

CITY OF MENDOTA HEIGHTS
DAKOTA COUNTY
STATE OF MINNESOTA

Minutes of the Regular Meeting
Held Tuesday, November 3, 2009

Pursuant to due call and notice thereof, the regular meeting of the City Council, City of Mendota Heights, Minnesota was held at 8:00 o'clock p.m. at City Hall, 1101 Victoria Curve, Mendota Heights, Minnesota.

CALL TO ORDER

Mayor Huber called the meeting to order at 8:00 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.

Mayor Huber welcomed newly appointed City Administrator David McKnight to the Council meeting.

AGENDA ADOPTION

Councilmember Krebsbach moved adoption of the agenda as amended to add item 10f, November Planning Commission Meeting.
Councilmember Vitelli seconded the motion.

Ayes: 5
Nays: 0

APPROVAL OF MINUTES

Councilmember Schneeman moved approval of the minutes of the regular meeting held on October 20, 2009 as corrected.
Councilmember Duggan seconded the motion.

Ayes: 5
Nays: 0

CONSENT CALENDAR

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

- a. Acknowledgement of the Minutes from the October 27, 2009 Planning Commission Meeting.
- b. Acknowledgement of the October 2009 Building Activity Report.
- c. Acknowledgement of the Police Computer Records Funding Update.
- d. Approval of Recommendation for Auditing Services.

- e. Approval of Sign Permit for 1295 Northland Drive – The Burchfield Group.
- f. Approval of Building Permits for 750 Highway 110 – Mendota Plaza.
- g. Approval of Fence Permit for 1180 Centre Pointe Circle – Health Partners.
- h. Adoption of Resolution No. 09-93, “A RESOLUTION FORMALLY ACKNOWLEDGING THE RECEIPT OF THE GIFT OF LAND FOR ROADWAY AND UTILITY EASEMENTS FROM THE CONVENT OF THE VISITATION TO THE CITY OF MENDOTA HEIGHTS.”
- i. Adoption of Resolution No. 09-94: “RESOLUTION DEFERRING THE MAKING OF ASSESSMENT AS TO PROPERTY LOCATED AT 1024 VICTORIA ROAD (IMPROVEMENT NO. 2009-02).”
- j. Adoption of Resolution No. 09-95: “A RESOLUTION ESTABLISHING THE JOB CLASS OF ASSISTANT CITY ENGINEER AND APPOINTING RYAN RUZEK AS ACTING PUBLIC WORKS DIRECTOR AND ACTING CITY ENGINEER.”
- k. Adoption of Resolution No. 09-96: “A RESOLUTION AWARDING A PROFESSIONAL ENGINEERING SERVICES AGREEMENT.”
- l. Approval of Contractors List, dated October 27, 2009.
- m. Approval of Claims List, dated November 3, 2009 totaling \$148,966.55.

Ayes: 5
Nays: 0

Councilmember Schneeman seconded the motion.

POLICE COMPUTER RECORDS

Councilmember Duggan asked to have item c pulled so the staff report can be presented.

Police Chief Aschenbrener referenced his memorandum that outlined work to locate a new Records Management System (RMS) and move away from Local Government Information Systems (LOGIS). He advised that in 2010, there will be one-time RMS development cost that was not budgeted. The actual costs will be determined after RFP responses are received and product evaluations made. Because buy-in costs for this new RMS in 2010 will be a one-time cost, staff recommended it be funded through city reserves.

Councilmember Duggan asked about the cost for a shared RMS system. Police Chief Aschenbrener stated they are now in the process to get proposals, have published an RFP notice in the *State Register*, and are working on a governance model. It is hoped the purchase price for the group would be \$500,000. If that is the case, Mendota Heights would save about 30% per year, or \$32,170 plus the 20% increase for RMS support in future years. Police Chief Aschenbrener advised that since staff notified LOGIS the City would opt out, the estimated purchase price dropped from mid-\$60,000 to \$30,000. In addition, the City had paid \$32,000 for RMS support and it was anticipated to increase 20%. Now LOGIS has indicated the support costs would stay flat but would not send that in writing until it inked the deal on the RMS package. Police Chief Aschenbrener noted costs have come down considerably on LOGIS so it makes the task of a consortium RMS at a cost savings considerably harder. He stated staff will keep the Council apprised as this matter proceeds but wanted to alert them that there will be a 2010 cost not anticipated during the budget process.

Councilmember Duggan noted that the cities of Burnsville, West St. Paul, South St. Paul, and Farmington and Dakota County also opted out of the RMS upgrade through LOGIS. He asked whether there will be a joint powers agreement (JPA) between these cities and Mendota Heights. Police Chief Aschenbrener answered in the affirmative and explained they are currently working on a JPA. Another entity will not be created, it will simply be a governance board to oversee and run the joint software.

Councilmember Duggan moved approval of the Police Computer Records Funding Update.

Councilmember Schneeman seconded the motion.

Ayes: 5
Nays: 0

BUILDING PERMITS 750 HIGHWAY 110

Councilmember Krebsbach asked to have item f pulled for a presentation by Paster Enterprises on improvements to the Mendota Plaza.

Ken Henk, Paster Enterprises, stated he is happy to be requesting approval of building permits. He explained that they had hoped to begin construction mid-September but the process is 60 days behind schedule so they are looking

for construction to start mid-November. Mr. Henk commented on the bonfire that took place on Saturday evening since the staging and storage areas were available. He stated this has been a great event over the years and they are looking at how it can be continued in future years.

Mr. Henk explained the delay occurred because a number of things needed to be completed prior to construction such as completion of financing, existing tenant leasing amendments, St. Paul water easement agreement, plat issues along the South Plaza Drive boundary between the County and their engineers, survey issues, and finalizing engineering for the retaining wall on Lot 3. Mr. Henk estimated the Walgreen construction will start in the spring and be completed about this time next year. They had hoped to complete construction of Buildings A and B, near Highway 110, late summer of 2010 but it will actually occur in January of 2011. Mr. Henk stated they are happy to have reached this point to apply for four building permits in the first phase.

Councilmember Krebsbach asked which buildings were being permitted. Mr. Henk stated the building permits are to remodel the existing building, and construct Walgreens, Buildings A, and B, which are the restaurant and retail buildings along Highway 10.

Councilmember Duggan asked whether the existing tenants would stay through the remodel. Mr. Henk answered in the affirmative and advised that Lee Education will relocate for four to five months to a location in the City of Mendota. He described the construction staging that will occur in two phases and stated they would announce the names of the restaurants as soon as they have signed leases.

Councilmember Schneeman asked where the staging area will be. Mr. Henk stated it will be in the back area so it will not impact access to the site. He explained that in May or June of next year, one side of the median will be closed and then switched to the other side. In addition, they will install temporary directional signage, if needed. Mr. Henk stated the MendotaPlaza.com website will have updated information on this project.

Councilmember Duggan asked whether the bonfire can be held at the same location next year. Mr. Henk stated that may be possible, they would like to continue the bonfire, but perhaps on a smaller scale.

Councilmember Duggan moved to approve building permits for 750 Highway 110, Mendota Plaza.

Councilmember Schneeman seconded the motion.

Ayes: 5

Nays: 0

**ACKNOWLEDGE GIFT FROM
CONVENT OF THE VISITATION**

Councilmember Schneeman asked to have item h pulled for additional information and acknowledgement.

Public Works Director/City Engineer Mazzitello stated this is a follow up to the October 20, 2009 meeting when the Council approved final plans and advertisement for bids for the Mendota Heights Road roundabout. He explained that to construct the roundabout, the City needs just less than 17,000 square feet of land to complete the right-of-way. This property is owned by the Convent of Visitation who has donated the land to the City for this purpose. Mr. Mazzitello explained that the permanent easement immediately surrounds the roundabout and temporary construction easements will allow an area for construction activity. When the warranty period expires, the temporary easements will go away. However, the permanent easements remain in perpetuity as right-of-way.

Councilmember Krebsbach stated this property is very valuable to the Sisters and a great gift to the City to make this project possible. Councilmember Duggan concurred that this is a very valuable gift.

Councilmember Duggan moved adoption of Resolution No. 09-93, "A RESOLUTION FORMALLY ACKNOWLEDGING THE RECEIPT OF THE GIFT OF LAND FOR ROADWAY AND UTILITY EASEMENTS FROM THE CONVENT OF THE VISITATION TO THE CITY OF MENDOTA HEIGHTS."

Councilmember Schneeman seconded the motion.

Ayes: 5

Nays: 0

RECOGNITION OF JOHN MAZZITELLO

Councilmember Vitelli stated citizens should be aware that Public Works Director/City Engineer John Mazzitello has "another life," as Major Mazzitello in the U.S. Air Force

Reserve. This will be Mr. Mazzitello's last meeting until July of 2010 because he will be deployed on November 16, 2009 to the Bahrain air base north of Kabul, Afghanistan, to serve as a civil engineer. Councilmember Vitelli stated he had been fortunate last week to accompany Mr. Mazzitello to the 148th F16 Fighter Wing in Duluth for a tremendous event hosted for employers. Councilmember Vitelli stated he had served in the Air Force for six years, a long time ago, and was reminded how outstanding our U.S. military is. He described the immaculate condition of the base and professionalism of the officers and enlisted men and women. It was noted that Mr. Mazzitello has served 17 years in the Air Force in different locations in Europe in a reserve unit. Councilmember Vitelli advised that Mr. Mazzitello has laid out a complete work plan for the six months he will be gone, and trained Ryan Ruzek to serve as Acting Public Works Director during his deployment. In addition, a consultant will be available, should the need arise. Councilmember Vitelli stated residents should be proud of John Mazzitello and that Mendota Heights has provided him with additional benefits over and above what a normal employer would provide. He described those benefits and that Mr. Mazzitello will take a personal computer so he can remain in communication with the City and his family.

The audience responded with a round of applause.

Mr. Mazzitello thanked Councilmember Vitelli for this recognition and stated he could not ask for a better employer than Mendota Heights to work for during deployment. He explained this is his fifth deployment for active duty and, God willing, will be his last. He stated he has two years left to complete 20 years of service and it is likely he will be promoted to Lieutenant Colonel while deployed. Mr. Mazzitello stated he has every confidence that Ryan Ruzek will be a more than adequate Acting Public Works Director during his absence.

Councilmember Duggan stated he is very honored that Mr. Mazzitello is a City employee and he looks forward to his return. Mayor Huber stated Mr. Mazzitello is going with the City's best wishes and prayers for a safe return to his family. He noted all are indebted to the military who serve for us. Councilmember Krebsbach stated the City is glad

Mr. Mazzitello's family lives in Mendota Heights. Mr. Mazzitello stated the City has been more than willing to help should things come up, which he appreciates. Mr. Mazzitello again thanked the City for its support.

PUBLIC COMMENTS

Councilmember Krebsbach recognized Cretin Durham Hall students who were in attendance for their Civics Class.

HEARING: 2010 RECONSTRUCTION PROJECT

Civil Engineer Ruzek explained that the City's 2010 Street Improvement Project includes reconstruction of Diego Lane, Esther Lane, John Street, Simard Street, Spring Street, Valley Lane, View Lane, the rural section of Miriam Street West, and the urban section of Miriam Street. This reconstruction includes construction of storm sewer, sanitary sewer, concrete curb and gutter, aggregate base, and bituminous surfacing. The project also includes rehabilitating Butler Avenue, Fremont Avenue, Garden Lane, Hiawatha Avenue, Junction Lane and Kirchner Avenue. Rehabilitation includes milling, a 1½-inch bituminous overlay, curb and gutter, and catch basin repair. On October 6, 2009, the Council adopted a resolution to accept the feasibility report and call for a public hearing this evening to determine if plans and specifications should be ordered.

Mr. Ruzek presented the estimated project costs, funding sources and assessment values. The proposed assessments are as follows: street reconstruction \$6,408.15 per unit; curb and gutter \$774.89 per unit; street rehabilitation \$1,434.10 per unit. There are 161 properties in the project area. Mr. Ruzek advised that on October 28, 2009 a neighborhood meeting was held with 23 properties being represented. Questions relating to assessment values, total construction costs, and repayment schedules were asked and addressed during that meeting. He advised that the biggest concern was the use of a unit assessment instead of front footage. He referenced the City's assessment policy and stated staff finds the use of a unit assessment is a proper method.

Mr. Ruzek explained that since the public hearing, staff had received four written comments from three households: Stanley Dupre of 564 Miriam Street questioned the benefit of curb and gutter and was concerned with extra bills during hard economic times but agreed the street needed some

improvements; Barb Elliott of 534 John Street expressed concern with using a unit assessment versus a front footage assessment, agreed streets need work but does not support the project if a unit assessment is proposed; and an e-mail from Chuck Elliott of 534 John Street expressed similar concerns and that properties south of John Street are not included in the assessments. Mr. Ruzek explained that properties will not be assessed unless its driveway accesses a project street. He used a map to point out and describe rehabilitation areas and full reconstruction areas that will have curb and gutter added.

Councilmember Krebsbach asked about curb replacement. Mr. Ruzek advised the majority of curb will remain in place and would only be replaced if deteriorated and no longer functioning properly.

Mr. Ruzek used the map to point out properties where back yards front on John Street but access is gained from Chippewa Avenue. Mayor Huber noted they are considered through lots. Mr. Ruzek stated that is correct and will not be assessed as part of this project.

Councilmember Krebsbach noted this project is a mix of improvements and the map helps to clarify the work being done in each project area.

Councilmember Duggan noted the staff report references “rehabbing” Butler; however, the resolution indicates “resurfacing.” Mr. Ruzek stated that “resurfacing” could imply removing all pavement and replacing it. He assured the Council that the residents are aware of the work being done and the documents should say “rehab.”

Mr. Ruzek referenced the comment from Ms. Shada, 1054 View Lane, about the method of assessments and that she had provided downloaded internet data from other towns. Her other concern relates to the impact of multiple garbage trucks on these new streets and asked the City to look at limiting the number of trips. Mr. Ruzek recommended the public hearing be held and Council provide direction whether to proceed with the project.

Mayor Huber asked about work to the sanitary or storm sewers. Mr. Ruzek noted a location on John Street that was

televised and cleaned in 2006 and showed an excessive amount of infiltration from the services in that area. It is proposed to replace four services in that area but staff recommended they first be televised. Mr. Ruzek stated staff will work with residents to get access to these lines so they can be televised. If the service is replaced, the City replaces up to the right-of-way so there would be a disturbance of five to ten feet into the resident's yard area. St. Paul Water has indicated this 6-inch cast iron watermain should have a 100 to 150 year life so the main line will be kept in place. Mr. Ruzek advised there are no pressure or frozen valve problems and while Diego Lane had a history of two breaks, there is not a high frequency of watermain breaks in this neighborhood.

Mayor Huber opened the public hearing at 8:38 p.m.

Pat Hinderscheid, 615 Butler Avenue, asked what prompts the need for rehabilitation and the breakdown of that assessment compared to other sections. Mr. Ruzek reviewed the history of the Pavement Management Program, started in 2007, resulting in the examination and rating of every street in Mendota Heights based on year constructed and current pavement condition. That program tracks streets and offers recommendations on maintenance, whether full reconstruction, rehabilitation, seal coating and/or crack filling.

Mr. Ruzek presented the assessments as follows: \$1,434.10 for street rehabilitation for properties identified in green on the map; \$6,408.15 for street reconstruction for properties identified in purple on the map; and, \$6,408.15 plus \$774.89 for street reconstruction plus curb and gutter (for total assessment of \$7,183.04) for properties identified in blue on the map. He noted that at the informational meeting, assessment payment options had been explained. If not paid prior to certification, reconstruction assessment will be certified for a 19-year period on property taxes and rehabilitation assessments for a 10-year period. Interest rates would apply if certified and the interest rate has been 6% for the past few years.

Mr. Hinderscheid asked whether "rehabilitation" was meant to extend the life of the street. Mr. Ruzek stated that is correct. Streets usually have a design life of 25 years and a

mill and overlay adds another 10 years. He explained the streets are now 32 years old.

Mayor Huber explained the underlying assessment concept is that everyone uses the streets equally and having a wider or narrower frontage does not mean that resident uses the street more or less. The unit assessment recognizes residents use the street equally regardless of frontage width and assesses all properties in the project equally.

Chuck Elliott, 534 John Street, noted the City used a footage assessment method on Delaware Avenue. He pointed out that every house is valued differently but he is being assessed three times the assessment of other properties. Yet, by footage, he has a small lot. Mr. Elliott stated taxes are based on the value of a house. His neighborhood has smaller lots and lower-valued houses than other properties so he does not think using a unit assessment is equitable. Mr. Elliott asked the Council to use a front footage assessment as used in the past for other projects.

Mayor Huber explained that just because a resident lives in a bigger house may not mean they have more ability to pay. The City has used a unit assessment for a number of years. In this neighborhood, many lots are irregularly shaped. A unit assessment considers that all of the properties use streets equally without looking at one's ability to pay based on geometry of the lot.

Councilmember Duggan noted the Council had discussed this issue quite a while ago and at that time, he had lived on a cul-de-sac with a small frontage. But, residents drive into and out of their driveways the same as others and it would be too hard to apply a standard using a trip count method. He explained the Council had determined to use the unit method just about everywhere in the City.

Mr. Elliott noted it was not used on Delaware Avenue. Mayor Huber explained that project was done in conjunction with West St. Paul who used a different theory on assessing. In that case, Mendota Heights deferred to their method since it involved a multi-jurisdictional project. The project under consideration tonight is not multi-jurisdictional.

An unidentified resident asked whether there are only two options to pay the assessment (payment in full prior to certification or certification for a specified number of years). Finance Director Kristen Schabacker advised residents can also make partial payment of the assessment prior to certification. She explained that 30 days after the assessment hearing, the assessments will be certified to the County for collection, so payment must then be made to the County. Mayor Huber added that when a property is sold, the assessment is usually required to be paid off. Ms. Schabacker stated a letter will be sent after the assessment hearing advising residents they have 30 days to make payment or it will be certified.

An unidentified resident asked whether the costs are fixed or could go up if the price of asphalt increases. Mr. Ruzek stated the estimates are based on past projects and if prices are higher, the City could reject the bids. The unidentified resident asked if the unit price is divided among all properties involved in the project so all pay equally. Mr. Ruzek stated that is correct. The number of properties involved in each project was displayed on the overhead.

Harold Wiegner, 535 John Street, asked what the City has done to address rain gardens and non-curb and gutter areas. Mr. Ruzek advised that soil borings will be conducted tomorrow and that report will give an indication of the types of soils and depth of ground water. He explained it has been the experience that this area has a lot of clay and shallow ground water so it is not known whether rain gardens, which require granular soils, will work in this neighborhood. Mayor Huber asked if staff would contact the resident if their property may be a candidate. Mr. Ruzek stated that is correct and in that case, the rain garden would be added during the project.

Councilmember Duggan noted the City has rain gardens in several other areas. Mr. Ruzek listed the number and location of rain gardens in Mendota Heights.

Mr. Wiegner asked if rain gardens increase or decrease the cost over curb and gutter. Mr. Ruzek stated City policy is to construct streets with curb and gutter so rain gardens would be supplemental to the project to achieve additional water quality and filtration.

Councilmember Schneeman stated residents of Park Place are happy with their project and encouraged residents to call City staff if they have financing questions.

Councilmember Vitelli moved to close the public hearing at 8:58 p.m.

Ayes: 5
Nays: 0

Councilmember Schneeman seconded the motion.

Councilmember Duggan moved adoption of Resolution No. 09-97, "A RESOLUTION ORDERING OF IMPROVEMENT PROJECT AND PREPARATION OF PLANS AND SPECIFICATIONS FOR 2010 STREET RECONSTRUCTION AND REHABILITATION PROJECT," as amended to add the word 'rehabilitation' rather than 'resurfacing.'

Ayes: 5
Nays: 0

Councilmember Vitelli seconded the motion.

PRESENTATION REGIONAL VISIONING STUDY

Mr. Mazzitello presented an update of the Dakota County Regional Visioning Study, advising that in February of 2009, Dakota County, with the cooperation of Mn/DOT, encouraged by the cities of Inver Grove Heights and Eagan, commissioned a study to analyze current and future traffic needs in an area bounded by I-35E, Highway 110, Highway 52, and County Road 30. Within the study area, a number of improvements are being proposed for future construction. Among the alternatives is an analysis of the need for an interchange on I-494 at Delaware Avenue. A Technical Committee was established after a consultant was hired and meetings have been held monthly to go through analyses, models, and different alternatives in the study area.

Mr. Mazzitello explained that due to scheduling conflicts in September, he was unable to attend that meeting. At the October meeting, it was brought to his attention that a new alternative was being considered. The interchange at Delaware Avenue and I-494 was becoming more prominent and the now existing interchange at Dodd Road and I-494 was also in play, not for improvement or increased capacity but to close ramps on Dodd Road. Mr. Mazzitello stated he met this afternoon with Sunfish Lake Mayor Molly Park, who had attended the September meeting, and she indicated that Dodd Road was not discussed at that meeting. A

special meeting was held in late September that was attended by the consultant, Dakota County, and the Federal Highways Administration (FHWA). It was presented at the October 13, 2009 Technical Committee meeting that Inver Grove Heights was also in attendance; however, that was not true. Mr. Mazzitello explained that prior to the October meeting, it had been the position of FHWA that no new intersections would be considered for I-494. So, he was surprised that now a new access is on the table, potentially at the expense of the Dodd Road interchange.

Mr. Mazzitello explained that none of the proposals are “set in stone,” because it is still in the study phase. The Dakota County Transportation Engineer has said that whatever the results are, any improvements regarding an interchange need an interchange access request through Mn/DOT and FHWA, environmental process with an EIS, and public project development process complete with public hearings and coordination with governments affected.

Since the results of the Visioning Study could greatly impact movement of traffic through Mendota Heights, Mr. Mazzitello encouraged the City Council, Commissioners, and residents to attend the public open house scheduled for November 10, 2009 from 4:30 p.m. to 7:00 p.m. at the Inver Grove Heights Veterans Memorial Community Center. At the open house, there will be presentation panels as well as data and modeling that went into the alternatives under consideration. The public will be welcomed to leave written comments and/or e-mail city staff, Dakota County, or contact the consultant.

Mr. Mazzitello stated he did inform the consultant, at the October 13 meeting, of the long-standing opinion of the Mendota Heights Council that the city is not in favor of an interchange at Delaware Avenue and I-494, which is not consistent with the goals and policies of Mendota Heights as stated in the city’s comprehensive plan.

Mayor Huber stated staff has been closely monitoring this issue and while he is loath to have cities spend dollars to lobby other governmental units, he wonders if additional help is needed to carry the City’s message forward in an effective manner.

Councilmember Krebsbach agreed this matter warranted further discussion, perhaps at a workshop session. She noted that an interchange at Delaware Avenue would impact the Copperfield neighborhood up to Wentworth. Councilmember Krebsbach stated she does not want both interchanges opened as major routes and believed status quo was the best option.

Councilmember Duggan recommended communication with legislative representatives to advise them of the city's position and ask what part they play. Councilmember Krebsbach noted they may have already played a part to bring up this option. Mayor Huber noted there may be a conflict as some legislators solely represent Mendota Heights and they may be equaled by legislators on the other side, and some may be conflicted by representing more than Mendota Heights.

Mr. Mazzitello explained that to this point, discussion has been limited to members of the Technical Committee, Council presentations, and open houses.

Mayor Huber stated that he wants to be careful with Inver Grove Heights but this is an item they have wanted to advance for a long time. He commented on the need for Mendota Heights to come up with the correct strategy, good arguments, and the right people to advance that strategy.

Councilmember Vitelli stated the Council has alluded to finding a lobbyist or consultant to inform the City what is really happening because what is emerging is that the Technical Committee is suggesting the Delaware Avenue interchange be the key thoroughfare between the south and downtown St. Paul. However, Council believes that Dodd Road should be that main route. Councilmember Vitelli suggested there may be something else behind this option, perhaps money and owners of the land in the northern section of Inver Grove Heights who would benefit with a Delaware Avenue exit. He felt the City needed to identify the parties that have been involved and supported spending some amount of City funds to find out who is "pulling the strings" and the motivation behind it.

Councilmember Duggan stated some motivation was revealed in the 2005 Inver Gove Heights AUAR on what to

do with the property. He stated he was comfortable with hiring a consultant and creating a task force with members from the City Council, Planning Commission, Park Commission, and residents along the corridor to attend Technical Committee meetings, prepare questions, and bring information to the Council. Councilmember Duggan noted this is a long-term plan and mentioned the large amount of land the City had already lost to development due to major thoroughfares.

Mayor Huber pointed out that businesses have located in and around the area north and south of I-494 on Dodd Road because of the interchange at I-494.

Councilmember Krebsbach recommended a consultant to address the adverse impact of removing one Dodd Road ramp and making Delaware Avenue the main artery. She noted there would be adverse impact on retail development and residential and industrial areas. She questioned whether the federal government has been involved and supported lobbying assistance from Congressman Oberstar.

Mayor Huber asked staff to place this item on the next Council agenda for further discussion and to provide a recommendation including an outline of adverse impacts, strategy plan framework, options, and potential levels of involvement.

Councilmember Schneeman asked Mr. Mazzitello to make comment. Mr. Mazzitello reminded all that this is in the feasibility study phase. He advised that the City will have a better idea of where Mendota Heights sits after the November 10th meeting when the public can see the maps and alternatives being considered. He stated he will work with Mr. Ruzek to formulate a strategy.

WATERTOWER REHABILITATION

Mr. Mazzitello stated that on October 6, 2009 the City Council authorized an agreement with MSA Professional Services, Inc. (MSA) in collaboration with KLM Engineering (KLM) to prepare plans and specifications to rehab the water tower on Lexington Avenue.

Shawn Mulhern, KLA, thanked the Council for the opportunity to work with Mendota Heights on this project. He stated they are currently awaiting lab results on the paint

coating. Once that testing is completed, they will know more about the total project work and then develop plans and look at alternates that will be incorporated into the specifications. Mr. Mulhern stated they met with City staff who have been very helpful to gather information and provide access to the water tower in addition to coordinating efforts with St. Paul Regional Water. They will schedule meetings regarding antenna lease agreements and talk with the FAA about the additional tower height during the project. He advised this project will take over a year, maybe up to 16 months, during which time the tower will be out of service. However, St. Paul Regional Water has indicated they can handle it. Mr. Mulhern stated they will provide preliminary specifications to the City within two to three weeks.

Mr. Mulhern displayed slides of the water tower taken during the inspection process showing decorative structural aspects that will add to the cost and challenge of the project. He advised the typical life of a water tower is 100 years but can be indefinite if properly maintained. Mr. Mulhern continued to show slides of the water tower condition including the antennas, vent area, access tube, need for safety handrails, obstruction lighting that should be updated with LED lighting, antenna and coax, there is alligator cracking of the epoxy material, base and footing that are starting to fail, interior bowl piping and catwalk, and areas of coating failure.

Councilmember Krebsbach asked about the thickness of the coating. Mr. Mulhern advised of the varying widths and that sandblasting will only impact the coating, not the metal of the tower. Mr. Mulhern described the view of additional interior tower pictures that showed rust and corrosion. Councilmember Krebsbach asked if there was a material failure. Mr. Mulhern explained the type of chemicals that were included in the coatings and the improvements available today.

Mr. Mulhern stated they will address the trip hazard of the coax cabling with the antenna leasing company. He stated that the corrosion and pitting observed was typical for a tank of this age.

Councilmember Vitelli asked about ownership of the antennas on top of the tank. Mr. Mulhern stated one is for the Police Department, which may be abandoned. The other is for St. Paul Water.

Mayor Huber asked when the project would occur and possible impact with lawn sprinkling. Mr. Mulhern stated the project would start next summer and St. Paul Regional Water has indicated there would not be a problem with lawn sprinkling because they had increased the size of the watermain on Wentworth.

CASE NO. 09-36, HEART TO HOME

Assistant to the City Administrator Sedlacek introduced Case 09-36, a conditional use permit request to allow up to seven residents to live in a single family home at 659 Freeway Road. He stated this is a single-family use but State Statute allows it to be used as an elder care facility, licensed by the State, and allows an additional resident. The applicant would like to have the capability of having an additional resident at that property. It was noted Case No. 09-37, submitted by Heart to Home, was similar in its request for an additional resident.

At their October 27, 2009 meeting, the Planning Commission unanimously recommended approval of the zoning amendment with the following conditions:

1. The applicant agrees that no more than seven residents will reside on the premises.
2. All conditions from the Minnesota Department of Health shall be satisfied.
3. Copies of license/registration renewals from the State shall be submitted to the City.

The Commission's approval was also based upon the following findings:

1. The project is consistent with the intent of the review criteria for conditional use permits in general (Section 12-IL-6E).
2. The project is consistent with the intent of the review criteria for customized living facilities for the elderly (Section 12-1E-3B), provided that the suggested conditions are followed.
3. The project is consistent with the Comprehensive Plan.

Mr. Sedlacek stated the first condition was changed for the applicant to verify the total number of residents and the

applicant did commit to no more than seven residents at any time. He explained the Council had previously decided to consider this as a land use matter rather than through a licensing process. He noted that the City does not inspect these facilities so condition 3 assures that City requirements are met year-to-year by requiring submittal to the City when they get renewal from the State.

Mr. Sedlacek commented on the findings of fact, noting this is still a single-family use and must remain as such to fit into the residential neighborhood. It was noted to the Planning Commission that these facilities had been built specifically for this purpose and exceed State size requirements. Concerns had been expressed at the Planning Commission about on-street parking and residents were unhappy with the number of cars parked on the street. Mr. Sedlacek stated it is his understanding that the applicant spoke with residents after-the-fact about their concerns. During the meeting, it had been outlined that there are designated off-street parking spots for staff. Mr. Sedlacek explained the garages are currently unoccupied since that space is used as a fire escape, loading area, and accessible entry for residents.

Councilmember Krebsbach asked if residents have cars. Mr. Sedlacek stated they typically do not but there are always two staff plus service visits from other providers. The site has designated parking in the driveway but visitors park on the street. Mr. Sedlacek indicated that both sites have been successful and they get a high level of visits from families and daycares that do activities with the elderly.

Councilmember Duggan asked if there is a limit to parking on both sides of the street. Mr. Sedlacek stated regular residential parking rules apply to allow parking on both sides of the street.

Councilmember Vitelli stated he will abstain from voting because his mother and father live in one of these units.

Councilmember Duggan asked if the Fire Department reviewed the emergency access and where staff beds were located. Mr. Sedlacek clarified that staff does not sleep at this facility. Councilmember Duggan referenced the number of rooms and room sizes, noting one qualifies for

single occupancy and the other three qualify for double occupancy. Mr. Sedlacek explained the square footage needed per occupant. Councilmember Duggan referenced the health standards and square footage requirements for single and double occupancy.

Councilmember Schneeman asked what can be done to address parking concerns. Mr. Sedlacek stated the applicant spoke to the issue of street parking and indicated they will educate their visitors to park in the driveway. Councilmember Schneeman asked how many people come for programs. Mr. Sedlacek stated that would be better answered by the applicant.

Councilmember Duggan felt open garage doors took away from the neighborhood's ambiance and could attract burglars. Mr. Sedlacek stated staff has not received concern about open garage doors. He clarified that the garage space is open, not being used, but the garage doors are not open.

Josh Cesaro, representing Heart to Home, advised they always have two on staff during the day and one over night but not sleeping. Their two facilities provide care to end of life so it is treated as their home and during the resident's final days there are a lot of visitors. Mr. Cesaro stated they talked with both neighbors about the parking concern and had agreed to add additional off-street parking but the neighbors felt that was not necessary if they informed resident families to park off street. Mr. Cesaro assured the Council they would take it upon themselves to police parking.

Councilmember Duggan asked how they control four off-street parking spaces to assure they are available. Mr. Cesaro explained that at the Pagel Road location, a portion of the driveway is widened to hold three cars.

With regard to square footage requirements for occupancy, Mr. Cesaro stated they submitted application to the State and all four rooms meet requirements for double occupancy. He explained this is a service industry where the consumer dictates what they want and currently the four rooms are each occupied by a single resident. Mr. Cesaro stated they think there will be an increase in couples getting

displaced and would like the ability to offer double occupancy so couples can stay together. He explained they have found that double occupancy does not work unless it is married couples.

Councilmember Krebsbach moved adoption of Resolution No. 09-98, "A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW SEVEN PERSONS IN AN ASSISTED LIVING FACILITY AT 659 FREEWAY ROAD," as amended to remove the word 'suggested' from the second BE IT THEREFORE RESOLVED.

Councilmember Duggan seconded the motion.

Ayes: 4
Nays: 0
Abstain: 1 (Vitelli)

CASE NO. 09-37, HEART TO HOME

This application was discussed in conjunction with Case No. 09-36. At their October 27, 2009 meeting, the Planning Commission unanimously recommended approval of the zoning amendment with the following conditions:

1. The applicant agrees that no more than seven residents will reside on the premises.
2. All conditions from the Minnesota Department of Health shall be satisfied.
3. Copies of license/registration renewals from the State shall be submitted to the City.

The Commission's approval was also based upon the following findings:

1. The project is consistent with the intent of the review criteria for conditional use permits in general (Section 12-IL-6E).
2. The project is consistent with the intent of the review criteria for customized living facilities for the elderly (Section 12-1E-3B), provided that the suggested conditions are followed.
3. The project is consistent with the Comprehensive Plan.

Councilmember Krebsbach moved adoption of Resolution No. 09-99, "A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW SEVEN PERSONS IN AN ASSISTED LIVING FACILITY AT 2351 PAGEL ROAD," as amended to remove the word 'suggested' from the second BE IT THEREFORE RESOLVED.

Councilmember Schneeman seconded the motion.

Councilmember Duggan referenced a wording discrepancy in the number of lodging categories. Mr. Cesaro explained that under boarding and lodging licensing, the plans are reviewed and a physical inspection conducted. The wording discrepancy was not noticed until after the license was issued. Mr. Cesaro advised the State had assured them there was no difference between the two. Nick Cesaro-Moxely, applicant, added this was a typo that occurred during the final State approval. Josh Cesaro advised that George Wahl, Department of Health, conducted the inspections. The 659 Freeway Road house had six residents so the term “boarding and lodging” was used. However, with the Pagel Road house, each individual room was licensed.

Ayes: 3
Nays: 0
Abstain: 1 (Vitelli)

CASE NO. 09-38, STONEWALL, INC.

Mr. Sedlacek introduced Case 09-38, a request for a wetlands permit for emergency repairs to a retaining wall at 2517 Concord Way. He used a map to identify the location of the subject site and described the location of an existing eight-foot high brick retaining wall that had deteriorated to the point of potential collapse into the wetland area. Staff met with the applicants early in the process and realized this was an emergency repair. He advised the work is substantially completed but to provide a good public record of what was installed, a wetlands permit is being requested.

Mr. Sedlacek stated the existing retaining wall was removed and replaced with a significant boulder wall, properly backfill and graded to assure longevity. Notification was provided in the legal newspaper and to the townhome association for distribution to affected properties. At its October 27, 2009 meeting, the Planning Commission voiced concerns about the way the wetland area was being protected. Mr. Sedlacek noted the application described the methods for keeping materials in the work area and that the wall had to be removed in sections to assure ground material stayed in place. There were no failures of the retention systems. Mr. Sedlacek advised no comments had been made at the public hearing.

The Planning Commission unanimously recommended approval of the zoning amendment with the following conditions:

1. The retaining wall shall be rebuilt in the same location as the existing wall.
2. The existing nature landscape will be retained or restored between the wall and the wetland edge.

The Commission's approval was also based upon the following findings:

1. The project will provide bank stabilization on the grade adjacent to the wetland.
2. The project will protect water quality.
3. The project will not result in negative impacts to the wetland.
4. The project is consistent with the intent of the Wetland Ordinance.
5. The project has been reviewed and approved by the City Engineer.

Councilmember Schneeman moved adoption of Resolution No. 09-100, "A RESOLUTION APPROVING A WETLANDS PERMIT FOR A RETAINING WALL AT 2517 CONCORD WAY."

Councilmember Vitelli seconded the motion.

Ayes: 5
Nays: 0

CASE NO. 09-39, ZONING TEXT

Mr. Sedlacek stated this case was initiated by the City. The City previously looked at allowing retail in the industrial zone and the Council passed such a zoning text amendment that was followed by a conditional use permit (CUP) request. The applicant had hoped for extended hours of operation on weekdays but that item was missed in the original amendment. Mr. Sedlacek read condition 9 that limited hours of operation for retail use from 8 a.m. to 5 p.m. At their October 27, 2009 meeting, the Planning Commission heard a request to modify the hours of operation to 8 a.m. to 7 p.m., Monday through Friday, and 8 a.m. to 5 p.m. Saturday and Sunday. Mr. Sedlacek stated the one CUP holder for this use supports this new language and believes it will help their growing business.

Councilmember Schneeman moved adoption of Ordinance No. 426, "AN ORDINANCE AMENDING TITLE 12, CHAPTER 1 OF THE CITY CODE, THE CITY'S ZONING ORDINANCE, TO MODIFY HOURS OF

OPERATION FOR RETAIL SALES AS A
CONDITIONAL USE IN THE I, INDUSTRIAL
DISTRICT.”

Councilmember Duggan seconded the motion.

Ayes: 5
Nays: 0

TRAFFIC SAFETY COMMITTEE
REPORT

Mr. Mazzitello presented the consideration and recommendation of the Traffic Safety Committee (TSC) from its October 26, 2009 meeting as follows:

Property owners of Condon Court request to have access to proposed Visitation Drive and Mendota Heights Road roundabout due to future development plans of those privately held properties to the west. The TSC discussed safety concerns with left turning movements into and out of Condon Court from Mendota Heights Road and that the requestors would like to access the south side of the roundabout in the future. After discussion, the TSC, unanimously recommended the property owners come to an access agreement with the Visitation Convent for future access to the roundabout, which would be a private agreement. Once access to the roundabout is established, TSC unanimously recommends that the Condon Court access to Mendota Heights Road be closed.

The second issue was a request from Paul Dreelan of 881 Wagon Wheel Trail for speed limit signage and speed bumps on Wagon Wheel Trail. The TSC discussed the issue and unanimously recommends that a speed and traffic volume study be completed for Wagon Wheel Trail, the results of which will help dictate what near term actions are necessary as well as measures that could be incorporated into an upcoming reconstruction project.

The third issue was a request from Ira Kipp of 2273 Wagon Wheel Court for deer crossing signage on Wagon Wheel Trail on either side of Rogers Lake Park. It was noted the applicant has observed a large number of deer crossing in that area and experienced a near miss accident with a deer. This issue had been discussed at previous TSC meetings when a recommendation of no action had been made. It was noted that Public Works does not produce deer crossing signs that would be compliant with State standards so each sign would cost approximately \$450.

However, if the Council directed the signs to be installed, staff would contact a neighboring city that had two such signs in reserve. The TSC unanimously recommends no action be taken but if the problem persists, the cost could be included in the 2011 Street Reconstruction Project.

Councilmember Duggan noted there are other streets in Mendota Heights with this with same concern. Mr. Mazzitello concurred, advising it had been mentioned such signs could be put up on just about every street in Mendota Heights.

The fourth issue was a request from the Police Department to create a no parking zone on Mendota Road near Henry Sibley High School. Vehicles park on both sides of street during sporting events, making two-way traffic treacherous. After discussion, the TSC unanimously recommends that parking be prohibited and “no parking” signs be placed on the south side (eastbound) of Mendota Road to prevent parking on that side of the road only. Parking will still be permitted on the north side (westbound). If approved, staff will prepare an ordinance for Council action to approve placement of the signs.

The fifth issue was a request from Paul Polman of St. Thomas Academy to have the curbs painted on Lake Drive at the entrance to St. Thomas Academy. Cars are now parking in the radius area of the driveway entrance, creating a lane blockage and sight problems. It was discussed that this can be accommodated in-house with minimal cost and effort if approved by the City Council. The TSC unanimously recommends painting the curbs yellow from end-of-radius to end-of-radius, and placing “no parking” signs on Lake Drive at the end-of-radius points. If approved, staff will prepare an ordinance for Council action. Councilmember Duggan asked if the curb area is on private property. Mr. Mazzitello stated it is on right-of-way.

The final issue was the proposed closure of Lake Drive between Swan Drive and St. Thomas Academy. At the October 20th meeting, Council had directed staff to begin the process for closing Lake Drive. It was noted that residents of the Rogers Lake neighborhood want to eliminate school traffic through their neighborhood and

most comments at the roundabout public hearing were to close Lake Drive. The TSC discussion included some concern about the proposal more from a precedence setting standpoint than from a single project standpoint. Mendota Heights has a long-standing policy to connect neighborhoods and closing off areas by closing roads, may result in additional requests. Ultimately the TSC recommended, on a 3-1 vote, to continue with the public process of this request and that staff send a letter of explanation and the conceptual layout of the Lake Drive closure project to garner feedback to facilitate the next step.

Councilmember Duggan moved to approve the recommendations of the Traffic Safety Committee, as presented.

Councilmember Vitelli seconded the motion.

Ayes: 5
Nays: 0

NOVEMBER PLANNING COMMISSION MEETING

Mayor Huber advised there are no upcoming applications for Planning Commission consideration in November and most times the December meeting is canceled. The one item that could be discussed at the November meeting, however, is Zoning Code amendments.

Mr. Sedlacek stated the Council, in April of 2009, had authorized amendments to the Zoning Code that are now ready for public review. He stated the Planning Commission could discuss this item at its November meeting, hold a joint meeting with the Council, or it may be a good opportunity to hold an open meeting on the Code. Or, the November meeting could be canceled.

Councilmember Duggan urged the Planning Commission to undertake the Code amendments on its own at the November meeting and to send a report for Council consideration in December of 2009 or January of 2010. Councilmember Krebsbach noted if this matter is not taken up by the Planning Commission until January of 2010, it would be February of 2010 before the Council can consider it. Councilmember Schneeman asked if the December meeting will be cancelled. Mr. Sedlacek stated he was unsure, but it has been canceled in the past.

Consensus was reached for the Planning Commission to hold its November 24, 2009 meeting to consider Zoning Code amendments.

COUNCIL COMMENTS

Councilmember Duggan referenced a news article suggesting Planning Commissioner Joe Betlej has been considered a Vikings Quarterback Favre look-alike. Councilmember Duggan thanked the Paster family for allowing the bonfire event and mentioned that the Devine house on Huber Drive was dramatically decorated for Halloween and worth a look.

Councilmember Krebsbach stated there is also a house on Chippewa Avenue that is decorated for Halloween. She reported on a recent football game, that Sibley beat Woodbury and will be playing Cretin Durham Hall in the next game. Councilmember Krebsbach stated she was not at the bonfire this year because she attended Gopher game but was glad it happened.

Councilmember Schneeman advised that Paul Portz had called her to ask if the Richard Spicer of the Par 3 Committee could make a presentation before the Council. Councilmember Schneeman reported they had many children stop by for Halloween.

Councilmember Vitelli encouraged all to tour a military base because he was reminded how awesome the country's servicemen and servicewomen are. He commented on how quickly they are able to dismantle and reassemble their weapons and the equipment they are responsible for since the Duluth base is also a civilian airport. He stated that our military is beyond able to protect our country.

Councilmember Krebsbach stated her husband had served in the army during the Vietnam War so she had visited the Hunter Army Air Field. She mentioned her family members who are serving in the military. Councilmember Schneeman commented that her two grandsons are serving in the military, one in the Navy JAG and the other in the Navy Ranger program.

The Council again wished John Mazzitello God's speed and a safe return that will be celebrated.

Police Chief Aschenbrener announced they will be conducting interviews for promotion to replace Police Sergeant Larrive on Tuesday, November 24, 2009 and requested that two Councilmembers attend.

Councilmembers Krebsbach stated that she would be able to attend and Councilmember Vitelli stated he may be able to attend.

ADJOURN

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

Councilmember Vitelli seconded the motion.

Ayes: 5

Nays: 0

Time of Adjournment 10:28 p.m.

Carla Wirth
Recording Secretary

ATTEST:

John J. Huber
Mayor