

CITY OF MENDOTA HEIGHTS  
DAKOTA COUNTY  
STATE OF MINNESOTA

Minutes of the Regular Meeting  
Held Tuesday, April 18, 2023

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 Levine called the meeting to order at 7:00 p.m. Councilors Lorberbaum, Paper, and Mazzitello, were also present. Councilor Miller was absent.

PLEDGE OF ALLEGIANCE

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

AGENDA ADOPTION

Mayor Levine presented the agenda for adoption. Councilor Mazzitello moved adoption of the agenda. Councilor Paper seconded the motion.

Ayes: 4

Nays: 0

CONSENT CALENDAR

Mayor Levine presented the consent calendar and explained the procedure for discussion and approval. Councilor Lorberbaum moved approval of the consent calendar as presented. Mayor Levine pulled items F, G, and H.

- a. Approval of April 4, 2023 City Council Minutes
- b. Acknowledge March 14, 2023 Parks and Recreation Commission Meeting Minutes
- c. Acknowledge March 8, 2023 Natural Resources Commission Meeting Minutes
- d. Acknowledge March 22, 2023 Natural Resources Commission and Parks and Recreation Commission Joint Work Session Meeting Minutes
- e. Approval of Park Use Agreement with Two Rivers Athletic Association (TRAA)
- f. Accept Resignation of Firefighter Amy Patrick
- g. Appoint City Representatives to the Metropolitan Airports Commission Noise Oversight Committee
- h. Resolution 2023-20 Appointments to the Lower Mississippi River Watershed Management Organization
- i. Approve 2023 Workers Comp Renewal
- j. Approval of Claims List

Councilor Mazzitello seconded the motion.

Ayes: 4

Nays: 0

PULLED CONSENT AGENDA ITEMS  
F) ACCEPT RESIGNATION OF FIREFIGHTER AMY PATRICK

Mayor Levine acknowledged Firefighter Amy Patrick who has served the community with honor. She thanked her for her service.

Mayor Levine moved to accept THE RESIGNATION OF FIREFIGHTER AMY PATRICK.

Councilor Paper seconded the motion.

Ayes: 4

Nays: 0

G) APPOINT CITY REPRESENTATIVES TO THE METROPOLITAN AIRPORT COMMISSION  
NOISE OVERSIGHT COMMITTEE

Mayor Levine recognized the members of City staff and the community members that will be serving on the committee. She thanked those that continue to serve the community.

Councilor Lorberbaum moved to appoint CITY REPRESENTATIVES TO THE METROPOLITAN AIRPORT COMMISSION NOISE OVERSIGHT COMMITTEE.

Councilor Mazzitello seconded the motion.

Ayes: 4

Nays: 0

H) RESOLUTION 2023-20 APPOINTMENTS TO THE LOWER MISSISSIPPI RIVER  
WATERSHED MANAGEMENT ORGANIZATION

Mayor Levine recognized the two members that will be serving on behalf of the City and those that served in these positions in the past.

Mayor Levine moved to adopt RESOLUTION NO. 2023-20 APPOINTMENTS TO THE LOWER MISSISSIPPI RIVER WATERSHED MANAGEMENT ORGANIZATION.

Councilor Mazzitello seconded the motion.

Ayes: 4

Nays: 0

PUBLIC COMMENTS

John Maczko, 751 Cheyenne Lane, commented on the House omnibus bill that will go to the floor tomorrow. He recognized that City staff and the Council have been watching this topic which deals with local preemption of City regulation and zoning. He stated that this could be of concern to the City as it could change the character of the community and would also take control away from municipalities. He

provided an overview of the controls that he feels would be taken away from the City and asked residents to contact their House representatives to provide their input and express concern.

City Administrator Cheryl Jacobson commented that the Council will send a collective letter signed by the Mayor that opposes those three amendments. She stated that the League of Minnesota Cities and Metro Cities are also opposing the amendments.

Joshua Paulson, 1709 Buchanan Street in Minneapolis, commented that he is a skateboarder that uses the Roger's Lake skatepark and is present for that discussion. He recognized the gem that the City has in its skatepark. He stated that he attended the Commission meeting the previous week to provide input. He noted that the original proposal scaled down the size of the skatepark but added more features and he and another speaker encouraged the City to remove some of the proposed features in order to open up the space and increase safety. He commented that the skatepark is a great amenity for the community and people of all ages that use the facility. He stated that he would love to see a new skatepark in that location but also wants to see it done right so people of all skill levels can safely use the space.

#### PRESENTATIONS

No items scheduled.

#### PUBLIC HEARING

No items scheduled.

#### NEW AND UNFINISHED BUSINESS

##### A) RESOLUTION 2023-22 POLLINATOR AWARENESS MONTH DESIGNATION

Natural Resources Coordinator Krista Spreiter explained that the Council was being asked to approve Resolution 2023-22 proclaiming May as Pollinator Awareness Month in Mendota Heights.

Councilor Lorberbaum moved to approve RESOLUTION 2023-22 PROCLAIMING MAY POLLINATOR AWARENESS MONTH.

Councilor Mazzitello seconded the motion.

Further discussion: Mayor Levine commented on the journey the City has taken to become more pollinator friendly.

Councilor Lorberbaum commented that no mow May focused on homeowners whereas this effort focuses on all residents.

Ayes: 4

Nays: 0

##### B) RESOLUTION 2023-23 ARBOR DAY DESIGNATION

Natural Resources Coordinator Krista Spreiter provided a brief background on this item. The Council was being asked to approve Resolution 2023-23 proclaiming Arbor Day in Mendota Heights.

Councilor Mazzitello moved to adopt RESOLUTION NO. 2023-23 PROCLAIMING ARBOR DAY.  
Councilor Paper seconded the motion.

Ayes: 4

Nays: 0

### C) ROGER'S LAKE SKATE PARK RECOMMENDATION

Parks and Recreation Manager Meredith Lawrence provided background information. The Council is asked to consider a recommendation from the Parks and Recreation Commission regarding the reconstruction of the existing skate park at Roger's Lake Park.

Councilor Mazzitello referenced the warranty period and asked that length of time.

Parks and Recreation Manager Meredith Lawrence reviewed the different warranty terms.

Public Works Director Ryan Ruzek provided details on the estimated lifespan of the concrete pad.

Councilor Paper asked for details on the period under which the City can apply for the mentioned grant program.

Parks and Recreation Manager Meredith Lawrence replied that the bonding bill and criteria has not yet been approved. She noted that in looking at previous criteria, the City could meet some but not all. She stated that a potential timeframe has not been provided, should the funds be awarded by the legislature. She noted that a modular skatepark may not score well for the grant.

Councilor Paper stated that if everything lined up and fell into place and funds were available, it would seem more likely than not that the timing would not work.

Parks and Recreation Manager Meredith Lawrence stated that the City could submit for grant funding for phase two of a project.

Councilor Paper asked if the existing features could be sold.

Parks and Recreation Manager Meredith Lawrence replied that staff has discussed that process and would work with the City Attorney to determine what could be sold and how that could be done.

Councilor Paper stated that he would appreciate that as it would seem someone could have use for those items. He noted that there were comments from two users at the Commission meeting and asked if there has been enough input from people that use the park.

Parks and Recreation Manager Meredith Lawrence commented that ARC has been great to work with and are dialed into the skatepark community. She stated that in terms of community engagement, they have done more engagement on this project than any other project in her time with the City. She stated that the

renderings are based off that engagement. She commented that two members of the community spoke at the Commission meeting and provided good insight but there were many more members of the public involved throughout this process. She stated that they will never build a facility that everyone will be happy with but believed that the users of the park would be happy with the end result. She recognized that a larger base would be desired but there are budget constraints and therefore a second phase could look to increase the size.

Councilor Paper stated that as a modular park, this could be modified in the future to add more space.

Mayor Levine commented that this was discussed in the worksession prior to this meeting where they discussed a looser schedule for concrete work to hopefully obtain more competitive bids. She stated that rotating the park by 90 degrees does appear to provide more space between the features.

Councilor Paper asked if any of these features are specifically accessible.

Parks and Recreation Manager Meredith Lawrence replied that the entrance to the park would be accessible, along with the concrete, and the features would be accessible to different users to some degree. She noted that she could look into that and provide an update. She commented that the park will meet ADA guidelines but that does not necessarily mean everything will be inclusive for all users.

Councilor Mazzitello moved to approve THE AGREEMENT FOR THE EQUIPMENT AND INSTALLATION FROM AMERICAN RAMP COMPANY FOR THE ROGER'S LAKE SKATE PARK FOR A NOT TO EXCEED AMOUNT OF \$217,876.72 AND APPROVE THE PLANS FOR THE CONCRETE PAD, WAIVING THE MAX PRICE BID LIMITATION AUTHORIZING SOLICITATION OF QUOTES.

Councilor Lorberbaum seconded the motion.

Ayes: 4

Nays: 0

#### D) PICKLEBALL LIGHTS AND NOISE ABATEMENT RECOMMENDATION

Parks and Recreation Manager Meredith Lawrence explained that the Council was being asked to consider a recommendation from the Parks and Recreation Commission regarding the use of lights at Friendly Hills Park for nighttime pickleball play. In addition, the City Council should review the Parks and Recreation Commission's recommendation on noise abatement efforts in regards to pickleball noise at Marie Park and Friendly Hills Park.

Councilor Paper asked the tree species recommended.

Parks and Recreation Manager Meredith Lawrence replied that was not yet determined.

Councilor Paper referenced the homes on Navajo and asked if both homeowners provided input, or just one.

Parks and Recreation Manager Meredith Lawrence replied that she has received input from both of the homeowners closest to the rink, estimating about 100 feet from the homes to the rink. She stated that one

of the residents seemed interested in the trees, but she has not had those conversations with the other resident.

Councilor Paper asked if there would be space for more than three trees.

Public Works Director Ryan Ruzek replied that the City could offer the residents more than three trees and provided more details. He stated that staff would work with the landowners on where they would like to see those trees along with the desired species.

Councilor Paper asked if the tree planting would be limited to those two homes or whether that would also be offered to the homes on Pueblo.

Public Works Director Ryan Ruzek commented that offering could be extended if desired by the Council.

Councilor Paper referenced the cluster of trees proposed at Marie and asked what currently exists in that space.

Public Works Director Ryan Ruzek replied that was unused turf grass that the City stopped mowing about six years ago and has been considered as a site for native planting.

John Maczko, 751 Cheyenne Lane, commented that he is curious about using trees for noise mitigation. He stated that in his experience as a road engineer, trees have not been seen as something that mitigates noise, especially deciduous trees since they lose their leaves. He noted that spruce trees, planted in enough density and depth, could provide some noise mitigation. He did not believe three standalone trees would mitigate noise, while a clustering of coniferous trees could provide some mitigation.

Mary Melzarek, 717 Navajo Lane, commented that it will be a long time before planted trees would mitigate noise. She stated that if a conifer tree is planted that could create issues with the visibility of the sightline. She stated that she would like to know all of the options and did not believe that trees would be the immediate cure all for this as they will take years to grow.

Parks and Recreation Manager Meredith Lawrence stated that trees will not mitigate all the noise but would also not hurt the issue. She agreed that a dense grouping of trees would need to be planted in order to provide more mitigation.

Councilor Mazzitello moved to NOT UTILIZE LIGHTS AT FRIENDLY HILLS FOR NIGHTTIME PICKLEBALL PLAY.

Councilor Paper seconded the motion.

Ayes: 4

Nays: 0

Councilor Mazzitello stated that he would be inclined to agree with the comments that trees as proposed would not provide the desired mitigation and perhaps there would be a better option. He encouraged staff to think outside of the box. He asked if the hockey boards could be taken down in the spring and put up in the fall. He stated that there are also screens that can assist in noise mitigation. He stated that he does support planting more trees in the parks but did not believe they would do much for noise mitigation.

Councilor Paper commented that when coniferous trees are clustered too tightly that will create a mess in the future where the trees cannot grow in a healthy manner. He stated that he would be open to any suggestion for noise mitigation.

Mayor Levine commented on some of the comments received from other residents living around Friendly Hills related to noise mitigation. She commented that this is a new sport and therefore the mitigation efforts are new. She stated that using hockey rinks as pickleball courts is also new. She believed that more creative solutions would develop. She commented that there seems to be tolerance of the noise during the day but not at night and therefore believes the action the Council has taken to not use lighting will address that concern. She stated that she does like the idea of planting more trees, although realizing that it will not fully mitigate the noise.

Councilor Lorberbaum asked if there is a time urgency or whether staff could complete additional research on alternatives and bring those back to the Council.

Parks and Recreation Manager Meredith Lawrence replied that there is not an issue of timing for this matter. She stated that staff did a lot of research on mitigation efforts, including the option of installing poles and hanging the screens but it was not found to be a feasible option.

Mayor Levine commented that the Parks and Recreation Commission did recommend approval to plant trees.

Councilor Lorberbaum commented that if the Council does not want to take action on tree planting at this time, a motion would not be necessary.

Mayor Levine recommended that the Council make a motion and then it could be discussed.

Councilor Paper moved to approve THE STAFF RECOMMENDATION TO PLANT TREES ON OR AROUND THE SITES PINPOINTED AT MARIE PARK AND FRIENDLY HILLS NEIGHBORHOOD WITH THE AGREEMENT OF ADJACENT NEIGHBORS.

Councilor Mazzitello seconded the motion.

Further discussion: Councilor Lorberbaum asked the definition of adjacent neighbors.

Councilor Paper replied that he would consider the four homes along Pueblo as mentioned to be added for Friendly Hills.

Councilor Mazzitello commented that he is not opposed to planting trees but seems that they are painted into a corner. He stated that if they do not plant trees they are perceived as not addressing the noise issue but if they do plant trees and it does not solve the issue that could also create frustration. He stated that he does support planting trees for the purpose of planting trees but does not believe it will effectively mitigate the noise.

Councilor Paper commented that perhaps there are other solutions out there.

Mayor Levine commented that this issue is not unique to Mendota Heights as the sport gains popularity and has no doubt that technology will catch up, but it is currently lacking in terms of things that can address the noise. She stated that while the trees will not fully mitigate the noise, but they could help to some degree.

Councilor Paper referenced the trees identified at Marie Park near the parking lot and asked whether that location would address anything.

Public Works Director Ryan Ruzek replied that there is currently a gap in that location that would be filled with the trees.

Councilor Lorberbaum commented that she is supportive of more trees in the park and nearby if there is acknowledgement that this will not solve the problem.

Councilor Mazzitello commented that this is probably the best they can do at the moment.

Mayor Levine agreed. She stated that the motion could be amended to remove the language for noise mitigation.

Councilor Lorberbaum asked the cost for the trees.

Parks and Recreation Manager Meredith Lawrence replied that there would be a cost of \$250 per tree.

Mayor Levine commented that there are funds within the budget to plant trees in the parks. She acknowledged the struggle in trying to solve a problem that cannot be solved at this time.

Parks and Recreation Manager Meredith Lawrence commented that parks staff will continue to look for new technology that will attempt to address the issue.

Councilor Mazzitello commented that by voting in support of this motion he would see it as acknowledging there is an issue.

Councilor Lorberbaum also acknowledged that this will not be the ultimate solution.

Councilor Mazzitello recapped the proposed language to be added to the motion “with acknowledgment that noise from pickleball is an issue in the neighborhood and confirmed consensus in agreement by Councilor Paper.

Ayes: 4

Nays: 0

#### E) LOGIS FIBER MANAGEMENT CONTRACT AUTHORIZATION

Assistant City Administrator Kelly Torkelson explained that the Dakota Broadband Board (DBB) facilitates the City’s broadband management. The DBB is in the process of finalizing plans to dissolve with an anticipated dissolution date of August 31, 2023. This also includes the termination of the DBB



fiber management contract with LOGIS effective July 30, 2023. This agreement sets forth the new agreement directly between the City of Mendota Heights and LOGIS for the continued management of the City's fiber network independent of the DBB.

Mayor Levine commented that she is sorry it came to this noting that City staff did an outstanding job representing the City and its interests. She commented that generally people are stronger together and broadband is a utility. She commented that together they had cooperative pricing and grant opportunities and now to disband, each party will have their own fiber and contract without the benefit of bargaining power. She expressed disappointment that the Board will be disbanded.

Councilor Lorberbaum moved to approve THE CONTRACT FOR FIBER MANAGEMENT SERVICES WITH LOCAL GOVERNMENT INFORMATION SYSTEMS (LOGIS) FOR THE REMAINDER OF 2023 FOR A COST OF \$3,007.

Councilor Mazzitello seconded the motion.

Further discussion: Councilor Paper agreed that this has been very frustrating.

Ayes: 4

Nays: 0

Mayor Levine commended City staff noting that they have expertise and represent the City well.

#### COMMUNITY ANNOUNCEMENTS

City Administrator Cheryl Jacobson announced upcoming events and activities.

#### COUNCIL COMMENTS

Councilor Mazzitello commented on the House file mentioned during public comments that would subvert the City's ability to create its own rules and character. He too urged residents to reach out to their representatives prior to the hearing the following day.

Councilor Lorberbaum commented that today is tax day. She reminded residents about the Newsie Musical at a local school and reviewed the showtimes. She noted the upcoming Touch a Truck event and Coffee with the Council. She encouraged residents to come to the Coffee with the Council events to provide input. She stated that a worksession was held earlier in the night where they discussed priorities. She stated that the Planning Commission has been working hard to update the ordinances and noted that the Planning Commission will be holding a workshop on that topic next week.

Councilor Paper reminded residents of the Scott Patrick Memorial 5k which will be held Saturday, June 3<sup>rd</sup>. He stated that the local chapter of Beyond the Yellow Ribbon is always looking to assist veterans and urged those that need assistance to reach out.

Mayor Levine reminded residents of Arbor Day and the upcoming month focusing on pollinators. She encouraged residents to interact with the volunteer portal on the website and find something that interests them.

ADJOURN

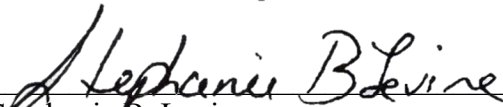
Councilor Mazzitello moved to adjourn.

Councilor Paper seconded the motion.

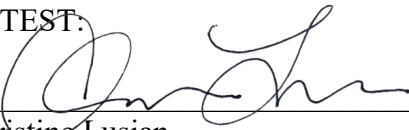
Ayes: 4

Nays: 0

Mayor Levine adjourned the meeting at 8:45 p.m.

  
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Stephanie B. Levine  
Mayor

ATTEST:

  
\_\_\_\_\_  
Christine Lusian  
City Clerk