**Minutes of the Regular Meeting-7:30 Tuesday December 12, 2017**

**Mendota VFW 1323 Sibley Memorial Hwy, Mendota Minnesota**

1. Call to order: Mayor Mielke called the meeting to order at 7:30 p.m.

2. Pledge of Allegiance

3. Present: Mayor, Brian Mielke, Council members Steve Golias, Melody Rasmussen, Joan Perron and Kathy Krotter. City Attorney, Tom Lehman, Building Official, Mike Andrejka, City Clerk Kathy Krotter and Police Chief Kelly McCarthy.

4. Agenda: Motion to add R J Daughters to agenda as 5B, add Matt Klein to 8 and make Taxation for Levy 8B. Approve the agenda by Council Member Golias, Seconded by Council Member Perron. Motion passed 5-0

5. Approval of November 14, 2017 City Council Meeting Minutes: One change in minutes with number 11, it should not say waste water, it is storm water. Minutes to be approved Council Member Perron, seconded by Council Member Golias. Motion passed 5-0.

6. Treasurer’s Report: Motion to approve the payment of the bills. Motion to pay the bills by Council Member Golias, Seconded by Council Member Rasmussen. Motion passed 5-0.

7. R J Daughters: Tom Lehmann stated that Ray Miller with R J Daughters is developing 6 lots on Windy Ridge and there were concerns about if he was following procedures adopted by the city. Also concerns about the trees that have been removed. Storm water management is also an issue that Ray Miller has with Jay Duckson with a storm water pipe that runs between the Ray Miller first addition and empties into the ravine that Jay owns. So Tom Lehmann, the Mayor, and Lucas Jones our city engineer went up to the development and met with Ray Miller and his engineers. We also have had conversations with Jay Duckson and his attorney about these issues. They have connected to the water and sewer and put a cold patch over the road to get through the winter. Turned over to Lucas Jones to address the storm water issue and Jay Duckson has a memorandum of understanding that Jay and his lawyer have put together. They would like the city to sign off on it to make sure everyone is on the same page. Ray Miller has not showed up yet. Lucas Jones stated that the cold patch was actually a final patch for the road. The storm water issue has met the city and MPCA, department of health and the DNR regulations. The main issue is that if there is a disturbance over an acre, the storm water pollution prevention plan is in order. That was triggered and the plan has been set. The MPCA also requires National pollution discharge elimination permit through the state and that was submitted and received. The third requires storm water treatment reduction but that was not triggered since it was under an acre. Ray Miller understands the sensitivity of the situation. Mike Andrejka the building inspector is very concerned because no one has gotten a permit for the sanitary sewer or water connections from him and he is in charge of this and he is the only one who can delegate the inspection, he made it perfectly clear at the last meeting that Ray Miller and his engineers get in touch with him. It is Mike’s authority as a building official and he is not going to make them dig it up to inspect. This is serious stuff. Why did it get to this point? Mike said he talked to the engineer personally and the engineer said he would get back to Mike and nothing has been done. The city has a verbal agreement and wants Ray Miller and his engineer to verify that it gets done. How does the city make sure that this all gets accomplished is holding off on certificates of occupancy for any homes that are constructed up there until everyone has assurance that what was promised there and it will work. Jay Duckson wants something in writing that will be signed by Ray Miller and the city with the city’s blessings. Also discussed was the water runoff. MN Dot does not want it in their right away, D Street would not be a good idea with the previous land slide and the ravine would be the most obvious and natural way to go, but the engineer is hoping most of it would go into the ditch between Windy Ridge and the ravine. Site plans of the activities that are going on should be presented to the city and the representative model of what is going on there. It would be a good idea to give Mr. Miller some criteria on what to shoot for. It would be good to get plans to Lucas in thirty days, since it is winter and not too much activity will be done, to get ahead for the spring. Tom Lehmann asked about capping the storm water pipe already in the ravine by Jay Duckson’s home, and that is not an option for the city it is on the city’s right away and not Ray Millers pipe to cap or not to cap. Lucas Jones said there are three pipes in question and one runs up windy ridge and takes two catch basins that run into a man hole and drains into the ravine and goes into some riprap that was placed there. There is also a pipe that Lucas Jones does not know when it was installed that goes into that man hole crossing into the ditch for the second edition that was already there. No idea when it was installed. It is just there. If they were blocked there is a potential of washing out the side of the road and overtop the road and cause more damage. The Mayor addressed the tree replacement. Tree replacement will be two to one and the windy ridge residents would be asked what kind of trees they want. Also Jay Duckson asked about the pipe and asked who put the pipe in and Tom Lehmann replied that the City put the pipe in when they did the road for Windy Ridge and the first development. Jay Duckson did not remember and Tom Lehmann said there had to be some kind of agreement, because we would not have just put it in. Mr. Duckson’s lawyer Ann Steingraeber from Winthrop and Weinstine, introduced herself and spoke on behalf of Jay. There are some very heated neighbors that are going to be affected by this development. My goal is to get everybody on the same page. She has written up a memorandum of understanding to be signed by Mr. Miller, Jay Duckson, the city and any other neighbors who wish to sign. Tom Lehmann stated that we are comfortable with A, B and D. We have to get Ray Miller on board and Ray Miller is not represented by a lawyer. Ray’s engineer understands the issues and they appreciated our issues and are on board. We want Ray Miller, Jay Duckson and the city to be on board with all these decisions and concerns. Mr Miller’s engineers are doing more than the state is asking them to do. We are all trying to work together to make sure this is a great development. Tom will set up a meeting with Ann, and Ray to set a plan and get plans to make sure everything is going in the right direction. We need Ray’s plan for the storm water in 30 to 60 days. Tom is also concerned about the church and how they have a steeper grade and more impervious surface than the new development has and they empty directly into the ravine. I don’t want to open a can of worms if we have to approach the church. Mr. Duckson is very upset that Mr. Miller is not here tonight. Mr. Duckson commented that “We are in purgatory once again” and Mr. Duckson does not want this to happen again.

8. Building Official-Mike Andrejka. Nothing

9. Amy Powers Henry Sibley Marching Band: Amy is the band director of the marching band and she shared that Sibley has been invited to represent the State of Minnesota in the National Independence Day celebration in Washington DC. So one performing group from each state is selected and the Sibley Marching Band has been selected. There will be 700,000 people live and 4 million on the TV. It is for the American Vets. There are 70 students, and the band is looking for business to sponsor them. HenrySibleyband.org to donate.

10. Rep. Rick Hansen and Senator Matt Klein. MN Dot changed the speed limit from 30 miles per hour to 35 miles per hour. We need to make a resolution for the speed limit. Council member Golias made a motion to adopt a resolution for changing the speed limit to 25 mph Seconded by council member Perron. All in favor 5-0

MN Dot removed a guardrail from the corner of Hwy 13 and Second Street due to an accident that happened two years ago. The guardrail was up until 6 months ago and we thought they were taking it down to replace it with a new one. They cut down a tree and marked the road and we thought they were going to replace it. The engineers came out and said the guard rail did not have to be put back up.

Council member Krotter made a motion to adopt a resolution to put the guard rail back up seconded by council member Perron all in favor 5-0. Chief can agree that the police have a concern about the guard rail too.

Rep Rick Hansen asked if we were ever reimbursed for the land slide. We paid 35 percent of the cost. We paid about 100,000 dollars of city money. Council Member Golias mentioned the comp plan and how it needs to be done, but we don’t have that kind of money to do this. Mayor Mielke wanted to know if any colleges have internships for people we could have look for grants and money for us. No one had any idea if there was or not. Mayor Mielke also mentioned the pond, the water is completely gone and maybe we could have someone clean it out and improve it. Maybe get ahold of the water conservation and see if they have any suggestions for the pond. Most grants are 50-50.

11. Taxation for Levy: Opened public hearing for taxation, any comments. Final 2018 tax levy. Made a motion by Council Member Golias and seconded by Council member Perron. Motion Passed 5-0.

12. Public comments: 8:45 pm. Carl made a comment about the pond and that it should be filled up and flooded so we can skate on it. Tom Lehmann will call the Chief of the Fire Department.

13. Council Comments 8:47 pm Council Member Rasmussen, nothing, Council Member Golias nothing. Mayor has mail for everyone to look at. Council Member Perron, Mendota Heights filled in for sanding, because Lance’s sander broke. Council Member Krotter, nothing. Council comments closed at 8:48 pm

14. Staff Comments 8:49 pm. Chief will have letter to MN Dot done by the end of the week. Tom has nothing. Kathy nothing. Staff comments closed at 8:50 pm.

14. Adjourn: 8:50pm Motion to adjourn the meeting by Council Member Golias, seconded by Council Member Rasmussen. Motioned passed 5-0.