**Minutes of the Regular Meeting-7:30pm Wednesday,**

**June 8, 2022**

**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 Mielke. Council Members Golias, Perron, Rasmussen and Donnelly. City Attorney Tom Loonan, City Clerk Kathy Krotter, Engineer Lucas Jones, Captain Wegener and Building official Mike Andrejka.

4. Agenda: Motion to approve the agenda by Mayor Mielke and seconded by Council Member Golias. Approved 5-0.

5. Approval May 10, 2022 City Council Meeting minutes. Motion to approve last month’s meeting minutes by Council Member Perron and seconded by Council Member Rasmussen. Page 3 under council comments. Approved 5-0.

6. Treasurer’s Report: Motion to pay the bills by Mayor Mielke and seconded by Council Member Golias. Approved 5-0.

7. Planning commission additions: Two residents are interested in the planning commission, they are Pat Jung and James Rasmussen. Mayor made a motion to appoint Pat Jung and James Rasmussen to the planning commission seconded by Council Member Golias Approved 5-0

8. Building Official Report Mike Andrejka: Mike closed three permits.

9. Klug Variance Public Hearing: Tom Loonan gave a summary of what the hearing was about. This is a public hearing for consideration of a variance application from Mr. Dan Klug on the bluff line, for construction of a new residential home on the property at 1264 Sibley Memorial Hwy. Property is owned by Mr. Tracy Wilcziek and there is a purchase agreement between Mr. Wilcziek and Mr. Klug conditioned on the outcome of this variance application. The property is 13,800 square feet, it is residentially zoned, within the critical area separated by river zone MRCCA overlay district. The bluff area is about 9,800 square feet which leaves about 4000 buildable square feet. We will need a certificate of survey to make sure it is buildable. The planning commission had a meeting and did approve the request of the variance with four conditions being approved. Mayor Mielke opened public hearing at 7:44 pm. Mr. Klug gave a background of his family and what he is proposing to do. Residents and public were allowed to talk and ask questions to council, Mr. Klug, engineer and the lawyer.

Closed public hearing at 8:10 pm. Council discussed the variance with Mr. Klug. Lawyer Tom Loonan explained the standards that the council should look at when determining the variance. Each application is unique to itself. The standards that we look at is the practical difficulty test. It is a three factor test, the first one is reasonableness, is the property owner proposing to use the property in a reasonable manner. The second one is uniqueness, is the land owners problem which requires the variance due to circumstances that are unique to the property and not caused by the land owner. The third factor is the essential character factor which is, if the variance is granted, will not alter the essential character of the locality. There are conditions that the applicant will have to do, which are a plan for the waste water and the utilities. Which includes hooking up to sewer and city water. Also the geotechnical engineer would be able to tell the city that it is safe to build on the property. The Mayor started the discussion and asked Mr. Klug some questions about the bluff line, Mr. Klug and Lucas explained what it meant, where it was on the map and the direction of the house. Council Member Golias spoke about his position, Council Member Rasmussen wanted to hear more, Council Member Donnelly, stated that there was a house there, there should be a house there and said it was unique. Council Member Perron asked Council Member Donnelly about water on his property and he stated the first thing he did was dig a trench.

10. Klug Variance Council Resolution: No resolution will be done tonight, but a motion will have to be done, to see what direction the council will go. Motion by Council Member Golias based on the conditions set forth that the council has discussed. So Tom Loonan explained that we would draft a resolution, approving the variance with the following conditions 1. A Certificate of Survey for the site must be prepared by a licensed surveyor. The Certificate of Survey must clearly identify the extent of the bluff impact zone of the subject parcel. The Site Plan must be updated using the Certificate of Survey as the base and must show all proposed and existing improvements to remain. The location of the home should be sited to minimize the variance to the extent possible. 2. The Applicant must have a geotechnical report prepared by a licensed engineer. The report must demonstrate the selected building site is safe and adequate to support the proposed structure. The geotechnical report is subject to the review and approval of the City Engineer. 3. The Applicant must submit a plan for the utilities to serve the parcel. The plan, whether public or private, are subject to review and approval by the City Engineer and any other agency having jurisdiction over the review. Any necessary permits or easements required for installation must be obtained by the Applicant and submitted to the City Engineer for review and approval. 4. The Applicant must prepare a stormwater, grading and erosion control plan that must be reviewed and approved by the City Engineer. 5. The applicant must submit all documentation and all plans and the variance requests to the Minnesota DNR for their comments and review of the plan and must comply with any recommendations or requirements imposed by the Minnesota DNR in regards to the variance request.

Motioned by Council Member Golias and Seconded by Council Member Donnelly. Approved three, declined two. Permission granted to move forward.

11. Mr. Warren application for new home. Mr. Warren passed out his plans for the new home on Victoria Street and D Street. No variance is required and the plans meet all the requirements. Mr. Warren will ask Lucas for help with the new home. Once it is approved by the engineer, Mr. Warren will then get a permit from Mike for building.

12. Met Council preliminary populations estimates for 2021: Need Census results. Met Council had our population at 198 and now has it at 175. Mayor would like to research this and get the results back to Met Council by June 24th.

13 MN Dot Lease Agreement: New two year least from MN dot for Mr. Benson’s property to $187.50 thru May 2024.

14. Public Comments: Opened at 8:54 pm. Closed public comment also at 8:54 pm.

15. Council Comments: 8:55 pm.

Council Member Rasmussen, nothing.

Council Member Golias, asked about Mendota Days.

Mayor Mielke: Had a lot of mail, if anyone is interested in reading it. Mendota days is in its final stages, the parade is all set and events are set. Mayor stated it is promotion time. There will be banner to go across Highway 13. Dates July 8th and 9th. Bands at Lucky’s and VFW. Tours of Sibley House and St Peters Church. Parade is at 12. MN Dot has approved shutting down Highway 13 from Lucky’s to the Post Office. 1-4 Car Show, bags tournament at Landmark Fence parking lot. Bouncy houses behind the VFW. Mendota Historic information by the Jail, with Sharon Bruestle. Old photo graphs on boards. No Fireworks.

Council Member Donnelly: Nothing except. Maybe send a letter to Tracy for him to clean it up.

Council Member Perron: Nothing

Closed council comments at 9:02 pm.

 16. Staff Comments: 9:02 pm Captain Wegener Stated that the May case count. 37 incidents that opened 5 cases. Any questions about the cases that came in. No questions.

Lucas Jones: Update on Comp Plan, we took it off the agenda because Met Council still has not approved the Comp plan. Lucas stated that they are still within their 60 days but Met Council did say they might automatically update it or ask for the extension to 120 days. Hopefully they will do it before then. Met Council just needs to get everyone in one room and make sure they have all the information that they need. We wait another month for zoning ordinance updates.

MS4 permitting for MPCA stormwater. Lucas has been working with one of his staff to put together a short document for Council to understand what the MPCA is asking of the city in this new permit update to be compliant. Next meeting in July, Lucas will present to us a check list, so Council knows what boxes to check off. Examples making sure we are inspecting those storm water features for treating water, pet waste and salt from sanding in the winter.

Lucas has also been talking with Mr. Klug.

Lawyer Tom Loonan: His office has wrapped up the documents for the sale of the city lot to Tracy and Tracy had no comments or problems with the purchase agreement. So Tracy has signed the agreement along with the city.

Tom has been working on the variance application, with Kathy and Jennifer. Mostly fielding phone calls.

City Clerk Krotter: Lots of phone calls and e mails trying to get the planning committee meeting going. Sent out letters to all residents within 500 feet. Put the public hearing meeting in the paper which was set for May 22, May 29 and June 5, 2022.

Mr. Bob Hop said he did not have a problem with Mr. Klug building a home up on the hill but could not make it to the meeting tonight because he was out of town. Helped Brian with the Mendota Days, by sending the applications to him, while he was out of town. Called about containers for Mendota Clean-up day. Just have to pick a date and let them know. National Night out is August 2, but everyone said August 9th. August 6th for clean-up day. Have Sentence to serve come out for the park. Clerk has been going to garage sales to pick up shovels and rakes. (Since Sentence to serve does not bring their own tools.) Maybe just clean the playground area because the rest of the park looks good. Gunner has cut down all the buck thorn and burned it by the pond. And lastly, working with Lucas about the property next to Mendota Pointe owned by Kayla Proctor and her new husband. They were interested in the survey of the property.

Closed staff comment at 9:11 pm.

 17. Adjourn: 9:11 pm. Motion to adjourn the meeting by Council member Donnelly and seconded by Mayor Mielke. Approved 5-0.