Minutes for Regular City Council Meeting held on April 10, 2012

Present: Mayor: Brian Mielke

Council Members: Adam Strain, Alan Ralston, Joan Perron

Absent: Council Member Josh Lee

Also Present: Police Chief Mike Aschenbrenner, Building Official David Neameyer, City Attorney Tom

Lehmann, City Clerk Jennifer Bruestle

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

Minutes: It was moved (Ralston/Perron) to approve the March 13, 2012 minutes as presented. Passed 4-0.

Agenda: The agenda was approved with the following addition: addition of 6b, closure of regular City Council Meeting.

Treasurer’s Report: Motioned by Strain, seconded by Perron to accept the Treasurer’s Report with the conditional approval of the Xcel Energy street light disbursement. Passed 4-0.

**General Fund:**

Met Council—monthly Wastewater charge for April $ 1,189.41

Lehmann & Lutter—Attorney Fees $ 2,000.00

Kim Perron—snow removal $ 832.50

City of Mendota Heights—police & fire $ 8,776.11

State of MN—Rent for Benson Metals $ 140.00

Xcel Energy—jail lights $ 10.19

Xcel Energy—street lights $ 369.43

Aggregate Industries—inv. 703407089/703397690 $ 1,251.17

Dakota County—Accuvote/automark maint. $ 300.00

McDonough’s Waterjetting—clean Hwy 13 Line $ 1,953.25

PERA—for March $ 135.00

State Withholding—1st Quarter $ 69.54

Payroll taxes—Medicare and SS—1st Quarter $ 399.00

Jennifer Bruestle—copies, phone service,website $ 337.79

Jennifer Bruestle—clerk Salary March $ 1,000.00

**Enterprise Fund:**

Xcel Energy—park lights $ 10.17

It was moved (Ralston/Strain) to approve the transfer of $3,142.66 from the Sewer Fund to the General Fund for the monthly wastewater charge and the McDonough’s disbursement, as well as the transfer of $15,000.00 from the Money Market Fund to the General Fund to maintain the General Fund balance. Passed 4-0.

Approval of Conditional Use Permits: Motioned by Ralston, seconded by Perron to approve the following Conditional Use Permits:

Fun Jumps Entertainment Bard Flowers 1348 Sibley Memorial Hwy

Landmark Fence & Deck Berg Plumbing & Heating

Passed 4-0.

Public Comment: Public comment opened at 7:42 p.m.

Carl Robinette inquired when Veteran’s Park would be opened and the porta potty be placed within the park. Park Commissioner Strain stated the porta potty would be placed in the park in April. Mr. Robinette also requested the park culverts be cleaned out. Council Member Perron stated Willard Perron would clean the three culverts out this spring. Mr. Robinette requested the streets be swept before the culverts are cleaned out. Mr. Robinette also raised his concern regarding the condition of the gazebo roof. Mayor Brian Mielke stated the City may receive a grant this summer to reconstruct the gazebo.

Don Collier of the VFW requested a noise variance, as well as approval to sell food and alcohol within the VFW parking lot for the following events:

**Soldiers for Rehab Motorcycle Run to take place on June 9, 2012**. This event will begin at the VFW at 10:00 a.m., when motorcyclist will leave the VFW, touring the twin cities while picking up additional riders, then arrive back at the VFW at 3:00 p.m. The VFW will then serve food and alcohol from 4:00p.m. to 8:00 p.m.

**Mendota Days on July 13 and 14, 2012.** The VFW will have a tent set up within the VFW parking lot where bands are scheduled to perform, also with food and alcohol being served within the VFW parking lot. This event is scheduled to occur until 1:00 a.m. on the 13th and 14th.

**American Veterans Anniversary Party on July 21, 2012.** The VFW will serve food and alcohol within their parking lot on this date.

Motioned by Strain, seconded by Perron to approve the noise variance, as well as the approval of the sale of alcoholic beverages within the VFW parking lot for the above mentioned dates. Passed 4-0.

Public comment closed at 7:52 p.m.

Council Comment: Council comment opened at 7:52 p.m.

**Council Member Adam Strain:** Council Member Adam Strain informed Council Gunner Bruestle would like to remove the burdock from around the pond area at no cost to the city. Mayor Mielke suggested a park clean up day, where residents would volunteer to remove dead trees and beautify the landscape of the park area. Park Commissioner Strain will organize this event.

**Council Member Alan Ralston:** Council Member Ralston requested Clerk Bruestle contact MN/Dot to determine if the potholes located near the trailhead entrance along Highway 13 can be repaired during the resurfacing project to take place this summer. Council Member Ralston also raised his concerns regarding the unloading of fencing supplies taking place in the middle of Highway 13. Apparently, Landmark Fence and Deck have deliveries taking place during various hours of the morning and afternoon several times per week. During these deliveries, the forklift operator removes fencing materials from both sides of the trailer, while the trailer is parked in the middle of Highway 13. Therefore, cars driving along Highway 13 must either stop, or the cars attempt to pass the trailer. Council Member Ralston believes this situation is very dangerous and believes it may be illegal for the trailer to stop on a State Highway. City Attorney Tom Lehmann informed Council Member Ralston, according to Mendota Ordinance 409.07 and 409.08, this activity is not illegal.

**Mayor Brian Mielke:** Mayor Mielke stated the City mail is available for review. Mayor Mielke also requested Clerk Bruestle schedule the street sweeping to take place within the month of April.

**Council Member Joan Perron:** No comment.

Council comment closed at 8:06 p.m.

Staff Comment: Staff comment opened at 8:06 p.m.

**Building Official David Neameyer:** Building Official David Neameyer stated there was no permit activity for the month of March, 2012. Building Official David Neameyer stated he contacted Jon Herdegen with BDM Consulting Engineers to determine the cost associated with a review of 1319 Second Street if Mr. Chris Lee were to place a pre-fabricated home on this property. The cost of this review is expected to near $500.00, while the current Metropolitan Council SAC rate for a residential property is $2,365.00.

**Police Chief Mike Aschenbrenner:** Police Chief Aschenbrenner reminded council the Dakota County Emergency Management Training will take place on Monday, May 14, 2012 at 2:00 p.m. at the Lilydale City Hall. Sgt. Convery will attend the meeting in place of Chief Aschenbrenner, along with the Mendota Heights Fire Chief and other Dakota County Officials. Police Chief Aschenbrenner also informed Council, during the Best Practices meeting in March with the Clerks from Mendota, Mendota Heights and Lilydale new forms and policies were developed. Chief Aschenbrenner forwarded this information on to Mendota City Attorney Tom Lehmann.

**City Attorney Tom Lehmann:** City Attorney Tom Lehmann informed Council, based on last month’s public comment, the City of Mendota does not have the authority to request residents to remove dead trees and improve their landscape unless the lack of doing so is a threat to the health or public safety of city residents.

**City Clerk Jennifer Bruestle:** Clerk Bruestle informed council she will be drafting a letter to enforce the false fire alarm ordinance, which requires a fine of $500.00 for the second occurrence of a false alarm to a local resident. Clerk Bruestle also informed Council, Alan Bebel of PAC provided an estimate of $750.00 to raise or lower each manhole cover within Mendota. Mr. Bebel believes the money could be better spent on other improvements within town, and the raising or lowering of these manhole covers would not provide any benefit to the City. Therefore, the City will only replace the four cracked manhole covers along 4th Street. Clerk Bruestle will contact Ess Brothers to determine the cost of the manhole covers, while Council Member Alan Ralston will pick up the covers, which will be installed during the park clean up day.

Staff comment closed at 8:16 p.m.

There being no further business, it was moved (Ralston/Perron) to close the regular City Council Meeting, and re-open the meeting in closed session to discuss the possible litigation regarding 2 Windy Ridge. Passed 4-0.

Motioned by Strain, seconded by Perron to adjourn the meeting at 8:41 p.m. Passed 4-0.

Attest: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Jennifer Bruestle, City Clerk