**Dakota County Minutes of the Regular Meeting**

**held Tuesday August 12, 2014**

**Pursuant to due call and notice thereof, the regular meeting of the City Council, City of Mendota, Minnesota**

**held at 8:30 pm at the Mendota VFW 1323 Sibley Memorial Hwy Mendota, Minnesota**

**Present –** Mayor Brian Mielke, Council Members; Alan Ralston, Joan Perron, Erick Lehet and Melody Rasmussen, City Attorney; Tom Lehmann and City Clerk; KimberLee West.

**Absent:** Chief of Police; Mike Aschenbrener and Building Official; David Neameyer.

**1. Mayor Mielke opened the City Council Meeting at 8:32 p.m. with the Pledge of Allegiance.**

**A moment of silence was held for fallen Mendota Heights Police Officer Scott Patrick.**

**Minutes - Motion by Councilmember Perron, seconded by Councilmember Rasmussen to approve the July 8, 2014 City Council minutes in #5 the sixth sentence change “bring” to “bringing”. Passed 5-0.**

**Agenda –** **Motion by Councilmember Ralston, seconded by Councilmember Perron, to approve the agenda with the addition of Public Comment, Council Comment and Staff Comment. Passed 5-0.**

**2. Treasurer’s Report -** Transfer from Sewer Fund to General Fund in the amount of $1,374.16 for the wastewater bill. **Motion** **by Councilmember Ralston, seconded by Councilmember Perron, to approve the above transfer. Passed 5-0.**

**3.** 

**Motion by Councilmember Perron, seconded by Councilmember Ralston to pay the August bills. Passed 5-0.**

**3b. Resolution 14-04 recognizing Mendota Heights Police Officer Scott Patrick for his service to the City of Mendota.** Mayor Mielke read the resolution as follows: **RESOLUTION 14-04** the City of Mendota, Dakota County the State of Minnesota.

**WHEREAS**, as a member of the Mendota Heights Police Department, Officer Scott Patrick served the people of Mendota until 2014; and

**WHEREAS**, on July 30, 2014 Officer Scott Patrick was fatally shot in the line of duty during a routine traffic stop; and

**WHEREAS**, his family, fellow law enforcement, and the community have lost a devoted father and friend;

**NOW THEREFORE, BE IT RESOLVED**, that the City of Mendota recognizes the dedication of Officer Patrick’s work, and sacrifice for, his fellow citizens with its deepest appreciation and respect; and be it so

**RESOLVED FURTHER**, that the City of Mendota hereby expresses the gratitude of its people for Officer Scott Patrick’s commitment to service to the community.

Passed by the City Council of the City of Mendota the 12th day of August, 2014.

**Motion by Councilmember Ralston, seconded by Councilmember Perron to formally accept Resolution 14-04. Passed 5-0.**

**4. Fun Jumps update on parking –** Fred Ruppe owner of Fun Jumps addressed the council saying he had been unaware of the parking ordinance on Hwy. 13 until it was brought to his attention. Ruppe said he has exhausted all of his options and feels he may have to move his business out of town. Ruppe said it’s not a negative thing against the city he simply cannot find a spot to park his vehicles. Ruppe asked the council for more time stating that his business drops in half when school starts and there will be less trucks then. Ruppe said he has been parking down near the Historical Society and asked if he can continue to park there in the meantime. Mayor Mielke said the city does want to work with Ruppe in finding a solution. Mayor Mielke suggested that the city make the area on the south side of the DuPois House a preferred area for truck parking. Mielke said the city can try it for one year, it would be on a first come first serve basis. Attorney Lehmann said the city would need to make a variance on the ordinance. Councilmember Ralston said the city can designate the area to be exempt from the ordinance for the rest of this year and all of 2015. Councilmember Perron reminded the council that Bard Flowers parks there during their busy holidays. Attorney Lehmann said Chief Aschenbrener should be notified of the parking change.

**5. Duane Roman – CDA- Playground Equipment –** Duane Roman presented the council with a new bid from Webber Playgrounds. The playground is expected to cost $39,000 total. This will include the new equipment, edging, an ADA required ramp, woodchips and replacement of the current slide and duck. It was decided to use Alan Bebel to do the excavating work and removal of the old equipment for around $2,300 to help save money. It will take about 5 weeks to get the new equipment.

**6. City Engineer; Brian Miller on the proposal from Braun Intertec-** Brian Millerexplained that Braun provided preliminary recommendations for mitigating the failures, which include ArmorMax and anchors, rock, fabric and soil nails. Miller said the cost of the project is just over $25,000.

Miller told thecouncil that FEMA believes the bluff failure is a chronic problem and not a sudden one. Miller said that FEMA needs to be satisfied that the failure isn’t a recurring issue.

Mayor Mielke asked if the road could be opened to one lane for the winter. Councilmember Ralston voiced his concern on garbage trucks using the road. Mayor Mielke asked Clerk West to contact Highland Sanitation about using smaller trucks on upper D Street this winter.

Miller said the first step is to get FEMA to agree the slip was sudden. The second step is to figure out what the city needs to do to get the road back to the condition it was before.

A discussion was held about the clear cutting DeVee Joy had done on the hill side. Attorney Lehmann will send a letter to Joy about her plans to keep the bluff from eroding.

**7. Tree Trimming in Veterans Park** – Mayor Mielke explained that several weeks ago Wright Tree Service trimmed trees in the City of Mendota. Wright was hired by Xcel Energy to cut trees around the power lines. Five trees in Veterans Park were topped and look bad. Wright also left wood on Second Street that should have been picked up. Clerk West will contact Xcel to ask to have the trees removed.

8. **Public Comment** – opened at 10:01 p.m.

Resident Mark Proctor asked the council if could ask John Kline to intervene with FEMA. Mayor Mielke said that Kline has been working for the City of Mendota.

VFW representative Don Collier ask the council for approval on a deck to be built on the back side of the VFW. **Motion by Councilmember Lehet, seconded by Councilmember Perron for the Council to approve a deck for the VFW. Passed 5-0.**

Public Comment closed at 10:09

9. **Council Comment** – opened at 10:09 p.m.

Councilmember Rasmussen – no comment.

Councilmember Lehet thanked Jennifer, Hailey and Carl for their help on Mendota Day.

Councilmember Lehet said there are some large potholes on 3rd Street. Mayor Mielke said the potholes could be done in September. Top priority are cleaning out the culverts. Resident Jennifer Bruestle suggested that large rocks be placed around the culverts opening with rip-wrap to hold them in place. Bruestle said she has seen this in other cities. Members of the council will walk through town with Alan Bebel to look at the culverts. Bebel can give an estimate on how much it will cost the city to have them cleaned. Councilmember Lehet asked what is to become of the decision to explore the possibility of having one garbage hauler. Mayor Mielke said with so much on their plate right now the Council will table the garbage hauler issue until the spring.

Councilmember Lehet asked if driveways that are above grade are required to be paved. Attorney Lehmann said the City has the authority to tell residents they must pave their driveway.

Councilmember Ralston asked if the boarding house was sighted for not putting up a screen to hide the junk in their yard and driveway. Attorney Lehmann will check with Chief Aschenbrener on the matter. Councilmember Ralston would like to formally request a plan from her by the next council meeting. The second issues that is a concern to Councilmember Ralston is the trespassing on city property that was clearly marked with do not cross police tape. Attorney Lehmann said the company that crossed the police tape would be held responsible. Attorney Lehmann added it is a misdemeanor with up to 90 days in jail and $1000 fine.

Councilmember Perron said there are still leaves, branches and grass cuttings in the ditch along 3rd Street that need to be cleaned up.

Mayor Mielke – no comment.

Council Comment closed at 10:56 p.m.

**10. Staff Comment –** opened at 10:56 p.m.

Building Official – No report.

Police Report – No report.

Attorney Report – No report

Clerk’s Report – Clerk West said she is working on the newsletter and would like to inform residents about the Mendota picnic. Mayor Mielke said the picnic will start at noon on September 13, 2014. Clerk West will contact Josh Lee about a sound system. Clerk West will also get food, beverages and prizes. Councilmember Perron said there was enough money left over from last year to purchase bikes for this year.

Staff Comment closed at 10:59 p.m.

**There being no further business, it was motioned by Councilmember Rasmussen, seconded by Councilmember Lehet to adjourn the City Council Meeting at 11:00 p.m.**

Respectively submitted:

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KimberLee West, City Clerk