotel. Councilmember Duggan said he believes for legal purposes, things should be properly defined in ordinances and believes that the original ordinance that states “no provision is made for cooking at any time in guest rooms” may have been written in this way as there were fire safety concerns.

Councilmember Duggan said he had made the suggestion to staff that a new definition be made for an extended stay hotel (which normally associates with cooking facilities and larger space) and leave the original ordinance as is. Councilmember Duggan said he does not have a problem with an ordinance that defines a permitted cooking use in an extended stay hotel, and said that the language needs to be correct going forward.

Councilmember Schneeman said she has not been in hotel room for years that does not have a microwave in it for cooking and how staff suggests the language is fine with her.

Mr. Sedlacek said if a new essential service was added but keeping the language the same, the current hotels are not in compliance. This affects not only this particular application, but it affects the current conditions.

Councilmember Krebsbach asked why the other hotels are not in compliance. Mr. Sedlacek said it is because of their microwaves and coffee pots.

Councilmember Duggan said he believes that a microwave in a hotel room is not considered cooking in the same sense a cook top would be. Councilmember Duggan said a provision should be made in the ordinance that allows for cooking in a guest room for an extended stay type hotel.

City Attorney John Stern said to get to the point about the proposed striking of the language with respect that no provisions be made for cooking, if something is omitted from the ordinance then it is prohibited. In this situation, when trying to define what type of use is in a hotel, omitting that part does not prevent one from cooking in the room. From a legal perspective, the way it is drafted would be acceptable but it still does not address the point of whether or not there should be a separate definition for an extended stay or some other separate class of hotel. Mr. Stern said this is a conditional use permit, which gives Staff the flexibility to determine if the hotel should or should not have cooking. Councilmember Duggan suggested that what is needed is to keep the current language as is, and add another statement that defines extended stay hotels allowing cooking in the guest rooms. Councilmember Duggan said the traveling habits of people these days are much different than years ago, and extended stay hotels with cooking facilities are desirable for people visiting friends or family for days at a time and wanting to save money by cooking their meals as opposed to using restaurants.

Councilmember Schneeman said the current ordinance seems to already address what the Council is trying to do, i.e. "...lodging is provided, with or without meals, and which is open ..."

Councilmember Vitelli said he is ready to move ahead with approving the text amendment to the ordinance and the conditional use permit so that the process can move on and allow the property to be developed as proposed. Councilmember Vitelli said he is bothered by this nitty gritty discussion, and if the council wants to fine tune the ordinance in a few years, he would recommend approving this application for a conditional use permit and do the fine tuning at some other time. Councilmember Vitelli said he is not in favor of continually nit picking this thing.

Councilmember Krebsbach said she wants to see a definition of an extended stay hotel assuming there might be some conditions of the size of the guestrooms and the cooking area criteria.

Councilmember Krebsbach said she is also in favor of defining the length of stay as her concern is that these do not turn into apartments.

Councilmember Schneeman asked what the difference would be if someone would stay for about two months in a hotel that is not defined as an extended stay.

Councilmember Schneeman said she agrees with Councilmember Vitelli and is ready to move forward with this.

Mr. Sedlacek said there are a number of other changes relating to:

- Garbage enclosures - the proposed garbage enclosure (outside of the building) designed for this plan is common throughout the city.
- Floor plan – the applicant has confirmed that this proposed floor layout is according to Hilton's standards.
- Signs – Staff looked at the base elevation for the sign and provided a maximum height level of

915 MSL. This number is based on the base elevation plus 45-ft. variance amount of the neighboring sign. The current language provides more flexibility for the number of monument signs allowed, and would be subject to the conditional use permit.

- Change impact for other zoning districts – this conditional use permit only applies to industrial districts within 300 feet of an interstate exit ramp. There are only two lots in the city that meet this requirement.
- Fast food restaurant – is not compatible with the City’s desire for that area and having the retail center require two or more tenants would further discourage the traditional fast food use.
- Parking within the Xcel easement – the applicant has a report this evening and this concern has been resolved. In addition, Staff has come up with some language that says that the parking must be sufficient for the use of the area, leaving the decision up to the Council on a case by case basis. Staff feels that in this case, there is adequate parking.

Councilmember Duggan suggested that the language on Item #3 say that “sufficient access and parking must be provided”. Mr. Sedlacek said it should say “shall be provided”.

Councilmember Duggan referred to Item #2: “..applicants may propose to include a drive-in or fast food restaurants as defined in Section 12-1J-3 provided that no single restaurant exceeds 2,500 sq. ft. in size”.

Mr. Sedlacek stated two other changes that Councilmember Duggan had noticed two typographical errors: Item #2 – Mixed Uses – “drive in or fast food restaurants” should be singular and delete the “can”.

Mr. Nate Gundrum, Director of Development for The North Central Group, said they have been working with Staff and United Properties to address these concerns.

Mr. Gundrum said cooking is a critical portion of the Homewood Suites and without the change to the language, an extended stay hotel would not be permitted. Mr. Gundrum said an extended stay really has to do with the average length of stay, (5 to 7 nights) at a hotel, and not necessarily what the amenities are. Stays at a traditional hotel is averaged at 2 and 3 nights. There are some extended stay products out there that do not have cook tops, but only the microwaves and coffee pots.

Councilmember Krebsbach asked Mr. Gundrum if it is preferred not to state the length of stay in the ordinance. Mr. Gundrum said he would prefer it not be added in there.

Councilmember Schneeman asked for a description of the cook top. Mr. Gundrum asked to address that later in his presentation.

Mr. Gundrum talked about the value of the brand, with its distribution and consistency, giving the guest a consistent experience regardless of location. Mr. Gundrum said there is little flexibility for the Homewood Suites interior design in order to maintain this consistency.

Mr. Gundrum reviewed comparison charts of the Homewood Suites and other major brands, comparing the square footage of guest rooms and reviewed the guest room layouts.

Mr. Gundrum said parking is allowed within the Xcel easement area per the Pipeline Easement Agreement. Fences, streets, curbs, gutters and landscaping are all allowed within the 35-ft. gas easement. Retaining walls are allowed but they must be a 10-ft setback between the actual gas pipe line and the retaining wall. The site plan has been revised to meet this requirement.

Councilmember Duggan said he appreciates the time and work that the applicant has put in to this application and is more than satisfied with the answers presented and supports the proposal.

Councilmember Krebsbach said she will not support this because she thinks the ordinance needs to be changed to define the extended stay. Mayor Huber asked how this would be enforced. Councilmember Krebsbach said the definition would include the square footage with a defined kitchen area and special venting, flooring and countertop specifications, as well as assurance that these facilities remain as a hotel and not a permanent residence.

Councilmember Schneeman asked how this would be done with any hotel as people can go to the Radisson for example, and get any room with a small kitchen.

Councilmember Duggan said it would seem that the wording addresses limited extended stay lengths along the freeway areas towards the airport, and would then exclude the opportunity for those staying only for 2 or 3 days. Councilmember Duggan said he changed his mind and would not be in favor of a definition of an extended stay. However, he would be in favor of having the “extended stay definition” include cooking.

Mr. Sedlacek said that might be a more permissive language whereas not having it in there leaves it up to the conditional use permit where the definition could allow cooking. The current definition gives the Council the most control by way of the conditional use permit. Mayor Huber and Mr. Stern both said they would agree with this.

Councilmember Vitelli asked Councilmember Krebsbach if she supports the Hilton proposal. Councilmember Krebsbach said she does not have a problem with this. Councilmember Vitelli said he believes that the whole Council is saying that the Hilton proposal is good and the Council would like to see this and welcome them to the community. Councilmember Vitelli said he sees why Councilmember Krebsbach is concerned with the definitions and exact wording of the ordinances, and asked if there is a way that the Council can move

ahead tonight and give the go-ahead to the Hilton but yet fine tune the ordinance at a later date.

Councilmember Krebsbach said she is assuming there is a level of definition that the Council will want to adopt for an extended stay hotel and it is more a question of Staff coming up with ordinance language. Mr. Stern said because the language for a hotel currently prohibits cooking, it is his recommendation to pass the ordinance A and B as designated in the Staff report and revisit the definition of hotel at a future time.

Mayor Huber summarized by saying if Council passes items A and B, this does not prohibit Staff from working on exploring the opportunities to look at whether the City wants to define an extended hotels going forward.

Councilmember Vitelli said the Council is always able to change the ordinances and would be happy to spend the time working on this. Councilmember Krebsbach said this would be good protection for the City. Councilmember Duggan said it is his understanding that ordinance changes must be given public notice before anyone can take action.

Councilmember Vitelli moved to adopt Ordinance 419, "AN ORDINANCE AMENDING TITLE 12, CHAPTER 1 OF THE CITY CODE, MAKING ANY REVISIONS THE COUNCIL DEEMS NECESSARY."

Councilmember Krebsbach said this will have her support with a gentleperson's agreement that the Council will revisit the definition of the hotel extended stay. Councilmember Vitelli said he fully supports this.

Councilmember Schneeman seconded the motion.

Ayes: 5  
Nays: 0

Councilmember Duggan moved to adopt Resolution 08-59: "A RESOLUTION FOR A CONDITIONAL USE PERMIT, PRELIMINARY AND FINAL

PLAT FOR A HOTEL AND RETAIL SALES AND SERVICE COMPLEX AT THE SOUTHEAST CORNER OF PILOT KNOB ROAD AND NORTHLAND DRIVE,” revised to include an additional condition that the applicant will provide an updated site plan reflecting the easement agreement with Xcel Energy.

Councilmember Krebsbach asked if this motion covers the specific plan as presented with the 615 sq. ft. hotel room. Mayor Huber said the 615 sq. ft. is an average hotel room size as there are three different size rooms.

Councilmember Schneeman seconded the motion.

Ayes: 5  
Nays: 0

#### I-494 OFF RAMP

Mayor Huber referred to the Staff letter regarding the City’s opposition to the interchange that is being proposed by Inver Grove Heights at Delaware Avenue and I-494. Mayor Huber asked the Council if they want to send this letter. Councilmember Krebsbach and Councilmember Vitelli both agree that this letter should be sent.

Councilmember Krebsbach said the Council should restate its position.

Councilmember Duggan said he agrees with sending the letter and said there are very valuable wetlands in that area. There is a new Trinity School there now, and noted that the school may not have been taken into consideration in any previous AUAR that was done.

Councilmember Vitelli said he doesn’t want to wait until a plan develops and suggested striking the sentence in the letter that says “Please reply to me with your opinions on the construction of this interchange” as this may not be necessary. Mayor Huber agreed and asked Mr. Danielson to take this sentence out.

Councilmember Duggan said the next sentence should be changed as follows: "Thank you for your consideration ~~support~~ on this ...."

Councilmember Duggan moved to direct the City Administrator to send the letter with the corrections made.

Councilmember Schneeman seconded the motion.

Ayes: 5

Nays: 0

#### MINUTE APPROVAL POLICY

Councilmember Vitelli asked City Clerk Kathy Swanson and City Administrator Jim Danielson to investigate a policy for streamlining minutes approval, suggesting that most changes are corrections and are not substantive.

Councilmember Vitelli has suggested that these changes can be sent directly to Ms. Swanson before the meeting and Council will then review a "revised" copy.

Councilmember Duggan said he appreciates Councilmember Vitelli's concern, but feels this is an important legal document, and suggested that the person proposing the substantive changes should indicate that they have watched the webstreaming first to make sure the change presents what was said. Councilmember Vitelli said he believes this is reasonable. Councilmember Schneeman said Ms. Swanson can also verify the proposed changes this way. Councilmember Krebsbach stated that the minutes are not transcription and there is some interpretation of what was said.

Mayor Huber said this will work well to make sure everyone's comments reflect their intent.

#### COUNCIL COMMENTS

Councilmember Vitelli said Staff should fix the television so that the audience can see what is going on. Mr. Danielson said that is a work in progress and Staff will be getting a flat screen television soon.

Councilmember Vitelli said there seems to be no one who knows how to run the projector, and

suggested getting one that is more user-friendly and more technological advanced.

Councilmember Vitelli said he received the monthly issue of "Minnesota Cities" which reported the average city tax rates. Councilmember Vitelli said he was impressed that City of Mendota Heights' average city tax rate was 24% as opposed to West St. Paul at 44%, and that State gave West St. Paul \$1.2 million while the City of Mendota Heights received nothing on the LGA funding. South St. Paul's rate is 36%, and they received \$2 million from the state. Eagan is at 26% and they have a zero contribution from the state. Summary data groups cities, and the average city tax rate for Mendota Heights' group is 41%. Grouping by parts of the metro area: the north metro shows 44%, the west metro shows 38%, the south metro shows 34%. Councilmember Vitelli said this Council, as well as the previous Mendota Heights councils, have established a very frugal way to run a government and is proud to be carrying this forward.

Councilmember Schneeman said she often encounters residents that tell her how much they love living in Mendota Heights.

Councilmember Krebsbach said there was an article in the paper about Dakota County being one of the best places to live.

Councilmember Duggan said the city is at about 97% capacity and congratulates everyone.

Councilmember Duggan said he and Councilmember Vitelli will not be at the next Council meeting as they will both be traveling. Mayor Huber noted that it would be the meeting after next.

ADJOURN

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

Councilmember Duggan seconded the motion.

Ayes: 5  
Nays: 0

Time of Adjournment 9:00 p.m.

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Rebecca Shaffer  
Recording Secretary

ATTEST:

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John J. Huber  
Mayor