

CITY OF MENDOTA HEIGHTS
DAKOTA COUNTY
STATE OF MINNESOTA

Minutes of the Regular Meeting
Held Tuesday, October 17, 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, Mazzitello, and Miller were also present.

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 Miller seconded the motion.

Ayes: 5

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.

- a. Approval of October 3, 2023 City Council Minutes
- b. Approval of October 3, 2023 City Council Special Minutes
- c. Acknowledge July 2023 Par 3 Financial Report
- d. Resolution 2023-64 Appoint Election Judges and Establish Absentee Ballot Board
- e. Approve Massage Therapist License for Amber Johnstin
- f. Resolution 2023-46 Approve Renewal of Contract with Metro Bowhunters Resources Base for Deer Control and Public Hunt
- g. Approve Contract for Police Department Training
- h. Approve Reclassification of the Assistant City Administrator Position
- i. Accept Police Officer Resignation and Authorize Position Posting
- j. Approve 2023-2024 Insurance Renewal and Elect to Not Waive Statutory Limits
- k. Resolution 2023-67 Calling for a Public Hearing on an Easement Vacation – Audrey Addition
- l. Approve Change Order for the Wentworth Tennis Court Rehabilitation Project
- m. Approve Contract for Marie Park Rink Light Conversion

- n. Approve Resolution 2023-70 Administrative MRCCA Minor Development Permit for 1151 Orchard Circle (Planning Case 2023-25)
- o. Approval of Claims List

Councilor Miller seconded the motion.

Ayes: 5

Nays: 0

PUBLIC COMMENTS

No one from the public wished to be heard.

PRESENTATIONS

- A) RESOLUTION 2023-68 PROVIDING FOR THE ISSUANCE AND SALE OF \$1,050,000 GENERAL OBLIGATION STREET RECONSTRUCTION BONDS, SERIES 2023A AND LEVYING A TAX FOR THE PAYMENT THEREOF

Councilor Lorberbaum recused herself from this item because of her relationship with her employer.

Stacey Kvilvang, Ehlers, presented the results of the bonds sale and asked the Council to consider the sale of the bonds. She noted a change to the amount of the bonds from \$1,050,000 to \$1,015,000 through the sale.

Mayor Levine commented that because the City is a good fiscal steward, its AAA bond rating was confirmed.

Councilor Mazzitello moved to adopt RESOLUTION 2023-68 PROVIDING FOR THE ISSUANCE AND SALE OF \$1,015,000 GENERAL OBLIGATION STREET RECONSTRUCTION BONDS, SERIES 2023a, AND LEVYING A TAX FOR THE PAYMENT THEREOF.

Councilor Miller seconded the motion.

Ayes: 4

Nays: 0

Councilor Lorberbaum rejoined the Council.

PUBLIC HEARING

- A) RESOLUTION 2023-69 ADOPTING AND CONFIRMING ASSESSMENTS FOR THE VICTORIA CURVE STREET IMPROVEMENTS

Larry Poppler, TKDA, explained that the Council was being asked to preside over an assessment hearing and adopt the assessment roll for the Victoria Curve Street Improvements.

Councilor Paper asked for details on the Dakota County grant mentioned.

Public Works Director Ryan Ruzek replied that the grant would be about \$32,000 for the raingardens at City Hall and Beth Jacob Congregation.

Councilor Paper asked for details on the redesign of the sewer that created the delay.

Public Works Director Ryan Ruzek replied that was mainly due to the rain gardens in order to receive those grant funds. He noted that future maintenance of the rain gardens would be less because of the redesign.

Mayor Levine asked when the lift in front of City Hall would occur.

Mr. Poppler replied that would occur by the end of the next week.

Mayor Levine noted that originally the project was going to be \$2,000,000 but was reduced to \$1,039,000. She noted that while the design does not fit the standard of the City, it does match with the public input received from the residents in this area.

Councilor Lorberbaum noted a number that seems missing in regard to a reduction in the assessment.

Public Works Director Ryan Ruzek replied that staff would support a reduction of three to two for the Beth Jacob property and three to one for the Culligan property.

Councilor Mazzitello asked if the Culligan assessment could be deferred until that property is developed.

Public Works Director Ryan Ruzek replied that could be done but there would need to be additional discussion to that regard. He stated that a letter has been provided from the Culligan property opposed to any assessment on that land. He noted that although the City had done that before, previous legal counsel advised the City against that practice.

Councilor Mazzitello moved to open the public hearing.

Councilor Miller, seconded the motion.

Ayes: 5

Nays: 0

Michelle Culligan reaffirmed that they would prefer to not be assessed three units and believe that should be one unit at maximum. She stated that they would accept one unit.

Larry Alexander, 1203 Victoria Curve, commented on other properties that require access to Victoria Curve to leave their homes, which would be at least three additional units. He asked why those properties were not included in the assessment.

There being no one further coming forward to speak, Councilor Paper moved to close the public hearing. Councilor Lorberbaum seconded the motion.

Ayes: 5

Nays: 0

Councilor Mazzitello moved to adopt RESOLUTION 2023-69 ADOPTING AND CONFIRMING ASSESSMENTS FOR THE VICTORIA CURVE STREET IMPROVEMENTS WITH THE

FOLLOWING AMENDMENTS TO THE ASSESSMENT ROLL: PID 271370001010 BE REDUCED BY \$6,074 TO A TOTAL OF \$12,148 AND PID 278125100011 BE REDUCED TO A SINGLE UNIT ASSESSMENT OF \$6,074.

Councilor Miller seconded the motion.

Further discussion: Public Works Director Ryan Ruzek commented that the area mentioned by Mr. Alexander is actually located in Mendota and therefore the city would not have the right to assess those properties individually. He explained that the footage for those properties is accounted for under the City of Mendota Heights assessment.

Councilor Paper referenced the property located between 1193 and 1179 and asked if that property was not assessed for this project because it is actually on Hunter Lane.

Public Works Director Ryan Ruzek confirmed that property was assessed for the Hunter Lane project, noting that assessment was over \$8,000.

Councilor Lorberbaum commented that she would like to amend the motion to include the ownership of the parcels along with the PIDS.

Councilor Mazzitello clarified that PID 271370001010 is the Beth Jacob Congregation and PID 278125100011 is the Culligan property. He confirmed that he would accept that as an amendment to the motion and Councilor Paper accepted.

Councilor Lorberbaum stated that her affiliation with Beth Jacob Congregation does not impact her vote on the assessment as her vote is based solely on the staff recommendation.

Ayes: 5

Nays: 0

NEW AND UNFINISHED BUSINESS

A) APPROVE RESOLUTION 2023-71 FOR A LOT LINE ADJUSTMENT AT 614 HIDDEN CREEK TRAIL (PLANNING CASE 2023-15)

Planning Consultant Jennifer Haskamp explained that the Council was being asked to consider adopting a resolution of approval for a Lot Line Adjustment at 614 Hidden Creek Trail and 620 Hidden Creek Trail. The applicants, Patrick and Mary O'Reilly, are proposing the adjustment and both affected property owners support the requested adjustment.

Councilor Paper moved to adopt RESOLUTION 2023-71 APPROVING A LOT LINE ADJUSTMENT AT 614 HIDDEN CREEK TRAIL AND 620 HIDDEN CREEK TRAIL.

Councilor Mazzitello seconded the motion.

Ayes: 5

Nays: 0

B) APPROVE RESOLUTION 2023-72 FOR A VARIANCE AT 1480 SIBLEY MEMORIAL HIGHWAY (PLANNING CASE 2023-16)

Planning Consultant Jennifer Haskamp provided a brief background on this item. The Council was being asked to consider adopting a resolution approving a request for a Variance from the required yard setbacks to allow LCS Company to construct an addition on the existing industrial building.

Councilor Mazzitello asked if the existing parking setback is compliant.

Planning Consultant Jennifer Haskamp replied that she did not review that standard as that is already existing and no changes are proposed to the parking.

Mayor Levine commented that these setbacks are quite large as is the right-of-way. She asked if there would be any chance the building would encroach on the right-of-way.

Planning Consultant Jennifer Haskamp commented that it would be very unlikely that any additional right-of-way would be taken as the right-of-way is already quite large. She noted that the new portion of the building would still be 100 feet from the right-of-way.

Councilor Paper asked the proximity of this to the Oheyawahe site, expressing concern that perhaps something could be found in the ground when they start digging.

Mayor Levine replied that this is not part of the Pilot Knob parcel and provided more specific details on the location. She noted that the tree canopy and vegetation will be a better user experience for the park users. She noted that if anything were found during construction, the proper process would need to be followed.

Councilor Lorberbaum thanked the owner for attending, noting that she was able to tour the inside and outside of the building.

Councilor Lorberbaum moved to adopt RESOLUTION 2023-72 APPROVING A VARIANCE AT 1480 SIBLEY MEMORIAL HIGHWAY (LCS COMPANY).

Councilor Mazzitello seconded the motion.

Further discussion: Councilor Paper commended the company for choosing to stay in Mendota Heights and grow the business in this community.

Ayes: 5

Nays: 0

C) APPROVE RESOLUTION 2023-73 FOR A LOT SPLIT AT 599 CALLAHAN PLACE
(PLANNING CASE 2023-19)

Planning Consultant Jennifer Haskamp provided background information on the case. The Council is asked to consider adopting a resolution approving a Lot Split at 599 Callahan Place to create two single-family residential lots. The applicant, Jose Luis Barba, is proposing to subdivide the existing parcel into two single-family lots that will both be developed with new residential structures.

Councilor Mazzitello commented that this is a unique situation and asked if the Planning Commission discussed a timeline for the building on parcel A.

Planning Consultant Jennifer Haskamp commented that was discussed on the periphery. She noted that it was determined that the timeline is unknown because of contractors and supplies. She stated that once the Certificate of Occupancy is issued for the new home, the existing home would need to be demolished within 180 days.

Councilor Lorberbaum stated that within exhibit A the two parcels are referenced but show addresses on Hidden Creek and therefore should be updated.

Councilor Miller moved to adopt RESOLUTION 2023-73 APPROVING A LOT SPLIT AT 599 CALLAHAN PLACE, USING THE PROPER LEGAL DESCRIPTIONS.

Councilor Mazzitello seconded the motion.

Ayes: 5

Nays: 0

D) APPROVE RESOLUTION 2023-75 FOR A VARIANCE AND CONDITIONAL USE PERMIT AT 598 SIBLEY MEMORIAL HIGHWAY (PLANNING CASE 2023-5)

Planning Consultant Jennifer Haskamp provided a brief background on this item. The Council was being asked to consider adopting a resolution approving a Conditional Use Permit and Variance at 598 Sibley Memorial Highway.

Councilor Mazzitello thanked the applicant for working with the Commission to develop an acceptable solution.

Councilor Paper moved to adopt RESOLUTION NO. 2023-74 APPROVING A CONDITIONAL USE PERMIT AND VARIANCE AT 598 SIBLEY MEMORIAL HIGHWAY.

Councilor Miller seconded the motion.

Ayes: 5

Nays: 0

COMMUNITY ANNOUNCEMENTS

City Administrator Cheryl Jacobson announced upcoming community events and activities.

COUNCIL COMMENTS

Councilor Mazzitello commented that Trick or Tearing is a fantastic event and encouraged families to attend. He echoed the comments of appreciation for those businesses and residents that continue to invest into their properties and stay in Mendota Heights. He commented that he has visited the newest eating establishment and encouraged others to check it out.

Councilor Miller commented that the Two Rivers boys and girls cross country teams won their conference championships. He also expressed thanks from the Fire Department for everyone that attended the open

house. He also thanked the Mayor who blessed the new ladder truck, which is currently on its way to Duluth to be showcased at a convention.

Councilor Lorberbaum thanked the residents that came to the most recent Coffee with Council, with herself and Councilor Miller. She stated that they had some wonderful conversations. She stated that between November and December there will be three elections for residents and thanked those that continue to serve as Election Judges and on the Ballot Board.

Councilor Paper commented that the last 11 days have been very trying for his family and many others in the community in the wake of the actions in Israel. He stated that he stands in solidarity with Israeli family as this was the largest loss of Jewish life in one day since the holocaust.

Mayor Levine agreed with all the comments from the Council.

ADJOURN

Councilor Mazzitello moved to adjourn.

Councilor Paper seconded the motion.

Ayes: 5

Nays: 0

Mayor Levine adjourned the meeting at 8:20 p.m.

Stephanie B. Levine
Mayor

ATTEST:

Cheryl Jacobson
City Administrator