

CITY OF MENDOTA HEIGHTS
DAKOTA COUNTY
STATE OF MINNESOTA

Minutes of the Regular Meeting
Held Tuesday, November 18, 2008

Pursuant to due call and notice thereof, the regular meeting of the City Council, City of Mendota Heights, Minnesota was held at 7:00 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, Schneeman and Vitelli. Those absent: Councilmember Krebsbach.

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 Duggan moved to approve the minutes of November 4, 2008 as presented. Commissioner Vitelli seconded the motion.

Ayes: 4

Nays: 0

CONSENT CALENDAR

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

- a. Acknowledgement of the Par 3 Update, October 2008.
- b. Acknowledgement of the Fire Department September and October Monthly Reports.
- c. Acknowledgement of the Treasurer's Report for October 2008.
- d. Acknowledgement of the Election Judges and City Staff.

- e. Authorization for All December Advisory Commission Meetings to be Cancelled.
- f. Authorization to Replace Playground at Victoria Park.
- g. Approval of Sign Permit for St. Paul Oral Surgery at 750 Main Street, Suite #203.
- h. Approval of Payment for Outlot A Maintenance.
- i. Adoption of Resolution No. 08-86: "A RESOLUTION ACCEPTING WORK AND APPROVING FINAL PAYMENT FOR JOB NUMBER 20005, KIPP ADDITION."
- j. Adoption of Resolution No. 08-87: "A RESOLUTION FORMALLY ACKNOWLEDGING THE RECEIPT OF GIFTS TO THE CITY OF MENDOTA HEIGHTS."
- k. Approval of the List of Contractors, dated November 14, 2008.
- l. Approval of the List of Claims, dated November 18, 2008, totaling \$358,123.80.

Councilmember Duggan commented on Item j that the resolution was revised to reflect the names of the participants of the Citizen's Academy.
Councilmember Schneeman seconded the motion.

Ayes: 4
Nays: 0

Councilmember Vitelli asked to have Item a pulled and asked staff to, at an appropriate time, provide the Council with a proforma that can be reviewed during the year to allow the Council to watch line items and get a closer feel for how the golf course is operating. Councilmember Vitelli said this project has proven to be a very good resource for the residents and their families, as well as being financially positive for the city.

Councilmember Schneeman suggested putting this information on the website. Mayor Huber said he would like the Council to review this first before doing that.

Councilmember Vitelli moved to acknowledge the Par 3 Update for October 2008.

Councilmember Duggan seconded the motion.

Ayes: 4
Nays: 0

Councilmember Vitelli asked to have Item d pulled complimented City Clerk Kathleen Swanson for her work on the Elections, and to all the staff members who helped with this project. Councilmember Vitelli said the elections went very well this year in Mendota Heights, and was handled very professionally. Councilmember Vitelli said staff members put a lot of work into this as they were also handling their regular work load. Councilmember Vitelli said he wanted to acknowledge that when things go right, the people responsible are not properly recognized as they should be.

Councilmember Schneeman said the voter turnout for Mendota Heights was more than 95%, with about 20% voting by absentee ballot.

Councilmember Duggan said staff handled the absentee voting in a well done and professional manner. Councilmember Duggan also congratulated those who voted, as well as congratulating Mayor Huber, Councilmember Krebsbach and Councilmember Vitelli for their re-elections. Councilmember Duggan congratulated staff for all their hard work and maintaining all this work as well as doing their day to day operations.

Councilmember Schneeman moved to acknowledge City Clerk Kathleen Swanson's memo of recognition for the Election Judges and City Staff. Councilmember Vitelli seconded the motion.

Ayes: 4
Nays: 0

Councilmember Vitelli asked to have Item f pulled and expressed his concern for spending so much money on this equipment as the economy is making people and businesses cut back. Councilmember Vitelli recommended that the Council approve the expenditure for the playground equipment for \$50,000 instead of \$58,000. Councilmember Vitelli said he believes this work could be done while saving the \$8,000.

Councilmember Schneeman said this park is very open and on sunny days, there is no shelter via

shade. Councilmember Schneeman said the proposal does not have any provisions for shelters, and that staff should re-bid this project.

Councilmember Vitelli said it would be good to have some shade for parents and grandparents to sit under when bringing their children and grandchildren to the park.

Councilmember Vitelli moved to have staff bring back a new proposal for the project at a cost not to exceed \$50,000, which will include costs to construct shelters to provide adequate shading.

Councilmember Duggan seconded the motion.

Ayes: 4

Nays: 0

PUBLIC COMMENTS

Mr. Fernando Arianna, speaking on behalf of Theresa's Mexican Restaurant, announced that the restaurant is now open and plans for a grand opening will be coming forth soon. Theresa's Mexican Restaurant is currently located in Mendota Plaza and their hours will be Sunday thru Thursday from 11:00 am to 10:00 pm, and 11:00 am to 11:00 pm on Friday and Saturday. The Council recently approved a liquor license for this restaurant.

Assistant to the City Administrator Jake Sedlacek announced that the 3rd Annual Mendota Lighting ceremony will be held at The Village on December 6th from 3:00 pm until 7:00 pm. The lighting will be done about 5:00 pm. Mayor Huber said he will be not present this year and the lights will be turned on by Acting Mayor Councilmember Duggan. Mayor Huber said the weather has not been good in the past for this event, and hopefully Councilmember Duggan will bring better weather to this event! Mr. Sedlacek said the ceremony will be performed inside the new building at the Village in the foyer area. Councilmember Schneeman said this is a wonderful event and is very well done, and encouraged everyone to attend.

CASE 08-11
MENDOTA MALL ASSOC.

Mr. Sedlacek re-introduced Planning Case 08-11 which is a request for rezoning, preliminary plat and preliminary PUD, wetlands permit and conditional use permit for the redevelopment of the property

located on the southeast corner of Highway 110 and Dodd Road, currently known as Mendota Plaza.

Mr. Sedlacek said this meeting is to review the layout and architecture of the project.

Ken Henk, Paster Enterprises, reviewed the concept plan which was presented at the October 21st City Council meeting and requested that the City Council give further feedback to the presentations this evening.

John Dietrich, RLK, Inc., principal landscape architect for the project, presented a computer generated three-dimension movie of what the development will look like as one would be driving through the development. This presentation showed the wetland area, trail, bridge and retaining walls, and highlighted the “plaza area” which is the area where the bridge crosses the waterway onto the northeast corner of the site.

The plaza area is to be about 5,800 square feet of open space with hard surfaces and grassy areas, covered by trees for shading. Mr. Dietrich said the plan consists of 238,000 sq. ft. and includes eight buildings (as opposed to the previous plan of 241,000 sq. ft. with nine buildings). The parking areas are comparable in terms of ratios, the green areas have increased from 6.8 acres to 7.3 acres, the percent of pervious surface within the site has increased to 34% from 31%. The building setbacks along Highway 110 have crept closer to the highway as buildings needed to be moved to accommodate the waterway/green space/future trail system. The wetland area of impact has been reduced by 50%.

Mr. Dietrich reviewed perspective snapshots of about twelve locations in the site in greater detail.

Mr. Jack Amdal, KKE Architects, talked about his firm and shared photos of some of the other sites in the Twin City area that they have been involved with (Woodbury Village, Tamarack Village, Shepard Road in downtown St. Paul, Arbor Lakes)

highlighting architectural design and features such as lighting, water fountains, and gathering spots.

Mr. Amdal reviewed Building A (76,000 sq. ft.), which is the restaurant building in the northeast corner of the development, showing the materials and design layout. This building will house two restaurants, each with their own outdoor dining and views of the fountain. Mr. Amdal shared a photo rendering of the building which will have subtle lighting along the top of the building, giving some glow to the architecture. The hours of operation for these restaurants will be similar to that of Theresa's Mexican Restaurant, which is located in the existing building.

Mr. Amdal reviewed Building B, which is the retail building closest to Building A and the entrance/exit along the eastern portion of the property (MnDOT / Highway 110).

Councilmember Vitelli suggested that the drawings indicate which building is A or B, as there are no indications on the drawing to that effect.

Because of the reconfiguration of the site, Building B has gone from 7,200 sq. ft. to 12,000 sq. ft, holding 4 or 5 tenants, and now will hold an average of 6 to 7 tenants. The building has gone from 120 feet in length to approximately 200 feet in length. Mr. Amdel explained how the different stores will be staggered so they are not just flat, and how the pickup window to the north will be situated. The pickup window will be exclusive to that particular restaurant/service on the north end of the building. Mr. Danielson said that in answer to the Mayors question comparing the Village Building F and Building B, building F is 220 ft. by 80 ft. in size.

The trash will be internal to the building and accessed off the southeast corner of the building.

Councilmember Vitelli asked Mr. Amdal if he has had experience with employees using this type of setup. Mr. Amdal said he has, and that they instruct

all employees to take their trash to this containment center.

Mayor Huber asked where the trash containment is behind the Caribou at The Village. Mr. Danielson said it is located behind the building (on the east side) in a separate brick enclosure in the parking lot. Councilmember Duggan said the Sage Market keeps their trash in an enclosure that is part of the building, behind an overhead door.

Mayor Huber expressed concern that the trash containment area is further away from the food service areas, which would most likely have more trash.

Mr. Henk said Paster Enterprises has 11 shopping centers with nearly one million sq. ft. and all different types of tenants. These tenants most likely use individual trash haulers, and the food sellers would have more "wet trash". The frequency of pickups depend on the amount of trash, and every lease has stipulations that trash is not sitting outside the door. Mr. Henk said the employees will be instructed to take the trash to this area, which will be accessible by a key code. The door will also be set to automatically close if opened for a longer period of time so that it will not remain open all the time. Mr. Henk said this process has worked well for them.

Councilmember Schneeman asked if there will be only one hauler. Mr. Henk said the trash area will be serviced by only one hauler, eliminating a lot of traffic in and out.

Mr. Amdel reviewed the architectural features of the Walgreens building, which will match the design of the rest of the buildings. This building will have a drive-up on the south side of the building for prescription pickups. The trash enclosures/ shipping and receiving will be located on the east side of the building and will not be visible from Dodd Road and will be fully enclosed.

Councilmember Vitelli asked who will own the Walgreens building. Mr. Amdel said it will be owned by Paster Enterprises.

Councilmember Duggan commented on the color variations of the building and would like to see lighter materials along the east side. Mr. Amdel said they do not wish to call attention to this service side of the building and the darker colors will recede this area and blend in. Mr. Amdel indicated where the pilasters along that side will break up some of the darkness, coming out 8 to 16 inches, with the corner features out slightly more.

Councilmember Duggan suggested that more be done to enhance the Walgreen's building as it will be very noticeable, having something unique in design to make this area stand out.

Mayor Huber talked about the constant turnover of retail businesses, and the concern about making buildings specific to certain business designs, for example, a Walgreen's building will always be known as the "old Walgreen's building" no matter who goes in there in the future. Mayor Huber said he is not very happy with the design on the Walgreen's windows as they are too high and all you see is the ceiling. Mayor Huber said retail has an extremely short shelf life.

Councilmember Schneeman asked if the footprint can be changed or does it need to adhere to Walgreen's plan. Mr. Amdel said their operations are within their walls. The outside of the buildings are not going to be altered to them, but that the design will remain conducive to the design of the rest of the development.

Mr. Amdel reviewed the existing building, which will have a new feature on the west end of the building. The existing building will be reduced in size by about 14000 sq. ft. (back to the liquor store) and the Subway will be relocated.

Councilmember Schneeman asked how big the existing building will be after removal of the

western portion. Mr. Henk said it will be 46,000 sq. ft., down from 60,000 sq. ft.

Mr. Amdel reviewed the materials to be used, and how the block will be re-skinned. Councilmember Schneeman asked if it will all be the same, all the way around the building. Mr. Amdel said they are currently putting up a sample panel on the east side to see how the materials will work and invited everyone to come take a look at this work. This work entails excavating some dirt from the existing wall, and placing blocks to support the brickwork that will be placed upward. The existing support posts will be re-clad, making them more rectangular.

Councilmember Duggan suggested making the tops of the corners significantly different from each other to detract from each other.

Mr. Amdel reviewed the back of the building, which shows a 45-ft brick wall that will screen the loading dock areas.

Councilmember Schneeman said she really had issues with the back of the building, that it can be seen from the child care building. Councilmember Schneeman said the back of the building does not look as nice as the front. Councilmember Schneeman said the proposed senior housing will also be looking at that side of the building. Mr. Amdel said the screen wall will be the same height as the building, and the senior housing will see that wall.

Mr. Amdel said materials will be new from loading area to loading area. The loading docks see a lot of wear and tear and this area will be painted masonry to match the color of the brick on the front. Mr. Amdel said it is easier to repaint this area when needed as opposed to having a mason repeatedly come back to repair.

Mr. Amdel said they have been hearing the comments from the Council, and has consolidated and enhanced the loading dock area, screening from

the entrance drive, and bringing more landscaping in along the drive way. Mr. Amdel said the office building, day care building and senior housing building will be laid out to have the best access off South Plaza Drive, focusing on that street as their focal point.

Mr. Henk passed around a scale model of the existing building to give the Council a better visual concept of the building.

Councilmember Duggan congratulated the applicant on giving more insight on the proposed greenway area, which was one of the things the Council continuously talked about, and this is the first positive move that he has seen.

Councilmember Duggan said in addition, he is concerned about the future of the trail system and using this system as a right of way.

Councilmember Duggan asked what is different now than before in relation to the clustering of buildings, referring to the buildings to the south of the development.

Mr. Dietrich explained how the buildings have been moved around since the last concept review, consolidating two buildings and dropping some square footage, spreading into a more triangle design.

Councilmember Duggan said he does not see any difference clustering of the buildings on the southwest corner, and sees no appropriate walking connections between Walgreens, the child care center and the office building. Councilmember Duggan said he would like to see these buildings closer together.

Mr. Dietrich said he understands that comment, and there needs to be time to see what the market will dictate. Mr. Dietrich indicated on the plan how the traffic will flow around those buildings, northwards towards McDonalds.

Councilmember Duggan said he originally suggested putting Buildings 5 and 6 on top of each other to allow Buildings 3 and 4 (A and B) to pull back more from Highway 110, which was not done. Councilmember Duggan said the original building was taken out and replaced with a larger building. Councilmember Duggan said Councilmember Krebsbach will not be happy with that, and asked if the applicant would consider making this building smaller.

Mr. Dietrich said they are trying to look at what the access requirements are as to not have any backup onto Highway 110. There needs to be a comfortable parking field to tie into the roadway, and by moving the building north, it becomes a much stronger angle for the drive through. Mr. Dietrich said it's important to keep the traffic flowing smoothly.

Mayor Huber asked if the restaurant building is the same square footage as it always has been. Mr. Henk said the restaurant building has stayed at 7,600 sq. ft., and combined the two retail buildings into one (Building B) at 12,000 sq. ft. Mayor Huber said it seems that Building B is now smaller than the two original buildings combined.

Councilmember Duggan said the Council has always asked that at least one building should be architecturally different than the rest of the buildings, something that will draw people in. Councilmember Duggan said this needs to be something different than The Village and does not see anything in this plan other than rectangular / box shaped buildings. Councilmember Duggan said variation in color does not seem to be the answer either.

Councilmember Duggan said the Council requested a feasibility study from the developer, which was not completed, and asked if this is a development that may drive down The Village which is currently doing very well. And will this proposal bring enough people to the area to support it.

Councilmember Duggan said he still has not received information from the applicant about traffic at the gas station.

Mr. Henk said he believes that the restaurant building will bring uniqueness to the development. Mr. Henk said he believes that at the end of the day, they will come up with a 21 acre development that is cohesive and every building is all tied together. The applicant will do some negotiating with the restaurants for certain features that will bring in some uniqueness.

Councilmember Duggan said he would like to see some differentiation between the two different restaurants, so that they are distinguishable between the two. Mr. Henk said there will be two distinct entrances.

Councilmember Duggan asked if there will be designated employee parking. Mr. Henk said they will as they always have this requirement in the lease documents.

Councilmember Duggan asked if underground parking was considered for the existing building. Mr. Henk said that was impossible because there is currently a basement under that building.

Councilmember Vitelli said the applicant is on the right track and listed a few things that should be focused on:

- Define projects based on the phasing of the elements of the development. There are no defined plans on what is going to be done first.
 1. Buildings
 2. Landscaping
 - Completion of gathering area
 - Planting of trees and shrubs
 - Seeding / sodding
 - Street completion
 - Water features
 - Greenway details
 3. Pylon signs
 4. Air handlers on rooftop units

5. Walgreen's hours of operations

Mr. Henk said all the plans in the development is considered the first phase, other than the residential, day care and office building. The first step it to start with the remodeling of the existing building to make way for the Walgreens.

Councilmember Vitelli said if this is all one phase, he would picture earth moving equipment working the whole complex, foundations all at once being poured. Mr. Henk said they have to work with the existing tenants. Councilmember Vitelli said he would like to see a timeline when all of this is going to happen.

Councilmember Vitelli said he does not believe everyone on the Council is agreeable to two pylon signs and at the next presentation; the applicant should discuss the need for two signs.

Councilmember Vitelli said a lot of the building rooftops can be seen from a higher elevation and it would be good to know what the equipment on the rooftops will look like from several vantage points along the roadways.

Councilmember Vitelli asked Mr. Henk if he has informed Walgreen's that the city has ordinances on the hours of operations that they need to adhere to. Mr. Henk said he has. Councilmember Vitelli asked Mr. Henk if he guarantees that someday, Paster Enterprises will not come to the Council saying there is a problem with these hours of operation. Mr. Henk said Walgreen's has a 25-year lease, and in twenty years from now, lives will have been changed, but their lease agreement will guarantee the hours of operation be compliant to the city's ordinances.

Councilmember Vitelli suggested that the applicant take time to work with city staff, getting them on board with what is going on, rather than having numerous Council workshops.

Councilmember Schneeman said she would like to see light fixtures less urban like; similar to what is at The Village.

Councilmember Schneeman asked about seeding versus sodding. Mr. Henk said the large portions will be seeded, and the smaller portions will be sodded.

Councilmember Schneeman asked if the applicant is prepared for 100-year storms on the three ponds. Mr. Henk said they are.

Councilmember Schneeman said the pylon signs are a big deal, and would like to see something more architecturally different.

Councilmember Schneeman suggested putting residential apartments above the retail Building B. Mr. Henk said there would need to be underground parking if that was done, and they have not thought about that. Councilmember Schneeman said she saw a similar building on Hamline Avenue and noted that Mendota Heights does not have a lot of apartment rentals.

Mayor Huber said people want to see more of what is planned for the greenway / waterway to soften the walls and asphalt in the area.

Mayor Huber said he cannot understand why the project needs three pylon signs. Mayor Huber said he can understand having one sign and then a few monument signs by the entrances, something much lower in height. Mr. Henk reminded the Council that according to the ordinance, in the B-2, B-3, and B-4 zoning districts, one 25-ft pylon sign is allowed for each lot. There are seven lots on this property. According to the ordinance, these signs are an allowed use, but they are only proposing one pylon sign that is 30-ft tall and one that is 73-ft, sitting 25-ft below the roadway. Another is proposed for the entrance off Highway 110 similar to the one on Dodd Road. Mr. Henk said a pylon sign on South Plaza Road would not be appropriate. Mr. Henk said they are compromising because they have less

signage in total, and asking to have the pylon signs as proposed.

Mayor Huber said he would like to see what the landscaping will look like 5 years down the road.

Mayor Huber said he would like to see a rendering of what the whole development would look like from a distance, looking across from a higher ground.

Mayor Huber said he likes what Building A is looking like, but Building B seems very plain to him. Mr. Henk reminded the Council that the drawings are showing two-dimensional, which makes it difficult to get the real feel for the design. Mr. Henk invited the Council to visit the site and look at the sampling they are doing to the side of the existing building.

Councilmember Duggan said he was recently there and smelled gas, asking the applicant to make sure the area is safe.

Councilmember Schneeman asked how wide the streets will be. Mr. Henk said they will be 26-ft. and be two lane roadways.

Mr. Henk said they have the 6-month extension due in February, and would like to continue with this process, revising the drawings and made the submittal.

Mayor Huber said he believes the applicant is getting close to what the Council wants, and there still needs to be more discussion as everyone is not exactly on the same page with the details.

Mayor Huber asked staff where the Planning Commission would play into future discussions. Mr. Danielson said staff has kept the Planning Commission up to date on what is going on with this application. The Planning Commission wants to be kept in the loop.

City Attorney Tami Diehm said it would be appropriate to provide for a joint meeting with the Planning Commission to receive their input.

Mayor Huber suggested that the application come back before the Council at the January 6th meeting, and the Planning Commission should be invited to attend the meeting if they can so they can give their input as well.

Councilmember Duggan said he would like to see more detail on the housing component. The Council has asked for this for quite a long time, and would like to see what research and investigations the applicant has done, as well as what the direction is that the applicant will be taking.

Councilmember Vitelli said he agrees with Councilmember Duggan's comments on the housing, and that the applicant talks about phasing, but it does not give the Council enough information on the housing component. Councilmember Vitelli said the Council is being asked to approve the PUD for the whole site. Mr. Henk said the future phases are more conceptual. The master plan contains around 240,000 sq. ft. (100,000 sq. ft. in retail; 100,000 sq. ft. in housing, 50,000 sq. ft. in office and daycare). Mr. Henk said if they had more detail on what they want to do with these phases, these buildings would be a part of the first phase. Mr. Henk said they are not in any shape or form prepared to include this in the first phase and as the lots are platted, the applicant will be coming back to the Planning Commission and Council with these plans.

Councilmember Vitelli asked if the applicant is requesting that the Council approve phase I at this time. Mr. Henk said by changing the zoning to the mixed used PUD, they can come through with this plan to begin the first portion and then crystal balling the second phase.

Councilmember Vitelli said this is too general, and believes that if the applicant is not planning on certain parts it will not get done. Mr. Henk said

they are planning the second phase. Councilmember Vitelli said it is only conceptual.

Councilmember Duggan referred to the dedication fee and asked at what point will the plat be ready, and told the applicant that they need to work with staff. Mr. Henk said it is partial because when the PUD went through in 1971 that was discussed at that time between the developer and the city Council at that time. Councilmember Duggan said he would suspect that the fee would only apply to the new buildings, which would normally be paid at final plat. Councilmember Duggan asked when this will be determined; on a phased basis or when the Council signs off on the final plat. Even though the developer is not ready to do the second phasing, the Council would like to see what the applicant is thinking in relation to the housing. Mr. Henk said they have stated before that this is going to be a 100-unit four-story building with underground parking. Councilmember Duggan said he wants to see what that might look like, i.e. balconies, color of materials, etc.

Mr. Henk said they are also recording their design criteria for all the buildings that will marry in all the things that is happening as far as the design features of these future buildings with the phase one development, and should in some future time, some use changes, they will have to come back before the Council.

Councilmember Duggan asked staff if, since this is a PUD, the Council is entitled to have all of the design, architectural, and landscaping presented all at one time, in order to see the development as a cohesive unit?

Mayor Huber said the applicant needs to do more work as the focus has been on the buildings in phase one, to the exclusion of the buildings in the future phase. Tying all these buildings and phases is something that the Council has talked about. Council and staff need to continue discussing the points made by the Council at the December 2nd

Council meeting and then convey to the applicant those discussions points at the January 6th meeting.

Councilmember Schneeman agreed that there needs to be more information submitted on the housing.

Councilmember Vitelli said he would like to see a 3D presentation on the housing in January.

AMENDMENT TO LEASE AT
1196 NORTHLAND DRIVE (TTM)

Mr. Sedlacek at the last City Council meeting, the Council approved a conditional use permit at 1196 Northland Drive which is a request to place a 2-ft round microwave dish on the existing cellular monopole on that parcel. The parcel is owned by the City of Mendota Heights, and the monopole is owned by AT&T.

Mr. Sedlacek referred to his memo and the attached "Second Amendment to Lease Agreement". Mr. Sedlacek said the cell tower agreement was set in 2000, and re-negotiated in 2005 with AT&T. The current rate is \$2,311 for 19 cellular antennas, which translates to roughly \$122 per antenna.

The lease agreement also establishes a set rate of \$500 per month regardless of how many antennas would be included. Six antennae (two facing each direction) would work out to be \$83 per antenna.

AT&T is comfortable with paying \$150 per month rent, which is higher than what the Council had talked about (\$120).

The proposed microwave dish will not interfere with AT&T's ability to locate a third carrier on the tower and would not take up space which could otherwise be used for cellular antenna.

AT&T has provided a performance bond for the removal of the structure which was requested by the Council.

This lease amendment was reviewed by the city attorney and staff is recommending approval of the lease amendment.

City Attorney Tami Diehm said she has worked with Debra Weiss, representative of TTM on some changes relating to the timeline of rent payment. It was agreed that the rent will be due once the antenna and facilities were installed.

Ms. Weiss said AT&T has agreed to all the terms and changes in the payment structure.

Councilmember Duggan moved to approve the Amendment to the Lease Agreement for TTM as presented.

Councilmember Vitelli seconded the motion.

Ayes: 4

Nays: 0

**AWARD AND NOTICE
FEASIBILITY STUDY PEDESTRIAN
IMPROVEMENT**

Public Works Director John Mazzitello said he previously briefed the Council at the September meeting on discussion that he and Mr. Sedlacek had with representatives from MnDOT to discuss the potential of a pedestrian overpass hooking the north to the south of Highway 110 east of Dodd Road. At that discussion, the Council was asked if they wanted a feasibility study done for this work

In October, the Council authorized that this be advertised and created a subcommittee that would be responsible for overseeing the project. The RFP was solicited and staff received four responses. The criteria used for scoring those responses included Project Understanding (10%), Project Approach and Schedule (20%), Project Personnel/Team (15%), Firm Experience/History (10%), Current Workload (5%), and Cost to Value (40%). The projected winner as SRF Consulting Group, with a 2-1 vote.

Some of the issues raised were project experiences, not being geographically proper and past experiences with Mendota Heights.

Mr. Mazzitello said the attached resolution would award the feasibility study and notice to proceed to SRF Consulting Group, however since the subcommittee was not unanimous, there are a few other recommendations stated in the staff memo

should the Council decide to change course in their actions.

Mayor Huber thanked Councilmember Krebsbach and Mr. Sedlacek for their participation on the subcommittee. Mayor Huber said he would like to sit on this project for awhile as Councilmember Krebsbach is not currently at the meeting, and she asked to have this discussion delayed until she can be present to take part in the discussion, and secondly, she has not reviewed any of the proposals yet.

Mayor Huber said there has been talk about this type of project for the last twenty years and beyond. Mayor Huber said he agrees and supports that if the Council decides to go forward; there will be some expensive consulting fees in trying to figure out what to do with this. Mayor Huber said he is not against spending the money on this, but is less certain that he knows the temperature of the Council on this and at what point would the Council say that this is too much money. Mayor Huber said he has some doubts.

Mayor Huber assured everyone that his comments at this time are only his, and should not be reflective on the rest of the Council.

Mayor Huber said he needs more time to think about how this money is spent, and if it is too much to spend on this type of project; and it is his opinion that he would rather spend less money on a bridge that is more plain than spending a lot of money on a fancier bridge. He does not believe the residents of Mendota Heights would support this.

Mayor Huber said Finance Director Kristen Schabacker will be preparing a memo on what the funding options are, and can they or not be put into a levy, and would this be an expenditure that under levy limits would be two years beyond that. Would this expenditure come under levy limits or is it outside levy limits, and what are the ways to handle it.

Mayor Huber said he is not sure he wants to spend the money, but if the Council is fully sure this is the way to go and there is a guarantee that questions will be answered in the absolute, he will support this project. Mayor Huber said he is not against hiring the consultant; he is just not sure the time is right yet.

Councilmember Vitelli said the consultant has been asked to examine at least three alternatives – above ground, underground, and traffic signal changes. Councilmember Vitelli said the Council needs to explore those three possibilities to answer the question of how people get across Highway 110. Right now, the timing of the signal lights do not allow a person to safely cross this highway, but yet there are pathways in Dakota County that would indicate human beings needing to cross Highway 110. Councilmember Vitelli said this should be studied and although he is not in favor of a big bridge, he feels it might be a good outcome if the consultant's suggestions are on option #3 for signal changes where the city could possibly get MnDOT funding assistance.

Councilmember Vitelli said he would like to wait to hear comments from Councilmember Krebsbach at the next meeting.

Mayor Huber said there are also other crossings located at Highway 110 and Lexington Avenue as well as Highway 110 and Delaware.

Councilmember Duggan said the suggestion for the Highway 110 and Dodd Road intersection comes from the pending development of Mendota Mall and the new development of The Village, and the possibility of linking.

Councilmember Duggan said he does not feel it would be worth the money to study a tunnel as he does not see that ever happening. Councilmember Duggan said he would be in favor of a study for the signal crossing, perhaps for about \$8,000.

Mayor Huber said this project must be discussed further because this is the residents' money that would be spent, but there may be some option for changes on-grade that the City may be able to fund, and the Council needs to work out the best solution for this project.

Councilmember Vitelli said this is not a critical issue and would vote to forget the whole thing.

Mayor Huber and Councilmember Schneeman both said they don't want to drop this altogether because there are residents that do ask about this.

Councilmember Duggan moved to table the discussion until the next Council meeting. Councilmember Vitelli seconded the motion.

Ayes: 4
Nays: 0

Councilmember Schneeman said she would support a feasibility study for a bridge because there are other cities that have beautiful bridges in their city, and suggested that staff find out how those bridges were funded. Councilmember Schneeman said the City of Mendota Heights will soon have two beautiful shopping centers and it would be wonderful to have them connected with a bridge.

PAR 3 RATE INCREASE

Mr. Jake Sedlacek said staff would like to have some discussion about the greens fees for 2009 as they would like to get some advertisement into the variance golf publications. The Par 3 greens committee, made up of two citizens and two Parks and Rec Commissioners, discussed the potential of increasing the greens fees by \$1 per round on weekdays and weekends, with rates for seniors and juniors (16 years and under) remaining at the current level. This will bring the golf course a net total of \$30,000 in operating revenue. The Par 3 had a goal of carrying over \$40,000 from the end of one golf season to the next. The course will fall short of that goal in 2008 as a number of "catch-up" maintenance projects were completed in 2008. Staff feels that although the \$30,000 is short of the \$40,000 for carryover, they feel that the \$1 increase is appropriate.

Councilmember Vitelli asked what the greens committee feels will be the number of round to be played next year as opposed to the 12,164 rounds in 2008. Mr. Sedlacek said they don't anticipate a change from this year. The averages for similar courses are listed on the chart that was supplied in the packets.

Councilmember Vitelli asked what the carryover will cover. Mr. Sedlacek said they would like to keep it for times when the weather is not good and people are not golfing, but staff and maintenance bills need to still be paid.

Councilmember Vitelli said to make sure the team has the mindset that this money should not be spent without Council review.

Councilmember Schneeman said she supports the increase because it's still lower than other courses.

Councilmember Vitelli moved to adopt the proposed fee schedule for the Mendota Heights Par 3.

Councilmember Schneeman seconded the motion.

Ayes: 4

Nays: 0

COUNCIL COMMENTS

Councilmember Duggan said he received a phone call from Larry Craighead about the increase in city taxes. Councilmember Duggan said his taxes increased 6%, where Mr. Craighead's were increased 4.6%. Councilmember Duggan said people can come to the Truth In Taxation meeting scheduled for December 1st with any concerns.

Mayor Huber said he had some conversations with Mr. Craighead as well with regards to funding for maintenance and equipment needs. Mr. Craighead had questioned the need for the sports courts. Councilmember Schneeman said the city needs to figure out how many tennis courts are needed in the city as Sibley High School has twelve new beautiful courts that can be used. Councilmember Schneeman said she asked several tennis players

about the sports courts and found that a lot of people like them, with the exception of really good tennis players that feel they are too cushiony. Councilmember Schneeman said she has also noticed there have not been a lot of players on the courts recently.

Councilmember Duggan congratulated City Attorney Tami Diem for her election as shareholder of her company, Winthrop and Weinstine.

Councilmember Duggan congratulated Tom Swain for his nomination and being named one of 500 smartest people in Minnesota, and congratulated all of the other mayors in the surrounding communities on their re-elections.

Councilmember Duggan asked what the status is on the comprehensive plan. Mr. Danielson said it is currently out for neighborhood review.

Councilmember Schneeman wished everyone a Happy Thanksgiving.

Councilmember Vitelli said he has no objection to the tax levy.

Councilmember Vitelli said his grandson Nick was featured in the newspaper recently in the Bulletin Board section for his capture of a 36-in. northern pike.

Mr. Danielson reminded the Council that the Truth In Taxation meeting will be held at city hall on Monday, December 1st at 7:00 p.m., and the next Council meeting will be held on Tuesday, December 2nd.

Mr. Danielson said there will be at least one commission vacancy (Parks Commission) to be filled and encouraged residents to submit their application.

ADJOURN

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

Councilmember Vitelli seconded the motion.

Ayes: 4
Nays: 0

Time of Adjournment 10:00 p.m.

Rebecca Shaffer
Recording Secretary

ATTEST:

John J. Huber
Mayor