

CITY OF MENDOTA HEIGHTS
DAKOTA COUNTY
STATE OF MINNESOTA

Minutes of the Regular Meeting
Held Wednesday, August 2, 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, Mazzitello, and Miller were also present. Councilor Paper was absent.

PLEDGE OF ALLEGIANCE

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

AGENDA ADOPTION

Mayor Levine requested to remove Item 5K from the agenda, noting that item will come back at a later date.

Mayor Levine presented the agenda for adoption. Councilor Lorberbaum moved adoption of the agenda with the noted change.

Councilor Mazzitello 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, pulling items D and F.

- a. Approval of July 18, 2023 City Council Minutes
- b. Approval of July 18, 2023 Council Work Session Minutes
- c. Acknowledge June 14, 2023 Natural Resources Commission Meeting Minutes
- d. ~~Authorize the Conditional Hiring of Probationary Firefighters~~
- e. Approve Fire Department Out of Metro Travel Request
- f. ~~Resolution 2023-42 Approving Appointment to the Natural Resources Commission~~
- g. Resolution 2023-43 Approving and Authorizing the Execution of Assignment and Assumption of Rights and Obligations Agreement for Pilot Knob BC LLC
- h. Approve Reimbursement for the Interstate Valley Creek Stabilization and Volume Reduction Study

- i. Award Professional Services Contract for the Completion of the Oheyawahe/Pilot Knob Preservation Site Interpretive Plan, Phase II
- j. Approve Purchase Order for Wentworth Warming House Electrical Work
- ~~k. Resolution 2023-46 Approve Renewal of Contract with Metro Bowhunters Resources Base for Deer Control and Public Hunt~~
- l. Approve Temporary Alcohol License for Holy Family Maronite Catholic Church
- m. Approve Purchase Order for a Snowplow and Tommy Liftgate
- n. Approval of Claims List

Councilor Mazzitello seconded the motion.

Ayes: 4

Nays: 0

PULLED CONSENT AGENDA ITEMS

D) AUTHORIZE THE CONDITIONAL HIRING OF PROBATIONARY FIREFIGHTERS

Councilor Miller recognized the Fire Department noting that it is a paid on-call department and their ability to respond to emergencies in the community is contingent on the ability to get new staff. He commented that they have put effort towards modernizing the hiring process and five new members from the community will be joining the department. He commented that the department is only as strong as the community and is always in the perpetual state of hiring. He encouraged anyone that may be interested to apply to the department.

Councilor Miller moved to authorize THE CONDITIONAL HIRING OF PROBATIONARY FIREFIGHTERS.

Councilor Mazzitello seconded the motion.

Ayes: 4

Nays: 0

F) RESOLUTION 2023-42 APPROVING APPOINTMENT TO THE NATURAL RESOURCES COMMISSION

Mayor Levine invited Natural Resources Coordinator Krista Spreiter to come forward.

Natural Resources Coordinator Krista Spreiter commented that there were three applicants and provided input on the member recommended for appointment.

Lori Knosalla stated that she is honored to be recommended to join the Commission and provided background on her educational and career experience in natural resources. She commented that she is looking forward to assisting the community to thrive.

Councilor Lorberbaum thanked the resident for applying.

Councilor Mazzitello welcomed the resident to the Commission.

Mayor Levine thanked the resident for her service and thanked all residents that applied for the position.

Councilor Mazzitello moved to adopt RESOLUTION 2023-42 APPROVING APPOINTMENT TO THE NATURAL RESOURCES COMMISSION.

Councilor Lorberbaum seconded the motion.

Ayes: 4

Nays: 0

PUBLIC COMMENTS

Ron Droher, 1101 Dodd Road, stated that he is concerned with the speed limit at Dodd and Delaware noting that traffic has gotten increasingly worse and there have been accidents at the intersection. He did not understand the five mile per hour increase in the speed limit. He noted that many people use that area as a pass through and are not concerned with the neighbors that live in that area. He asked that a digital sign and increased patrol efforts be in the area to assist in controlling the speed as most vehicles exceed 50 miles per hour.

Ken Noack, 677 4th Avenue, commented that one week ago there was a storm event and they lost power in their neighborhood. He stated that he attempted to call Xcel but did not have a cell signal. He commented that he does have a signal booster at his home but that is powered by the electricity. He questioned what he would have done if he experienced an emergency at that time. He commented on the difficulty that they have had with cellular phone service because of the poor signal quality. He noted that it is embarrassing because they have million-dollar homes in the community but a lack of cellular service. He commented that the City should take a look at its cell tower ordinance to ensure that the providers can provide adequate service for the residents.

City Administrator Cheryl Jacobson commented that they have heard from a number of residents about the poor cellular coverage in this area and throughout Dakota County. She stated that they have heard that the poor air quality is contributing to the problem and staff is working with a variety of carriers. She stated that they will be holding a Council worksession to discuss the topic. She confirmed that the community would be notified of the worksession.

PRESENTATIONS

A) CITY OF MENDOTA HEIGHTS INSTAGRAM ACCOUNT

Assistant City Administrator Kelly Torkelson stated that City staff is proposing the launch of a new City Instagram account on August 7th. The new platform will be an additional social media platform, not a replacement of an existing platform. Social media is a cost-effective tool to engage with residents where they are currently at and helps to spread awareness of City initiatives and programs.

Councilor Lorberbaum commented that this is exciting and asked who the audience is for Instagram.

Assistant City Administrator Kelly Torkelson commented that it is a younger crowd ranging from teenagers to people in their 40s.

Councilor Mazzitello asked if Facebook and Instagram are linkable or whether it would be a duplicative effort if the City wanted to share the same information on both platforms.

Assistant City Administrator Kelly Torkelson provided additional information on the platforms that are under common ownership, noting that messages are not automatically shared on both platforms and staff can decide which posts are appropriate for each audience.

Councilor Miller commended staff for another method to reach the community.

Mayor Levine commented that the City has multiple Facebook pages and asked if the City would have multiple Instagram pages as well.

Assistant City Administrator Kelly Torkelson commented that Instagram would just have the one City page, but there is a potential for expansion in the future.

PUBLIC HEARING

No items scheduled.

NEW AND UNFINISHED BUSINESS

A) ORDINANCE DISCUSSION – CANNABIS USE WITHIN PUBLIC PROPERTY AND PUBLIC PLACES

Police Chief Kelly McCarthy explained that Governor Walz signed legislation (HF100/Chapter 63) legalizing adult-use cannabis in Minnesota beginning August 1, 2023. She noted that City Code prohibits tobacco use at all times in or on all recreational areas of the city. The new law is silent on whether cannabis can be smoked in public places other than public places governed by the MCIAA. While the law does not specifically authorize the use of cannabis in public places, it does not create any penalty for use in a public place other than those governed by the MCIAA. Further the new law does not clearly define the types of locations that are considered not generally accessible by the public.

Mayor Levine asked if a person would be able to go into a park and smoke marijuana today.

Police Chief Kelly McCarthy replied that would be legal today.

Mayor Levine recognized a member of the public that would like to speak.

Bob Blumberg, 1740 James Road, commented that he does not quite understand why this has been signed into law so quickly when there are still unanswered questions. He stated that from what he understands, until ordinances are put in place, someone would be able to smoke a joint in the park and expressed concern. He stated that he stopped in earlier today to pick up a copy of the park ordinance, which states that smoking is not allowed in the park. He asked if that could be applied towards smoking marijuana as well. He asked how this process would work and whether recommendations would be made by the City Attorney and Police Chief, and whether residents would be solicited as well. He asked if the park ordinance would be updated or whether this would become its own ordinance. He also asked for an anticipated timeline.

Police Chief Kelly McCarthy commented that staff has already been working on this but could not take action until the law became effective on August 1st. She stated that they do have sample language and ordinances to review. She noted that the public would be made aware of the worksession date, and the ordinance would become a standalone ordinance related to the use of marijuana usage in public places.

Mr. Blumberg used the example of someone that would want to sell cannabis and asked if that would fall under zoning.

Mayor Levine commented that is another subject for another day as that is currently prohibited. She noted that this process would create a standalone ordinance for cannabis usage and would also clean up other ordinance language to add vaping and update the social host ordinance.

Councilor Miller commented that he supports the Police Chief and would like to see the City apply the public use language in the same manner it has been applied towards nicotine use.

Councilor Mazzitello asked if the City has the ability to include all public rights-of-way in public places.

Police Chief Kelly McCarthy stated that there are ordinances that include all public rights-of-way but that could be difficult to enforce. She noted that staff could provide different examples for the Council to consider.

Councilor Mazzitello asked for input on what the legislation states related to vehicular usage of cannabis.

Police Chief Kelly McCarthy replied that a person would not be allowed to drive under the influence of cannabis and cannot actively use cannabis in a vehicle, but you can transport up to two ounces of cannabis in a vehicle in the same manner as alcohol.

Mayor Levine confirmed the consensus of the Council to direct staff to prepare ordinance language for consideration at a future meeting as discussed.

B) RESOLUTION 2023-44 APPROVING THE VARIANCE AND LOT LINE ADJUSTMENT FOR PLANNING CASE 2023-07

Planning Consultant Jennifer Haskamp provided a brief background on this item. The Council was being asked to consider adopting a resolution of approval for a Variance and Lot Line Adjustment at 5 Dorset Road and 3 Dorset Road. Jackie Douda is the Owner and Applicant of 5 Dorset Road and Tim and Mary Kirby are the Applicants and Owners of 3 Dorset Road.

Councilor Mazzitello commented that he was excited to see this as it is a practical application of geometry. He referenced the existing nonconforming setback noting that is not being altered. He suggested adding an additional finding fact for the resolution stating that the reason the nonconforming lot width is being allowed is because in the future the line between 5 and 7 Dorset could be altered to become conforming. He noted that this is an extremely unique situation that allows this to happen.

Jackie Douda and Mary Kirby introduced themselves. Ms. Kirby stated that she has lived in the property since 1993 and has known about this property issue for some time, noting that she is thrilled to have a neighbor that is willing to work together to resolve this issue.

Mayor Levine commented that it is great to see neighbors working together.

Councilor Mazzitello moved to adopt RESOLUTION NO. 2023-44, APPROVING A VARIANCE AND LOT LINE ADJUSTMENT AT 5 DORSET ROAD AND 3 DORSET ROAD, WITH THE FOLLOWING ADDITION: THAT AN ITEM UNDER NOW THEREFORE BE IT RESOLVED BE ADDED BETWEEN ITEMS FIVE AND SIX, STATING THAT THE NONCONFORMING LOT WIDTH COULD BE CORRECTED IN THE FUTURE SHOULD THE SOUTHERLY LOT LINE BE SIMILARLY ADJUSTED OF 5 DORSET ROAD.

Councilor Lorberbaum seconded the motion.

Further discussion: Councilor Mazzitello commented that if the owners of 5 and 7 Dorset Road should decide to make a similar adjustment in the future, the proper lot width of 5 Dorset could be restored.

Mayor Levine commented that this is a very unique area of the community.

Councilor Mazzitello commented that they are not asking or requiring that to occur, but simply stating that could occur to restore a conforming lot width.

Ayes: 4

Nays: 0

C) RESOLUTION 2023-45 APPROVING THE CONDITIONAL USE PERMIT FOR PLANNING CASE 2023-12

Planning Consultant Jennifer Haskamp explained that the City Council is asked to consider adopting a resolution of approval for a Conditional Use Permit at 1924 Coventry Court as proposed by the Applicants and Owners Tim and Barb Lemke.

Councilor Mazzitello asked if there is an intent to lay a driveway to the third stall.

Planning Consultant Jennifer Haskamp replied that there is not an intent to add additional driveway.

Tim Lemke introduced himself. He stated that this will allow him to store his snowmobile and four-wheeler in the same location along with additional storage space.

Councilor Lorberbaum commented that she always visits the sites of planning applications and thanked the resident for clearly marking the site. She stated that she supports this request.

Councilor Lorberbaum moved to adopt RESOLUTION NO. 2023-45, APPROVING A CONDITIONAL USE PERMIT AT 1924 COVENTRY COURT.

Councilor Miller seconded the motion.

Ayes: 4

Nays: 0

COMMUNITY ANNOUNCEMENTS

City Administrator Cheryl Jacobson announced upcoming events and activities.

COUNCIL COMMENTS

Councilor Lorberbaum commented on an event this past Saturday recognizing Officer Scott Patrick, noting that next year will be the 10th anniversary of his death. She also recognized the passing of Hugo Blackfelner and asked for a moment of silence in his honor. She commented that Night to Unite was wonderful with 47 different events throughout the community.

Councilor Miller echoed the sentiments of Councilor Lorberbaum. He stated that it was great to visit with residents the previous night at the various community parties. He stated that event helps to restore the feeling of community and thanked those that hosted the parties.

Councilor Mazzitello commented that it was a distinct and humble honor to speak at the Officer Scott Patrick memorial. He noted that Scott prided himself on the ability to connect with everyone which helps to build community. He thanked those that were involved in the event honoring the memory of someone that is missed every day. He also enjoyed connecting with the members of the community at the different block parties the previous night. He wished good luck to all the residents going off to college in the next month. He also wished his daughter a happy birthday.

Mayor Levine commented that the hat worn by Councilor Lorberbaum is available for sale. She was also impressed by the number of registered events in the community for Night to Unite. She commented that she is proud of the community, and it was great to visit with all the residents. She also thanked the public safety staff that were involved in the parties.

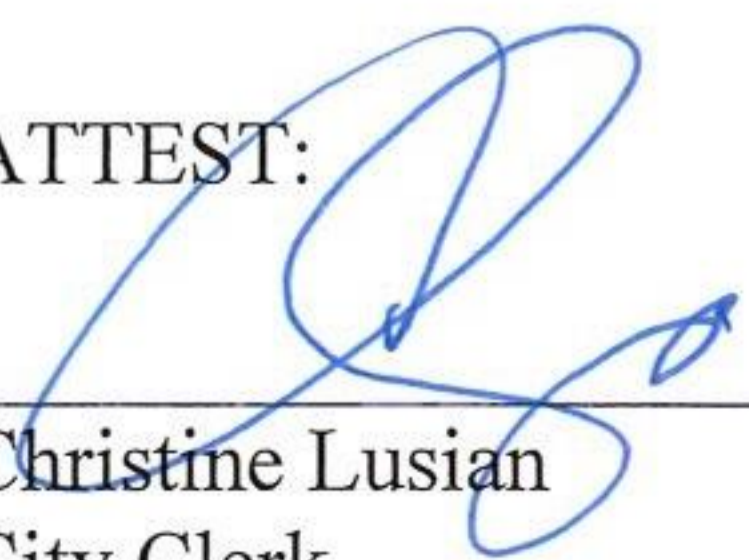
ADJOURN

Councilor Mazzitello moved to adjourn.
Councilor Lorberbaum seconded the motion.
Ayes: 4
Nays: 0

Mayor Levine adjourned the meeting at 8:17 p.m.



Stephanie B. Levine
Mayor

ATTEST:


Christine Lusian
City Clerk