**Dakota County Minutes of the Regular Meeting**

**held Tuesday July 8, 2014**

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

**held at 7:30 pm at the Mendota VFW 1323 Sibley Memorial Hwy Mendota, Minnesota**

**Present –** Mayor Brian Mielke, Council Members; Alan Ralston, Joan Perron and Melody Rasmussen, Building Official; David Neameyer, Chief of Police; Mike Aschenbrener, City Attorney; Tom Lehmann and City Clerk; KimberLee West.

**Absent:** Councilmember Erick Lehet

**1. Mayor Mielke opened the City Council Meeting at 7:30 p.m. with the Pledge of Allegiance.**

**Minutes - Motion by Councilmember Ralston, seconded by Councilmember Perron to approve the June 10, 2014 City Council minutes as presented. Passed 3-0-1. Mayor Mielke abstains.**

**Agenda –** **Motion by Councilmember Perron, seconded by Councilmember Ralston to approve the agenda with the addition of 3.5 MnDOT South Area Planner report. Passed 4-0.**

**2. Treasurer’s Report -** Transfer from Sewer Fund to General Fund in the amount of $1,374.16 for the wastewater bill. Transfer $48,000.00 from General Fund to MM Fund (Eagle Bank Loan). **Motion** **by Councilmember Perron, seconded by Councilmember Rasmussen to approve the above transfers. Passed 4-0.**

**3. Disbursements –**



**Motion by Councilmember Rasmussen, seconded by Councilmember Ralston to pay July 2014 bills and include the previous months beginning and ending balance on the treasurer’s report from this date forward. Passed 4-0.**

**4. Update on Upper D Street –** Mayor Mielke said he has inspected the mudslide on Upper D Street daily and says the cracked road is stabilized. Mielke said the tarp and sandbags are doing its job. Mielke added that the slope further up on D Street appears to be trickling down.

City Engineer Brian Miller said on Friday he had observed that the road had moved more than what was seen on Thursday. Miller added that there was no change Monday or Tuesday to the road. Miller said two houses below the road are in danger if the road did slip. Miller believes the slope below the road is deteriorating. Miller said that there are no large trees in that area to hold the very steep slope in place.

City Engineer Brian Miller reported that the mudslide has migrated uphill towards #3 Windy Ridge. #3 Windy Ridge has a pool with a retaining wall on the edge of the slope. A hose attached to a pump was observed draining over the slope. Miller said the home owner should be advised to drain their pool to remove the weight so the pool and retaining wall don’t slip down the slope. Councilmember Rasmussen asked Miller where the water should drain. Miller said the hose should drain towards the street in the front of the home. Mayor Mielke asked if the city can require the home owner to drain their pool. City Attorney Lehmann said yes the city can require that the pool be drained because of the weight of the pool and the situation of the slope below. It was requested that Clerk West find the building permit for #3 Windy Ridge. Attorney Lehmann will send a letter to the Nicholson’s requesting they partially drain their pool.

A meeting with FEMA is scheduled for Friday, July 11 at the Dakota County Northern Service Center at 9 a.m.

**5. Fun Jumps Parking –** Fred Ruppe owner of Fun Jumps said he’s aware of the parking problem on Highway 13 and he is trying to find a solution. Ruppe added he has spoken with nearby business to try to find a spot to park his trucks. He’s gotten two no’s from business thus far. Councilmember Ralston asked if Ruppe has spoken with Benson Metals or St. Peter’s Church. Councilmember Ralston added that when Fun Jumps first opened the City Council was told there would be no customers coming for pick up or drop off. Councilmember Ralston said he was told that on Saturday’s and Sunday’s there are lines of cars waiting to pick up and drop off. Ruppe said his business is growing and he’s bringing people down to Mendota that did know the city was here. Ruppe added that they now have a two hour window for customer drop off. Councilmember Perron said Myron Anderson may have storage that could be used. Councilmember Rasmussen said that Ruppe should be given a chance to find parking but with a time limit.

Chief of Police Aschenbrener said that the City Ordinance states that nothing larger than a pick-up truck can be parked on Highway 13. It was unanimously decided to give Fun Jumps until the August 12 City Council meeting to find suitable parking and report back to the council.

**6. CDA Playground Equipment –** Lisa Alfson from the Dakota County Community Development Agency handed out an playground equipment quote from Weber Recreational of Hastings. Alfson told the council that the bid came in just under 30 thousand. That price is good until December 31, 2014 and includes an all new surface (to be put in place by volunteers) and installment of new equipment. Alfson said that the city must remove the old unusable equipment, railroad ties and the old surface down twelve inches. Alfson said she may be able to acquire money to help with renting of equipment and paying volunteers. Alfson said the sooner the park can be cleared of the old materials the sooner the new equipment can be put in place.

**7. Public Hearing on the Bond for Saint Croix Lutheran High School –** Gene Pfeifer, President of St. Croix Lutheran High School introduced himself along with Glen Will, St. Croix Lutheran Business Manager. Pfeifer told the council the bond will be used for a new dormitory project. Pfeifer said that St Croix obtained Brady High School in 1995 and turned the priest’s and nun’s apartments into dorms that house 100 international students from 17 countries and 6 states. Pfeifer told the council that 35 more students live in a homestay environment. Pfeifer stated that St. Croix is 1 of 5 schools in the State of Minnesota that houses students.

**Public Hearing –** opened at 8:37 p.m. Mayor Mielke asked for public comments. No public comment was made.

**Public Hearing –** closed at 8:38 p.m.

**Motion by Councilmember Ralston, seconded by Councilmember Perron to accept Resolution 14-06 Approving Issuance and Sale of Educational Facility Revenue Bond (St. Croix High School Project)**

**Series 2014. Passed 4-0.**

Attorney Lehmann said the loan papers will be signed on July 22, 2014.

**8. Public Comment –** opened at 8:39 p.m.

Carl Robinette asked if someone had the key to the jail so it could be opened and cleaned out for Mendota Day. Robinette gave Clerk West the phone number to the mini corndog/mini donut guy. Robinette said he saw the cities lawn care service mowing the Toye property. Clerk West will check on Mendota Day matters and the mowing.

Public comment closed at 8:42 p.m.

**9. Council Comment –** opened at 8:42 p.m.

Councilmember Rasmussen no comment.

Councilmember Ralston no comment.

Mayor Mielke said a light is still out on 2nd Street.

Councilmember Perron showed pictures to the council of over-flowing culverts in the city. Mayor Mielke added the city needs to focus on the ditches and culverts too so that lots aren’t filling with water. Perron also commented on a lot on 3rd Street that needed to be mowed. Perron said there was someone there mowing.

Councilmember Perron read from the Pioneer Press as follows: The Tenth Judicial District presented its 2014 Judge Robert Varco 10th Judicial District Pro Bono Award to Thomas Lehmann of the Eckberg Lammers Law Firm in Stillwater, MN. Mr. Lehmann was nominated by Southern Minnesota Regional Legal Services for the pro bono legal services he has provided to clients of SMRLS since 1989. In the nomination, it was noted that his long service outdates their recordkeeping system. Since 2002 he has completed 38 cases for SMRLS clients. In total since 2002, Tom has contributed over 445 hours of high quality legal services. SMRLS provides a full range of legal services to low income persons in civil matters in 33 counties in Minnesota, including Washington County. The mission of SMRLS is to obtain effective access to the justice system to maintain freedom from hunger, homeless, sickness and abuse. Lehmann has been willing to take a wide range of cases for SMRLS including collection, employment, landlord-tenant, public benefits, wills, and family law cases including dissolutions, custody matters and adoptions.

In presenting the Award, Judge Krista Martin noted his dedication to the development and delivery of legal services to the poor through SMRLS. “His history of service merits this important recognition. It serves as an ongoing example of legal services for low-income individuals for Washington County.”

The 10th District Award is named in Memory of Judge Robert Varco who chambered in Sherburne County. For years Varco chaired the 10th District’s Pro Bono Committee and was known for his impassioned pleas for pro bono volunteers and his deep expression of gratitude when he annually made the award presentation. Judge Varco would have been delighted with the well-deserved recognition given Mr. Lehmann.

Council Comment closed at 8:48 p.m.

**10. Staff Comment –** opened at 8:48 p.m.

Building Official David Neameyer told the council that there was light permit activity for the month June. Neameyer said he will be absent from the August 12 city council meeting.

Chief of Police Mike Aschenbrener told the council that in order to be prepared for the FEMA meeting on Friday they should bring pictures, paperwork and bids. Chief Aschenbrener gave Clerk West registration forms for National Night out block parties. Clerk West will post them at the post office. They are also available on the City of Mendota Heights web site and at the police station. Chief Aschenbrener told the council that the 15th Annual Pow-wow will take place September 12-14, 2014. Aschenbrener added that the speed trailer will be on Highway 13 in Mendota. Councilmember Ralston asked Chief Aschenbrener why there are 13 probation checks on June’s police report. Chief Aschenbrener said there are 2 registered offenders living in the City of Mendota. Chief Aschenbrener explained the Mendota Heights Police Department is working with the Bureau of Apprehensions and the predators are not limited to who they can come in contact with.

Clerk West told the council that Axel’s would like to have a recreational fire on the evening of Saturday July 12. Chief Aschenbrener said as long as the fire is no larger than 3 feet wide by 3 feet high it will be fine. Attorney Lehmann said if they want to drink alcohol in the parking lot by the fire Axel’s must obtain a permit. Clerk West will relay the information. Councilmember Ralston asked Clerk West what ever became of Lucky’s violation for outdoor storage. Clerk West said she sent letters to the owner and to the boarding house and has gotten no response. Attorney Lehmann said he will contact Josh Lee at the boarding house.

Staff Comment closed at 9:00 p.m.

**There being no further business, it was motioned by Councilmember Rasmussen, seconded by Councilmember Ralston to adjourn the City Council Meeting at 9:01 p.m.**

Respectively submitted:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

KimberLee West, City Clerk