

CITY OF MENDOTA HEIGHTS
DAKOTA COUNTY
STATE OF MINNESOTA

Minutes of the Regular Meeting
Held Tuesday, December 18, 2007

Pursuant to due call and notice thereof, the regular meeting of the City Council, City of Mendota Heights, Minnesota was held at 7:30 o'clock p.m. at City Hall, 1101 Victoria Curve, Mendota Heights, Minnesota.

CALL TO ORDER

Mayor Huber called the meeting to order at 7:30 p.m. The following members were present: Councilmembers Duggan, Krebsbach, Schneeman and Vitelli.

PLEDGE OF ALLEGIANCE

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

AGENDA ADOPTION

Councilmember Duggan moved adoption of the agenda as amended to include item 6k.
Councilmember Schneeman seconded the motion.

Ayes: 5

Nays: 0

APPROVAL OF MINUTES

Councilmember Duggan moved to approve the minutes of the December 4, 2007 City Council meeting as corrected.
Commissioner Duggan seconded the motion.

Ayes: 5

Nays: 0

CONSENT CALENDAR

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

- a. Acknowledgement of the NDC4 Meeting Minutes and Agenda.
- b. Acknowledgement of the November 2007 Monthly Fire Department Report.
- c. Acknowledgement of the November 2007 Treasurer's Report.

- d. Authorization for City Administrator to issue Purchase Order for Demolition of Bourn Property, 1181 Bourn Lane.
- e. Approval of Advance Purchase of Pagers.
- f. Adoption of Resolution No. 07-126: “A RESOLUTION APPROVING THE DECERTIFICATION OF TAX INCREMENT FINANCING DISTRICT NO. 1 OF THE CITY OF MENDOTA HEIGHTS.”
- g. Adoption of Resolution No. 07-127: “A RESOLUTION AMENDING PAY CLASSIFICATION SCHEDULE FOR NON ORGANIZED EMPLOYEES TO REFLECT A 3.0 ANNUAL ADJUSTMENT FOR 2008” and Resolution No. 07-128: “A RESOLUTION ADOPTING A SCHEDULE OF COMPENSATION FOR CERTAIN EMPLOYEES FOR 2008 AND ESTABLISHING CERTAIN OTHER BENEFITS”.
- h. Approval of the List of Contractors dated 12/31/07.
- i. Approval of the List of Claims, dated 12/18/07, totaling \$429,444.26.
- j. Authorization for the purchase of a replacement laptop computer for the police department.
- k. Authorization to Install Radio Equipment

Councilmember Duggan referred to Item 6.f., and asked what the impact is on the taxes to the City in 2008. Finance Director Kristen Schabacker said the tax increment district is set to decertify at the end of the year, and the numbers that were presented with the Truth in Taxation were funded for that district.

Councilmember Duggan referred to Item 6.i., and asked for clarification on the charges for Crysteel – Street Dump Truck Equipment. Ms. Schabacker said staff has budgeted for a new dump truck, which is purchased in two parts – the truck and the equipment. The two invoices came in under what was budgeted.

Ayes: 5
Nays: 0

HEARING: STREET VACATION

Public Works Sue McDermott shared an aerial view

KAY AVENUE

of a segment of Kay Avenue, formerly Lakeview Avenue. This is now an extension of Walsh Lane.

Ms. McDermott said an old survey of the property shows that the right of way had been vacated prior to 1971, and actually the home at this location was built on the right of way. Ms. McDermott said it is believed that the vacation was never recorded at Dakota County as there is no record of this vacation at the County.

Ms. McDermott said Staff is proposing to improve Walsh Lane and Kay Avenue, a total street reconstruction, and Staff wants to clean up this issue prior to that construction. Staff said the City does not need any of this vacated land for any of the roadway construction, and this area is now a yard and driveway.

Ms. Susan Gagnier, 1957 Walsh Lane, said she was told by Ms. McDermott that there was no record of this vacation. Ms. Gagnier said she went to Dakota County, and found that information in the Miscellaneous Records Department, Book No. 62 Dakota County. Ms. Gagnier gave a copy of this record to the City Council. Ms. Gagnier then read the legal description, which shows that this area was vacated. This legal description was dated June 21, 1954 and signed by three Town Board members, and recorded at Dakota County on August 13, 1954 at 11:00 am.

Councilmember Vitelli said it seems there is no action to take.

Councilmember Duggan asked Staff to compare the legal descriptions in the document provided by Mrs. Gagnier and the documents that Staff has to be sure the descriptions are the same.

Mayor Huber opened the public hearing. Seeing no one else wishing to speak, Mayor Huber asked for a motion to close the public hearing.

Councilmember Krebsbach moved to close the public hearing.

Councilmember Vitelli seconded the motion.

Ayes: 5

Nays: 0

HEARING: STREET VACATION
PONTIAC PLACE

Mayor Huber said this item was discussion was continued from the December 4 meeting because Council wanted to have a chance to review this information further. Public Works Director Sue McDermott said she had talked to the Public Works Superintendent about this and he would like to have this vacated as well, as it is creating many headaches for the maintenance crew.

Ms. McDermott said staff is recommending retaining a drainage and utility easement over the vacated right of way, but a trail easement could also be included if the Council desires.

Councilmember Krebsbach said she would be interested in the trail easement. Councilmember Krebsbach said this is a beautiful piece of property, and she believes there should be some sort of access in there.

Mayor Huber opened the public hearing. There being no questions or comments from the audience, Councilmember Duggan moved to close the public hearing.

Councilmember Vitelli seconded the motion.

Ayes: 5

Nays: 0

Councilmember Duggan moved to adopt Resolution No. 07-130, "A RESOLUTION APPROVING A STREET RIGHT OF WAY VACATION," with the addition of a the city retaining a trail easement over the vacated right-of-way.

Councilmember Vitelli seconded the motion.

Ayes: 5

Nays: 0

2008 STREET RECONSTRUCTION:
THE AVENUES NEIGHBORHOOD
KAY AVENUE/WALSH LANE

Mayor Huber opened the meeting for the purpose of a public hearing on the proposed 2008 street reconstruction projects.

Public Works Director McDermott stated that the 2008 street reconstruction project consists of the area that is referred to as "The Avenues" which is 1st, 2nd, 3rd, and 4th Avenues, Laura Street, Vandall Street, and Clement Street and reconstruction of Kay Avenue/ Walsh Lane.

Ms. McDermott said these projects will consist of water main repair, some addition of storm sewers, new aggregate base, curb and gutter, and pavement. In some areas in the Avenues, there is already existing curb and gutter and Staff will attempt to save as much of that as possible. The people who live along those areas will not be assessed for the new curb and gutter, but only the new pavement.

Ms. McDermott said the report proposes two options on water main replacement. What staff recommended was repairing the areas that St. Paul Water has recommended due to the fact that the replacement of the entire water main is over one million dollars and the City currently does not have the funds in the Utility Fund to accomplish that. However, Council could direct Staff to replace the entire water main and the city could bond for a portion of these costs with the rest of the project costs.

There would be some advantage to replacing the entire water main, as over the past several years with some of the street projects that have been completed, water main breaks have occurred under the relatively new pavement, and the pavement had to be dug up to repair that break.

Ms. McDermott said by replacing all the water mains in the neighborhood, it would be easier for Staff to adjust street grades. St. Paul Water requires all water mains to be 8-ft. deep, and Mendota Heights is limited on adjusting the street grades.

Ms. McDermott said Staff held a neighborhood meeting and had a good turnout. The general consensus among Staff is that there was not a large amount of opposition. There were a few issues brought up - one particular issue on Walsh Lane

where the resident wanted to close that street off making two cul-de-sacs. Ms. McDermott said she believes this resident attempted to get some signatures from the neighborhood in support of this request and Ms. McDermott said she received a few calls from people who oppose that idea. Staff is opposed to the idea for safety reasons (emergency access). Ms. McDermott said Staff also took a speed count on Walsh Lane and found there is not a speed problem and there is not much traffic on Walsh Lane.

Ms. McDermott said there seems to be a problem with speeding on 1st Avenue and has talked to the police chief about that. Staff is proposing to put some bump outs at the intersection as a traffic calming measure to keep speeds down. Ms. McDermott explained how plantings could be placed in these bump outs and make the area look aesthetically pleasing and help with storm water runoff. Ms. McDermott said staff has received requests for stop signs at the intersection on Kay Avenue and Walsh Lane, and staff needs to look into this request more carefully to see if stop signs would be warranted or not.

Ms. McDermott said the city's consultant has been working with the residents regarding the steep driveways along 1st Avenue just west of Dodd. There are also some drainage issues, one at 4th Avenue and Dodd Road, where there is a home fairly close to both roadways. There is a lot of runoff from the highway and there is a lot of runoff to the yard. Staff has been working with the resident to resolve this.

Ms. McDermott reviewed the cost estimates and proposed assessments. Staff proposes to use unit assessments as has been done in the past, so that each lot has the same assessment.

Councilmember Duggan asked to see those sections that will be made wider, closer to city standards. Ms. McDermott showed those areas on the map, and said all the residents in that area are aware of this.

Councilmember Duggan asked where the sections will be where the water mains will be installed deeper to get to eight feet as St. Paul Water wants. Ms. McDermott introduced consultant Dan Fick, from Bonestroo, to explain where these areas are.

Mr. Fick said there are two issues. St. Paul Water has recommended some water main replacements, and the second issue is if the City chooses to replace all the aging watermain, then all the streets in the project area would be included. Mr. Fick stated that there are four blocks where watermain is recommended for replacement by St. Paul Water: First Avenue, from Clement to Laura; one block on Second and Third Avenue between Laura and Vandall and between Vandall and Clement. Mr. Fick said these water mains were installed in the mid-1960's, and they are getting toward the end of their service life. Breakage frequency and leakage is anticipated to increase.

Mayor Huber said the issue is if the City does not replace the watermain now, it is unlikely the streets will be replaced for at least thirty years and the watermains would be about 70 years old. That may be an unreasonable expectation for the life of the water main. Mr. Fick said generally when a water main gets to be 40+ years old, there are breaks, which will most likely cause a patchwork quilt effect in the street pavement due to constant digging to repair.

Councilmember Vitelli asked who pays for the maintenance when a water main breaks. Ms. McDermott said St. Paul water pays to fix the break and repair the street. Councilmember Vitelli asked if there would be a point where St. Paul Water, who supplies water to Mendota Heights, would insist that Mendota Heights replace the water main. Ms. McDermott said she does not believe they ever insisted, but they do make recommendations based on the break frequencies. In this case, the existing water main is 6 inches in diameter, which is substandard to the 8 inch that the City typically installs.

Ms. McDermott said it is hard to watch new pavement be torn up to fix breaks, and she believes the residents would agree that if they are paying this type of assessment, they would not want to have patches on their streets in the next five years.

Councilmember Vitelli asked Ms. McDermott what her recommendation is in determining which roads get the new water mains. Ms. McDermott said she originally recommended replacing all of the watermain. At first she looked at taking all of the money out of the utility fund, but that would deplete the fund completely and staff does not want to do that. The utility fund will have to fund the cost of repainting the water tower in the future. She would still like to recommend replacing all of the watermain throughout the Avenues neighborhood and bonding for half of the cost and paying the remainder out of the Utility Fund.

Mayor Huber said relative to this particular assessment, the City's decision on the water main is neutral as it will not change the assessment. Ms. McDermott said that was correct.

Councilmember Krebsbach asked if the unit cost is based on the street reconstruction and not the water main. Ms. McDermott said that was correct and there is some storm sewer that is included in the assessment (about 50% of the storm sewer).

Councilmember Vitelli asked if all the water mains in these areas are from the 1960's. Ms. McDermott said that was correct.

Councilmember Schneeman talked about the water main breaks a few years ago along Freeway Road, and how much of a mess that was. It is also hard for the residents because it disrupts traffic.

Mr. Fick said the minimum would be to replace the water mains only in the locations where St. Paul Water has recommended (in the middle of the Avenues). The cost for this would be about \$594,000. The other option is to replace the

watermain in the entire Avenues neighborhood, which would be about \$1.2 million.

Councilmember Duggan asked about the steep driveways along 1st Avenue. Mr. Fick explained where they were located and how they will be fixed.

Councilmember Duggan asked if there are any indications on where resident sprinkler systems and invisible fencing are. Mr. Fick said he is hoping the residents will let staff know. Ms. McDermott said a letter will be sent to the residents asking for that specific information.

Mayor Huber asked what the amortization period on the bonds would be. Ms. Schabacker said about 19 years.

Ms. McDermott explained the City's practice regarding installing curb and gutter.

Mayor Huber asked for questions and comments from the audience.

Councilmember Vitelli stated that whenever Council holds a hearing on street improvements, there is always a discussion about curb and gutter versus no curb and gutter. There is a feeling that no curb will cost less and often the argument of the property owners is maintaining the aesthetics of the neighborhood, but really the cost is a serious issue. He asked Public Works Director McDermott to explain the city's policy on curb and no curb and the cost to residents.

Public Works Director McDermott stated that there is a street assessment policy wherein the city assesses 50% of the cost rebuilding the street with curb and gutter to the properties abutting the street. If there is an overwhelming response from the property owners for no curb and gutter, then 100% of the cost of reconstruction is assessed to the neighborhood. The assessment would be for ten years.

Mayor Huber stated that if curb and gutter is installed, half of the construction cost is paid by the entire city and the remainder is assessed to the property owners for 19 years. If no curb and gutter is installed, the entire cost of the project is assessed over 10 years to the affected property owners. This has been the policy since about 1991.

Councilmember Vitelli stated that at the time the policy was adopted, that Council no doubt had a strong feeling, just as this Council has, that curb and gutter should be in the city.

Responding to a question from Councilmember Duggan about what the impact is on city streets that are built without curb and gutter, Public Works Director McDermott stated that a few years ago the city built Coleshire without curb and gutter and the edge of the street is already breaking up. People tend to park on the grass, so the grass is dying, and erosion is already occurring after just a few years. Water can get under the pavement and start the cracking process where the curb and gutter, whereas curb and gutter keeps the water from going under the pavement. From a maintenance standpoint, the city likes to put in curb and gutter.

Councilmember Duggan commented that most of the time, the curb also keeps snowplows on a straight and narrow path.

Mayor Huber stated that essentially, the street becomes a water collection system. Without curb and gutter, there is no water collection system.

Councilmember Vitelli stated that the residents on Coleshire chose not to have curb and gutter on their street and several of them have called Ms. McDermott and expressed their regret for not wanting curb and gutter when the street was reconstructed.

John Orme, 1975 Walsh Lane, said he lives on the corner of Walsh and Victoria and he is being over-assessed because he does not believe he should have to pay for the Walsh Lane improvements. He only

has about 65 feet along this road, and he hardly ever uses Walsh Lane, and believes he is over assessed by using the unit basis assessment. A trail was put in about 17 years ago and he has experienced cars turning the corner and running over the path on a regular basis and cars running up into his yard, taking the power poles down. He asked that the street actually run all the way to Victoria to make a right hand corner for safety reasons rather than the curve. Mr. Orme said cars speed around this corner on a regular basis and he is concerned about the safety on this corner. His neighbor across the street has cars constantly cutting through his yard over the path and breaking his sprinkler system. He has called the city at least fifteen times over the past seventeen years and nothing has been done. The cars coming off Victoria cut the corner.

Councilmember Duggan asked Ms. McDermott to look into the possibility of placing bump outs in this area. Ms. Dermott said that would not be a good place, but the reconstruction project will be putting in curb and gutter around the curve radii and refiguring the intersection. The right-of-way on Victoria Curve is actually MnDOT right-of-way and the city is in the process of getting that turned back. Once that happens, curb and gutter can be installed on Victoria. She will also look at running the street straight out as Mr.Orme suggested.

Mayor Huber stated that many cities assess on a per unit basis rather than by front footage. It is a pretty typical practice.

Mr. Orme stated that he knows that people he has talked to in other cities have been assessed by footage and Mendota Heights has a policy of either frontage footage or unit basis.

Responding to a question from Councilmember Krebsbach, Ms. McDermott stated that a traffic count was done and Walsh has a very low traffic count. Councilmember Duggan stated that the traffic study indicates only 15 cars per hour using a 16 to 17 hour day.

Rob Meyer, 1399 Clement, said he likes the idea of curb and gutter. Mr. Meyer said it would help cut the speed on 1st Avenue if it were made a barely one way. The bump outs are great. Speeds in the morning are definitely greater than 35 miles an hour and anything that can be designed in to reduce the speeds would be great. There is a little stub of First between Medora and Clement, and he would like to know if that can be squeezed down in width rather than 30 feet to help reduce the speed. Ms. McDermott said staff has discussed that and the road will be made narrower, she believes 28 feet wide, to help reduce the speed.

Mr. Meyer stated that Clement has been patched several times and he has not been billed. He asked if it is a new policy to assess people for the major projects. Ms. McDermott said that just patching a street is included in the city's annual budget.

Councilmember Duggan asked Ms. McDermott to clarify how the street will be reconstructed. Ms. McDermott said on Clement in particular, there will be 6 inches of aggregate base and 4 inches of blacktop over it, put down in two lifts.

Rhonda Simonsen, 1399 Clement, said lived on this property when curb and gutter was done on Clement and has already paid for the curb and gutter once. Ms. Simonsen asked if the City will be doing curb and gutter around the whole city.

Mayor Huber said if properties already have curb and gutter, it depends on the condition of the existing curb and gutter whether it will be replaced or not. Residents will not be assessed for it if they currently have it. Ms. Simonsen asked what the precedence is for going in a tearing up streets that are already curbed and guttered and replacing the street and assessing the residents. Ms. McDermott said that typically, the City does not have to tear up the streets once the curb and gutter is installed. The City usually just does a mill and overlay. It is a different situation when putting in new water mains as the streets will be dug up because of the trenches.

Mr. Fick said in the locations where there will be no excavation for water main work required, only mill and overlay will be done, as is the case with Clement. Ms. McDermott said those assessments will be adjusted accordingly. Those properties would only be assessed for mill and overlay.

Ms. Simonsen said it is not the property owners that have ruined the street; it is the citizens of Mendota Heights and St. Paul who short cut through a neighborhood. Ms. Simonsen said a plan needs to be made because twenty years from now, some of these streets will be in bad shape again. This is a major thoroughfare.

Mayor Huber said ultimately streets wear out and at some point they need to be replaced. Mayor Huber said the Council does not force this down residents' throats and if there is not enough support for curb and gutter, the City will go on to another neighborhood. Mayor Huber said it is not a popular thing to raise peoples' taxes, and it is a general occurrence to get about 50% approval from the residents. If 75% of residents do not support a project, the City will not do it now, but in the next few years, it will come back for discussion as the roads really will need attention.

Ms. Simonsen said narrowing of the "s curve" on First Avenue will discourage people from driving too fast. There is a high accident potential at the corner of First and Clement going east.

Ken Noack, 677 4th Avenue, asked about a portion on 4th Avenue (Somerset 19 property) that is not shown on the colored map to be assessed. Ms. McDermott said there is no street access to those lots. Mr. Noack asked if these lots will be assessed once they are sold. City Attorney Tami Diehm said that under the City's policies now, the street reconstruction is assessed based on the actual access to the road, and future subdivisions are not assessed. If the lot has the potential of subdivision, the property owner is charged for two separate lots. Mayor Huber said in this case, there is no potential for the property to subdivide.

Mr. Noack said he believes all the water mains need to be replaced. Mr. Noack asked if all the culverts will stay where they are. Ms. McDermott said they are looking at that as there are some areas that need repair. Mr. Noack talked about how water backs up along the bike path and hopefully the city will address the elevation of the holding pond in the city park. The natural waterway was dammed off when the bike path was put in.

Mr. Andrew Katz, 1960 Walsh Lane, asked how much of the land that is being staked out along Kay will be used for curb and gutter. Mr. Fick said he believes Walsh Lane will be reconstructed at 30-foot wide. He believes it is currently 28 feet. Mr. Katz asked how this will affect the large tree on his property. Mr. Fick said they will save the tree if they can. It is right up against the edge of the pavement. Mayor Huber directed Ms. McDermott to work with Mr. Katz regarding his property.

Councilmember Duggan said there are steps that the engineers and the City can take in advance of the project to protect trees that are very close and could be damaged. He suggested that staff take those steps initially to minimize damage to all of the large trees.

Mr. Katz asked if there are any plans to square the street corners off. Ms. McDermott said this intersection will become smaller and more defined as to where Kay and Walsh are. She will share those plans with Mr. Katz. Ms. McDermott showed how the T-intersection will be laid out and the City will be having another neighborhood meeting in January to discuss these issues. City staff will be happy to meet one on one with other concerned residents as well.

Councilmember Duggan asked Mr. Katz what his opinion is on putting in a stop sign. Mr. Katz said he would guess that a yield sign would pretty much do what is done now, which is someone may slow down at the intersection. A stop sign would be ideal for stopping traffic.

Ms. Susan Gagnier, 1957 Walsh Lane, asked what part of Walsh Lane the speed survey pertained to. Ms. McDermott said the survey was done north of Kay Avenue. Ms. Gagnier said she sees a lot of traffic along Walsh Lane, and talked about how people drive so fast that they careen around the curve, sometimes coming up into her yard. The traffic is coming from the new neighborhood below the hill. Someone almost got hit in front of one the homes a few months ago. Ms. Gagnier said she would like to see a stop sign at the "T" and have the road made narrower.

Mr. Robert Sullwold, 667 1st Avenue, said there have been a couple of accidents by his home and he expressed his opinions on narrowing the streets as they may become more dangerous for residents walking. Ms. McDermott said she believes this will make it safer for people who are crossing the street, and the City could provide a walking path through the bump outs for pedestrians.

Mr. Sullwold asked how residents asked about unit pricing. They are all basically 60 foot lots along First Avenue. He asked how larger lots are assessed. Ms. McDermott explained that if the house is straddling the property line or if the property is such that someone could not build on that lot, the home is assessed as one lot. If the property could possibly be subdivided, and the lot is deemed buildable, then the property owner is assessed for a vacant lot as well as the lot the home is on. The property owner can request that the assessment for the vacant lot can be deferred until such time as that lot is developed.

Mr. Sullwold asked how long the construction will take and how will the residents be affected. Ms. McDermott said there will be access issues during the day when the trenches will be opened, but at night the trenches will get filled in so residents can have access to their driveways in the evening. The contractor will contact each resident that will be most affected ahead of time to make sure people have their cars out of their driveways on that particular day.

Mayor Huber said Ms. McDermott and her staff do a good job and are easily accessible to the residents. Mayor Huber said the contractors work hard to get the work done, but weather factors greatly into the timelines. Ms. McDermott has reviewed many projects that have been previously done, to find ways to make the future work get done better and faster. Mayor Huber said this all makes for a very frustrating summer for everyone.

Councilmember Schneeman said people in her neighborhood complained about it during construction, but she gets feedback from those people who say they are happy that the work was done, and they are happy with the new streets. People have to put up with some inconvenience, but it's really not that bad.

Ms. McDermott reviewed the time schedule, and said she needs to know if there are any residents that have special medical needs or health issues so that their needs can be accommodated.

Ms. Lois Chambers, 999 Kay Avenue, said she has to have oxygen delivered and has talked to Ms. McDermott about this, and was told that she would be taken care of.

Mr. John Melom, 641 1st Avenue, said he has not heard of any solutions for the traffic issues on 1st Avenue to his satisfaction, and said the bump outs will need walkways. He said if he had a vote, he would vote against doing this project because the traffic issues have not been addressed. Mr. Melom said he feels he is being over-assessed because his property already has the curb and gutter. Ms. McDermott said Mr. Melom's assessment will be substantially lower.

Councilmember Duggan stated that there are other ways of slowing down traffic in addition to bump outs and staff will look into them.

Mr. Nick Hansen, 721 3rd, asked if the residents will have a greater assessment if the water main is constructed to a larger size. Ms. McDermott said

that would not happen because the services will remain the same size. Mr. Hansen said when he purchased his home a year and a half ago, he made calls to everyone recommended by his real estate person to talk about future projects and was told no from everyone. As a single income household, this is a very big assessment to him. Mr. Hansen said he lives in a unique part of the area and is curious about the benefit of the project to his specific area. It is a unique location, and he thinks it will be detrimental to his part of the neighborhood to widen the street.

Ms. McDermott said this project has been planned for a few years, and she does not know where he received his information from the City. Ms. McDermott said the City has a pavement management system that was implemented a few years ago, where someone went through the whole city and rated the streets. Ms. McDermott said Mr. Hansen's neighborhood has one of the poorest conditions of roadway in the city.

Councilmember Duggan asked if this area would qualify for the mill and overlay. Ms. McDermott said that this area would not. Ms. McDermott said this street will not be much wider than it is now. This street is very narrow, and will be widened from 18-ft. to 20-ft., basically for emergency vehicle access.

Mr. Todd Adrian, 1549 Dodd Road, said his neighborhood will look great once the work is done. He is also completely in favor of replacing the watermain.

Mr. Mark Desmond, 656 2nd Avenue, said he is in favor of the water main as he has an older house and needs new service. It will be a perfect opportunity to replace the service. Mr. Desmond said he has some issues as his driveway is six inches lower than the street. Mr. Fick said when the curb and gutter is put in, they will adjust the street to be slightly lower at the driveway so water will not flow into the driveway from the street. Mr. Fick will

meet with Mr. Desmond on site to see what he can do.

Mr. Scott Peterson, 715 3rd Avenue, asked how he will be affected, as his home is so very close to the street. Ms. McDermott said she will work directly with Mr. Peterson to review the plans and make some adjustments, and whether the road can be shifted slightly to accommodate the home. Mr. Peterson asked what would be the impact on the home's foundation from the equipment that will be used. Ms. McDermott said they will do an inspection of the home if Mr. Peterson would allow, and also can put a seismograph out to measure the vibrations during the construction.

There being no further questions or comments from the audience, Councilmember Vitelli moved to close the public hearing.

Councilmember Duggan seconded the motion.

Ayes: 5

Nays: 0

Ms. McDermott said tonight Council needs to order the plans and specifications. Staff will hold another neighborhood meeting and come back to the Council again for approval and authorization to bid. Ms. McDermott said Staff would like guidance on the water main. From a Staff perspective, it would be the recommendation to replace the entire water main throughout the Avenues neighborhood.

Councilmember Krebsbach said she that at the next meeting she would like to have an idea of, based on the public comments, where those accommodations would be for example the Walsh and Kay intersection. Also, to review the two options with doing the full water main and not doing the full water main in terms of what the tax burden will be for the whole city. She would like to make a decision at the next meeting.

Councilmember Schneeman said she would like to recommend that the Council order the improvements. She thinks that there has been enough information provided, and that Ms. McDermott will work with all the residents.

Councilmember Schneeman said the residents at this meeting seem very positive about the project.

Councilmember Duggan agreed, with the stipulation that there be full watermain replacement and that the issues that have been raised by the residents be taken into consideration during preparation of the plans.

Mayor Huber stated that it is his feeling that some sections of the watermain are starting to fail and there is no reason to feel that failure rate will not spread to other parts of the watermain.

Councilmember Schneeman moved adoption of RESOLUTION NO. 07-131: "A RESOLUTION ORDERING OF IMPROVEMENT PROJECT AND PREPARATION OF PLANS AND SPECIFICATIONS FOR STREET RECONSTRUCTION IMPROVEMENTS ON 1ST AVENUE, 2ND AVENUE, 3RD AVENUE, 4TH AVENUE, CLEMENT STREET FROM 3RD AVENUE TO EMERSON AVENUE, VANDALL STREET FROM 1ST AVENUE TO 4TH AVENUE LAURA STREET FROM BROOKSIDE LANE TO 2ND AVENUE, KAY AVENUE FROM WALSH LANE TO VICTORIA ROAD AND WALSH LANE FROM 150 FEET SOUTH OF STRATFORD ROAD TO VICTORIA ROAD WITH THE FULL REPLACEMENT OF WATER MAIN".

Councilmember Duggan seconded the motion.

Ayes: 4

Nays: 0

Abstain: 1 (Councilmember Krebsbach)

CASE NO. 07-45, TTM
CONDITIONAL USE PERMIT

This application was discussed at the December 4, 2007 City Council Meeting for a conditional use permit at 1196 Northland Drive. Staff has had discussions with TTM, who has indicated that they would like more time to consider their options.

There was no additional discussion at this meeting.

Councilmember Vitelli moved to approve the request of the applicant to table Planning Case No.

07-45 and the AT&T sublease request to the January 15, 2008 City Council meeting and authorizing Staff to extend the 60 day review period to March 4, 2008.

Councilmember Duggan seconded the motion.

Ayes: 5

Nays: 0

WATER TOWER LEASE

City Attorney Diehm said this application was discussed at the December 4, 2007 City Council Meeting for a potential lease agreement with Cricket Communications, Inc.

Ms. Diehm provided a copy of the lease agreement to the Council for review, which allows for the placement of three antennas on the Mendota Heights Water Tower, located at 2431 Lexington Avenue South.

There was no additional discussion at this meeting.

Councilmember Vitelli moved to authorize the Mayor and City Clerk to execute the lease with Cricket Communications, Inc. Councilmember Duggan seconded the motion.

Ayes: 5

Nays: 0

Councilmember Krebsbach said the \$220 per month lease rate seems to be a good rate.

CAUCUS/MEETING DATE CONFLICT

Mayor Huber said the Precinct Caucus for 2008 is scheduled for February 5, 2008. The City Council meeting cannot be held on that date, and asked for another date for the City Council Meeting.

Mayor Huber said he could make either Monday, February 4th or Wednesday, February 6th.

Councilmember Krebsbach suggested Monday, February 4, 2008. Councilmember Vitelli said he was not available all that week.

Councilmember Krebsbach moved to reschedule the February 5, 2008 City Council meeting to Monday, February 4, 2008.

Councilmember Duggan seconded the motion.

Ayes: 5

Nays: 0

COUNCIL WORKSHOP

Mayor Huber said the first meeting of January, 2008 has been cancelled because it falls on New Year's Day. The first meeting in 2008 will be held on January 15, 2008. That meeting is when the City Council appoints commissioners, and this year there are openings on the Airport Relations Commission and the Park and Recreation Commission. Mayor Huber encouraged residents to apply.

Councilmember Schneeman moved to set a workshop meeting for January 15, 2008 beginning at 6:00 p.m. for commission candidate interviews. Councilmember Duggan seconded the motion.

Ayes: 5

Nays: 0

Councilmember Vitelli asked how many openings there were. City Administrator Jim Danielson said currently there are 2 openings on the Park and Recreation Commission and 2 openings on the Airport Relations Commission. Mr. Danielson said there are currently two applicants for the Airport Relations Commission and one for Park and Recreation Commission.

COUNCIL COMMENTS

Councilmember Vitelli referred to the discussion of costs for the water main replacement and the costs to paint the water tower. He stated that he can only think of the support and the recommendation he made when the City Council was voting to transfer the system to St. Paul Water and he thinks it was mistake not to have done that.

Mayor Huber asked Mr. Danielson if the agreement will be expiring before 2010. Mr. Danielson said he will check.

Councilmember Schneeman wished everyone Merry Christmas and happy holidays.

Mayor Huber wished everyone a happy holiday and urged people to drive safely, and thanked Staff for a great year.

Councilmember Krebsbach wished everyone a happy holiday and said this has been a great year, and people are very much interested in the Village

at Mendota Heights, as feedback has been coming in.

Councilmember Duggan wished everyone a happy holiday, and encouraged them to drive safely and drink responsibly.

Councilmember Duggan congratulated City Attorney Tami Diehm for being named “an up and coming lawyer” in Minnesota, as was mentioned in the Minnesota Lawyer and Politics magazine. Councilmember Duggan said he also noticed his son’s name was on that list too. This list has been created by the “super lawyers” in Minnesota of 2007.

Councilmember Duggan said he is delighted with the quality of all the people in Mendota Heights and referred to an article written by his neighbor, Karen Sullivan, who has an autistic son, and another child that needed a transplant.

ADJOURN

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

Ayes: 5
Nays: 0

Time of Adjournment 9:40 p.m.

Rebecca Shaffer
Recording Secretary

ATTEST:

John J. Huber
Mayor

Time of Adjournment 9:00 p.m.
November 20, 2007
Page 11

Rebecca Shaffer
ATTEST: Recording Secretary

John J. Huber
Mayor