

CITY OF MENDOTA HEIGHTS
DAKOTA COUNTY
STATE OF MINNESOTA

Minutes of the Regular Meeting
Held Tuesday, December 15, 2009

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

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

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

AGENDA ADOPTION

Councilmember Schneeman moved adoption of the agenda as presented.

Ayes: 5

Nays: 0

Councilmember Duggan seconded the motion.

APPROVAL OF MINUTES

Councilmember Krebsbach moved approval of the minutes of the regular meeting held on December 1, 2009, as presented.

Ayes: 4

Nays: 0

Abstain: 1 (Duggan)

Councilmember Schneeman seconded the motion.

CONSENT CALENDAR

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

- a. Acknowledgement of the NDC4 Meeting Minutes and Agenda.
- b. Acknowledgement of the November 2009 Fire Department Report.
- c. Authorization of Purchase Order for Computer Network Infrastructure Purchase.
- d. Authorization of Purchase Order for Dragon Speech Recognition Software.
- e. Authorization of Purchase Order for Employee Photo Identification System.

- f. Authorization for City Administrator to sign Dakota County Drug Task Force JPA Renewal.
- g. Acceptance of Resignation of Assistant Fire Chief and Authorize Filling the Position.
- h. Approval of Banking Authorization Resolution.
- i. Approval of Petition for Street Light at Huber Drive and Delaware Avenue.
- j. Approval of Sign Permit for 1120 Centre Pointe Drive, Suite 400.
- k. Approval of Sergeant Promotion.
- l. Adoption of Resolution No. 09-112: "A RESOLUTION AMENDING PAY CLASSIFICATION SCHEDULE FOR NON ORGANIZED EMPLOYEES TO REFLECT A 2.0 PERCENT ANNUAL ADJUSTMENT FOR 2010" and Resolution No. 09-113: "A RESOLUTION ADOPTING A SCHEDULE OF COMPENSATION FOR CERTAIN EMPLOYEES FOR 2010 AND ESTABLISHING CERTAIN OTHER BENEFITS."
- m. Approval of Contractors List, dated December 9, 2009.
- n. Approval of the List of Claims, dated December 15, 2009, totaling \$254,004.39.

Councilmember Krebsbach seconded the motion.

Ayes: 5
Nays: 0

DRAGON SPEECH SOFTWARE

Councilmember Krebsbach asked the police chief to explain the Dragon Speech Software capability and address when conversations will be recorded.

Police Chief Aschenbrener explained this item had been budgeted for two years and discussed previously. Police officers will not record casual conversations with residents at this time. He explained that the officers can, at their discretion, turn on the squad camera video and record conversations or record an incident. The system is expensive because it builds a voice profile for each officer so they can talk to the computer in the squad car, in the office, or their recorder, and download it into the computer instead of manually inputting a police report.

Councilmember Krebsbach asked whether residents who are questioned by the police can assume they are being recorded and eventually there will be video capacity but casual conversations with police officers will not be recorded. Police Chief Aschenbrener stated there is a 98%

chance the conversation will not be recorded. He noted that Mendota Heights has well-trained and educated officers who have an understanding of what should and should not be recorded. He advised the goal will be to record arrest situations since that is where complaints can come from.

Councilmember Krebsbach stated Mendota Heights has top flight police officers and the city expects to also have the best technology but she assumes casual conversations will not be recorded.

Councilmember Schneeman asked how the recording is started. Police Chief Aschenbrener advised that it has to be activated by the police officer.

Councilmember Schneeman moved approval to authorize the city administrator to sign a purchase order for ten Dragon Speech Recognition Software licenses in the amount of \$6,196.43.

Councilmember Duggan seconded the motion.

Ayes: 5

Nays: 0

EMPLOYEE PHOTO ID SYSTEM

Mayor Huber stated he pulled item e, employee photo identification system, for further discussion.

Police Chief Aschenbrener explained the employee photo identification system is part of the city's emergency preparedness plan and something staff has discussed several times during the last three years. It would create identification cards for employees on a yearly basis. He explained the goal would be to update the city's door-to-door peddler and solicitor license process by improving background checks and issuing photo identification, the same identification currently issued to the police department on a contract basis through other cities. Police Chief Aschenbrener explained this identification card would show the solicitor is authorized to go door-to-door. He noted while this system will have multiple uses, after a lengthy discussion, staff determined it would be appropriate to fund it from the Emergency Preparedness budget.

Mayor Huber stated he thought employee identification had been done following 9/11 but fell into disuse, so he wondered if it was needed for city staff. On the issue of

door-to-door solicitors, he stated he understands Police Chief Aschenbrener's comments but is concerned that such an ID may be misinterpreted by the resident that it implies the city endorses the product being sold. Police Chief Aschenbrener noted the solicitors currently show a piece of paper saying they have a permit to go door-to-door, which could be used by someone else who is not authorized. He stated his preference to totally prohibit door-to-door solicitation but if it is allowed, to use a picture identification.

Councilmember Krebsbach indicated she may support a total prohibition of door-to-door sales.

Councilmember Duggan stated he did not support a prohibition, feeling it allows for commerce and entrepreneurialism. He stated the city cannot prohibit some solicitors while allowing others. He felt that solicitors should be allowed with a picture ID. Police Chief Aschenbrener noted the ordinance includes exemptions on who is required to have a permit. He stated he expects the process to revise the solicitor ordinance will result in debate and discussion and identification badges will be one component of it.

Mayor Huber stated there may be a point in the process where he supports it but not tonight without having that discussion.

Councilmember Vitelli stated he supports the request to purchase this software.

Councilmember Duggan noted that planning commissioners and councilmembers are not necessarily recognized when doing city business, perhaps visiting a property. He stated the planning commissioners would like an official identification because there have been challenges on a few occasions because they do not have an official city identification.

Councilmember Schneeman stated she supports the purchase because she wears an identification badge to get into other government buildings and believes it is a safety issue.

Councilmember Vitelli moved to authorize the city administrator to sign a purchase order to IdentiSys, Inc. for software, hardware, and accessories in the amount of \$6,234 and charge the expenditure to the Emergency Preparedness budget.

Councilmember Schneeman seconded the motion.

Ayes: 4

Nays: 1 (Huber)

DAKOTA COUNTY DRUG TASK
FORCE JPA RENEWAL

Councilmember Duggan stated he did not have an opportunity to talk with Police Chief Aschenbrener about his concerns with the way the JPA was written. He cited several areas where the word “may” should be “shall” and asked for the opportunity to work with Police Chief Aschenbrener to iron out a few changes to the language. Police Chief Aschenbrener explained this document has already been through four rounds of review by city attorneys at the cost of several thousand dollars, so he did not think the document would be easy to revise.

City Attorney Tami Diehm stated they took a broad approach in their legal review, noting eleven cities and Dakota County are part of this agreement. She advised that if substantive changes are desired it would have to be approved by all entities.

Councilmember Duggan referenced Section 6.8 where he felt the word “may” ought to indicate “shall” and indicated that in reading the document he lost a sense of which organization was in control and found the language confusing.

Councilmember Schneeman asked how those revisions can be made. Ms. Diehm stated revisions would need to be approved by all entities of the JPA.

Councilmember Vitelli moved to authorize the city administrator to sign the JPA renewal on behalf of the City of Mendota Heights and forward signed agreement to the Dakota County Drug Task Force.

Councilmember Krebsbach seconded the motion.

Ayes: 4

Nays: 1 (Duggan)

HUBER DRIVE & DELAWARE
AVENUE STREET LIGHT

Councilmember Krebsbach asked whether the cost for this street light will be shared with Sunfish Lake. Acting Public Works Director/City Engineer Ruzek advised the street

light will cost approximately \$9.80 per month and there is no cost for the installation. The monthly street light cost will be split between the two cities. It was noted this street light will be installed on the southwest corner.

Councilmember Duggan asked if the light will be shielded from private property. Mr. Ruzek stated he will check, noting the light will be installed on a pre-existing pole and directed downward.

Councilmember Schneeman moved approval of the installation of a street light at the intersection of Huber Drive and Delaware Avenue, as presented.

Councilmember Vitelli seconded the motion.

Ayes: 5
Nays: 0

**RESOLUTIONS 09-112 AND 09-113
AMENDING PAY SCHEDULE AND
SCHEDULE OF COMPENSATION**

Councilmember Vitelli stated his support for the 2% pay increase for non-union staff. He noted that in the United States, everyone realizes that the federal government is spending beyond its means, spending its grandchildren's money, and the state also has gigantic budget deficits as well as other cities that have serious budget problems. Councilmember Vitelli referenced a newspaper article in today's paper that indicated the Apple Valley council initiated a salary freeze for all employees.

Councilmember Vitelli complimented Mendota Heights' staff for working hard on the 2010 budget and presenting a conservative budget for the Council's consideration. He noted the City will be welcoming a new fire engine and is able to increase the salary of employees by 2% in 2010. Councilmember Vitelli stated his tax statement increased only 1% to cover city expenses. He complimented city staff and the leadership of the council for working hard to make this happen. Councilmember Vitelli stated he wished there were more federal and state employees who ran the government like this city does.

Councilmember Vitelli moved adoption of Resolution No. 09-112: "A RESOLUTION AMENDING PAY CLASSIFICATION SCHEDULE FOR NON ORGANIZED EMPLOYEES TO REFLECT A 2.0 PERCENT ANNUAL ADJUSTMENT FOR 2010," and Resolution No. 09-113: "A RESOLUTION ADOPTING A SCHEDULE OF COMPENSATION FOR CERTAIN

EMPLOYEES FOR 2010 AND ESTABLISHING
CERTAIN OTHER BENEFITS.”

Councilmember Schneeman seconded the motion.

Ayes: 5

Nays: 0

SWEARING IN SERGEANT PETERSON Police Chief Aschenbrener thanked Councilmembers Krebsbach and Vitelli for participating in the interview process. He explained that Sergeant John Larrive had stepped down, so the process was initiated to find a replacement and the process followed the same format used previously. He detailed each step in the interview process and advised that upon completion of scoring, Officer Eric Peterson was well ahead of all the others and it is his honor to introduce Office Peterson and present him to be sworn in. Officer Peterson read the Police Officer Code of Ethics aloud.

Mayor Huber administered the oath of office to Police Officer Eric Peterson for the position of Sergeant for the Mendota Heights Police Department. Mayor Huber congratulated Police Sergeant Peterson and thanked him for wanting to better himself in this difficult and challenging position. Eryn Peterson pinned Sergeant Peterson with the Sergeant's badge.

The Councilmembers added their congratulations to Police Sergeant Peterson. Police Sergeant Peterson introduced his family members who were in attendance.

DISCUSSION OF GASB 45/OPEB

Finance Director Kristen Schabacker advised that beginning with the audit ending December 31, 2009, the city will be required to implement GASB 45. This statement relates to Other Post Employment Benefits (OPEB). The only post employment benefit that the city provides is to allow retirees to remain on the health and dental insurance plans offered to current city employees until they are qualified for Medicare. The retirees are required to pay their own premiums. Under GASB 45, by allowing retirees to remain on the health plan there is an implicit rate subsidy that needs to be quantified on the city's financial statements.

Ms. Schabacker explained that since the city has fewer than 100 employees, it is allowed to use the Alternative Measurement Method (AMM). The city will be required to do this every three years, but this method is less intensive

than a full actuarial study on OPEB. It will determine an annual expense from the implicit rate subsidy, and estimate the expected retirement age, and the number of employees who will continue on with the city's health plan after they retire. Ms. Schabacker stated she is seeking authorization to receive quotes from actuarial companies to implement GASB 45 for the city. This service should be approximately \$1,500.

Councilmember Schneeman moved to authorize staff to seek quotes for GASBY 45 implementation.

Councilmember Duggan seconded the motion.

Ayes: 5

Nays: 0

**DAKOTA REGIONAL VISIONING
STUDY PROFESSIONAL
ENGINEERING SERVICES
AGREEMENT**

Acting Public Works Director/City Engineer Ruzek explained that in February of 2009, a joint ad hoc committee was developed between Mendota Heights and Sunfish Lake to support the cities' concerns with the Dakota County Regional Visioning Study. Mr. Ruzek presented staff's recommendation to contract with Foth Infrastructure and Environmental, LLC, to develop traffic engineering consultation and review traffic modeling assumptions being described in the study. The Mendota Heights/Sunfish Lake ad hoc committee is scheduled to hold its initial meeting on Friday, December 18, and staff will provide an update at the Council's next meeting. Mr. Ruzek stated staff recommends that the council approve the resolution to award the Professional Services Agreement to Foth Infrastructure and Environmental, LLC.

Councilmember Vitelli moved adoption of Resolution No. 09-114, "A RESOLUTION AWARDDING A PROFESSIONAL ENGINEERING SERVICES AGREEMENT."

Councilmember Duggan seconded the motion.

Ayes: 5

Nays: 0

Councilmember Duggan stated he could be negatively impacted by this development and hopes the committee will invite residents to be on the committee or a subcommittee. He noted there are 40 homes on the Mendota Heights side from I-494 to Highway 110 and if ever there is an expansion on Delaware Avenue north of I-494, all of those homes would be severely impacted and some challenged to get a return of funds invested in their homes. Councilmember Duggan stated this is a serious

issue and he is concerned with the current “blindness approach” by the county in moving forward. He concurred with a question raised at an earlier meeting by Councilmember Vitelli when he questioned if there was any benefit to Mendota Heights or Sunfish Lake if this moves forward. Councilmember Duggan commented on the importance of keeping in communication with the city’s residents and to encourage them to come forward to the city hall, Sunfish Lake, or staff to share concerns, share reports, and submit comments.

Mayor Huber agreed the city needs to stay in touch with residents to keep them informed of the process and agreed that it will take a lot of effort by the general public and community. He stated the ad hoc committee will work on how to make sure it is marshalling all the resources available and certainly, residents’ input will be important as well. Mayor Huber noted there are considerable resources at the city’s disposal and we need to determine if we are using them in the best way and at the best time.

City Administrator David McKnight stated the communication plan is the first agenda item at Friday’s meeting. In addition, *Heights Highlights* is coming out in the next week and contains a front-page article about the issue of communication. He assured the council that staff will keep everyone as informed as possible and encourage residents and the council to provide input.

Councilmember Vitelli questioned whether it would be appropriate to send a memorandum to the city’s state representative, state senator, and elected Dakota County representatives to ask where they stand on this issue. Councilmember Krebsbach felt it was not too early to ask that question.

Councilmember Duggan stated he had talked to Dakota County Commissioner Tom Egan who indicated he was neutral because he does not have enough information.

Councilmember Vitelli suggested the city’s county, state and federal elected representatives be asked if they would ever support having the Delaware corridor be the main corridor from the south into downtown St. Paul.

Councilmember Krebsbach suggested they also be asked where they stand on the interchange and if they have met with other cities and indicated support for it.

Mayor Huber asked staff to include this item on the agenda for Friday.

COUNCIL COMMENTS

Councilmember Vitelli thanked staff for writing the agenda item number on the staff reports contained in the meeting packets. He stated he also appreciates the city administrator's weekly report that addresses important items, as it is very informative.

Councilmember Schneeman advised that skating rinks are being flooded and should be ready for use in one week.

Mayor Huber wished everyone happy holidays and safe travel while visiting friends and family.

Councilmember Krebsbach wished all a Merry Christmas and Happy Hanukkah.

Councilmember Duggan concurred and congratulated two Mendota Heights properties identified as "extravagant lights" for viewing and enjoyment by the rest of us.

ADJOURN TO CLOSED SESSION

Councilmember Schneeman moved to adjourn the meeting to closed session to discuss labor negotiations between the City of Mendota Heights and LELS.

Ayes: 5
Nays: 0

Councilmember Duggan seconded the motion.

Time of Adjournment 7:40 p.m.

Kathleen M. Swanson, City Clerk

ATTEST:

John J. Huber
Mayor

Prepared by Carla Wirth, Recording Secretary