

CITY OF MENDOTA HEIGHTS
DAKOTA COUNTY
STATE OF MINNESOTA

Minutes of the Regular Meeting
Held Tuesday, October 20, 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 and Vitelli. Councilmember Schneeman would be arriving late.

PLEDGE OF ALLEGIANCE

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

AGENDA ADOPTION

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

Ayes: 4

Nays: 0

APPROVAL OF MINUTES

Councilmember Krebsbach moved approval of the minutes of the regular meeting held on October 6, 2009 as corrected.
Councilmember Duggan seconded the motion.

Ayes: 4

Nays: 0

CONSENT CALENDAR

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

- a. Acknowledgement of the NDC4 Meeting and Agenda.
- b. Acknowledgement of the Minutes from the October 13, 2009 Parks and Recreation Commission Meeting.
- c. Acknowledgement of the September 2009 Treasurers Report.
- d. Acknowledgement of the September 2009 Monthly Fire Department Report.

- e. Acknowledgement of the Par 3 Update for September 2009.
- f. Authorization for Insurance Renewal.
- g. Authorization for the Mayor and City Administrator to sign and execute Joint Powers Agreement for Recycling in Schools.
- h. Authorization of Sergeant John Larrive Stepping Down.
- i. Approval of Computer Use Policy.
- j. Approval of Stacy Kaiser Promotion to IT Manager.
- k. Approval of JPA with Dakota County and City of West St. Paul for Reconstruction of Delaware Avenue between Highway 110 and Marie Avenue.
- l. Approval for Sign Permit for 1191 Northland Drive – Northwestern Mutual.
- m. Approval of Permit for Bituminous Roadways to be located at 1520 Commerce Drive.
- n. Adoption of Resolution No. 09-87, “A RESOLUTION FORMALLY ACKNOWLEDGING THE RECEIPT OF THE GIFT FROM ROBERT REYNOLDS AND MARY SAMOSZUK TO THE CITY OF MENDOTA HEIGHTS.”
- o. Adoption of Resolution No. 09-88, “A RESOLUTION DESIGNATING AGENT OF RECORD FOR INSURANCE POLICIES.”
- p. Adoption of Resolution No. 09-89, “A RESOLUTION SUPPORTING PROJECTS LISTED IN THE DRAFT 2010-2014 DAKOTA COUNTY CAPITAL IMPROVEMENT PLAN.”
- q. Approval of Contractors List, dated October 15, 2009.
- r. Approval of the List of Claims, dated October 20, 2009, totaling \$247,494.75.

Councilmember Vitelli seconded the motion.

Ayes: 5
Nays: 0

Councilmember Duggan asked to have item e pulled and asked Assistant to the City Administrator Jake Sedlacek to clarify why the operating costs have sky-rocketed. Mr. Sedlacek said there has been an increase to the maintenance contract and costs have been much more this year versus last year. Mr. Sedlacek said he requested a report from the golf course maintenance supervisor, Jerry Murphy, which he just received before this evening’s meeting. The budget for 2010 has been set at \$25,000 for maintenance expenses, and to date the expenditures have been around \$31,000.

Irrigation heads were old and had to be updated, doing an overhaul on the major areas of the golf course, interior modifications to the shop were done to comply with safety regulations, and more mowing has been done. There was also some repair on the mowers. Mr. Sedlacek said one time expenses have been seen in trimming the fence line and some hand sprinkling of the course where the sprinklers are not reaching to discourage end of season dormancy in those areas.

Councilmember Duggan moved approval of the Par 3 Update.

Councilmember Vitelli seconded the motion.

Ayes: 4
Nays: 0

Councilmember Duggan asked to have item k pulled and wished some minor corrections made:

- Page 3 – adding that the construction costs are for this highway only
- Page 5 – under Payment, he would like clarification that the costs will be shared by the county, the City of West St. Paul and the City of Mendota Heights. Public Works Director John Mazzitello said that is correct. The design will be done by Mendota Heights staff therefore having a smaller financial share to the construction cost of the project.
- Page 5 – under Sidewalks and Bike Trails, he would like clarification that the maintenance will be done by the city of Mendota Heights. Mr. Mazzitello said that will be done.
- Page 7 – under Audits, he asked who will be paying for the audits. Mr. Mazzitello said Dakota County will pay for this as it is their project. Councilmember Duggan asked that this be included in the agreement. Mr. Mazzitello said this will be included.

Councilmember Duggan moved approval of JPA with Dakota County and City of West St. Paul for Reconstruction of Delaware Avenue between Highway 110 and Marie Avenue.

Councilmember Vitelli seconded the motion.

Councilmember Vitelli said this is a major investment by the County, West St. Paul and Mendota Heights to make

Delaware Avenue north of Highway 110 a much safer road for the both the city and Sibley High School. Mr. Mazzitello said it will be three lanes, the middle lane serving as a turn lane for left hand turns. Councilmember Vitelli said this is a much needed improvement. Mr. Mazzitello said there will be an open house on this project on October 21st from 4:30 pm to 7:00 pm at Sibley High School.

Ayes: 4

Nays: 0

Councilmember Duggan said in relation to the aircraft noise in Zone 2, he wants to be sure the city has full compliance with the buildings in the zoned area. Mr. Mazzitello said in discussions with the code enforcement officials there are a couple of items outstanding on the airport zone noise compliance and they will be addressed.

Councilmember Duggan moved approval of the issuance of a permit for Bituminous Roadways to be located at 1520 Commerce Drive.

Councilmember Vitelli seconded the motion.

Ayes: 4

Nays: 0

**HEARING: CHERRY HILL 2nd
ADDITION STREET IMPROVEMENTS**

Mr. Mazzitello said each year the city executes road construction and rehabilitation projects, and part of that under Statute 429 is the establishment of assessments for the project costs to the benefitting residents. This year, the city did a rehabilitation project (mill and overlay) in the Cherry Hills 2nd Addition as well as Summit Lane, Victoria Court and Mayfield Heights Road.

Mr. Mazzitello said the assessments per unit were as follows:

- Cherry Hill / Park Place: \$1,061.32
- Summit Lane / Victoria Court: \$2,110.11
- Mayfield Heights: \$1,457.00

Mr. Mazzitello noted that the amounts in the assessment role were estimates, but the amounts stated above are the actual amounts.

Mayor Huber said residents can pay the full amount if they so wish, but need to do so within thirty days from October

20th. People that do not do so will see their assessment in their tax statements, with interest accruals.

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

Councilmember Duggan seconded the motion.

Ayes: 4

Nays: 0

Councilmember Krebsbach moved adoption of Resolution No. 09-90, "A RESOLUTION ADOPTING AND CONFIRMING ASSESSMENTS FOR THE CHERRY HILL 2ND STREET REHABILITATION PROJECT (PROJECT #200903)."

Councilmember Vitelli seconded the motion.

Ayes: 4

Nays: 0

**BID AWARD
GO IMPROVEMENT BONDS**

Finance Director Kristen Schabacker said the city held a bond sale this morning to finance the Cherry Hills project and the equipment certificates for the new fire truck. Ms. Schabacker introduced Stacie Kvilvang.

Ms. Kvilvang said the award of the sale is for \$745,000 in General Obligation Improvement Bonds. Ehlers and Associates sent out an official statement to the city in preparation for that sale. Ms. Kvilvang and Ms. Schabacker were recently in a conference call with Moody's, affirmed the city's AA2 bond rating, that is attributed to the city's very prudent fiscal management processes and policies, as well as the city's overall financial health as a whole, and as well as the overall wealth industries and location in relation to the Twin Cities metro area.

Ms. Kvilvang said three bids were received, the lowest being for 3.146 true interest cost which was submitted by Northland Securities. Upon approval, a closing date will be established for November 17, 2009.

Councilmember Duggan moved adoption of Resolution No. 09-91, "A RESOLUTION ACCEPTING OFFER ON THE SALE OF \$745,000 GENERAL OBLIGATION BONDS, SERIES 2009A, AND LEVYING A TAX FOR THE PAYMENT THEREOF."

Ayes: 4

Nays: 0

Councilmember Vitelli seconded the motion.

Councilmember Krebsbach said she is glad to hear that the city maintains its bond rating.

Councilmember Schneeman arrived.

PETITION FOR
OUTDOOR SKATING RINK

Mr. Sedlacek said a petition was presented to the Parks and Recreation Commission recently, asking that the city re-establish an outdoor skating rink in Ivy Falls Park. There had been one there in the past, but due to poor ice conditions and poor attendance, the city removed this skating rink. Since then, it has been noted that there are many families moving in to the area and there are a lot of children in this area. Mr. Sedlacek indicated on the map where the rink would be located.

Mr. Sedlacek said this rink is proposed only for a temporary sheet for this upcoming season, with the possibility of expanding to another sheet to be used for hockey. At this time, the petitioners are looking for a test run to see how this will work.

Mr. Sedlacek referred to a memo from Operations & Projects Manager Guy Kullander, outlining the costs and work that would need to be done. There would be some ground moving and tree cutting, and the costs are estimated at about \$5,000 to run this for one year.

The Parks and Recreation Commission took public comment at their meeting. Mr. Sedlacek took some questions from the council regarding some of the details of installing this rink, adding that there will be no warming house. If the city continues to operate this rink in future years, the cost should only be around \$2,000 per year to maintain the ice.

Councilmember Duggan asked if there will be any benches installed for this rink. Mr. Sedlacek said for this first year, they will have some picnic benches in place. There are also some risers in the park that could be utilized, and Mr. Sedlacek said that the aluminum risers may be more slippery than the wood picnic tables. Mayor Huber said using the risers would then not be a very good idea.

Councilmember Duggan asked if there will be berming or board used. Mr. Sedlacek said the ground will have a slight berm to it.

Councilmember Duggan asked if the rink will be lighted. Mr. Sedlacek said the petitioners have not asked for lighting, but the city could choose to have a single light constructed for about \$3,000.

Mr. Sedlacek explained how the dirt will then have to be moved again in the summer to create a grassy area. That cost has not been included in the report. Mr. Mazzitello said he would hesitate to guess at a cost, but felt it would mostly likely be around \$1,000.

Councilmember Krebsbach said this would be a nice amenity to the neighborhood and feels it is a good idea on a trial basis.

Councilmember Schneeman said she talked about this with the Parks and Recreation Commission and believes it is a good idea. Councilmember Schneeman said this neighborhood has changed so dramatically, bringing more and more children into the neighborhood.

Councilmember Vitelli said he lives in Ivy Falls and has seen a lot of turnover in homes. Councilmember Vitelli said he supports this request for a one year trial.

Angie Ohmes, 1022 Brompton Place, talked about the need for a small rink for the children, as other rinks in the community are often being used for hockey, and a lot of adults are skating. This rink will be good for area children's pleasure skating.

Mayor Huber said it needs to be noted that this is a one year trial basis, and having a rink longer term can get pretty expensive. Mayor Huber said there are other risks including a short season, but he is in support of a trial basis.

Councilmember Krebsbach asked how the city will decide about future years. Councilmember Duggan suggested having the Parks and Recreation Commission monitor the usage and come back with their findings after the season.

Councilmember Duggan moved to authorize staff to install a temporary rink at Ivy Falls, at a cost not to exceed \$5,000, and that the Parks and Recreation Commission revisit the issue after the winter season to evaluate future options for the park.

Councilmember Vitelli seconded the motion.

Ayes: 5

Nays: 0

VISITATION DRIVE/MENDOTA HEIGHTS ROAD ROUNDABOUT

Mr. Mazzitello said this project has been ongoing for a while, and there has been much discussion in the past. A public comment period was held at the September 15 City Council meeting. A number of residents came and expressed their concerns and asked questions about the project.

Mr. Mazzitello presented his response to issues and questions that were brought up by people at the September 15 meeting as well as those who have contacted city staff directly.

- Temporary stop signs on Lake Drive and Rogers Avenue in conjunction with the temporary drive access north of Visitation's parking lot. Those have been incorporated into the final plans and will be there for the length of time that temporary access is being used.
- Option of moving Visitation's access to the west along Mendota Heights Road. This option would require the establishment of a new right of way to replace the old Visitation Drive which would require a condemnation procedure from the landowner along the right of way. There are wetland and drainage issues that would limit the option of moving this to the west.
- Alternative that was chosen from the 2007 traffic report as the roundabout is actually a second choice. The first option was a roundabout at Lake Drive and Mendota Heights Road with right in and right out access only at Visitation Drive and Mendota Heights Road in conjunction with a permanent north access to Lake Drive. That was the option that scored the best in traffic models, but after discussions with St. Thomas Academy and Visitation, staff opted for the second best because of right of way concerns, construction costs, and a few other factors.

- How do accident rates at Visitation Drive and Mendota Heights Road compare to other comparable areas in the city. As briefed in September, the statistics between Dodd Road and Lake Drive from September, 2000 to October, 2008 show that there have been twenty seven vehicular accidents reports to Mendota Heights police department. Some law enforcement databases have different figures, for example Minnesota State Troopers are only going to report those accidents that they respond to, and this is also the case with Dakota County sheriffs.
- Perception that traffic will back up from the Dodd Road traffic signal and congest the roundabout. Under the current condition, with the traffic flows estimated by the consultant, the traffic light at Dodd Road does not back up to Visitation Drive and since traffic flows are not going to change, and only the intersection control is going to change, there is no reason to believe that the existing condition would change and that traffic queued from the red light would back up to the roundabout. In future projections the traffic model similarly shows traffic queuing at Dodd Road will not back up to the roundabout. If there would be a traffic queue that would reach the roundabout, it is 475 feet from the stop light on Dodd Road to the outer edge of the roundabout. If looking at the average length of automobiles, not counting semi trailers, and assuming that they are stopped within one or two feet bumper to bumper, approximately 25 to 26 vehicles can fit in that queue. Under the current conditions, it is rare that a vehicle queue takes place at that red light longer than 12 vehicles.
- The Department of Transportation reviewed the project memorandum and approved this project. They have made the determination that the space in the roundabout to Dodd Road will not affect traffic flow or movements at Dodd Road.
- To the question of why was a traffic signal not being considered, the 2007 traffic report had several traffic signal alternatives as options and in the modeling process, looking at levels of service in projected years, the roundabout scored better than the traffic signals.
- Questions were asked about access being provided to the properties on Condon Court. Part of the federal funding rules in the right of way acquisition or

easement acquisition process for this project only allows a city to obtain right of way or easement for that which is necessary for the project. Anything additional would not be allowed under the federal funding rules. However, staff has met recently with property owners on Condon Court and Visitation School and a proposal was put forth to Visitation at that meeting for an easement to be granted between the two private property owners and it is believed that Visitation is considering that proposal right now.

- As far as the concern that the north temporary access would not be permanent, not only is the temporary access called out for removal at the end of the project, the area where the temporary access is created will be re-landscaped and trees will be replanted.

Mr. Mazzitello said that, in relation to the issue of school generated traffic coming through the Rogers Lake neighborhood, staff has analyzed three different alternatives for alleviating this problem. One of the suggestions brought forth by the public was cul-de-sacing Lake Drive north of St. Thomas and west of Swan Drive. Lake Drive is currently a municipal state aid road and the city receives funding from the state for that road and if the city were to block off Lake Drive, the city would lose that revenue unless there is other mileage in the city to designate. Staff can find those miles.

Mr. Mazzitello said should Lake Drive be removed from the state aid list and be re-built, there is nobody that fronts Lake Drive except for St. Thomas Academy to assess their portion of the project under Statute 429. The city would then have to find a way to fund the reconstruction should that become necessary. Lake Drive was recently worked on and is in fabulous condition and a reconstruction would not be necessary for several years. The city would not be asked to repay the state's investment in Lake Drive.

Some advantages to the roundabout are that St. Thomas and Visitation traffic would be completely removed from the Rogers Lake neighborhood by going north on Lake Drive. It would prevent school traffic from accessing the Dodd Road / Lake Drive intersection and it would also be accomplished at a relatively lower cost.

The second alternative that was looked at was to close off Swan Drive, Rogers Avenue and Kressin Avenue from Lake Drive. This was almost immediately dismissed as this is probably not what the neighborhood wants and would result in 550-ft. long dead ends which is not the preference of emergency services and would likely require right of way acquisition from residents. This option is not recommended.

The third option staff looked at was to install traffic calming techniques to keep traffic slower along Lake Drive. This would not eliminate school traffic from going through the Rogers Lake neighborhood. Traffic calming installation would most likely be more expensive than Option #1 and traffic calming devices can make snow plowing more difficult.

Staff is recommending that Council hear public comments, followed by the adoption of the resolution, followed by providing staff with guidance on dealing with Lake Drive. Mr. Mazzitello shared a drawing of how staff is recommending to deal with Lake Drive.

Mayor Huber said one of the streets would need to be renamed and the actual cutting off of the MSA funds would commence when it is permanently closed. Barricading the road would not stop the MSA funds yet and this would give residents an opportunity to experience what it is like having the roadway barricaded off.

Chuck Rickert, WSB & Associates, consultant for the project, talked about the traffic study that was done in 2007 and commented on the options that Mr. Mazzitello covered.

There have been two more reports submitted since that traffic study was done. One was the project memorandum which looks at the environmental impacts of this project. This report has been approved by MnDOT showing there are no environmental impacts associated with this project. The other report was intersection control evaluation which looks at specifically the Visitation intersection, looking at simulations of traffic flow through the intersection and roundabout, helping in the design aspects. This report was submitted to MnDOT and approved as well.

Mr. Rickert reviewed the different stages of the construction process with a construction start date of June 14, 2010 and ending before school is back in session. Landscaping within the roundabout is proposed to be a natural low maintenance grass. Designs will be following state guidelines, which include truck turning scenarios. Councilmember Krebsbach expressed her concerns with the buses that will be coming through the roundabout. Mr. Rickert said all the plans and specifications must be submitted to MnDOT by November 13th to secure the federal funding.

Councilmember Duggan asked about the width of the roundabout roads. Mr. Rickert indicated that the width of the roundabout roads are actually larger (16 –ft) than that of one drive lane in a typical roadway (12-ft).

Councilmember Duggan asked if the construction supplies will be delivered via the north roadway access and stored on Visitation land. Mr. Rickert said the supplies will most likely be located in the Visitation parking lot.

Councilmember Duggan asked about signage. Mr. Rickert assured that the proper signage will be used to let residents know of the construction.

Councilmember Duggan asked who will be responsible for maintaining the landscaping in the roundabout. Mr. Rickert said the city will be responsible.

Councilmember Duggan asked how many buses can be in the roundabout at one time. Mr. Rickert said this was analyzed with 3% to 5% trucks and buses, which will continue to move and will not be stopped in the roundabout and he would guess that 3 to 4 could be in the roundabout at one time.

Councilmember Duggan asked if a maximum time has been determined for removing the temporary access off of Lake Drive and this determination should be included in the contract. Mr. Rickert said that could easily be done.

Councilmember Krebsbach said she wants to see some response from MnDOT on the buses being in the roundabout, stating that there is a concern with traveling

sports teams coming in for a game. Mr. Rickert said the buses can traverse the roundabout. Councilmember Krebsbach said the school buses are higher off the ground and have a different center of gravity than would trucks and city buses, and therefore she believes that input from MnDOT on this topic is important and the documentation is very clear on this.

Mr. Mazzitello said the city buses have a wider and longer wheel base than school buses, and the buses will not be traveling at a speed that would make the buses tip over.

Councilmember Krebsbach said traffic should be controlled at Lake Drive and is interested in learning more about a roundabout in that area, and feels that if MnDOT feels that the roundabout functions fine at the end of Visitation Drive that is fine with her. Councilmember Krebsbach said there has not been a lot of discussion on Option 1. Mr. Rickert said there are several issues that came into play regarding a roundabout or a signal at Lake Drive. It was found that Option 1 would provide that Visitation Drive would have to be a right in / right out and explained how the traffic would flow in that scenario. Left turns from Visitation Drive would be prohibited due to safety concerns, and that would also impact the intersection at Lake Drive.

Mr. Rickert said there are also right of way issues with St. Thomas Academy in Option 1. Councilmember Krebsbach asked how much right of way would be needed. Mr. Rickert said that number was not calculated.

Councilmember Krebsbach asked who owns the property at the end of Visitation Drive. Mr. Rickert said it is owned by Visitation.

Councilmember Krebsbach said if any action is taken this evening, she wants to make sure the neighborhood is taken care of. Mayor Huber said there was not a lot of public comment at the last meeting in regards to the closing of Lake Drive and he hopes to hear more about that.

Councilmember Schneeman said she would also like to hear input from the neighbors on closing Lake Drive as well and hopes that neighbors will speak to the safety of the children also.

Councilmember Vitelli said he agrees that these are two separate items and the Council should decide on the roundabout first and then decide what to do about Lake Drive. Councilmember Vitelli said he would be in favor of closing it off as staff has recommended.

Mayor Huber opened the public comment period.

Robert Glockert, 2378 Rogers Avenue, said he spoke at the September 15th meeting, asking that the city and the residents work together on this. Mr. Glockert said he was not aware that this subject was on the meeting agenda for this evening until a few hours before the meeting was to start, and the showing from the community is not fairly represented at this meeting. Mr. Glockert said the residents of the community are definitely opposed to the location of the roundabout and the temporary drive off Lake Drive and believes that a roundabout off Lake Drive would be better. Mr. Glockert said he can see a real back up of cars from Dodd Road if the roundabout is located at Visitation, and said the noise would be great from all the trucks and motorcycles. Mr. Glockert reminded the Council that over 99.8% of the residents signed the petition in opposition, and the reason the others did not sign this is because they have a strong affiliation with Visitation School. Mr. Glockert said the residents will most like be in favor of closing Lake Drive.

Paul Stevens, Arbor Court, said he is a statistician and an accountant, and had attended the open house at Visitation. Mr. Stevens said he also watched the cable cast of September 15th. Mr. Stevens said that the Council is looking at a solution without a problem. Mr. Stevens said he has pulled a lot of different statistics and has not found a need for the roundabout in the first place. Mr. Stevens said the data must show frequency and severity as they are very important, and statistical data cannot be evaluated lacking the evidence to draw a proper conclusion. Mr. Stevens offered to come to city hall to determine and analyze the data even on his own time. Mr. Stevens said he has seen nothing so far anywhere that provides a necessity for this modification and support a conclusion that there is a safety issue in this neighborhood. Mr. Stevens said the State of Minnesota has six to nine different data fields of what is

required to illustrate personal injury. There are many more fields that are submitted to the state's database illustrating hospitalization, disability, time, date, and frequency and has no idea if the accidents that have occurred at Visitation Drive happened during school hours or after hours, or what time of year they occurred. Mr. Stevens asked that this project be tabled until further analysis can be completed.

Mr. Clark Wickman, 897 Bluebill Drive, said he strongly agrees with the disconnect at Lake Drive and asked that language be added to the resolution referencing the disconnect. Mayor Huber asked Mr. Wickman for his opinion on the proposed idea of closing Lake Drive as Mr. Mazzitello has proposed, with the "T" affect on Swan Drive. Mr. Wickman said he would suggest the elimination of the "T" section as the snow plows may not want to deal with that small portion on Lake Drive and would suspect that the property owner on the corner may give up the second access point on their property.

Mayor Huber asked if anyone in the audience lived on Swan Drive. Seeing none, he said his concern was with the "T" curving toward the east onto Lake Drive. Mr. Glockert talked about the people who like to ice fish on the lake and they park in that area, and if it were closed off, there would be no place for them to park. Mayor Huber said that is private property (belonging to St. Thomas or the McNamara family) and this is a concern that people may view this as a public park.

Councilmember Duggan said the closing of Lake Drive will be a huge change for the Rogers neighborhood and would object to the concrete blocks. Mayor Huber said there will be temporary barricades and not the concrete blocks, with bollards longer term. Councilmember Duggan suggested doing this on a 6-month or 12-month trial to see if the neighbors are happy with this. At that time, the city can reassess to see if a more permanent, landscaped alternative can be placed there.

Councilmember Krebsbach said she believes that the road should be permanently closed. Councilmember Schneeman said she would not dare make any assumptions on the neighbors' behalf. Councilmember Krebsbach said she is

suggesting to add language that includes the road will be permanently closed and a suitable plan will be developed.

City Attorney Tami Diehm reminded that there has not been a public hearing officially noted at this time regarding the closing of Lake Drive, and she would not want to include any formal language in the resolution definitively closing that road until a public notice has been provided and have a formal opportunity for public comment.

Councilmember Krebsbach said this final vote should then be held off until the November meeting. Councilmember Schneeman said there are two different issues. Mayor Huber said the Council should go ahead and vote on the resolution tonight and then kick around options for Lake Drive.

Mr. Mazzitello said if the Lake Drive project were to be tied within this resolution, the city cannot use federal funds for any project on Lake Drive.

Pat Randall, 902 Cheri Lane, asked if there has been enough discussion and research done on Option 1 as safety is the number one concern, and have all the alternatives been researched and exhausted to make certain the right decisions are being made. Mr. Randall said the real reason why everyone is here to discuss this is because Visitation had a safety issue at their intersection and it concerns him that very little work has been done on monitoring truck and bus traffic. Mr. Randall said he does not believe a roundabout is the best solution for Visitation Drive. Mr. Randall said there should be a definite deadline on how long the temporary access will be in place and any vehicles entering the school should only be able to turn right. Mr. Randall said this project has come along quickly because of the federal money and cautions the city not to make a hasty decision.

Councilmember Schneeman said the City of Woodbury has been using a roundabout at their high school successfully and noted that there are many more buses at that school than at St. Thomas and Visitation. Councilmember Schneeman suggested that residents go through the two roundabouts on Wentworth Avenue in West St. Paul, near Highway 52. Councilmember Schneeman she recently did that at rush hour and the traffic was running just fine.

Mr. Stevens said one cannot conclude that the size of the vehicle has any relationship to the length of the queue distance and feels that the information regarding the number of cars waiting in queue stated in staff reports are incorrect.

Jim Losleben, 815 Hazel Court, said he talked with the south area manager from MnDOT about this roundabout and its location to Mendota Height Road and Dodd Road, and was told that MnDOT really has not responsibility for the roundabout, but they have reviewed the numbers and they seem agreeable. Mr. Losleben then told her that the models only show cars but no trucks or buses. Mr. Losleben asked her what would happen if the numbers are wrong. The MnDOT representative informed Mr. Losleben that MnDOT will have to come back to Mendota Heights requiring them to increase the size of the roundabout at Mendota Heights' cost. Mr. Losleben said if that were the case, Visitation should pay for that increased cost as they are the ones asking for this roundabout. Mr. Losleben said he is not hearing much about anyone being in favor of this roundabout in this location. Mr. Losleben found out from a roundabout expert at the state that roundabouts do decrease the chance of accidents, except perhaps a few smaller incidences. Mr. Losleben said he learned that the safest alternative would be to have a police officer at the intersection directing traffic during peak hours, which is what the majority of schools do. It's much cheaper and safer that way.

Mr. Losleben asked who pays for this project should it go over budget. Mr. Mazzitello said the City of Mendota Heights would be responsible. Mr. Losleben said in turn, that would be the residents tax money going to this solution that they really don't want.

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 there was no notice about this public hearing. Mayor Huber said it was announced during the September meeting several times that there would be more opportunity tonight for residents to speak.

Mr. Dave Bjorklund expressed his extreme frustration that their property tax dollars are being spent for a private school and that no one has tried to work with them to help them gain a better access to the roundabout. Mr. Bjorklund said they have tried working with Visitation to try to obtain an easement in order for them to access the roundabout, which they will have to do when they develop their property. Mr. Bjorklund said Visitation will not give them any consideration. Mr. Bjorklund talked about the bus service that is not being utilized as students are driving.

Mayor Huber said Visitation Drive is a public road. Mr. Bjorklund said the city is hiding behind the “public street” that is used only as a private entrance for the school. Mr. Bjorklund said that the school is also looking for the city to solve their problem by using the city’s experts to process the plans and specifications, and get the funding. Anyone else would have to use their own funds to fix their problems. Mr. Bjorklund said the school should pay for their own solutions, and not have the taxpayers pay for them. Mayor Huber explained that the funding is being shared by the city and the schools, along with the stimulus money and not a dime is coming directly of Mendota Heights property taxes. Mr. Bjorklund said the stimulus money is coming from the taxpayers.

Councilmember Krebsbach said the city is up against the timeline of the federal deadline. Mr. Bjorklund said that is a problem as this does not give enough opportunity to think this through. Councilmember Krebsbach said there was a process that brought this roundabout, which was originally to be located at St. Thomas and they did not want to give up their right of way so the roundabout moved to Visitation Drive fairly quickly. Councilmember Krebsbach said this is a tough one, with other issues emerging such as traffic patterns.

Mr. Mazzitello said the city cannot acquire right of way or a roadway easement outside of what is required to construct a roundabout in the existing condition. Mr. Mazzitello said Mr. Bjorklund has not submitted a development proposal to the city so staff does not know what traffic requirements will be for his proposed development. When staff receives an application, then the city can tell him what

will be required for traffic access and at that time, he would have to facilitate an access agreement across Visitation's property to the south boundary of the roundabout.

Mr. Dick Bjorklund said the city is jamming this roundabout down their throats and they want to have access to that roundabout, and in order to do that, they will have to jump through hoops with Visitation School. Mr. Bjorklund said Visitation School is dragging their feet on this.

Mr. Dave Bjorklund suggested having Visitation School change their main entrance by using the north of Lake Drive and putting a stoplight there, eliminating the entrance close to Dodd Road that is too close to the stop light anyway.

Mary Wienke, 2360 Kressin Avenue, said she signed the petition, which says 99.8% of the residents are opposed to this roundabout. Ms. Wienke said the Council is saying that the funds are coming from the federal government and not the taxpayers, but the federal government gets their money from the taxpayers so it is still the taxpayers in the community that are paying for this project. Mayor Huber said he agrees with that statement. Ms. Wienke said she does not feel that money should be spent on a roundabout at that location and the Lake Drive suggestion is a much better solution. Ms. Wienke said there may be a chance that St. Thomas will want a roundabout in the future and there will not be any government money then. The best solution for a roundabout would be at Lake Drive and have Visitation's entrance moved to Lake Drive which is currently their service entrance, and then close off the Visitation Drive entrance.

Former Mayor Charles Mertensotto, said this is as classic example of what happens when the city is committed to a project before the city gets all the facts. Mr. Mertensotto said none of the existing council members would vote for this roundabout if the city had to pay for it or had to do this as a special improvement project. It is the federal money that is driving this project and although people are not saying roundabouts are bad, they are saying that this is not the place for it. Mr. Mertensotto said the city and the schools are contributing but that is providing the project does not go over \$400,000. There was probably about

\$75,000 already spent just studying this project. Mr. Mertensotto asked what the city's budget is for this project, and how can the city assess landowners when they have to pick up the extra costs should this project go over budget.

Mr. Mertensotto said the city has been consistent with keeping property taxes low in the city and has a good tax base that has been built over the years. Mr. Mertensotto said this project has been talked about for two years, and now the city is rushing to do it because of the federal money that is available, but a lot of good ideas have come out of this meeting tonight.

There were no further public comments.

Councilmember Schneeman said people have a lot of passion regarding this issue. Mayor Huber said passion is a good thing in this case.

Councilmember Krebsbach said the Council has not heard from the industrial park and that is where the trucks are going. Mr. Mazzitello said staff has contacted tenants at the industrial park through their landlord, United Properties and no comments have been received.

Councilmember Vitelli moved adoption of Resolution No. 09-92, "A RESOLUTION APPROVING THE FINAL PLANS AND PROVIDING AUTHORIZATION FOR SOLICITATION OF BIDS FOR THE VISITATION DRIVE AND MENDOTA HEIGHTS ROAD ROUNDABOUT PROJECT (PROJECT #200711)". Councilmember Schneeman seconded the motion.

Councilmember Krebsbach said she would like to offer an amendment to include that there be a permanent closure of Lake Drive with the understanding it is not to be funded by the same sources that would fund the roundabout.

Councilmember Duggan said he would not support anything until he hears back from staff as to what the cost is going to be and what would happen should the project run over budget. And will the city be opposed to the cost overruns as opposed to sharing it with the schools as they have agreed to share the cost of the proposal and will they agree to that. Mr. Mazzitello said staff has a cost estimate

from the consultant based on the final plans of \$400,000. Councilmember Duggan asked if there is information on what has already been spent on engineering and other such costs. Mr. Mazzitello said the city will have ample funds available and looking at the budget through 2012, with all the other projects going on, there will still be a positive balance in the municipal state aid account.

Councilmember Duggan said he is very uncomfortable with the presentation tonight in relation to the distance between the roundabout and Dodd Road and not looking at the impact of the buses and semi trucks. Councilmember Duggan said he would like to have more than 5 or 6 feet minimum between cars and he does not have that calculation. In regards to cost overruns, he would like to have an inclusion that says the city and the schools will use the formulas in place in relation to expenditures in any cost overruns.

Councilmember Duggan said he strenuously objects to the comments that have been made that this being done for the benefit of a private school. The Council has clearly stated that Mendota Heights road is a public road and that Visitation is forced to have a substandard road that is being imposed on them from MnDOT. To suggest that the main access to the school would be from Lake Drive does not work with their school buildings without loss of land, and this has not been fully presented to the Council. It would be inappropriate for the City to take away a lot of the school's land. Councilmember Duggan said he is not comfortable with the statements that have been made about public funds being spent on private schools.

Councilmember Vitelli said he does not wish to add any other amendments to his motion. He does not want to take any action on Lake Drive until he hears public comments from the neighborhood. Councilmember Vitelli said he fails to see the logic about how many buses can be stacked in the roundabout when he hears that only 11% of the students take the bus.

Councilmember Vitelli said he also objects to the constant comments that the Council is rushing into this as he has been working on the Traffic Safety Committee, working on this project since the beginning of the year. This was not

started because of the federal aid money. It was started to solve a problem. Councilmember Vitelli said he believes the Council has a complete consultant report from a respected consultant.

Ayes: 3

Nays: 2 Duggan, Krebsbach

Councilmember Krebsbach moved, seconded by Councilmember Vitelli, that staff begin the public hearing process for the closing of Lake Drive to thru traffic putting the access off of Dodd Road onto Lake Drive onto Swan Drive with the end to be determined.

Ayes: 5

Nays: 0

COUNCIL COMMENTS

Councilmember Vitelli talked about the recent fire on Bluff Court, stating that although the home seems to be a total loss, the fire department did an excellent job. Mayor Huber said it was fortunate that no one was home, and there was only one firefighter than may have been slightly injured.

Councilmember Vitelli thanked Councilmember Schneeman for coming to the meeting this evening, noting that her brother, Mr. Tom Kelly, had just passed away.

Upon condolences from the rest of the council, Councilmember Schneeman thanked everyone for their expressions.

Mayor Huber said the community bonfire is back on as the Pastors will again be hosting this event on Halloween night at 7:00 pm. Mendota Heights residents can bring their brush to the location until October 30th.

Mayor Huber reminded everyone of the Fireman's Ball on November 21st.

Councilmember Krebsbach said she hopes everyone will enjoy the bonfire as this may be the last one.

Councilmember Duggan extended congratulations to St. Thomas Academy for their scientific achievement recognition for their car project.

Councilmember Krebsbach said all three high schools (Visitation, St. Thomas and Sibley) are great assets to the city.

Mr. Mazzitello noted some upcoming dates:

- Delaware Avenue Reconstruction Open House, Sibley High School, October 21st from 4:30 pm to 7:00 pm.
- Dakota County Northern Regional Visioning Study, Inver Grove Heights Veterans Memorial Community Center, November 10th from 4:30 pm to 7:00 pm. This study is for the possible interchange at I-494 and Delaware Avenue. Mr. Mazzitello said he would like to have some time on the November 3rd City Council meeting agenda to remind and review this project and will update the council as appropriate. Mr. Mazzitello suggested inviting Sunfish Lake and West St. Paul to the November meeting.

City Clerk Kathleen Swanson noted this was the last council meeting for both City Administrator Jim Danielson and Recording Secretary Becki Shaffer.

Mr. Glockert asked that the city keep better communications with the residents in relation to the approved roundabout on Mendota Heights Road,

ADJOURN

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

Councilmember Schneeman seconded the motion.

Ayes: 5
Nays: 0

Time of Adjournment 10:15 p.m.

Rebecca Shaffer
Recording Secretary

ATTEST:

John J. Huber
Mayor